

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections

Gaming Control Board

Louisiana Sports Wagering

(LAC 42:III.301, 303, 304 and
LAC 42:VI.103, 501, 503, 505, 509, 517)

The Gaming Control Board is exercising the emergency provision of the Administrative Procedure Act, specifically R.S. 49:953.1, and also R.S.27:15 and 24, to promulgate an Emergency Rule to implement the initial administrative rules for the conducting, application, licensing, enforcement, and regulation of sports wagering.

During their 2021 Regular Session, the Louisiana Legislature adopted Act 440, which directs the Gaming Control Board to adopt emergency rules for the promulgation of the initial administrative rules pertaining to sports wagering that shall be considered to constitute a matter of imminent peril to public health, safety, and welfare.

The Gaming Control Board has determined that this Emergency Rule is necessary to comply with the legislative mandate in Act 440 of the 2021 Regular Session of the Louisiana Legislature. This Emergency Rule shall become effective January 23, 2022 and shall remain in effect for the maximum period allowed by the APA unless extended or rescinded.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 3. Compulsive and Problem Gambling

§301. Problem Gambling Programs

A. As used in this Chapter, *licensee* shall mean all persons licensed or otherwise authorized to conduct gaming operations pursuant to the provisions of Chapters 4, 5 7, and 10 of the Louisiana Gaming Control Law, R.S. 27:1 et seq., including the casino operator and casino manager and sports wagering platform providers, but not including persons licensed pursuant to Chapter 8 of the Louisiana Gaming Control Law. As used in this Chapter, *sports wagering*

platform includes all websites and mobile applications used to place sports wagers.

B. The casino operator or casino manager and each licensee shall post or provide written materials concerning the nature and symptoms of problem gambling in conspicuous places within the gaming establishment in or near gaming areas and areas where cash or credit is made available to patrons, including cash dispensing machines. Licensees shall include access to such written materials on its sports wagering platform.

C. The casino operator or casino manager and each licensee shall post one or more signs, as approved by the division, at points of entry to casino gaming establishments to inform customers of the toll free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll free number shall be provided by the division. Licensees shall include such information and toll free number on its sports wagering platform.

D. ...

E.1. The casino operator or casino manager and all licensees shall develop a comprehensive program for its property or properties and sports wagering platform(s), that address, at a minimum, the areas of concern described in R.S. 27:27.1.C which are designed to:

a. provide procedures designed to prevent employees from willfully permitting a person identified on a Self-Exclusion List from engaging in gaming activities at the licensed establishment or facility or on the sports wagering platform;

b. ...

c. provide procedures for the development of programs to address issues of underage gambling and unattended minors at gaming facilities and on sports wagering platforms;

d. – e. ...

f. provide procedures for removing or excluding self-excluded persons from the licensed establishment or facility or sports wagering platform. These procedures may include, if necessary, procedures that include obtaining the assistance of the division or local law enforcement;

g. ...

h. provide procedures for the distribution or posting within the gaming establishment, facility, or sports wagering platform of information that promotes public awareness about problem gambling and

provides information on available services and resources to those who have a gambling problem;

i. – 2. ...

3. In addition to the areas of concern described in R.S. 27:27.1.C, the comprehensive program shall also include a program that allows patrons to self-limit their access to functions and amenities of the gaming establishment, facility, or sports wagering platform, including but not limited to, the issuance of credit, check cashing or direct mail marketing.

F. The casino operator or casino manager and each licensee shall submit the comprehensive program to the board for approval within 120 days from the date this rule becomes effective as required by R.S. 27:27.1.C. Amendments to the program shall be submitted to the board for approval prior to implementation.

G. Upon approval, the casino operator, casino manager and all licensees shall comply with their respective comprehensive compulsive and problem gambling programs submitted to the Board.

