

Kansas Regulations

Voluntary Exclusion Program

112-112-4. Self-exclusion list. (a) A “self-exclusion list” shall consist of the names of those persons who have complied with the requirements of this article and have been placed on the list by the executive director. The self-exclusion list shall provide the means for each individual with issues related to gaming to formally notify the commission that the individual has a gaming problem and that the individual will refrain from visiting gaming facilities, parimutuel licensee locations, and fair association race meets in Kansas.

(b) Each facility manager shall be notified by the executive director of the placement of any person on the self-exclusion list. Any or all information contained on the person’s application may be disclosed to each facility manager and the facility manager’s agents or employees by the executive director. (Authorized by K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8804; implementing K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8825; effective Sept. 26, 2008.)

112-112-5. Requirements for placement on the self-exclusion list. (a) Any person may seek placement on the self-exclusion list by performing the following:

- (1) Requesting an application in person from commission staff at any gaming facility, parimutuel licensee location, or fair association race meet or at the commission’s Topeka office during regular business hours; and
- (2) completing and executing the application with a commission staff person.

(b) If the person is unable to appear in person at a gaming facility, parimutuel licensee location, or fair association race meet or at the Topeka office, the person may contact the commission’s Topeka office during regular business hours so that other arrangements can be made.

(c) Each completed application shall be a closed record pursuant to K.S.A. 45-221(a)(30) and amendments thereto.

(d)(1) Each application shall contain a statement that the applicant will refrain from visiting gaming facilities, parimutuel licensee locations, and fair association race meets in Kansas. Each person seeking placement on the self-exclusion list shall also acknowledge on the application that by being placed on the list, that person may be subject to a charge of trespass pursuant to K.S.A. 21-3721, and amendments thereto, if that person is discovered at a gaming facility, parimutuel licensee location, or fair association race meet by any agent or employee of the commission or by facility manager staff.

(2) The applicant shall acknowledge that the applicant’s request to be placed on the self-exclusion list could result in being denied service or access to gaming and entertainment facilities in other jurisdictions. Furthermore, the applicant shall acknowledge that the commission and all facility managers will prohibit the applicant from entering the premises of all gaming facilities, parimutuel licensee locations, and fair association race meets.

(e)(1) As a part of the application, each applicant shall agree that facility

managers and their employees have the right to communicate information in the application to entities affiliated with the facility manager that have a need to know the information for the purpose of complying with this article.

(2) Each facility manager shall be responsible for maintaining the confidentiality of the information provided in the application and shall use the information exclusively to deny persons on the self-exclusion list access to facilities under the control of the facility manager and its affiliates.

(f) An applicant's failure to provide any information or to complete any forms provided by the commission may result in a denial of a request for placement on the self-exclusion list.

(g) Self-exclusion list application forms shall include at a minimum a waiver of liability of the commission and its agents, the Kansas lottery and its agents, the state of Kansas, any person licensed pursuant to the Kansas expanded lottery act or parimutuel racing act, and any other person deemed necessary by the commission for any claims or damages that arise out of or relate to the self-exclusion list or its use.

(h) Upon an applicant's submission of a completed self-exclusion list application, a notice of placement on the self-exclusion list may be filed by the executive director. Each notice of placement shall be a closed record pursuant to K.S.A. 45-221(a)(30) and amendments thereto, except that the application and notice may be disclosed to facility managers and their agents, employees, and affiliates who have a need to know the information for the purpose of complying with this article.

(i) A copy of the notice of placement on the self-exclusion list shall be delivered by the executive director to the applicant by regular U.S. mail to the home address specified on the application. The applicant shall be deemed to be placed on the self-exclusion

list when that person submits the application to the executive director for placement on the self-exclusion list, not at the time the notice is delivered to the applicant.

(j) If the executive director finds that an applicant does not qualify for placement on the self-exclusion list or that the applicant should be allowed to withdraw the application, the applicant shall be notified by the executive director by regular U.S. mail sent to the home address specified on the application. (Authorized by K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8804; implementing K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8825; effective Sept. 26, 2008.)

112-112-6. Mandatory surrenders to the state. Each person who has been placed on the self-exclusion list shall surrender to the commission all prizes, jackpots, chips or tokens in play, pay vouchers, coupons, and electronic credits obtained at a facility manager's location after the person's placement on the self-exclusion list. The items surrendered to the commission shall be liquidated or redeemed and shall be transferred to the state's problem gambling and addictions fund. (Authorized by K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8804; implementing K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8825; effective Sept. 26, 2008.)

