

2129 SELF-EXCLUSION PROGRAM

- 2129.1 The Self-Exclusion Program is established for the purpose of allowing persons who wish to refrain from sports wagering and other types of gambling offered by the Office, to notify the Office that they will accept responsibility for refraining from engaging in sports wagering and other gambling activities offered by the Office and its Licensees. Each person seeking placement in the Self-Exclusion Program acknowledges that it is his or her responsibility to refrain from engaging in sports wagering and other gambling activities under the jurisdiction of the Office.
- 2129.2 An individual may request to have their name placed on the Self-Exclusion List by completing the application and following the procedure outlined in the Office's website or printed material available from the Office, at designated locations on and off the Premises of licensed sports wagering establishments as determined by the Office.
- 2129.3 An application for placement on the Self-Exclusion List may only be accepted, and an intake performed, by a designated agent approved by the Office.
- 2129.4 Failure to provide any information or to execute any forms deemed necessary by the Office may result in a denial of a request for placement in the Self-Exclusion Program.
- 2129.5 Self-Exclusion List application forms may include a request to waive the liability of the Office and its agents, Sports Wagering Licensees and their agents, the District and any person licensed pursuant to the Act, or other such persons as deemed necessary by the Office, for any damages that may arise out of any act or omission related to placement in the Self-Exclusion Program.
- 2129.6 Upon the filing of an application for placement in the Self-Exclusion Program, the Office may file a Notice of Placement in the Self-Exclusion Program and such application and notice may be disclosed to Sports Wagering Operator Licensees, Management Services Providers and their agents and employees, as approved by the Office.
- 2129.7 Upon submission of an application, a designated agent shall review with the applicant the contents and statements contained in the application. If the application is complete, the designated agent shall sign the application indicating that the review has been performed and the application has been accepted.
- 2129.8 A designated agent may not sign an application if (a) any required information is not provided or (b) they are of the belief that the applicant is not capable of understanding the responsibilities and consequences of being placed on the Self-Exclusion List.

- 2129.9 The designated agent shall forward the signed application for Self-Exclusion to the Office within forty-eight (48) hours of completion in a manner directed by the Office.
- 2129.10 Upon receipt of an application, the Office, or its designee, shall review it for completeness. If the application meets all requirements of this chapter, the application shall be approved, and the individual's name shall be added to the Self-Exclusion List. If the application is incomplete, the Office, or its designee, may deny the application and make efforts to contact the applicant advising them of such.
- 2129.11 If the Licensee of the Office utilizes an internal management system to track individuals on the Self-Exclusion List, they shall update that system at least every seventy-two (72) hours with names of individuals being added or removed from the Self-Exclusion List.
- 2129.12 The Office, or its designee, shall add to the Self Exclusion List the name of any individual provided from a gaming jurisdiction outside of the District, with which the Office has entered into an intergovernmental agreement, upon a determination that the individual voluntarily requested that their name be added to the list of the referring jurisdiction and that they were notified, either directly or by operation of law, that their name may be placed on similar lists in other jurisdictions.
- 2129.13 A person does not have to admit they are a problem gambler when placing themselves in the Self-Exclusion Program.
- 2129.14 If the applicant has elected to seek services available within the District, the Office, or its designee, shall contact the designated coordinating organization for the provision of requested services. The Executive Director shall determine the information and forms to be required of a person seeking placement on the Self-Exclusion List. Such information shall include, but not be limited to, the following:
- (a) Name, home address, email address, telephone number, date of birth, and Social Security number of the applicant;
 - (b) A passport-style photo of the applicant;
 - (c) A statement from the applicant that one or more of the following apply:
 - (1) They identify as a "problem gambler," meaning an individual who believes their gambling behavior is currently, or may in the future without intervention, cause problems in their life or on the lives of their family, friends, or co-workers;
 - (2) They feel that their gambling behavior is currently causing problems in their life or may, without intervention, cause problems in their life; or
 - (3) There is some other reason why they wish to add their name to the Self-Exclusion List.
 - (d) Election of the duration of the exclusion in accordance with Subsection 2129.16 of this chapter;
 - (e) An acknowledgment by the applicant that the individual will not be participating in sports wagering or any other form of gambling offered by the Office and that it is their sole responsibility to refrain from doing so;
 - (f) An acknowledgment by the applicant that the applicant shall not collect any winnings or recover any losses resulting from any gambling activity under the jurisdiction of the Office for the duration of the exclusion period;

- 2129.9 (g) An acknowledgment by the applicant that the individual will forfeit all rewards or points earned through any player reward or another promotional program they engage in sports wagering while on the Self-Exclusion List;
- 2129.10 (h) An offer by the Office or the designated agent completing the self-exclusion application to assist the applicant to access information about gambling disorders, self-guided help or counseling services with a clinician approved by the District of Columbia Department of Behavioral Health;
- 2129.11 (i) An acknowledgment of understanding by the applicant that by placing their name on the Self-Exclusion List, the prohibitions identified in § 2129 apply to all sports wagering or gambling activities offered by the Office or its Licensees or affiliates, whether within the District or another jurisdiction, and that the Office may share the Self-Exclusion List with other domestic or international gaming jurisdictions resulting in placement on those lists;
- 2129.12 (j) An acknowledgment by the applicant that the individual is submitting the application freely, knowingly, and voluntarily;
- (k) A statement that the individual is not under the influence of a substance or suffering from a mental health condition that would impair their ability to make an informed decision;
- 2129.13 (l) An acknowledgment by the applicant that if they knowingly violate their agreement to refrain participating in any gambling activity offered by the Office or its Licensees or affiliates during the exclusion period, the applicant shall notify the Office of such violation within twenty-four (24) hours of such gambling activity; and releasing the District, the Office and all affiliated employees, entities and persons licensed by the Office and their affiliates, from any claims associated with their breach of the agreement;
- 2129.14 (m) An affidavit verifying that the applicant wishes to be placed on the Self-Exclusion List, that the Office is specifically authorized and requested to release all contents of the person's application to persons who, in the sole discretion of the Office, are necessary to implement the policies and procedures contained in this chapter. Such persons shall be subject to terms of confidentiality prescribed by the Office, which shall be contained in the application. Such persons shall include, but not be limited to the following:
- (1) Employees or contractors of the Office involved in the administration, supervision or activities related to the administration or supervision of this chapter;
 - (2) Licensees of the Office or their affiliates, agents and employees;
 - (3) Designated agents; and
 - (4) Law enforcement personnel involved in the administration, supervision or investigation of activities contained in this chapter.
- (n) An acknowledgment by the applicant that once their name is placed on the Self-Exclusion List, they may be refused entry or ejected from areas specifically devoted to sports wagering or other forms of gambling under the jurisdiction of the Office by a person licensed by the Office, an agent of the Office, or law enforcement personnel.

- 2129.15 The Office may provide procedures permitting online self-exclusion if it determines that the goals, objectives and protections of the in-person self-exclusion process can be accomplished online. The Office may require any Licensee offering mobile or online sports wagering to offer self-exclusion and self-limitation options to customers as a condition of its license. The full cost of such self-exclusion and self-limitation system shall be the responsibility of the Licensee.
- 2129.16 As part of the request for self-exclusion, the individual must select the duration for which they wish to be excluded. An individual may select any of the following time periods as a minimum length of exclusion:
- (a) One (1) year;
 - (b) Eighteen (18) months;
 - (c) Three (3) years;
 - (d) Five (5) years; or
 - (e) Lifetime (an individual may only select the lifetime duration if their name has previously appeared on the Self-Exclusion List for at least six (6)
- 2129.17 An individual on the Self-Exclusion List may not apply to decrease the duration of exclusion. An individual who is on the Self-Exclusion List may submit a request to increase the minimum length of exclusion.
- 2129.18 Upon expiration of the selected duration of exclusion, individuals may request that their name be removed from the Self-Exclusion List or petition for exclusion for a new duration. Individuals shall remain on the Self-Exclusion List after the expiration of the selected duration of exclusion until such time as they submit a petition for removal, and it is approved by the Office or its designee.
- 2129.19 At any time after the expiration of the selected duration of exclusion, an individual may request that their name be removed from the Self-Exclusion List by submitting a petition for removal on a form approved by the Office. The petition shall include confirmation from a designated agent that the individual completed an exit session. Any petition for removal received by the Office prior to the expiration of the duration of the selected exclusion period shall be denied.
- 2129.20 The Office shall approve a completed petition for removal. An individual who has selected a lifetime duration may not submit a petition for the removal of their name from the Self-Exclusion List. An incomplete application, including one that fails to demonstrate completion of an exit session shall be denied until such time as the application is completed.
- 2129.21 To be eligible for removal from the Self-Exclusion List the petitioner shall participate in an exit session with a designated agent. The exit session shall include a review of the risks and responsibilities of gambling, budget setting and a review of problem gambling resources should the petitioner wish to seek them. Upon completion of the exit session, the designated agent shall sign the individual's petition for removal from the Self-Exclusion List attesting to the fact that the exit session was conducted.