H. – 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1987 (September 2002), LR.

§303. Persons Required to be Excluded

A. Pursuant to R.S. 27:27.2, the Louisiana Gaming Control Board hereby provides for the establishment of a list of persons who are to be excluded or ejected from any room, premises, or designated gaming area of an establishment, or from a sports wagering platform, where gaming is conducted pursuant to Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law, R.S. 27:1 et seq.

B. Definitions. The following words and terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise.

Board Excluded Person— ...

Board Exclusion List—a list of names of persons who, pursuant to R.S. 27:27.2, are required to be excluded or ejected from casino gaming establishments and sports wagering platforms.

Candidate — Career or Professional Offender— ...

Casino Gaming Establishment—any room, premises, or designated gaming area of any establishment where gaming is conducted pursuant to

Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law and all sports wagering platforms pursuant to Chapter 10 of the Louisiana Gaming Control Law.

Cheat — Occupational Manner or Context— ...

C. Criteria for Exclusion

1. The board exclusion list may include any person who meets any of the following criteria:

a. a Career or Professional Offender whose presence on or in a casino gaming establishment would be adverse to the interests of the state of Louisiana or to authorized gaming therein;

b. an associate of a career or professional offender whose association is such that his or her presence on or in a casino gaming establishment would be adverse to the interests of the state of Louisiana or to authorized gaming therein;

c. – e. ...

f. is a person whose presence on or in a casino gaming establishment would be adverse to the state of Louisiana or authorized gaming therein, including, but not limited to:

i. – ii. ...

iii. persons who pose a threat to the safety of the patrons or employees of the casino operator or casino manager or any licensee;

iv. – F.1.f. ...

g. the person's occupation and his current home, business, and electronic mail address; and

h. – G.1. ...

2. The list shall be open to public inspection except information pertaining to the date of birth, driver's license number, state identification number, Social Security number and current home, business, and electronic mailing address of the board excluded person.

3. ...

4. No licensee, the casino operator or casino manager or any employee, or agent thereof shall disclose the date of birth or current home, business, or electronic mailing address of a board excluded person to anyone other than employees or agents of licensees, or approved contracted entities, whose duties and functions require access to such information.

H. Duties of the Casino Operator or Casino Manager and Licensees

1. The casino operator or casino manager, licensees and their agents or employees shall exclude or eject the following persons from the casino gaming establishment:

a. – b. ...

2. a. If a board excluded person enters, attempts to enter, or is in the casino gaming establishment and is discovered by the casino operator or casino manager or any licensee, the casino operator or casino manager or licensee shall immediately notify the division of such fact and, unless otherwise directed by the division, immediately eject such excluded person from the casino gaming establishment.

b. If a board excluded person gains access to a sports wagering platform, the licensee shall immediately notify the division and immediately exclude the person from the platform.

3. Upon discovery of a board excluded person in or on the casino gaming establishment, both the security and surveillance departments, or the departments responsible for sports wagering platform security, of the casino operator, casino manager and licensees shall initiate a joint investigation, unless otherwise directed by the division, to determine:

a. – b. ...

4. The casino operator, casino manager, and each licensee shall take reasonable steps to ensure that no winnings or losses arising as a result of prohibited casino gaming activity are paid or recovered by a board excluded person.

5. It shall be the continuing duty of the casino operator, casino manager, and each licensee to inform the board and division in writing of the names of persons it knows or has reason to know are appropriate for placement on the board exclusion list.

I. Sanctions

1. Any licensee, casino operator or casino manager who willfully fails to exclude a board excluded person from the casino gaming establishment shall be in violation of these rules and may be subject to administrative action pursuant to R.S. 27:27.2.F and this Section.

2. – J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1988 (September 2002), LR.

§304. Self-Exclusion

A. Pursuant to R.S. 27:27.1, the Louisiana Gaming Control Board hereby provides for the establishment of a list of persons who, at his or her request, are to be excluded or ejected from all casino gaming establishments licensed or operating pursuant to Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law, R.S. 27:1 et seq.

