



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 21, 2021

TIME: 9:37 AM

WSR 21-22-005

Agency: Washington State Gambling Commission

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 19-21-133 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) **NEW:** WAC 230-23-001- Purpose; WAC 230-23-005- Definitions; WAC 230-23-010- Request for self-exclusion; WAC 230-23-015- Period of enrollment; WAC 230-23-020- Voluntary self-exclusion; WAC 230-23-025- Disclosure of self-exclusion information; WAC 230-23-030- Licensee responsibilities; WAC 230-23-035- Sharing the self-exclusion list; WAC 230-23-040- Annual reporting.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
December 7, 2021	9:00 am	Washington State Gambling Commission 4565 7 th Ave SE Lacey, WA 98503	The meeting time and location will be posted approximately one week prior to the meeting on our website at www.wsgc.wa.gov . Select "The Commission" and then select "Public Meetings" to confirm the hearing date, location, start time, and agenda items.

Date of intended adoption: December 7, 2021 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Ashlie Laydon

Address: PO Box 42400, Olympia, WA 98504-2400

Email: rules.coordinator@wsgc.wa.gov

Fax:

Other: www.wsgc.wa.gov

By (date) November 29, 2021

Assistance for persons with disabilities:

Contact Julie Anderson

Phone: (360) 486-3453

Fax:

TTY: (360) 486-3637

Email: julie.anderson@wsgc.wa.gov

Other: www.wsgc.wa.gov

By (date) November 29, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Gambling Commission has been directed by the legislature through Substitute House Bill 1302 to adopt rules to establish a statewide self-exclusion program. The Gambling Commission has discretion in establishing the scope, process, and requirements of the program, however the program must: 1) allow persons to voluntarily exclude themselves from gambling at authorized gambling establishments that offer house-banked social card games and 2) any individual registered with the self-exclusion program is prohibited from participating in gambling activities associated with this program and forfeits all moneys and things of value obtained by the individual or owed to the individual by an authorized gambling establishment as a result of prohibited wagers or gambling activities. The Gambling Commission may adopt rules for forfeiture of any moneys or things of value,

including wagers, obtained by an authorized gambling establishment while an individual is registered with the self-exclusion program.

Reasons supporting proposal: Individuals and families impacted by a gambling problem or gambling disorder will benefit from the availability of a uniform self-exclusion program where people may voluntarily exclude themselves from gambling at multiple gambling establishments by submitting one self-exclusion form to the state from one location for all gambling activities.

Statutory authority for adoption: RCW 9.46.070; RCW 9.46.071

Statute being implemented: RCW 9.46.070

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Washington State Gambling Commission

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Adam Teal, LLM	4565 7 th Ave SE, Lacey WA 98503	(360) 486-3475
Implementation:	Tina Griffin, Interim Director	4565 7 th Ave SE, Lacey, WA 98503	(360) 486-3546
Enforcement: Director	Gary Drumheller, Assistant	4565 7 th Ave SE, Lacey, WA 98503	(509) 325-7904

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:

TTY:
Email:
Other:

No: Please explain: A cost-benefit analysis is not required per RCW 34.05.328(5)(a)(i).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. A small business economic impact statement was completed on August 6, 2021. Implementation of this new chapter, chapter 230-23 WAC, self-exclusion rules, is not anticipated to impose more than minor costs on house-banked card room licensees. Initial costs will likely be higher as licensees will be required to notify individuals already enrolled in operator-level programs, develop procedures for implementation, and train staff. Monthly costs of implementation are expected to be relatively low and will depend on how many individuals enroll in the program. Initial and monthly costs will vary between licensees depending on location, clientele, and staffing structure. Minor cost threshold was determined to be between \$10,126.91 and \$33,690.22. Initial costs are estimated to be \$6,969.46 with a monthly implementation cost of \$1,693.49.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: October 15, 2021

Name: Ashlie Laydon

Title: Rules Coordinator

Signature:

