

Part 3 Chapter 10: PROCEDURES TO ADDRESS PROBLEM GAMBLING.

Rule 10.1 Definitions

The following words and terms, when used in these regulations concerning self-exclusion procedures J., shall have the following meanings:

- (a) "Self-exclusion" means voluntarily having oneself barred from the premises of any licensed gaming establishment (hereinafter "casino") in Mississippi and from all gaming-related activities and privileges, including the issuance of gaming credit and check-cashing privileges; the receipt of direct-marketing and promotional materials regarding gaming opportunities, junket solicitations, player club memberships, complimentary goods and services and the like; and collection of any winnings or recovery of any losses during the exclusionary period.
- (b) "Premises" for purposes of self-exclusion shall mean "premises" as defined in the Gaming Control Act, §75-76-5(bb).
- (c) "Self-excluded person" means any person whose name is included on the self-exclusion list maintained by the Commission.
- (d) "Self-exclusion list" mean the list of names of self-excluded persons.
(Adopted:03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 10.2 Request for Self-Exclusion

- (a) Any person may request self-exclusion pursuant to these regulations by appearing personally at any office of the Mississippi Gaming Commission where he or she shall:
 - 1. Present valid identification credentials containing:
 - i. His or her signature; and
 - ii. Either a photograph or a general physical description;
 - 2. Be photographed by the Commission; and
 - 3. Submit a completed Request for Self-Exclusion form; and
 - 4. Turn over to the Commission all player club cards and similar items issued by any casinos to the person for purposes of gambling.
- (b) The Request for Self-Exclusion shall be on a form prescribed by the Commission, and shall be available at all licensed casinos and at any office of the Mississippi Gaming Commission.
- (c) The Request for Self-Exclusion form shall include:
 - 1. The following identifying information concerning the person submitting the self-exclusion request:
 - i. Name, including any aliases or nicknames;
 - ii. Date of birth;
 - iii. Address of current residence;
 - iv. Telephone number of current residence;
 - v. Social Security number, if such information is voluntarily provided by the person requesting self-exclusion;
 - vi. A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person;

2. The length of the self-exclusion period requested by the person, which may be for any length of time up to lifetime, but in no event for less than five years.

3. A waiver and release that shall be in the following form:

“I hereby release and hold the State of Mississippi, the Mississippi Gaming Commission and its employees, and all casinos and their affiliated companies, employees, officers and agents harmless from any claim by me or any third party for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for self-exclusion or maintenance or enforcement of the self-exclusion list, including, but not limited to, the forfeiture of any money or thing of value obtained by me from, or owed to me by, a casino as a result of wagers made by me while on the self-exclusion list.”

4. The signature of the person submitting the Request for Self-Exclusion indicating acknowledgment of the following statement:

“Because I am a problem gambler, I am voluntarily requesting exclusion from the entire premises of all Mississippi casinos, including gaming premises, restaurants, and hotels, and from the issuance of gaming credit, check-cashing privileges, receipt of direct-marketing and promotional materials regarding gaming opportunities, and collection of any winnings or recovery of any losses during the exclusionary period. I understand that no further points, rewards or benefits may be accumulated or redeemed from the player recognition programs I have participated in. I understand that this self-exclusion request does not release me from any debts incurred prior to or during the self-exclusion period. I understand that during the self-exclusion period, any money or thing of value obtained by me from, or owed to me by, a casino as a result of wagers made by me while on the self-exclusion list shall be subject to forfeiture to the Mississippi Gaming. I hereby consent to having this form, my photograph and identifying information disseminated to necessary casino personnel to identify me should I attempt to return to any casino, and further consent to having said information disclosed to casino affiliated companies outside of Mississippi and that I may be excluded from those casinos without further action on my part. I likewise acknowledge that my self-exclusion information may be forwarded by the Mississippi Gaming Commission to the Louisiana and/or Choctaw Gaming Commissions for dissemination to casinos in those jurisdictions, such that I may be self-excluded from those casinos. I acknowledge that for my request of self-exclusion to be truly effective, I must exercise self-restraint and shall not attempt to enter the premises of any casino or ask any casino employee to assist me with any of the services or privileges, which are the subject of this request. I acknowledge that I am hereby banned and forbidden from entering the premises of any casino and that if I am found anywhere on the premises of a Mississippi casino, I will immediately be ejected, and, within the discretion of the casino, may be arrested and prosecuted for criminal trespass pursuant to Miss. Code Ann. 97-17-97; and my continued non-cooperation or attempt to breach my self-exclusion may result in placement by the Commission on the involuntary exclusion list. I certify that the information that I have provided herein is true and accurate, and that I have read, understand and agree to the waiver and release above.”

