

## **The Gambling (Gambling and Betting) Control Act, 2015**

### **REGULATIONS**

Made by the Minister under section 95 of the Gambling (Gambling and Betting) Control Act, 2015

#### **The Gambling (Gambling and Betting) Control (Responsible Gambling) Regulations, 2015**

##### **PART ONE – PRELIMINARY**

Citation 1. These regulations may be cited as the Gambling (Gambling and Betting) Control (Responsible Gambling) Regulations, 2015.

Purpose This rule creates the framework for a voluntary self-exclusion program for problem gamblers, providing them with a formal process for acknowledging that they have, or believe they may soon have, a gambling problem and agreeing to take personal responsibility for it. Placement of one's name on the voluntary self-exclusion list is intended to offer individuals one means to help address problem gambling behavior or deter an individual with family, religious, or other personal concerns from entering the Gambling area of a Gambling establishment or any area in which Gambling is conducted in Trinidad and Tobago.

For purposes of this chapter, the term 'problem gambler' shall mean 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 the their family, friends, and/or co-workers.

While gambling facility operators and their employees are not responsible for preventing self-excluders from entering a gambling facility, they do have an obligation to eject any person they identify as a self-excluder as soon as they become aware that the person is on the List of Self-Excluded Persons. Furthermore, gambling facility operators and their employees must refrain from enticing them to a casino with marketing material directed at self-excluders and shall not allow them to join players clubs or cash checks. Related rules will explain other features of the self-exclusion program that are designed to encourage treatment, promote prevention and/or harm minimization measures, and assist in the recovery process.

Interpretation 2 In these Regulations,

“the Act” means the Gambling (Gambling and Betting Control) Act, 2015;

“Chief Executive Officer” means the person appointed by the Commission to manage the affairs of the Commission;

“the Commission” means the Trinidad and Tobago Gambling Control Commission;

“Gambling facility” means any premises where Gambling is conducted pursuant to a licence issued by the Commission;

“problem gambler” means 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 the their family, friends, and/or co-workers.

## **PART TWO – OFFICE OF RESPONSIBLE GAMBLING**

Office Created

3. The “Office of Responsible Gambling” is hereby created within the Trinidad and Tobago Gambling Control Commission. The Chief Executive Officer shall appoint a staff person to direct the Office of Responsible Gambling, who shall be responsible for administering all of the Commission’s programs to assist problem gamblers and to prevent problem gambling. In addition, the Office of Responsible Gambling will coordinate resources to maximize efficiency and effectiveness of the programs of other government agencies and private organizations that devote resources to assisting problem gamblers and prevent problem gambling.

## **PART THREE – RESPONSIBLE GAMBLING PLAN REQUIREMENTS**

RG Plan

4. Each applicant for a Gambling Operators licence, Bookmakers licence, Promoters licence, Gambling Machine Operating licence or other licence as determined by the Commission shall submit a Responsible Gambling Plan to the Commission at the time of first application. The licence applicant’s Responsible Gambling Plan must be approved by the Commission prior to the issuance of a licence and shall include, but not be limited to, the following:

- (A) The goals of the plan and procedures and deadlines for implementation of the plan.
- (B) The identification of the individual who will be responsible for the implementation and maintenance of the plan.
- (C) Procedures for compliance with the Commission’s Self-Exclusion program set forth in this chapter.
- (D) Procedures for compliance with the Commission’s Self Transaction Exclusion Program.
- (E) The applicant’s plans for creating and disseminating promotional material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families. The applicant shall provide examples of the materials to be used as part of its plan, including signs, brochures and other material and a description of how the material will be disseminated.
- (F) Details of the applicant’s plan for responsible Gambling training for its employees.
- (G) The duties and responsibilities of the key employees and gambling employees designated to implement or participate in the plan.
- (H) Procedures to prevent underage gambling.
- (I) Procedures to prevent intoxicated patrons from gambling.

- (J) Procedures to allow patrons to block their bank card(s), credit card(s) or other instruments of value as prescribed by the Commission from being used at automated teller or other banking/cash machines located on or adjacent to the Gambling Facility.
- (K) An estimation of the cost of development, implementation and administration of the plan.
- (L) Other policies and procedures to prevent problem gambling and encourage responsible gambling.

5. The Commission may provide the plans submitted by the licencees to the Ministry of Social Development and Family Services or the Division of Health and Social Services for evaluation. The Ministry of Social Development and Family Services or the Division of Health and Social Services may provide comments and recommendations to the Commission relating to the plan.

