13:69O-1.2A Responsible gaming

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

1. "At-risk patron" means an individual who meets any of the patron play criteria at (d) below, and after a due diligence review by the operator, is found by the operator to be exhibiting potential problem gaming behavior.

2. "Cool-off period" means a designated timeframe during which a patron voluntarily suspends access to their internet or mobile gaming account. During this period, the patron is prohibited from placing wagers, depositing funds, or engaging in any gaming activity. The cool-off period shall not be reversible once initiated and must last for a minimum of 72 hours. The cool-off period also is known as a "suspended account," pursuant to N.J.A.C. 13:69O-1.1.

3. "Due diligence review" means a comprehensive examination and assessment of a patron's gaming patterns to evaluate potential risk for problem gaming.

4. "Problem gaming behavior" means actions or patterns of behavior that leads to significant psychological, physical, occupational, relational, financial, and/or legal harm to the patron or others.

5. "Responsible gaming" or "RG" means a policy for best practices to promote a safe and enjoyable gaming experience while minimizing the potential harm to individuals and communities, emphasizing the importance of informed decision making, player protection, and social responsibility.

6. "Responsible gaming lead" or "RG Lead" means the individual employee at each operator responsible for ensuring at-risk patrons are provided with responsible gaming information, such as referrals to available resources and the responsible gaming features offered by the operator, and that responsible gaming practices are effectuated. Each responsible gaming lead is supported by additional responsible gaming staff.

7. "Responsible gaming professional" means a professional counselor licensed by the State of New Jersey with experience in addressing and mitigating the effects of problem gaming.

8. "RG triggering system" means the automated tool utilized by the operator to identify potential at-risk patrons through the evaluation of patron play criteria set forth at (d) below.

(b) Each operator shall designate one employee to serve as a dedicated responsible gaming lead whose responsibilities shall include, but not be limited to:

1. Identifying and maintaining a list of at-risk patrons, which shall be provided to the Division upon request, and that shall include information relating to the following matters:

i. If a patron meets or exceeds any of the patron play criteria at (d) below, but the operator's due diligence review determines that the patron is not an at-risk patron, the operator must document the specific reasons for this determination and maintain that documentation for a minimum of five years;
ii. A patron may be removed from the at-risk patron list if they fail to trigger any criteria enumerated at (d) below for a period of 180 days from the date of the last due diligence review and if the patron's activity then is determined by the responsible gaming lead not to be exhibiting potential problem gaming behavior; and
iii. The same patron shall be added again to the list of at-risk patrons if, after a due diligence review, the patron is subsequently determined by the responsible gaming lead to be an at-risk patron;
2. Ensuring at-risk patrons are provided with responsible gaming information, including resources regarding gaming addiction and/or problem gaming, as well as the availability of responsible gaming features offered by the operator, such as time, loss, and deposit limits, cool-off period options, self-exclusion requests as described at N.J.A.C. 13:69G-2.2, and account closure procedures; and
3. Ensuring at-risk patrons assigned to Phase 2 or Phase 3 intervention pursuant to (e) below are not presented with direct advertising materials, including, but not limited to, marketing, promotions, casino and gaming event invitations, and complimentary services or items.
(c) Any patron meeting or exceeding any of the thresholds at (d) below shall be flagged for due diligence review by the operator to determine whether the patron is exhibiting signs of potential problem gaming. No single trigger is necessarily determinative. The triggers and thresholds are intended to identify activity warranting review, and operators retain the ability to assess the situation in the context of all available information. If, after such due diligence review, the operator believes that the patron may be exhibiting signs of problem gaming behavior, the patron shall be placed on the list of at-risk patrons maintained by that operator's responsible gaming lead required pursuant to (b)1 above.
(d) Each operator shall incorporate in its procedures, at a minimum, the following patron play criteria as automatic triggers for due diligence review by the operator:
1. A patron's deposits exceed $ 10,000 over a 24-hour period;
2. A patron's deposits exceed $ 100,000 over a 90-day period;
3. A patron accesses the self-exclusion request page, but does not complete the self-exclusion process three or more times in a 30-day period;

4. A patron requests a second cool-off period within 45 days of the conclusion of the first cool-off period;
5. A patron makes three consecutive increases to any responsible gaming limits offered by the operator without any decreases within a seven-day period;
6. A patron cancels withdrawal requests within the cancellation requirements set forth at (f) below, prior to the processing of the withdrawal three times in a 10-day period;
7. The total turnover of a patron's account exceeds $ 1,000,000 in a 90-day period;
8. A patron whose account was active during the immediately preceding two-week period experiences an increase of 50 percent or more in time spent logged into the account during the current week, compared to the immediately preceding two-week period;
9. A patron ends two or more gambling/gaming sessions in the same week with a balance of less than $ 1.00 remaining in the account;
10. A patron concludes two or more sessions in the same week with an increase in the total number of wagers from the previous session;
11. Any additional triggers identified by the operator to be potential indicators of problem gaming behavior;
12. Any additional triggers identified by the Division through rulemaking or a Director's Order and notice to the operators; or
13. The Division may modify or rescind, as well as add, patron play criteria or thresholds set forth in this subsection through rulemaking or a Director's Order.
(e) Each operator shall ensure the RG triggering system includes the below phases of intervention. Operators must maintain detailed records of all responsible gaming interventions for a period of five years. These records must be available for inspection by the Division upon request. The operator may advance a patron to a subsequent phase of intervention if the due diligence review or the specific trigger initiated warrants a more advanced response:
1. Phase 1. The operator shall contact the patron through the patron's validated email address, or any such other method as approved by the Division, and provide information to the patron regarding the availability of the various responsible gaming features offered by the operator, including time, loss, and deposit limits, cool-off period options, self-exclusion requests, and account closure procedures, as well as resources that can be accessed to support responsible gaming and to address problem gaming.
2. Phase 2. The operator shall require the patron to view a video tutorial regarding responsible gaming and problem gaming to continue gaming activity.