5. An indication of the type of identification credentials examined containing the signature of the person requesting self-exclusion, and whether said credentials included a photograph or just a general physical description of the person; and

6. The signature of a Commission employee authorized to accept such request, indicating that the signature of the person on the Request for Self-Exclusion appears to agree with

that contained on his or her identification credentials, and that the photograph or physical description of the person contained on his identification credentials appears to agree with his or her actual appearance.

(d) The request for self-exclusion may be made only by the individual for whom exclusion would apply, and not by any other person. (Adopted:03/25/1999; Amended: 09/21/00; Amended: 09/24/03; Amended: 06/25/10.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 10.3 Self-Exclusion List

(a) The Commission shall maintain the official self-exclusion list and shall notify each casino of any addition to or deletion from the list by electronic mail, to be followed up with notification via U.S. Mail and/or in the same manner and form as other notices are made by the Commission under these regulations.

(b) The notice provided by the Commission to all casinos concerning any person whose name shall be either added to or deleted from the self-exclusion list will include the following information:

1. All of the identifying information required by Section 2(c)(1) which was given on the Request for Self-Exclusion, or the request for removal from self-exclusion, whichever is applicable; and,
2. A copy of the photograph taken by the Commission pursuant to Section 2(a).

(c) Each casino shall maintain its own copy of the self-exclusion list and shall establish procedures to ensure that its copy of the self-exclusion list is updated and that all appropriate employees and agents of the casino are notified of any addition to or deletion from the list within ten (10) days after the day the notice is received by the casino.

(d) Casinos with affiliated gaming establishments in other jurisdictions may choose to share the self-exclusion list with and invoke it in those establishments, in accordance with applicable laws and regulations in those jurisdictions, and without violation of the confidentiality requirements of these regulations.

(e) Information furnished to or obtained by the Commission pursuant to these regulations shall be deemed confidential and shall not be disclosed except in accordance with these regulations.

(f) No casino, its affiliates, officers or employee thereof shall disclose the self-exclusion list or portion thereof except as necessary to comply with the provisions of these regulations. Notwithstanding the foregoing, such information may be disclosed to casino employees, officers, agents and affiliated companies, to law enforcement, and in response to a subpoena request or court order in criminal or civil proceedings.

(g) Any self-excluded person who is an employee of a casino may request permission from the Commission to enter a specific casino to carry out the duties of employment. Such requests must be made in writing by the human resources department of the casino and state with specificity the reason for the request along with employment documentation. The approval of this request is subject to rescission at any time by the Executive Director. (Adopted:03/25/1999; Amended: 09/21/2000; Amended: 09/24/2003; Amended 01/17/2008.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 10.4 Duties of Casino

- (a) Each casino shall have and make available to all patrons the Self-Exclusion Form developed and provided by the Commission.
- (b) Each casino shall designate a person or persons to be the contact person with the Commission for purposes of self-exclusion procedures, including receipt and maintenance of the self-exclusion list, submission of the casino licensee's procedures, and all other communications between the Commission and the casino for self-exclusion purposes.
- (c) Each casino shall establish procedures and systems which:
1. Require employees of the casino, upon identification of a self-excluded person present in the casino, to notify:
 - i. Those employees of the casino designated to monitor the presence of self-excluded persons; and
 - ii. Designated representatives of the Commission via ~~facsimile transmission and U.S. Mail~~ Email;
 2. Utilize the player tracking systems and other electronic means, including checking all taxable patron winnings against the self-exclusion list, to assist in determining whether self-excluded persons are participating in any gaming activities;
 3. Deny casino credit, check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any self-excluded person;
 4. Ensure that self-excluded persons do not receive, either from the casino or any agent thereof, targeted mailings, telemarketing promotions, player club materials or other promotional materials relative to gaming activities at its licensed casino.
- (d) Each casino shall post or provide at each entrance and exit to the gaming premises, and in conspicuous places in or near gaming or cage areas and cash dispensing machines located on the gaming premises written materials concerning the nature and symptoms of problem gambling, the procedure for self-exclusion, including where they can obtain the Request for Self-Exclusion form, and the toll free number of the Mississippi Council on Compulsive Gambling or a similar entity approved by the Executive Director that provides information and referral services for problem gamblers.
- (e) Upon discovery by a casino that a self-excluded person has breached his self-exclusion and obtained access to the premises, said casino shall take steps to immediately eject such person from the premises, and notify the Commission of the breach on forms provided by the Commission. ~~Both the security and surveillance departments shall immediately determine, to the extent possible:~~
- ~~1. how the person was able to gain access to the premises without being detected and, where possible, how the casino plans to prevent such breaches in the future;~~
 - ~~2. whether and how many times said person has gained such access on previous occasions;~~
~~and~~
 - ~~3. the net winnings or losses attributable to the excluded person, in which case the casino shall retain any such winnings and, after withholding appropriate taxes, donate said winnings to the Mississippi Gaming Commission. A report of the foregoing shall be prepared and forwarded to the Commission within five (5) days after the breach is discovered. The net winnings of the self-excluded person should be confiscated and the related transactions reversed in a manner which will provide effective control over the winnings, the details of which should be included in the Licensee's Self-Exclusion plan.~~

