

WSR 24-08-012
PROPOSED RULES
GAMBLING COMMISSION
[Filed March 21, 2024, 3:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-09-066.

Title of Rule and Other Identifying Information: Problem gambling signage, WAC 230-06-068.

Hearing Location(s): On May 9, 2024, at 9:30 a.m., at the Washington State Gambling Commission, 4565 7th Avenue S.E., Lacey, WA 98503. The meeting time and location are tentative. Visit our website at www.wsgc.wa.gov approximately seven days prior to the meeting and select "About Us" and then, "Upcoming commission meetings" to confirm the hearing date, location, start time, and agenda items.

Date of Intended Adoption: May 9, 2024.

Submit Written Comments to: Adam Amorine, P.O. Box 42400, Olympia, WA 98504-2400, email rules.coordinator@wsgc.wa.gov, www.wsgc.wa.gov, by May 8, 2024.

Assistance for Persons with Disabilities: Contact Julie Anderson, phone 360-486-3453, TTY 360-486-3637, email julie.anderson@wsgc.wa.gov, www.wsgc.wa.gov, by May 8, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule would enact more explicit requirements related to licensees' duty to display problem gambling signage at all public entrances and exits to the gambling area of the business, in or near the gambling area(s), and in any areas where cash or electronic transfers of funds are available to patrons within the designated gambling area. The proposed rule would also require all advertising material to contain a responsible gambling message. Finally, the proposed rule would require a clear "opt-out" method on advertising materials that would allow patrons to unsubscribe from receiving future advertising, marketing, or promotional communications.

Reasons Supporting Proposal: The proposed rules are aimed at ensuring those individuals who might have a problem gambling disorder are aware of the avenues available to them for treating their disorder.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: RCW 9.46.070.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Adam Amorine, Rules Coordinator, 4565 7th Avenue S.E., Lacey, WA 98503, 360-486-3473; Implementation: Tina Griffin, Director, 4565 7th Avenue S.E., Lacey, WA 98503, 360-486-3546; and Enforcement: Gary Drumheller, Deputy Director, 4565 7th Avenue S.E., Lacey, WA 98503, 509-325-7904.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis is not required per RCW 34.05.328 (5) (b) (v).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

March 21, 2024

Adam Amorine

Staff Attorney and Rules Coordinator

OTS-5248.1

NEW SECTION

WAC 230-06-068 Problem gambling signage and posting requirements. (1) The commission will provide licensees with problem gambling, gambling disorder, and responsible gambling informational signs, which include a responsible gambling message and a toll-free helpline number for problem gambling and gambling disorders. The signs must be conspicuously posted: At all public entrances and exits to the gambling area of the business; in or near the gambling area(s); and in any areas where cash or electronic transfers of funds are available to patrons within the designated gambling area.

(2) All advertising materials must contain a responsible gambling message.

(a) Advertising is any notice or communication to the public of any information concerning the gambling-related business of the licensee through broadcasting, publication, or any other means of dissemination.

(b) For bingo licensees conducting bingo on more than three occasions per week, advertisements must follow RCW 9.46.072.

(c) The responsible gambling message must include, at a minimum, the statement "play responsibly" or similar language and the toll-free telephone helpline number for problem gambling and gambling disorders. Provided, an alternative to the responsible gambling message would be to contain the words "If you or someone you know has been harmed by gambling and wants help, call 1-800-GAMBLER."

(3) All direct advertising, marketing, or promotional materials must include a clear and conspicuous method allowing patrons to unsubscribe from future advertising, marketing, or promotional communications.

(4) This rule does not apply to major, mid-level, or ancillary sports wagering vendors.