



## **Nebraska Racing and Gaming Commission** **Policies and Procedures for Voluntary Self-Exclusion**

1. The Self-Exclusion Program is established for the purpose of allowing persons who wish to refrain from gambling activities licensed by the Nebraska Racing & Gaming Commission (“the Commission”), to notify the Commission that they will accept responsibility for refraining from engaging in gambling activities offered by Authorized Gaming Operators. Each person seeking placement in the Self-Exclusion Program acknowledges that it is his or her responsibility to refrain from engaging in gambling activities under the jurisdiction of the Commission.
2. An application for placement on the Self-Exclusion List may only be accepted, and an intake performed, by a designated agent approved by the Commission.
3. Failure to provide any information or to execute any forms deemed necessary by the Commission may result in a denial of a request for placement in the Self-Exclusion Program.
4. Self-Exclusion List application forms will include a request to waive the liability of the Commission and its agents, Commission Licensees and their agents, the State of Nebraska and any person licensed pursuant to the Act, or other such persons as deemed necessary by the Commission, for any damages that may arise out of any act or omission related to placement in the Self-Exclusion Program.
5. A designated agent may not sign an application if (a) any required information is not provided or (b) they are of the belief that the applicant is not capable of understanding the responsibilities and consequences of being placed on the Self- Exclusion List.
6. The designated agent will forward the signed application for Self-Exclusion to the Commission within forty-eight (48) hours of completion in a manner directed by the Commission.
7. Upon receipt of an application, the Commission, or its designee, will review it for completeness. If the application meets all requirements of this chapter, the application will be approved, and the individual’s name will be added to the Self-Exclusion List.
8. If the Authorized Gaming Operator utilizes an internal management system to track individuals on the Self-Exclusion List, they will update that system at least every seventy-two (72) hours with names of individuals being added or removed from the Self-Exclusion List.
9. The Executive Director will determine the information and forms to be required of a person seeking placement on the Self- Exclusion List. Such information will include, but not be limited to, the following:
  - a. Name, home address, email address, telephone number, date of birth, and Social Security number of the applicant;
  - b. A passport-style photo of the applicant;
  - c. A statement from the applicant that one or more of the following apply:
    - i. They identify as a “problem gambler,” meaning an individual who believes their gambling behavior is currently, or may in the future without intervention, cause problems in their life or on the lives of their family, friends, or co-workers;
    - ii. They feel that their gambling behavior is currently causing problems in their life or may, without intervention, cause problems in their life; or

- iii. there is some other reason why they wish to add their name to the Self-Exclusion List.
  - d. Election of the duration of the exclusion;
  - e. An acknowledgment by the applicant that the individual will not be participating in gambling regulated under the jurisdiction of the Commission and that it is their sole responsibility to refrain from doing so;
  - f. An acknowledgment by the applicant that the applicant will not collect any winnings or recover any losses resulting from any gambling activity under the jurisdiction of the Commission for the duration of the exclusion period;
  - g. An acknowledgment by the applicant that the individual will forfeit all rewards or points earned or accumulated through any player reward or another promotional program they engage in gaming while on the Self- Exclusion List;
  - h. An offer by the Commission or the designated agent completing the self- exclusion application to assist the applicant to access information about gambling disorders, self-guided help or counseling;
  - i. An acknowledgment of understanding by the applicant that by placing their name on the Self- Exclusion List, the prohibitions identified in this Chapter apply to all gambling activities under the jurisdiction of the Commission or its Licensees or affiliates, whether within the State of Nebraska or another jurisdiction, and that the Commission may share the Self-Exclusion List with other domestic or international gaming jurisdictions resulting in placement on those lists;
  - j. An acknowledgment by the applicant that the individual is submitting the application freely, knowingly, and voluntarily;
  - k. A statement that the individual is not under the influence of a substance or suffering from a mental health condition that would impair their ability to make an informed decision;
  - l. An acknowledgment by the applicant that if they knowingly violate their agreement to refrain participating in any gambling activity offered by the Commission or its Licensees or affiliates during the exclusion period, the applicant will notify the Commission of such violation within twenty-four (24) hours of such gambling activity; and releasing the State of Nebraska, the Commission and all affiliated employees, entities and persons licensed by the Commission and their affiliates, from any claims associated with their breach of the agreement;
  - m. An acknowledgement that the applicant wishes to be placed on the Self- Exclusion List, that the Commission is specifically authorized and requested to release all contents of the person's application to persons who, in the sole discretion of the Commission, are necessary to implement the policies and procedures contained in this chapter. Such persons will be subject to terms of confidentiality prescribed by the Commission, which will be contained in the application. Such persons will include, but not be limited to the following:
    - i. Employees or contractors of the Commission involved in the administration, supervision or activities related to the administration or supervision of this chapter;
    - ii. Licensees of the Commission or their affiliates, agents and employees;
    - iii. Designated agents; and
    - iv. Enforcement personnel involved in the administration, supervision or investigation of activities contained in this chapter.
  - n. An acknowledgment by the applicant that once their name is placed on the Self-Exclusion List, they may be refused entry or ejected from areas specifically devoted to of gambling under the jurisdiction of the Commission by a person licensed by the Commission, an agent of the Commission, or law enforcement personnel.
10. As part of the request for self-exclusion, the individual must select the duration for which they wish to be excluded. An individual may select any of the following time periods as a minimum length of exclusion: One

(1) year; Three (3) years; Five (5) years; or Lifetime (an individual may only select the lifetime duration if their name has previously appeared on the Self-Exclusion List for at least six (6) months).