(f) Each casino shall submit to the Commission for written approval a copy of its procedures established pursuant to these regulations within 90 days from the adoption of this regulations concerning self-exclusion. Any amendment to the casino's procedures shall be submitted to the Commission at least fourteen (14) days prior to their implementation. (Adopted:03/25/1999; Amended: 09/21/00; Amended: 09/24/03; Amended: 06/25/10.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 10.5 Removal from self-exclusion list

(a) Except for those persons choosing a lifetime self-exclusion, removal from the self-exclusion shall be automatic upon expiration of the period of self-exclusion specified under Section 2(c)(2) above.

(b) Upon the expiration of the self-exclusion period, the Commission shall delete the name of the person from the self-exclusion list and notify each casino of such deletion from the list as set out in Section 3(a) and (b) above. (Adopted:03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 10.6 Training of Casino Employees

Each casino shall implement procedures for training for all new employees, and annual re-training for all employees who directly interact with gaming patrons in gaming areas. That training shall, at a minimum, consist of information concerning the nature of problem gambling, the procedures for requesting self-exclusion, and assisting patrons in obtaining information about problem gambling programs. This section shall not be construed to impose a duty upon employees of casinos to identify problem gamblers nor to impose any liability for failure to do so. Each licensee shall designate personnel responsible for maintaining the training program. Training programs conducted or certified by the Mississippi Gaming Commission or the Mississippi Council on Compulsive Gambling are presumed to provide adequate training under this section. (Adopted:03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 10.7 Noncompliance

(a) Any casino violating any requirements of these regulations on self-exclusion may be subject to disciplinary action by the Mississippi Gaming Commission.

(b) Any self-excluded person violating the terms of his or her self-exclusion agreement during the self-excluded period may be subject to (1) conviction for criminal trespass, and/or (2) placement by the Commission on the involuntary exclusion list as set out in Part V. of these regulations.

(c) The provisions of this regulation are solely regulatory in nature and neither create a minimum standard of care toward the public nor establish a private cause of action for non-compliance.

(Adopted:03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Source: *Miss. Code Ann. § 75-76-33*

Rule 10.8 Sharing the Self-Exclusion List with other jurisdictions

The Commission may enter into agreements with the Louisiana Gaming Commission and/or with the Choctaw Gaming Commission for the mutual sharing of self-exclusion lists, by which the Commission would forward Mississippi's self-exclusion list to the other commission and likewise receive from that commission the self-exclusion list from that jurisdiction. The Commission may then provide and update the casinos with the exclusion lists from those jurisdictions in the same manner and using the same procedures as is provided in these regulations for Mississippi's self-exclusion list. In that event, all rules and regulations concerning self-exclusion in Mississippi shall be applicable to the self-exclusion lists from those jurisdictions, just as if those persons had submitted a self-exclusion request in Mississippi; likewise, those persons who have self-excluded in Mississippi will be excluded in the other jurisdictions just as they are in Mississippi. (Adopted:03/25/1999; Amended: 09/21/00; Amended: 09/24/03.)

Source: *Miss. Code Ann.* § 75-76-33