

**LAW AND PUBLIC SAFETY**

**NEW JERSEY RACING COMMISSION**

**Self-Exclusion List**

**Readoption: N.J.A.C. 13:74A**

Proposed: October 5, 2009 at 41 N.J.R. 3785(a).

Adopted: March 29, 2010 by the New Jersey Racing Commission,  
Frank Zanzuccki, Executive Director.

Filed: April 14, 2010 as R.2010 d.083, **without change**.

Authority: N.J.S.A. 5:5-30, 5:5-65.1 and 5:5-65.2.

Effective Date: April 14, 2010.

Expiration Date: April 14, 2015.

**Summary** of Public Comments and Agency Responses:

1. COMMENT: Donald F. Weinbaum, Executive Director of the Council on Compulsive Gambling of New Jersey, Inc., commented on several sections of the proposed readoption of the Self-Exclusion List rules, based upon his belief that technical revisions or clarifying language would be helpful. Citing N.J.A.C. 13:74A-2.1(b), the commenter expressed concern that the information in the rule is not entirely consistent with that shown on the Commission's website. N.J.A.C. 13:74A-2.1(b) informs the public that the Application to be Placed on Self-Exclusion List may be obtained and submitted at the Meadowlands Racetrack, Freehold Raceway and the Commission's offices in

Trenton, New Jersey and that the application may also be downloaded from the website. In contrast, the "Instructions for Application to be Placed on Self-Exclusion List" on the Commission's website at [www.njrconline.com](http://www.njrconline.com), includes Monmouth Park as an additional location to obtain and submit applications. The commenter also points out that the application form on the Commission's website fails to indicate the hours when a completed application may be submitted and fails to set forth the Commission's P.O. Box number in its address.

The commenter states that some problem gamblers have experienced difficulty obtaining or submitting applications to the Commission and recommends that the application process be made easily understandable, accessible and clearly identifiable. Specifically, the commenter suggests that N.J.A.C. 13:74A-2.1(b) be revised to include an up-to-date list of addresses and require that signage be provided at racetracks and other locations to assist problem gamblers in finding the person or office where pertinent information is available.

RESPONSE: The Commission agrees with the commenter that the application process should be easily understandable and accessible with clearly-identified locations for information. In order to ensure that updated, accurate information is available to applicants, the Commission will proposed to amend

N.J.A.C. 13:74A-2.1(b) in the future to indicate that the application form may be obtained and submitted at the Racing Commission's offices located at 140 East Front Street in Trenton, New Jersey during regular business hours. In addition, the rule will also be amended to state that information related to other locations where the application form may be obtained and submitted will be available on the Racing Commission's website located at [www.njrconline.com](http://www.njrconline.com), where applications may also be downloaded. Currently, the Commission maintains offices at Freehold Raceway, Meadowlands Racetrack and Monmouth Park. However, these offices largely operate only during those parts of the year when racing is occurring at the track. For example, in 2010, Freehold Raceway is scheduled to race 168 days, the Meadowlands Racetrack is scheduled to race 142 days and Monmouth Park is scheduled to race 71 days. These race dates differ annually and may change due to cancellations caused by matters such as the weather. As a result, posting the information related to locations where the form may be obtained and submitted on the Commission's website will assist in the accuracy and accessibility of this important information.

The Commission does not agree that the rules should be amended to specify the hours and days of the week when Commission offices will be open and staffed at each of the racetracks. The Commission's offices at the racetracks are

generally open on race days at each track. The race dates for each track changes annually when these dates are allocated by the Commission in November of the prior year. Throughout the year, the racetracks may apply for and obtain revisions to these dates. As a result, amending the self-exclusion rules each year to list race dates that may change is neither feasible nor necessary as the Commission will clearly identify the days and hours of its operation on its website in the "Instructions for Application to be Placed on Self-Exclusion List." The Commission does not agree that its rules must be amended to add Monmouth Park as a location to obtain and submit applications as ample opportunity is available in the locations already set forth in the rule. Monmouth Park is not included in the rule because the days raced by this track, which coincides with the days upon which the Commission's office there is open, are generally limited to certain days that largely fall within May through September.

2. COMMENT: Mr. Weinbaum asserts that N.J.A.C. 13:74A-2.2(d) and 6.1(a) incorrectly reference the Department of Health and Senior Services as being responsible for the administration of funding for gambling treatment and prevention programs in this State. The commenter states that pursuant to a New Jersey Reorganization Plan, the Division of Addiction Services was transferred into the Department of Human Services in 2004.

RESPONSE: The language of rules N.J.A.C. 13:74A-2.2(d) and 6.1(a) is consistent with legislative mandate in N.J.S.A. 5:5-65.2(b), which states that monies or other things of value forfeited in connect with the self-exclusion list shall be deposited in the State General Fund for appropriation by the Legislature to the Department of Health and Senior Services. The Commission does not agree that its rules must be amended to reflect administrative or legislative changes to the appropriation decisions, which are not identified in the applicable legislation.

3. COMMENT: Lia Nower, Associate Professor and Director of the Center for Gambling Studies at Rutgers University, submitted comments and made recommendations regarding several rules. After describing the difficulties she has had in obtaining information about the self-exclusion list from racetrack and Commission personnel, the commenter asserts that it is unlikely that problem gamblers are aware of, or know how to, access self-exclusion services, materials and procedures, as well as other resources for problem gamblers, because this information is noticeably lacking from the racetracks and their websites. According to the commenter, these barriers to program access have the effect of limiting the number of gamblers who can make an informed choice about their gambling options. The commenter also asserts that the information made available by the

Commission is limited by missing or inaccurate information, which further hampers efforts to assist problem gamblers.