B. Definitions

1. The following words and terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise.

Casino Gaming Establishment—any room, premises, or designated gaming area of any establishment where gaming is conducted pursuant to Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law and all sports wagering platforms pursuant to Chapter 10 of the Louisiana Gaming Control Law.

Self-Excluded Person—...

Self-Exclusion List—a list of names of persons who have voluntarily agreed to be excluded from all gaming activities and to be prohibited from collecting any winnings or recovering any losses at or from all casino gaming establishments.

C. – C.4.a.ii. ...

iii. current home, business, and electronic mailing address;

iv. – vii. ...

b. a waiver and release which shall release, forever discharge, indemnify and hold harmless the state of Louisiana, the Louisiana Gaming Control Board ("Board"), the Louisiana Department of Public Safety and Corrections, Office of State Police ("State Police"), the Department of Justice, Office of the Attorney General ("Attorney General's Office"), all licensees, the casino operator and casino manager and their members, agents, and employees, from any liability to the person requesting self-exclusion and his or her heirs, administrators, executors and assigns 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, request for removal from the self-exclusion list, or removal from the self-exclusion list, including:

i. ...

ii. the failure of the casino operator or casino manager or a licensee to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person;

iii. permitting a self-excluded person to engage in gaming activity in or on a casino gaming establishment while on the list of self-excluded persons; and

iv. ...

c. the following statement signed by the person submitting the request for self-exclusion:

"I understand and read the English language or have had an interpreter read and explain this form. I am voluntarily requesting exclusion from all gaming activities at or on all Louisiana casino gaming establishments (which includes sports wagering platforms) because I am a compulsive and/or problem gambler. I certify that the information that I have provided above is true and accurate, and that I have read, understand, and agree to the waiver and release included with this request for self-exclusion. I am aware that my signature below authorizes the Board or the State Police to direct all Louisiana licensees, including the casino operator and casino manager and sports wagering platform providers, to restrict my gaming activities and access to casino gaming establishments for a minimum period of five years from the date of exclusion. During such period of time, I will not attempt to enter any casino gaming establishment or attempt to participate in gaming activity on a sports wagering platform. I further understand that my name will remain on the Self-Exclusion List until 1) I submit a written request to the Board to terminate my self-exclusion; 2) a hearing is held; and 3) there is a written decision of the Board determining that there is no longer a basis for me to be maintained on the list. I am aware that I cannot request removal from the list before five years have elapsed from the date of exclusion. I am aware and agree that during any period of self-exclusion, I shall not collect in any manner or proceeding any winnings or recover any losses resulting from any gaming activity at any casino gaming establishment or on a sports wagering platform and that any money or thing of value obtained by me from, or owed to me by, the sports wagering platform provider, casino operator, casino manager, or a licensee as a result of wagers made by me while on the Self-Exclusion List shall be withheld and remitted to the state of Louisiana."

d. – D.2. ...

3. The list shall be distributed by the division to the casino operator or casino manager and each licensee who shall acknowledge receipt of the list in writing. The division shall notify the casino operator, casino manager and all licensees of the addition of new names and removal of names from the Self-Exclusion List within two business days of the effective date of such action.

4. The casino operator or casino manager and each licensee shall maintain a copy of the self-exclusion list and shall establish procedures to ensure that the self-exclusion list is updated and that all appropriate members, employees and agents of the casino operator or casino manager and each licensee

are notified of any addition to or deletion from the list within five business days after receipt of the notice from the division. Appropriate members, employees, and agents of the casino operator or casino manager and each licensee are those whose duties and functions require access to such information. The notice provided by the division shall include the name and date of birth of any person whose name shall be removed from the self-exclusion list and the following information concerning any person whose name shall be added to the self-exclusion list:

a. – b. ...

c. address of current residence and electronic mail;

d. – 5. ...

