

WSR 21-11-063

PERMANENT RULES

WASHINGTON STATE LOTTERY

[Filed May 14, 2021, 12:29 p.m., effective June 14, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendments to chapter 315-06 WAC, General lottery rules, establish a program that allows a person to voluntarily exclude themselves from lottery activities, as mandated by SHB 1302 (2019). This new program will provide those suffering from problem gambling or gambling disorder a time-limited period when they will not be able to redeem winning lottery tickets or participate in lottery promotions.

Citation of Rules Affected by this Order: New WAC 315-06-220.

Statutory Authority for Adoption: RCW 67.70.040 (1), (3), and (5).

Adopted under notice filed as WSR 21-06-080 on March 1, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: May 14, 2021.

Kristi Weeks  
Director of Legal Services

**OTS-2938.1**

NEW SECTION

**WAC 315-06-220 Voluntary self-exclusion.** (1) The voluntary self-exclusion program is established for the purpose of allowing persons to exclude themselves from lottery play and related activities. Each person who enrolls in the voluntary self-exclusion program acknowledges that it is their responsibility to refrain from engaging in lottery play and other related activities.

(2) Definitions. The following definitions apply throughout this section unless the context clearly requires otherwise.

(a) "Director" means the director of the Washington state lottery commission.

(b) "Excluded prize" means: (i) Any monetary, promotional, or merchandise prize valued at more than \$600; and (ii) any monetary, promotional, or merchandise second chance drawing prize regardless of value.

(c) "Lottery" means the Washington state lottery commission, otherwise known as Washington's lottery.

(d) "Lottery play" means purchase, play, or redemption of lottery tickets or games.

(e) "Lottery related activities" or "related activities" include, but are not limited to: Promotions, second chance promotions or drawings, events, and participation in the lottery's loyalty program.

(f) "Merchandise prize" means a prize offered by the lottery that is a product, experience, or service other than a monetary prize. Merchandise prizes include gift cards.

(g) "Monetary prize" means a prize offered by the lottery that is payable as a check, bank transfer, or annuity.

(h) "Participant" means a person who has enrolled in the program.

(i) "Prize" means any award, financial or otherwise, awarded by the director. Prizes may include any monetary amount, merchandise item, or experience offered by the lottery.

(j) "Promotion" means a time-limited opportunity for a player to receive a prize or other benefit not typically offered by the lottery, the purpose of which is to promote a certain lottery product, activity, partnership, or event.

(k) "Second chance lottery promotion" or "second chance drawing" means a drawing or promotion wherein a player must submit a nonwinning lottery ticket in order to be eligible to win a prize.

(l) "Voluntary self-exclusion program" or "program" means the voluntary self-exclusion program authorized under RCW 67.70.040, and does not apply to any form of gambling other than the lottery.

(3) Enrollment. A person may enroll in the program in person or by mail.

(a) In person at a lottery office by:

(i) Submitting a completed application on a form provided by the lottery;

(ii) Providing proof of identity. Acceptable forms of identification are: A valid driver's license from any state; a government-issued identification card containing the person's name, photograph, and date of birth; or a valid United States or Canadian passport; and

(iii) Any other documentation required by the director.

(b) Through the mail by:

(i) Submitting a completed application on a form provided by the lottery. The form must be notarized;

(ii) Providing proof of identity. Acceptable forms of identification are a copy of: A valid driver's license from any state; a government-issued identification card containing the person's name, photograph, and date of birth; or a valid United States or Canadian passport; and

(iii) Any other documentation required by the director.

(4) Period of enrollment.

(a) At the time of enrollment, the participant shall select a one-, three-, or five-year period of voluntary self-exclusion.

(b) At the time of enrollment, the participant may select the effective date of participation. If no date is selected, the effective date shall be the next business day after enrollment.

(c) Once enrolled, the participant shall not change the effective date or term of enrollment, except to extend the period of enrollment pursuant to subsection (5) of this section.

(d) Once enrolled, the participant shall not exit the program prior to termination of the selected period of voluntary self-exclusion.

(5) Termination, extension, and renewal of enrollment. Upon expiration of the selected period of enrollment, the participant will be

removed from the program. The participant may extend their current enrollment by submitting a new application as required in subsection (3) of this section at least thirty days prior to expiration of the current enrollment period. A participant may reenroll in the program at any time following expiration of the current enrollment period by submitting a new application as required in subsection (3) of this section.

(6) Voluntary self-exclusion.

(a) During the period of enrollment, the participant acknowledges and agrees:

(i) The participant will not participate in lottery play or related activities;

(ii) The participant will not claim, redeem, or collect any excluded prize;

(iii) The participant will not create or maintain a lottery loyalty program account; and

(iv) Points or benefits accrued in the participant's existing loyalty program account, if any, will expire based on established expiry date(s) and no refund or replacement shall be provided by the lottery.

(b) Participants shall not be entitled to claim, redeem, or collect any excluded prize. In the event a participant attempts to claim, redeem, or collect an excluded prize during the period of enrollment, monetary prizes will be forfeited to the problem gambling account created in RCW 41.05.751 after payments of any debt under RCW 67.70.255. Taxes will be withheld and reported to the Internal Revenue Service for any portion of an excluded prize used to satisfy a debt. Merchandise prizes will be retained by the lottery.

(c) The lottery will take all reasonable steps to remove the participant from existing promotional mailing lists, electronic distribution lists, or other promotional listings.

(d) The program is intended to assist participants in controlling their gambling habits and promote responsible gambling. The lottery, its licensees, retailers, vendors, agents, contractors, and employees are not liable for damages in any civil action by any person based on:

(i) Compliance or noncompliance with this chapter;

(ii) An action or failure to act under this chapter;

(iii) Failure to withhold lottery privileges from an individual;

(iv) Permitting a participant to engage in lottery play or related activities; or

(v) Payment of a winning lottery prize to a participant.

(e) Information submitted by a participant related to the program is exempt from public inspection and copying pursuant to RCW 42.56.230. De-identified information may be released for statistical or research purposes. For purposes of this section, "de-identified" means captured personal information that cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular individual.

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