

112-112-8. Facility manager conduct regarding self-excluded persons. (a) Each facility manager, including its agents and employees, that identifies a person at the facility manager's location who is suspected of being on the self-exclusion list shall at that time notify or cause to notify the commission agent on duty or the facility manager's senior security officer on duty. Once it is confirmed that the person is on the self-exclusion list and at the facility manager's location, the facility manager shall perform the following:

(1) Remove the self-excluded person from the gaming facility, parimutuel licensee location, or fair meet; and

(2) cooperate with the commission agent on duty with respect to any further actions or investigations.

(b) Each facility manager shall have 30 days from the effective date of this regulation to submit a list of internal controls, which shall be subject to approval by the commission. This list shall specify the following:

(1) The facility manager's plan for removing those persons on the self-exclusion list from mailing lists advertising the facility manager's Kansas operation, including marketing offers, slot club programs, VIP member programs, telemarketing programs, and other marketing promotions. However, this paragraph shall not be construed to prohibit mass mailings to "Resident"; and

(2) the facility manager's plan for denying access by persons on the self-exclusion list to the following:

- (A) Check cashing, bank machine, and cash advance privileges;
- (B) special club programs, including slot clubs and VIP cards; and
- (C) the issuance of credit, if applicable.

(c) Any facility manager and its agents or employees may be disciplined by the commission if any of the following conditions is met:

(1) It can be shown by a preponderance of the evidence that the facility manager or its employees or agents knew or should have known that a person on the self-exclusion list was present at the facility manager's location and the facility manager failed to follow the procedures required by these regulations.

(2) The facility manager or its employees or agents failed to follow procedures for complying with the regulations relating to self-exclusion.

(3) The facility manager reveals any information regarding self-exclusion that is considered a closed record under these regulations to any party not permitted under this act or these regulations. (Authorized by K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8804; implementing K.S.A. 2007 Supp. 74-8751, 74-8772 and K.S.A. 74-8825; effective Sept. 26, 2008.)