6.a. Except as otherwise provided herein, neither the casino operator, casino manager, nor any licensee, employee, or agent thereof shall disclose the self-exclusion list or the name of, or any information about, any person who has requested self-exclusion to anyone other than employees and agents of the casino operator, casino manager, or licensee whose duties and functions require access to such information. Notwithstanding the foregoing, the casino operator, casino manager, and each casino licensee may disclose the name of and information about a self-excluded person to appropriate employees of other casino licensees in Louisiana for the purpose of alerting other casinos that a self-excluded person has tried to gamble or otherwise obtain gaming related privileges or benefits in a casino gaming establishment. The casino operator or casino manager and each licensee may contract with an entity who provides identification services or who assists in identifying self-excluded persons in order to exclude the person from gaming, and may distribute the self-exclusion list to the contracted entity in accordance with internal controls. Nothing herein shall be construed to prohibit the licensee from disclosing the identity of self-excluded persons to affiliated entities in Louisiana and other gaming jurisdictions for the limited purpose of assisting in the proper administration of compulsive and problem gaming programs operated by such affiliated entities.

b. The casino operator, casino manager, or a licensee may release the names and identifying information of those persons on the self-excluded list to contracted service providers that provide patron identification services, or check cashing, marketing, credit evaluations, automated teller machines, cash advances, or other financial services provided:

i. ...

ii. only the name and identifying information may be disclosed to the contracted service provider. The casino operator, casino manager, or a licensee shall neither disclose the reasons for providing the name and identifying information nor shall it be disclosed that the person is on the self-excluded list;

iii. the casino operator, casino manager, or a licensee shall require by written contract that the contracted service provider implement measures designed to ensure the confidentiality of the names and identifying information and to prohibit the release of the names and identifying information to any other person or entity;

iv. the casino operator, casino manager, or a licensee shall immediately report to the Division all instances of a self-excluded person accessing or attempting to access the services provided by the contracted service providers and investigate the incident as required by LAC 42:III.304(E).

c. ...

E. Duties of the Casino Operator, Casino Manager, and each Licensee

1. The casino operator or casino manager and each licensee shall establish procedures that are designed, to the greatest extent practicable, to:

a. permit appropriate employees of the casino operator or casino manager and the licensee to identify a self-excluded person when present on or in the casino gaming establishment and, upon such identification, immediately notify:

i. those employees of the casino operator or casino manager and the licensee designated to monitor the presence of self-excluded persons; and

ii. - d. ...

2. The casino operator or casino manager and each licensee shall distribute a packet of written materials approved by the division to any person inquiring or requesting information concerning the board's self-exclusion program.

3. ...

4. a. If a self-excluded person enters, attempts to enter, or is in or on the casino gaming establishment and is discovered by the casino operator or casino manager or any licensee, the casino operator or casino manager or licensee shall immediately notify the division of such fact and, unless otherwise directed by the division, immediately eject such excluded person from the casino gaming establishment.

b. If a self excluded person gains access to a sports wagering platform, the licensee shall immediately notify the division and immediately exclude the person from the platform.

5. Upon discovery of a self-excluded person on or in the casino gaming establishment, both the security and surveillance departments, or the departments responsible for sports wagering platform security, of the casino operator, casino manager and licensees shall initiate a joint investigation, unless otherwise directed by the division to determine:

a. responsibility of employees of the gaming establishment or licensee for allowing an excluded person to gain access to the casino gaming establishment; and

b. the net amount of winnings or losses attributable to the excluded person.

6. The casino operator or casino manager and each licensee shall provide a written report of the results of the joint investigation to the division.

7. The casino operator or casino manager and each licensee shall ensure that no winnings or losses arising as a result of prohibited gaming activity are paid or recovered by a self-excluded person.

F. Sanctions

1. Any licensee, casino operator, or casino manager who willfully fails to exclude a self-excluded person from the casino gaming establishment shall be in violation of these rules and may be subject to administrative action pursuant to R.S. 27:27.1.J and this Section.

2. - G.2. ...

3. If the hearing officer determines that there is no longer a basis for the person seeking removal to be maintained on the self-exclusion list, the person's name shall be removed from the self-exclusion list and his or her exclusion shall be terminated. The division shall notify the casino operator or casino manager and all licensees of the determination. The casino operator, casino Manger or any licensee may continue to deny gaming privileges to persons who have been removed from the list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1990 (September 2002), amended LR 30:2493 (November 2004), LR 35:2199 (October 2009), LR.

Part VI. Sports Wagering

Chapter 1. General Provisions

§103. Definitions

A. ...

B. As used in this Chapter, the following words and terms shall have the following meanings:

Act — Prohibited Parish — ...

Prohibited Player – means a person who is prohibited from placing a sports wager for reasons including, but not limited to: prohibited by R.S. 27:608; is under the age of 21; has self-restricted or self-excluded from the platform or operator or licensee; or is excluded or prohibited for any other reason.

Prohibited Sports Event — Voucher—...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR.

Chapter 5. Rules; Operations

§501. Sports Wagering Operator Requirements and Restrictions; Internal Controls; Comprehensive Rules

A. - C. ...

D. Licensees and operators shall not accept a sports wager from a prohibited player or from anyone employed by itself or its sports wagering licensee or sports wagering platform provider partner.

E. – F. ...

1. prohibit a player from placing a sports wagering while the player is located in a prohibited parish;

2. – 11. ...

12. withholding all winnings from players determined to be under the age of 21 or for any wagers determined to have been placed from within a prohibited parish;

13. – K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR.

§503. Sports Wagering Platforms; Identification of Licensee; Duties of Licensee and Operators

A. – F. ...

G. If the session is terminated due to a player inactivity timeout, no further participation is permitted unless and until a new session is established by the player. This process shall include, at a minimum, the manual entry of the player's secure password or an alternate form of authentication approved by the board.

H. The board may, at its sole discretion, determine whether a licensee or operator shall cooperate with investigations conducted by sports governing bodies or law enforcement agencies. The board, in its sole discretion or through the division, may limit or prohibit the sharing of certain information or documents requested pursuant to an investigation. A licensee or operator shall not share any information that would interfere or impede a criminal investigation or an investigation of the board or division. Information shared under this Subsection by a licensee or operator to a sports governing body is confidential, unless disclosure is required by the board or division or court order for enforcement or legal purposes and ordered to be made public in the course thereof. No such information shall be used for any commercial or marketing purposes by the recipient of any confidential information without the express written approval by the providing party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR.

§505. Prohibited Parish; Geolocation, Geofencing; Proxy Servers

A. ...

B. Operators shall implement and abide by protocols and procedures to ensure a player is not utilizing remote desktop software, rootkits, virtualization, proxy servers, virtual private network, spoofing, or other means to disguise their physical location or their computer or device's physical location when placing a sports wager. Operators shall use, at a minimum:

B.1. – G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR.

§509. Limitation on Active Accounts; Obligations to Players

A. An operator shall:

1. implement rules and procedures to limit each authorized player to one active and continuously used account and username;

2. implement rules procedures to suspend all accounts of any player that establishes or seeks to establish more than one username or more than one account, whether directly or by use of another person as a proxy, for nefarious purposes;

3. – 9.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR.

§517. Advertising, Mandatory Signage

A.- I. ...

J. Advertisements, public relations activities, and marketing campaigns of sports wagering platform providers shall identify the sports wagering licensee on behalf of whom it operates the sports book, for purposes of that advertisement or campaign. The identifier may be the logo of the sports wagering licensee and/or a statement that indicates who the sports book is operated on behalf of.

K. Advertisements by applicants for a sports wagering license or sports wagering platform provider must include a statement indicating its license or permit is pending.

L. Licensees or operators shall delete or modify any advertisement which does not confirm to the requirements of this Section or is necessary for the immediate preservation of public peace, health, safety, and welfare of Louisiana residents.

M. Licensees or operators shall retain a copy of all advertising and marketing materials intended to promote any sports wagering operation in the State of Louisiana, which shall be made available to the division upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR.

Ronnie S. Johns
Chairman