6. Gambling Facility licencees shall submit amendments to the compulsive and problem gambling plan to the Commission for review and approval prior to the implementation of the amendments. Gambling facility licencees shall report semi-annually to the Commission on the activities relating to the plan.

#### **PART FOUR – SELF-EXCLUSION PROGRAM**

Program Created

7. There is hereby created a “List of Self-Excluded Persons” (hereinafter referred to as the Self-Exclusion List) which shall consist of those persons who have complied with the provisions of this chapter and have been placed on such list by the Chief Executive Officer. The Self-Exclusion List is established for the purpose of allowing problem gamblers to notify the Commission formally that they have a gambling problem and will refrain from visiting Gambling Facilities in Trinidad and Tobago. Each person seeking placement on the Self-Exclusion List acknowledges that it is his or her responsibility to refrain from visiting Gambling Facilities in Trinidad and Tobago. Persons seeking placement on the Self-Exclusion List also shall acknowledge their understanding that by being placed on the list they shall have a criminal complaint filed against them for trespassing if they are discovered in a Gambling Facility by agents or employees of the Commission or any Gambling facility licencee.

Application

8. An individual may request to have their name placed on the voluntary self-exclusion list by completing the application and procedure outlined in forms approved by the Commission and shall be available on the Commission’s website and at designated locations on and off the premises of the Gambling Facilities as determined by the Commission.

9. An application for placement on the voluntary self-exclusion list may only be accepted, and an intake performed, by a designated agent. An individual may only become a designated agent by successfully completing a course of training approved and administered by the Commission or its designee. The course of training shall include, at a minimum, instruction on completion of the application, information relative to problem gambling and available resources, and an understanding of this Chapter and the procedures approved by the Commission to administer this Chapter. A designated agent must be a licensed, certified, or registered health or mental health professional or employee thereof, or an employee of the Commission, a Gambling licencee, or other

entity approved by the Commission. The Commission may refuse to offer training to any individual whose service as a designated agent it determines would be contrary to the aims of this Chapter.

10. The application for voluntary self-exclusion shall require provision of, at a minimum, the following content:

(A) Name, home address, email address, telephone number, date of birth, and identification number of the applicant;

(B) A passport style photo of the applicant without headwear;

(C) A statement from the applicant that one or more of the following apply:

(1) they identify as a problem gambler as defined in this Chapter;

(2) they feel that their gambling behavior is currently causing problems in their life or may, without intervention, cause problems in their life; or

(3) there is some other reason why they wish to add their name to the list.

(D) Election of the duration of the exclusion in accordance with Section 23 of this Part ;

(E) An acknowledgement by the applicant that the individual will not enter the Gambling area of a Gambling facility or any area in which Gambling is conducted for the duration of the exclusion period, except as provided by Section 19 of this Part, and that it is their sole responsibility to refrain from doing so;

(F) An acknowledgment by the applicant that the individual shall not collect any winnings or recover any losses resulting from any Gambling activity at a Gambling establishment for the duration of the exclusion period;

(G) An acknowledgement by the applicant that he or she will forfeit all rewards or points earned through a player reward card program;

(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 services with a clinician approved by the Ministry of Social Development and Family Services or the Division of Health and Social Service;

(I) An acknowledgment of understanding by the applicant that by placing their name on the voluntary self-exclusion list, the prohibitions associated with self-exclusion apply to all Gambling establishments licenced by the Commission and any affiliates of the Gambling licensee, whether within Trinidad and Tobago or another jurisdiction;

(J) An acknowledgment by the applicant that he or she 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 acknowledgement by the applicant that if they violate their agreement to refrain from entering a Gambling area of a gambling facility during the exclusion period, the applicant shall notify the Commission of such violation within 24 hours of their presence within the Gambling area of the gambling facility;

(M) A waiver of liability that must be signed by the applicant to releasing the Commission and its agents, the Government of Trinidad and Tobago and any person licensed pursuant to the Act, or other such persons as deemed necessary by the Commission from all liability for any damages that may arise out of any act or omission related to placement on the Self-Exclusion; and

(N) An acknowledgement by the applicant that once their name is placed on the self-exclusion list they may be refused entry and/or ejected from the Gambling area of a gambling facility by the Gambling licensee, an agent of the Commission, or law enforcement personnel.

11. Prior to being placed on the list, the applicant for voluntary self-exclusion shall acknowledge that gambling facility licencees have the right to communicate information in the application to Gambling operations in other jurisdictions that are affiliated with the licencee. The licencee is responsible for maintaining the confidentiality of the information and it shall use the information provided in the application exclusively for the purpose of denying persons on the Voluntary Self-Exclusion List service to Gambling facilities under the control of its affiliates.

Submission

12. Upon submission of an application, a designated agent shall review with the applicant the contents and statements contained in the application. If the application is complete, the designated agent shall sign the application indicating that the review has been performed and the application has been accepted.

13. 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 voluntary self-exclusion list.

14. The designated agent shall forward the signed application for voluntary self-exclusion to the Commission within 48 hours of completion in a manner directed by the Commission.

Review

15. Upon receipt of an application, the Commission, or its designee, shall review it for completeness. If the application meets all requirements of the Act and this Chapter, the application shall be approved and the individual's name shall be added to the voluntary self-exclusion list. If the application is incomplete, the Commission, or its designee, may deny the application and make efforts to contact the applicant advising them of the specific reason for denial.

16. If the Gambling licencee utilizes an internal management system to track individuals on the self-exclusion list, they shall update that system at least every 72 hours with names of individuals being added or removed from the self-exclusion list. Manual systems must be updated within 24 hours of receiving the information.

Compacts

17. The Commission, or its designee, shall add to the list of voluntarily self-excluded persons the name of any individual provided from a Gambling jurisdiction outside of Trinidad and Tobago, with which the Commission has entered into an inter-jurisdictional contract, upon a determination that the individual voluntarily requested that their name be added to the list of the referring jurisdiction and that they were notified, either directly or by operation of law, that their name may be placed on similar lists in other jurisdictions.

18. If the applicant has elected to access treatment, prevention or other mental health or social services, the Commission, or its designee, shall contact the designated coordinating organization for the provision of requested services.

19. An individual whose name is placed on the voluntary self-exclusion list shall be prohibited from entering the Gambling area of a gambling facility or any area in which wagers are placed for the duration of the exclusion period, and shall not collect any winnings or recover any losses resulting from any Gambling activity at a Gambling establishment. Provided, however, that an employee of a Gambling licensee or vendor

who is licensed or registered as a key Gambling employee, Gambling employee, or Gambling service employee in accordance with the Commission's rules and who is on the voluntary self-exclusion list may be in the Gambling area of a gambling facility or an area in which wagers are placed solely for purposes of performing their job functions.

Confidentiality

20. The Self-Exclusion List is exempt from disclosure under the Freedom of Information Act, Chap22:02 and shall not be publicly disclosed by any licensee.

21. The Chief Executive Officer shall notify each Gambling facility licensee of the placement of any person on the Self-Exclusion List and may disclose to the Gambling facility licensees and any of its agents or employees any or all information contained on the person's application.

22. Each Gambling facility licensee shall submit to the Commission a plan for the dissemination of the information regarding persons on the Self-Exclusion List. The plan shall be designed to safeguard, as best as is reasonably possible, the confidentiality of the information but shall include dissemination to at least the following staff positions or their functional equivalent: (a) general manager, (b) Gambling floor manager, and (c) all security and surveillance personnel. The plan must be approved by the Commission. All information disclosed to any Gambling facility licensee regarding anyone placed on the Self-Exclusion List shall be deemed a closed record; however, the information may be disclosed as authorized by the individual seeking placement on the list, by law and through the provisions contained in this Chapter.

23. Gambling facility licensees may disclose the information contained in the application to its affiliates as defined in subsection (A) of this section, or agents of such affiliates provided that such disclosure is used solely for the purpose of allowing the affiliate or agent of the affiliate to determine whether to deny a person on the Self-Exclusion List access to areas where gambling games are played or areas adjacent to or controlled by persons operating gambling games. All such disclosures must be made in accordance with procedures approved by the Commission. Such information shall not be used to deny a person on the Self-Exclusion List services that are not associated with gambling games such as restaurant service, hotel service or other non-Gambling amenities unless the denial of service is necessary to deny access to a Gambling area.

(A) For the purposes of this Chapter, "Affiliate" means: The holding company, as defined by the Commission, or any person sharing a holding company in common with a Gambling licensee, provided that the affiliate is in the business of operating gambling games.

Responsibilities  
of Licensees

24. As part of the request for voluntary self-exclusion, the individual must select the duration for which they wish to be voluntarily excluded. An individual may select any of the following time periods as a minimum length of exclusion:

(A) Six months;

(B) One year;

(C) Three years;

(D) Five years; or

(E) Lifetime (An individual may only select the lifetime duration if their name has previously appeared on the voluntary self-exclusion list for at least six months.)

25. An individual on the voluntary self-exclusion list may not apply to decrease the duration of exclusion. An individual who is on the list may submit a request to increase the minimum length of exclusion.
26. Upon expiration of the selected duration of exclusion, individuals may request that their name be removed from the list or petition for exclusion for a new duration. Individuals shall remain on the list after the expiration of the selected duration of exclusion until such time as they submit a petition for removal in accordance with this Chapter and it is approved by the Commission or its designee.
27. At any time after the expiration of the selected duration of exclusion, an individual may request that their name be removed from the voluntary self-exclusion list by submitting a petition for removal on a form approved by the Commission. The petition shall include confirmation from a designated agent that the individual completed an exit session in accordance with Section 29 of this Part. Any petition for removal received by the Commission prior to the expiration of the duration of the selected exclusion period shall be denied.
28. The Commission shall approve a completed petition for removal. An individual who has selected a lifetime duration may not submit a petition for removal of their name from the list. An incomplete application, including one that fails to demonstrate completion of an exit session in accordance with Section 29 of this Part, shall be denied until such time as the application is completed.
29. To be eligible for removal from the voluntary self-exclusion list the petitioner shall participate in an exit session with a designated agent. The exit session shall include a review of the risks and responsibilities of gambling, budget setting and a review of problem gambling resources should the petitioner wish to seek them. Upon completion of the exit session the designated agent shall sign the individual's petition for removal from the list attesting to the fact that the exit session was conducted.
30. Upon approval of a petition for removal from the voluntary self-exclusion list, a written notice of removal from the list shall be forwarded by the Commission, or its designee, to each Gambling 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 shall be deemed to be removed from the voluntary self-exclusion list when the notice is sent by the Commission or its designee.
31. If a petitioner does not meet the eligibility requirements for removal from the list provided in this Chapter, the petition shall be denied. The petitioner shall 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 shall remain on the voluntary self-exclusion list until such time as the eligibility requirements have been satisfied.
32. An individual whose name has been removed from the voluntary self-exclusion list may reapply for placement on the list at any time by submitting an application in accordance with this Chapter.
33. An individual whose name was added to the voluntary self-exclusion list in Trinidad and Tobago in accordance with Section 17 of this Part shall be removed from the list notwithstanding Sections 27 through 29 of this Part upon receipt of written notice from the referring jurisdiction that the individual's name has been removed from that jurisdiction's list.

Licencee's  
Responsibilities

33. A Gambling licensee shall have the following responsibilities relative to the administration of the voluntary self-exclusion list:

- (A) A Gambling licensee shall eject from or refuse entry into the Gambling area of a gambling facility or any area in which wagers are placed, any individual whose name appears on the voluntary self-exclusion list;
- (B) A Gambling licensee shall promptly notify the Commission, or its designee, if an individual on the voluntary self-exclusion list is found in the Gambling area of a gambling facility or any area in which wagers are placed;
- (C) A Gambling licensee shall not market to individuals on the voluntary self-exclusion list;
- (D) A Gambling licensee shall deny access to complimentary services or items, check cashing privileges, player reward programs, and other similar benefits to persons on the list;
- (E) Individuals on the voluntary self-exclusion list shall not be permitted to participate in a cashless wagering system. A Gambling licensee shall take steps to ensure that it denies entry into and terminates all access and privileges associated with its cashless wagering program to individuals on the voluntary list of self-excluded persons;
- (F) A Gambling licensee shall not extend credit to an individual on the voluntary self-exclusion list;
- (G) A Gambling licensee shall not pay any winnings derived from Gambling to an individual who is prohibited from Gambling in a Gambling establishment under this Chapter. Where reasonably possible, the Gambling licensee shall confiscate winnings from the individual in a lawful manner by notifying a Commission agent who shall confiscate, or refuse to pay any such winnings including jackpot winnings, chips, tokens, machine credits, ticket vouchers, or any other form of winnings whether in the individual's possession or control while on the premises of a Gambling establishment or presented for payment. The monetary value of the confiscated winnings shall be paid to the Commission for deposit into the Rehabilitation Fund within 45 days;
- (H) In cooperation with the commission, and where reasonably possible, the Gambling licensee shall determine the amount wagered and lost by an individual who is prohibited from Gambling. The monetary value of the losses shall be paid to the commission for deposit into the Rehabilitation Fund within 45 days.
- (I) A Gambling licensee shall submit a written policy for compliance with the voluntary self-exclusion program for Commission approval at least 90 days before the gambling facility opening. The Commission shall review the plan for compliance with this Chapter. If approved, the plan shall be implemented and followed by the Gambling licensee. The plan for compliance with the voluntary self-exclusion program, shall include at a minimum procedures to:
  - (A) Prevent employees from permitting an individual on the voluntary exclusion list from engaging in gambling activities at the gambling facility;
  - (B) Identify and remove self-excluded individuals from the Gambling area of a gambling facility or any area in which wagers are placed;
  - (C) Remove individuals on the self-exclusion list from marketing lists and refrain from sending or transmitting to them any advertisement, promotion, or other direct marketing mailing from the gambling facility more than 30 days after receiving notice from Commission that the individual has been placed on the voluntary self-exclusion list;