RESPONSE: The Commission agrees with the commenter that information regarding the self-exclusion application process should be available and easily accessible to the public. As set forth above, the Commission will update the instructions and forms on its website to ensure all necessary or helpful information is available. Neither the Commission nor the racetracks are required to provide resources to problem gamblers other than the self-exclusion program.

The Commission has decided to change N.J.A.C. 13:74A-5.1, in a separate rule proposal, to require racetracks and off-track wagering facilities to post information about the self-exclusion program at their wagering facilities and on their websites. These websites shall include a link to the information on the Commission's website regarding the self-exclusion program. Prior to posting information, the racetracks and off-track wagering facilities will be required to submit the proposed information to the Commission for its review and approval.

4. COMMENT: Similar to the comments of Mr. Weinbaum, Ms. Nower recommends that N.J.A.C. 13:74A-2.1(b) be amended to include Monmouth Park as a location for obtaining and submitting applications, the hours and days when Commission offices at each of the tracks will be staffed and the Commission's Post Office

Box number in Trenton, New Jersey. The commenter also recommends that the Commission require the racetracks to visibly post information related to self-exclusion on their websites, including a link to the self-exclusion application on the Commission's website and install signage and other materials in betting areas regarding the self-exclusion program. The commenter states that the rule should also be amended to require that a detailed description of the self-exclusion program, along with the process and consequences of breach set out in N.J.A.C. 13:74A-2.2, be made available to gamblers at the racetracks, Commission offices and their respective websites.

RESPONSE: As set forth in the responses above, the Commission will update the instructions and forms available on its website to include the days, hours and locations where a completed application may be obtained or submitted and add the P.O. Box number for its Trenton address. The Commission does not agree that the rule must be amended to add Monmouth Park, which generally races on only a limited number of summer days, as ample opportunity is available in the locations set forth in the rule.

As discussed above, the Commission will propose an amendment to N.J.A.C. 13:74A-5.1 that will require racetracks and off-track wagering facilities to post information, which shall be submitted for Commission approval, about the self-

exclusion program at the racetracks, off-track wagering facilities and on these entities' websites, including a link to the information on the Commission's website regarding this program.

5. COMMENT: Ms. Nower asserts that the Commission's rule at N.J.A.C. 13:74A-5.1 should be amended because although it requires racetracks to develop and implement internal control procedures, it fails to establish specific minimum requirements for these internal control procedures, such as mandatory employee education, provision of signage, brochures and other information and training on targeting problem gamblers.

RESPONSE: The rule requires that the racetracks, the account wagering licensee and the off-track wagering licensee develop and implement internal control procedures. The internal control procedures, and any amendment to them, must be approved in advance by the Executive Director. N.J.A.C. 13:74A-5.1 identifies items and issues the racetracks and licensees must address. Requiring the approval of the Executive Director ensures that the proposed internal control procedures are factually specific to, and consistent with, each facility's unique configuration, security plans and procedures.

As set forth above, the Commission will propose to amend N.J.A.C. 13:74A-5.1, in a future rule proposal, to require the racetracks and off-track wagering facilities to post information



at wagering locations and on the entities' website, including a link to the information on the Commission's website regarding this program. Although it may be of benefit to problem gamblers, there is no statutory or other requirement that mandates that racetracks must educate their employees on this topic or train them to target problem gamblers. As a result, the Commission believes that any such mandate exceeds its authority.

6. COMMENT: Ms. Nower suggests that the language in N.J.A.C. 13:74A-5.1(a)1 be amended to require that the specific internal control procedures developed by the racetracks, the account wagering licensee and the off-track wagering licensee "ensure that employees will consistently review the list of self-excluded persons and actively pursue their identification on the premises [and] the Commission shall perform periodic, unannounced site-checks of these procedures to ensure compliance."

RESPONSE: The Commission does not agree with the suggested rule change. Because of the confidential nature of the information, implementation of the self-exclusion program has been made the responsibility of specific security personnel at the racetracks to identify program participants. The rule need not require site-checks by the Commission as the enabling statute, N.J.S.A. 5:5-65.1(e), clearly states that penalties

shall only be imposed for willful violations and not for negligent violations. Because site-checks would not yield any information on willful violations, the comment is rejected.

7. COMMENT: Ms. Nower asserts that N.J.A.C. 13:74A-5.2 should be amended to require annual updates to the internal control procedures, specify a new date for annual submission, set forth clearer and more stringent guidelines and address breaches to the rule.

RESPONSE: The Commission does not agree that the rule must be amended as asserted by the commenter. N.J.A.C. 13:74A-5.1(b) already requires that amendments and updates must be submitted for the Executive Director's approval and N.J.A.C. 13:74A-5.2 mandates the reporting of any incident in violation of the rules or the internal control procedure.

8. COMMENT: Ms. Nower states that N.J.A.C. 13:74A-6.1 should be amended to impose penalties on applicable personnel who negligently violates this chapter in addition to willful violations.

RESPONSE: The Commission does not agree that the rule should be amended. N.J.S.A. 5:5-65.1(e) specifically mandates that such personnel shall only be liable for willful violations.

#### **Federal Standards Statement**

A Federal standards analysis is not required because the readopted rules are dictated by State statute, N.J.S.A. 5:5-

22, et seq., and the rules are not subject to any Federal requirements or standards.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:74A.