11. An individual on the Self-Exclusion List may not apply to decrease the duration of exclusion. An individual who is on the Self-Exclusion List may submit a request to increase the minimum length of exclusion.
12. Upon expiration of the selected duration of exclusion, individuals may request that their name be removed from the Self-Exclusion List or petition for exclusion for a new duration. Individuals will remain on the self-Exclusion List after the expiration of the selected duration of exclusion until such time as they submit a petition for removal, and it is approved by the Commission or its designee.
13. Upon approval of a petition for removal from the Self-Exclusion List, a written notice of removal from the Self-Exclusion List will be forwarded by the Commission, or its designee, to each gaming Licensee and to the petitioner. Notice may be forwarded to the petitioner by email or first-class mail to the email address or home address provided by the petitioner in the petition. The petitioner will be deemed to be removed from the Self-Exclusion List when the notice is sent by the Commission or its designee.
14. If a petitioner does not meet the eligibility requirements for removal from the Self-Exclusion List, the petition will be denied until the petitioner completes the exit session. The petitioner will be notified of the denial by email or first-class mail to the email address or home address provided by the petitioner in the petition. In the event of a denial of a petition, the individual will remain on the Self-Exclusion List until such time as the eligibility requirements have been satisfied.
15. An individual whose name has been removed from the Self-Exclusion List may reapply for placement on the Self-Exclusion List at any time by submitting an application in accordance with this Chapter.
16. The Commission will maintain an up-to-date database of the Self-Exclusion List. Licensees designated by the Commission will be afforded access to the Self-Exclusion List. The Self-Exclusion List may only be accessed by individuals authorized in accordance with the Licensee's approved system of internal controls. All information contained in approved applications for exclusion may be disclosed to a designated Licensee.
17. Any person placed on the Self-Exclusion List pursuant to this chapter is deemed ineligible to place a wager at any Gaming Facility under the jurisdiction of the Commission. Persons on the Self-Exclusion List will not be entitled to recover losses resulting from their gambling activity since the wager was void from its beginning.
18. Authorized Gaming Operators will have the following responsibilities relative to the administration of the Self-Exclusion Program:
  - a. Once aware that a person who is on the Self-Exclusion List is on Premises, the Authorized Gaming Operator will refuse such person entry to or eject such person from the Gaming Facility;
  - b. To refuse to accept a wager or to allow the purchase of any gambling product approved by the Commission to any individual that the Authorized Gaming Operator has identified as being on the Self-Exclusion List or a person such Authorized Gaming Operator suspects of being on the Self-Exclusion List;
  - c. To promptly notify the Commission, or its designee, if an individual on the Self- Exclusion List attempts to place or is discovered to have placed, or attempted to place, a wager or otherwise engage in gaming activity under the jurisdiction of the Commission;
  - d. Remove self-excluded persons from player loyalty or reward card programs and targeted print, online or other forms of advertising or promotions;

- e. Refrain from marketing to individuals on the Self-Exclusion List;
- f. Deny access to complimentary services or items, check cashing privileges, player reward programs, and other similar benefits to persons on the Self- Exclusion List;
- g. Deny a person identified to be on the Self-Exclusion List from any winnings derived from gambling. Winnings derived from gambling will include, but not be limited to, such things as proceeds derived from any gambling product approved by the Commission. Where reasonably possible, the Licensee or retailer will withhold from the individual in a lawful manner or will refuse to pay any such winnings derived from gambling or any money or thing of value that the individual has converted or attempted to convert into a gambling instrument whether actually wagered or not. A wagering instrument will include, but not be limited to, tickets, vouchers, prizes, non- complimentary pay vouchers, electronic credits on a gaming device or any other implement of value representing a prize won from gambling. Upon withholding or refusing to pay an individual on the Self- Exclusion List, the Licensee or retailer will promptly notify the Commission. The monetary value of the withheld winnings and wagering instrument will be forfeited to the Commission within forty-five (45) days;
  - i. If an individual on the Self-Exclusion List wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the Commission within fifteen (15) business days of the date of the forfeiture. The request will identify the reason why the winnings or things of value should not be forfeited. A hearing will be conducted to determine whether the subject funds were properly forfeited in accordance with this Chapter;
  - ii. In cooperation with the Commission, and where reasonably possible, the Authorized Gaming Operator will determine the amount wagered and lost by an individual who is prohibited from gambling. The monetary value of the losses will be forfeited to the Commission within forty-five (45) days.

19. Authorized Gaming Operator Licensees will submit a written policy for compliance with the Self-Exclusion Program for Commission approval with its license application. The Commission will review the plan for compliance with this chapter. If approved, the plan will be implemented and followed by the Licensee.

20. Programs and policies created by this Chapter are intended to prevent problem gambling, treat problem gamblers and promote responsible gaming. The sole remedy for failure to comply with this chapter will be disciplinary actions imposed by the Commission. The Commission, its Licensees, or employees thereof will not be liable for damages in any civil action, based on compliance or noncompliance with this chapter or a plan adopted pursuant to this chapter; an action or failure to take action under this chapter or a plan adopted under this chapter; failure to withhold gambling privileges from an individual; or permitting an individual to gamble.