- (D) Prevent an individual on the voluntary self-exclusion list from having access to credit, cashless wagering program access, or from receiving complimentary services, check-cashing services, junket participation and other benefits from the gambling facility;
  - (E) Ensure the confidentiality of the identity and personal information of the voluntarily self-excluded individual;
  - (F) Training of employees relative to the voluntary self-exclusion program to be provided in conjunction with its problem gambling training program.
  - (G) A Gambling licensee shall notify the Commission within ten days if an employee or agent fails to exclude or eject from its premises any individual on the list of self-excluded persons, or otherwise fails to perform a responsibility of the Gambling establishment as provided in this Chapter, including any provision of its approved written policy for compliance with the voluntary self-exclusion program.
34. The Commission may revoke, limit, condition, suspend or fine a Gambling licensee in accordance with the Act and Commission rules if the establishment knowingly or recklessly fails to exclude or eject from its premises any individual placed on the list of self-excluded persons. It shall not be deemed a knowing or reckless failure if an individual on the voluntary self-exclusion list shielded their identity or otherwise attempted to avoid identification while present at a gambling facility. Further, a Gambling licensee shall be deemed to have marketed to an individual on the self-exclusion list only if marketing materials are sent directly to an address, email address, telephone number, or other contact identified by the individual on their application more than 120 days after the person has been placed on the self-exclusion list.

#### **PART FIVE – RESPONSIBLE GAMBLING ALLIANCE**

35. There is hereby created the Trinidad and Tobago Responsible Gambling Alliance (hereinafter referred to as the “Alliance”) as a voluntary, non-profit organization to coordinate the efforts of a diverse group of stakeholders with the common goal of preventing problem gambling and encouraging those who choose to engage in gambling to do so in a responsible and entertaining manner. The mission of the Alliance is to heighten public awareness of the dangers of problem gambling; develop prevention and education programs for gamblers of all ages; and direct problem gamblers and their families to the toll free help line organized by the Alliance as well as free problem gambling treatment programs.
36. The Chief Executive Officer, or their designee, shall serve as the first Chair of the Alliance for a term of two (2) years.
37. The Commission shall recruit stakeholders to join the Alliance. Recruitment efforts shall include representatives from:
- (A) Advocacy groups for people suffering from problem gambling;
  - (B) Recovering problem gamblers;
  - (C) Mental Health Treatment providers;
  - (D) Academia and the research community;
  - (E) Social Service organizations;
  - (F) The Faith community;
  - (G) The Gambling industry;
  - (H) Government agencies with related missions; and
  - (I) Other organizations as identified by the Commission.
38. The goals of the Alliance shall include but not be limited to the following:

- (A) To raise awareness of the dangers of problem gambling and direct compulsive gamblers and their families to free treatment;
  - (B) To develop and implement prevention and education programs for all ages;  
and
  - (C) To ensure access to and availability of quality assistance and treatment.
39. The Alliance shall be funded with voluntary contributions of money, materials, services and staffing resources of its member organizations, including subventions from the Commission through the Rehabilitation Fund.
40. The Alliance may receive funding from the Rehabilitation Fund.

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