

Proposed Amendment: N.J.A.C. 13:69O-1.2

Internet and Mobile Gaming

General Requirements for Internet and Mobile Gaming

Authorized By: David Rebeck, Director, Division of Gaming Enforcement.

Authority: N.J.S.A. 5:12-69, 70, 76, 95.17, 95.19, 95.22, 99, 100, 104, and 129.1.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2015-063.

Submit written comments by August 14, 2015, to:

Robert A. Moncrief Jr., Deputy Attorney General
Division of Gaming Enforcement
1300 Atlantic Avenue
Atlantic City, NJ 08401
E-mail: Rulecomments@njdge.org

The agency proposal follows:

Summary

In November of 2013, pursuant to rules adopted by the Division of Gaming Enforcement (Division), Internet gaming was launched throughout the State of New Jersey. Among the rules promulgated by the Division, located at N.J.A.C. 13:69O, there are various requirements relating to responsible gaming information and controls. In an effort to keep New Jersey at the forefront of responsible gaming, those standards are constantly being reviewed to ensure the highest standards are maintained. As a result of that continuous review, the Division proposes several additional requirements relating to both the display of responsible gaming information for Internet gaming patrons, and also training for those employees who interact with Internet gaming patrons. All of the proposed amendments are codified in N.J.A.C. 13:69O-1.2, which governs the general requirements for Internet and mobile gaming.

The proposed amendments to N.J.A.C. 13:69O-1.2(1)14iii set forth the information that must be displayed on the required patron protection page. Sub-subparagraph (1)14iii(1) requires that information regarding the Internet gaming operator's policy and commitment to responsible gaming be displayed. Sub-subparagraph (1)14iii(2) requires that information relating to, or a

direct link to information regarding several subjects if available from an organization based in the United States dedicated to helping people with potential gambling problems be displayed. Those subjects are: practical tips to stay within safe limits, myths associated with gambling, information regarding the risks associated with gambling and the potential signs of a gambling problem or a direct link to similar information.

The proposed amendments also add new N.J.A.C. 13:69O-1.2(y). Those new requirements are related to the training that is given to employees of an Internet gaming operator who have direct contact with patrons. The proposed new subsection requires that those employees be trained in three areas. First, they shall be trained to recognize the nature and symptoms of problem gambling behavior and know how to assist players obtaining information regarding help and self-exclusion programs. Second, they shall be trained in how to respond to patrons who disclose that they have a gambling problem. Lastly, they shall be trained in how to respond to third parties, such as family members, about patrons who may have a gambling problem. The proposed amendments also state that although training by the Council on Compulsive Gambling is not specifically required that such training will be deemed sufficient.

The Division has provided a 60-day comment period for this notice of proposal. Therefore, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments impose requirements for the display of information relating to responsible gambling and also for training of employees of Internet gaming operators. By ensuring patrons have access to information regarding responsible gambling controls, features, and programs designed to help, the risk that patrons may develop a gambling problem could be reduced. Additionally, by imposing requirements regarding the training of employees who interact with customers those employees will be better equipped to assist customers who may be at risk for a developing a gambling problem. Together, these requirements will help to prevent patrons from developing gambling problems and help those with a problem find assistance. This is a benefit to both the casino industry and the State of New Jersey as a whole.

Economic Impact

The proposed amendments require certain information to be added to an already existing "player protection page," which is an already existing part of an Internet gaming operator's website. To the extent that work is required to add this information, there is additional labor required on the part of Internet gaming operators, however this labor is nominal. The added labor will not require Internet gaming operators to hire additional staff to be compliant. Additionally, the proposed amendments have been [page=1301] in effect for some time as they were temporarily

adopted in September of 2014, therefore, all Internet gaming operators should be in compliance as of the publication of this notice of proposal.

The proposed amendments also require certain types of training for employees of Internet gaming operators that interact with patrons. It is foreseeable that this training could have some costs associated with it, however, prior to authorizing Internet gaming it was represented to the Division by all Internet gaming operators that similar training is already done. The proposed amendments merely codify the practices that exist to ensure they remain in place to assist patrons.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments are authorized by the provisions of the Casino Control Act, N.J.S.A. 5:12-1 et seq., and are not subject to any Federal requirements or standards.

Jobs Impact

The proposed amendments are not anticipated to have any impact on the number of jobs in the casino industry or the Internet gaming industry. There should be no measurable impact on jobs in the State of New Jersey.

Agriculture Industry Impact

The proposed amendments will have no impact on agriculture in New Jersey.

Regulatory Flexibility Statement

The proposed amendments will primarily affect the operations of New Jersey casino licensees, none of which qualifies as a "small business" as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Accordingly, a regulatory flexibility analysis is not required for casino licensees or Internet gaming operators.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing in the State of New Jersey and not evoke a change in the average costs associated with housing because the amendments affect the regulation of casinos in Atlantic City and their Internet gaming operations in the State.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth or on housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan because they affect the regulation of casinos in Atlantic City and their Internet gaming operations in the State.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

13:69O-1.2 General requirements for Internet and mobile gaming

(a)-(k) (No Change.)

(l) All terms and conditions for Internet or mobile gaming shall be included as an appendix to the internal controls of the licensee addressing all aspects of the operation, including the following:

1.-13. (No change.)

14. Information to be displayed on a patron protection page. The patron protection page shall be accessible to a patron during a patron session. The patron protection page shall contain, at a minimum, the following:

i. (No change.)

ii. A direct link to the Council on Compulsive Gambling New Jersey, Inc. and one other organization based in the United States dedicated to helping people with potential gambling problems; **and**

iii. The following responsible gaming information:

(1) A clear statement of the Internet gaming operator's policy and commitment to responsible gaming;

(2) Information regarding the subjects in (l)14iii(2)(A) through (D) below, or a direct link to information regarding the following subjects, if available, from an organization based in the United States dedicated to helping people with potential gambling problems:

(A) Practical tips to stay within safe limits;

(B) Myths associated with gambling;

(C) Information regarding the risks associated with gambling; and

(D) The potential signs of a gambling problem;

[iii.] **(3)** (No change in text.)

iv.-xiii. (No change.)

(m)-(x) (No change.)

(y) All Internet gaming operators with employees who have direct contact with patrons via phone, e-mail, electronic chat, or other means, shall implement training for those employees, at the start of their employment and at regular intervals thereafter, addressing areas set forth in (y)1 through 3 below. If the training requirement under this subsection follows the standards set forth by the Council on Compulsive Gambling of New Jersey it shall be deemed sufficient.

1. Recognizing the nature and symptoms of problem gambling behavior and how to assist players in obtaining information regarding help for a gambling problem and self-exclusion programs;

2. Responding to patrons who may disclose that they have a gambling problem; and

3. Responding to reports from third parties, such as family members, about patrons who may have a gambling problem.

[(y)] **(z)** (No change in text.)