The tutorial shall first be approved by the Division and shall be utilized to educate the patron on the availability of various responsible gaming features offered by the operator, including time, loss, and deposit limits, cool-off period options, self-exclusion requests, and account closure procedures, as well as resources that can be accessed to support responsible gaming and to address problem gaming. The video may be separated into multiple parts or sections; however, the video shall contain both audio and visual components. The patron shall be required to view the video in its entirety prior to placing further wagers, and a record confirming that the video was viewed in its entirety shall be required, generated, and maintained by the operator.

3. Phase 3. The responsible gaming lead, or designated responsible gaming staff, or a designee that may be approved by the Division in the exercise of its discretion, shall contact the patron directly by live phone call, live video call, or any such other method of live communication approved by the Division, which may include, subject to approval by the Division, live in-product messaging, live chat, or other secure, live, interactive tools, to discuss possible problem gaming behavior and to highlight all responsible gaming options offered by the operator, including time, loss, and deposit limits, cool-off period options, self-exclusion requests, and account closure procedures. Any such communication, aside from the initial outreach establishing the customer's availability, must be conducted in a live human interaction by the responsible gaming lead, or designee. The responsible gaming lead, or designee, shall provide the patron with contact information for a responsible gaming professional. The responsible gaming lead, or designee, shall provide their own contact information to the patron, so that the patron can contact the responsible gaming lead directly to receive further guidance, if sought. The responsible gaming lead, or designee, also may refer the patron to emergency medical and/or mental health professionals or to law enforcement if the responsible gaming lead, or designee, determines that the patron may be at risk of harm to themself or others. In the event that the responsible gaming lead or designee is unable to reach the patron by any approved method of communication, a message shall be sent to or left with the patron and documented by the responsible gaming lead, or designee. The responsible gaming lead, or designee, must make three attempts to contact the patron by an approved method of communication, with each communication attempt made at least 24 hours after the preceding attempt and with a message sent or left each time. If the responsible gaming lead, or designee, is unable to communicate with the patron by an approved method of communication after three attempts, the responsible gaming lead, or designee, shall email the patron and the patron's account shall be temporarily suspended until such time as the responsible

gaming lead, or designee, is able to communicate directly with the patron by phone, video call, or any such other method of live communication approved by the Division. The email shall include the information required in this paragraph and shall be approved in form by the Division. The patron's account will remain suspended until the direct communication required by Phase 3 intervention is completed and results in a determination by the responsible gaming lead, or designee, that the patron does not continue to meet the criteria for designation as an at-risk patron. If, after the Phase 3 intervention, the responsible gaming lead, or designee, concludes that the patron continues to meet the criteria for designation as an at-risk patron, the patron's account shall be closed, and the patron shall be referred to available problem gambling resources. Account balances and pending wagers shall be handled in accordance with the provisions set forth at N.J.A.C. 13:69G-2.3(e).

(f) A withdrawal request made by a patron may not be cancelled or reversed by the patron within a three-day period beginning with the withdrawal request and prior to the disbursement of the funds. Any solicitation by operators for patrons to rescind fund withdrawals that are pending and have not been processed is prohibited.

(g) The criteria for problem gaming enumerated at (d) above are set forth as requisite minimum standards, and operators are encouraged to have additional automated triggers to identify problem gaming and/or lower numeric thresholds and timeframes in their discretion as added safeguards. Additionally, operators may escalate the response to any subsequent phase, or take any other action deemed necessary or appropriate, if they determine the patron may be at severe risk for problem gaming.

(h) Each operator shall collect and maintain the gender identification data (male, female, non-binary) of each successfully verified patron for the exclusive purpose of contributing to the annual reports on the impact of internet gaming and sports wagering on problem gamblers and gambling addiction in New Jersey, pursuant to N.J.S.A. 5:12-95.18 and 5:12A-11. Patrons shall be permitted to select "prefer not to say" or an equivalent response option.

1. Gender identification data is not required necessarily at the time of account creation and may be collected at a subsequent point. Each operator must report to the Division annually on its requirements or such arrangements, detailing the sources and methodologies used to acquire the requisite information. Each operator is solely responsible for ensuring that gender identification information is collected and shall maintain this information in a manner that provides an audit trail to verify compliance with this section.