112-112-7. Confidentiality of the self-exclusion list. (a)(1) As part of the responsible

gaming plan required by K.A.R. 112-112-3(a), each facility manager or applicant for a facility manager certificate shall submit to the commission a plan for maintaining the confidentiality of the information regarding the persons on the self-exclusion list. The plan shall reasonably safeguard the confidentiality of the information but shall include dissemination of the information to at least the general manager, facility management, and all security and surveillance personnel. Each plan shall be submitted to the commission for approval.

(2) All information disclosed to any facility manager regarding anyone placed on the self-exclusion list shall be deemed a closed record pursuant to K.S.A. 45-221(a)(30) and amendments thereto. However, the information may be disclosed as authorized by the individual seeking placement on the list, by law, and through the provisions in this article.

(b) Any facility manager may disclose the information contained in the application to the facility manager's affiliates, employees, or agents to the extent necessary under this article.

(c) All information associated with the self-exclusion list, including the identities of individuals who have placed themselves on the list and any personal information about those individuals, shall be considered a closed record under the Kansas open records act pursuant to K.S.A. 45-221(a)(30) and amendments thereto.

(d) For administrative, disciplinary, or penalty proceedings regarding any alleged infraction by an individual on the self-exclusion list, the individual who is on the selfexclusion

list shall not be named. An alternate means of identification shall be used to keep that individual's identity confidential. (Authorized by K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8804; implementing K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8825; effective Sept. 26, 2008.)

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 selfexclusion

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.)

112-112-9. Procedure for removal from the self-exclusion list. (a) At any time after two years from the original date of application for placement on the self-exclusion list, any person on the self-exclusion list may petition the executive director for removal from the self-exclusion list. The authority to approve or deny each petition shall rest with the executive director. To be eligible for removal from the self-exclusion list, each person shall provide documentation acceptable to the commission that the applicant has met all of the following conditions:

(1) The person has undergone a problem gambling assessment with a compulsive gambling counselor certified by the Kansas department of social and rehabilitation services or through any other method approved by the commission.

(2) The person has completed a commission-approved education program on healthy lifestyle choices and problem gambling awareness.

(3) The person has met any other requirements deemed necessary by the commission.

(4) The person has executed an authorization and release to be removed from the self-exclusion list on a form provided by the commission.

(b) Each facility manager shall retain the ability to deny gambling privileges at a gaming facility, parimutuel licensee location, or fair association race meet to the persons who have been removed from the self-exclusion list for any other reason ordinarily available to the facility manager.

(c) Any person who has been removed from the self-exclusion list may reapply for placement on the list at any time as provided in this article.

(d) Upon approval of a petition for removal from the self-exclusion list, a notice of removal from the self-exclusion list shall be drafted by the executive director. Each notice shall be a closed record pursuant to the Kansas open records act, including K.S.A. 45-221(a)(30) and amendments thereto, except that the notice shall be disclosed to all

facility managers and their agents and employees.

(e) A copy of the notice of removal from the self-exclusion list shall be delivered by the executive director to the petitioner by regular U.S. mail to the home address specified on the petition. The petitioner shall be deemed to be removed from the selfexclusion

list when the executive director mails the approved notice to the petitioner.

(f) If the executive director finds that a petitioner does not qualify for removal from the self-exclusion list, the petitioner shall be notified by the executive director by regular U.S. mail, using the home address specified on the petition. The petitioner shall remain on the self-exclusion list pursuant to this article. (Authorized by K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8804; implementing K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8825; effective Sept. 26, 2008.)

Kansas Voluntary Self-Exclusion Program

If you find yourself gambling too much, or it no longer feels like a game, signing up for the Voluntary Self-Exclusion Program (VEP) can be a first step in taking control of your gambling. With the VEP, that courageous step can be the defining moment in regaining control of your life.

How does the program work?

Participants in the VEP agree to refrain from entering any state-owned casino in Kansas.

A person must complete the request form of their own free will and cannot be under the influence of any alcoholic beverages, controlled substance or prescription medication.

Information about participants in the program is strictly confidential and will only be released to casino security for the purpose of enforcement.

Participants may elect to self-exclude for two-years or a lifetime. Once a time period is selected, it may be increased but not decreased. Once the time period chosen has concluded, a participant may be removed from the list by making a request to the Kansas Racing and Gaming Commission.

VEP participants will be removed from the marketing list of each casino and will not be eligible for promotions, credit or casino comps.

VEP participants found to be in a state-owned casino in Kansas will be asked to leave and could be subject to arrest for criminal trespassing.

If it is discovered that a VEP participant has won a jackpot, it will be confiscated and sent to the problem gambling and addiction fund.

Casinos may elect to permanently ban VEP participants from their property.

How do I sign up?

Individuals interested in participating in the program may do so at any casino by approaching a uniformed security officer or KRGC agent and informing them that you are interested in the VEP, or you may do so at the Kansas Racing and Gaming Commission in Topeka by calling **785.296.5800**.