- 2129.22 Upon approval of a petition for removal from the Self-Exclusion List, a written notice of removal from the Self-Exclusion List shall be forwarded by the Office, or its designee, to each gaming Licensee and to the petitioner. Notice may be forwarded to the petitioner by email or first-class mail to the email address or home address provided by the petitioner in the petition. The petitioner shall be deemed to be removed from the Self-Exclusion List when the notice is sent by the Office or its designee.
- 2129.23 If a petitioner does not meet the eligibility requirements for removal from the Self-Exclusion List, the petition shall be denied. The petitioner shall be notified of the denial by email or first-class mail to the email address or home address provided by the petitioner in the petition. In the event of a denial of a petition, the individual shall remain on the Self-Exclusion List until such time as the eligibility requirements have been satisfied.
- 2129.24 An individual whose name has been removed from the Self-Exclusion List may reapply for placement on the Self-Exclusion List at any time by submitting an application in accordance with this chapter;
- 2129.25 An individual whose name was added to the Self-Exclusion List in the District in accordance with this chapter shall be removed from the Self-Exclusion List upon receipt of written notice from the referring jurisdiction that the individual's name has been removed from that jurisdiction's list.
- 2129.26 The Office shall maintain an up-to-date database of the Self-Exclusion List. Licensees designated by the Office shall be afforded access to the Self-Exclusion List. The Self-Exclusion List may only be accessed by individuals authorized in accordance with the Licensee's approved system of internal controls. All information contained in approved applications for exclusion may be disclosed to a designated Licensee.
- 2129.27 Except as authorized by this chapter, the Office's Self-Exclusion List shall be kept confidential. Except as authorized or required by this chapter, Sports Wagering Operators and Management Services Providers shall not disclose the names included in the Self-Exclusion Program.
- 2129.28 The Self-Exclusion List shall not be publicly disclosed by a Licensee, agent, affiliate or other person authorized to access the Self-Exclusion List. However, a Licensee may share the Self-Exclusion List with other designated Licensees in the District or its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible gaming programs operated by affiliated sports wagering or lottery retailer establishments.
- 2129.29 The Office may disclose de-identified information from the Self-Exclusion List to one or more research entities selected by the Office for the purpose of evaluating the effectiveness and ensuring the proper administration of the self-exclusion program.
- 2129.30 Any person placed on the Self-Exclusion List pursuant to this chapter is deemed ineligible to place a wager at any Sports Wagering Facility or licensed Lottery retailer under the jurisdiction of the Office. Persons on the Self-Exclusion List shall not be entitled to recover losses resulting from their gambling activity since the wager was void from its beginning.

Sports Wagering Licensees and Lottery retailers shall have the following responsibilities relative to the administration of the Self-Exclusion Program:

- (a) Once aware that a person who is on the Self-Exclusion List is on Premises, the Licensee or retailers shall refuse such person entry to or eject such person from areas specifically devoted to sports wagering, lottery or other forms of gambling product approved by the Office;
- (b) To refuse to accept a wager or to allow the purchase of any gambling product approved by the Office to any individual that the Licensee or retailer has identified as being on the Self-Exclusion List or a person such Licensee or retailer suspects of being on the Self-Exclusion List;
- (c) To promptly notify the Office, or its designee, if an individual on the Self-Exclusion List attempts to place or is discovered to have placed a sports wager or purchased or attempted to purchase a lottery ticket;
- (d) Remove self-excluded persons from player loyalty or reward card programs and targeted print, online or other forms of advertising or promotions;
- (e) Refrain from marketing to individuals on the Self-Exclusion List;
- (f) Deny access to complimentary services or items, check cashing privileges, player reward programs, and other similar benefits to persons on the Self-Exclusion List;
- (g) Deny a person identified to be on the Self-Exclusion List from any winnings derived from gambling. Winnings derived from gambling shall include, but not be limited to, such things as proceeds derived from a sports wagering or from the purchase of any gambling product approved by the Office. Where reasonably possible, the Licensee or retailer shall withhold from the individual in a lawful manner, or shall refuse to pay any such winnings derived from gambling or any money or thing of value that the individual has converted or attempted to convert into a gambling instrument whether actually wagered or not. A wagering instrument shall include, but not be limited to, tickets, vouchers, prizes, non-complimentary pay vouchers, electronic credits on a mobile wagering system or any other implement of value representing a prize won from gambling. Upon withholding or refusing to pay an individual on the Self-Exclusion List, the Licensee or retailer shall promptly notify the Office. The monetary value of the withheld winnings and wagering instrument shall be paid to the Office within forty-five (45) days;
- (h) If an individual on the Self-Exclusion List wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the Office within fifteen (15) business days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. A hearing shall be conducted to determine whether the subject funds were properly forfeited in accordance with this chapter;
- (i) In cooperation with the Office, and where reasonably possible, the Licensee or retailer shall determine the amount wagered and lost by an individual who is prohibited from gambling. The monetary value of the losses shall be paid to the Office within forty-five (45) days; and
- (j) A Sports Wagering Licensee shall submit a written policy for compliance with the Self-Exclusion Program for Office approval with its license application. The Office shall review the plan for compliance with this chapter. If approved, the plan shall be implemented and followed by the Licensee.

2129.32

Programs and policies created by this chapter are intended to prevent problem gambling, treat problem gamblers and promote responsible gaming. The sole remedy for failure to comply with this chapter shall be disciplinary actions imposed by the Office. The Office, its Licensees and retailers, or employees thereof will not be liable for damages in any civil action, which is based on the following:

- (a) Compliance or noncompliance with this chapter or a plan adopted pursuant to this chapter;
- (b) An action or failure to take action under this chapter or a plan adopted under this chapter;
- (c) Failure to withhold gambling privileges from an individual; or
- (d) Permitting an individual to gamble.