



Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 45—Missouri Gaming
Commission**

Chapter 17—Voluntary Exclusions

**11 CSR 45-17.010 Disassociated Persons List
Created—Right to Remove From Premises**

PURPOSE: This rule establishes a List of Disassociated Persons which consists of those persons who have voluntarily declared that they will no longer visit excursion gambling boats in Missouri because they are problem gamblers.

(1) There is hereby created a “List of Disassociated Persons” (List) which shall consist of those persons who have complied with the applicable provisions of 11 CSR 45-17 and have been placed on such List by the director. The List is established for the purpose of allowing problem gamblers to formally notify the commission that they no longer intend to visit excursion gambling boats in Missouri. The request to be placed on the List shall be made only by the individual seeking to be placed on the List. Each person seeking placement on the List acknowledges that it is his/her responsibility to refrain from visiting excursion gambling boats in Missouri and that by being placed on the List s/he shall have a criminal complaint filed against him/her for trespassing if s/he is discovered on an excursion gambling boat by the commission or any Class B licensee.

(2) Any Class B licensee or its agent or employee that identifies a person present on an excursion gambling boat and has knowledge that such person is included on the List shall immediately notify or cause to notify the commission and a Class B licensee’s security officer on duty. Once it is confirmed that the person is on the List, the Class B licensee shall—

(A) Notify the commission agent on duty of the presence of a Disassociated Person on the excursion gambling boat;

(B) Refrain from paying out any jackpots or winnings to patrons on the List; and

(C) Cooperate with the commission agent in reporting the incident to the proper prosecuting authority and request charges be filed under section 313.813 or 569.140, RSMo, for criminal trespassing, a class B misdemeanor.

(3) Any wager placed by a person on the List is hereby declared to be an unauthorized transaction and all chips and electronic credits in the possession of a Disassociated Per-

son at the time s/he is discovered on an excursion gambling boat are presumed to be items used in exchange for or to facilitate, through the enactment of this rule, a violation of section 313.805, RSMo, and therefore subject to forfeiture as provided under sections 513.600 to 513.646, RSMo.

(4) A Class B licensee or its agent(s) or employee(s) may be disciplined by the commission if—

(A) It can be shown by a preponderance of the evidence that the Class B licensee or its employee(s) or agent(s) knew a person on the List was present on the excursion gambling boat and, despite such knowledge, failed to follow the procedures required by this rule; or

(B) The Class B licensee or its employee(s) or agent(s) failed to follow its procedures for complying with the provisions of 11 CSR 45-17 et seq.

(5) All Class B licensees shall have thirty (30) days from the effective date of this rule to submit internal controls that are subject to approval by the commission which set forth the following:

(A) The licensee’s plan for removing those persons on the List from mailing lists advertising its Missouri operation, such as marketing offers, slot club programs, VIP member programs, telemarketing programs, and other such marketing promotions, however this rule shall not be construed to prohibit mass mailings to “Resident”; and

(B) The licensee’s plan for denying access by persons on the List to—

1. Check cashing privileges, cash advances, credit/debit card transactions, and wire transfers;

2. Special club programs such as slot clubs and VIP cards;

3. The issuance of credit, if applicable; and

4. Gaming privileges, tournaments, promotions, and payment of taxable winnings or prizes.

(6) Any individual who had been placed on the List and who receives any mailing or marketing material prohibited by subsection (5)(A) shall have a continuing obligation to notify the commission of the receipt of such mailing.

(7) After an individual’s application for placement on the List has been processed by the commission staff and the individual’s name is added to the List, that individual shall remain on the List until such time as the requirements for removal from the List as

described in 11 CSR 45-17.060 have been met.

AUTHORITY: sections 313.004, 313.813, and 313.832, RSMo 2000, and section 313.805, RSMo Supp. 2011. Original rule filed April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999. Amended: Filed Aug. 25, 2011, effective March 30, 2012.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; 313.813, RSMo 2000; and 313.832, RSMo 1991.*

**11 CSR 45-17.015 Access to Excursion
Gambling Boat for Purposes of Employ-
ment**

PURPOSE: This rule allows Disassociated Persons to enter an excursion gambling boat for the purposes of carrying out the duties of their employment.

(1) The provisions of 11 CSR 45-17 et seq. to the contrary notwithstanding, anyone on the List of Disassociated Persons may access an excursion gambling boat for the purpose of carrying out the duties of their employment or to apply for employment. Prior to entering the excursion gambling boat, the Disassociated Person shall notify the commission that they are on the List of Disassociated Persons and the reason their employment or application for employment requires their presence on the excursion gambling boat.

(2) If the Disassociated Person’s employment requires their presence on the excursion gambling boat on a regular basis, the Disassociated Person shall so notify the commission and such notice shall fulfill the notice requirements of section (1) of this rule.

AUTHORITY: sections 313.004 and 313.805, RSMo 1994 and 313.813, RSMo 2000. Original rule filed Oct. 4, 2000, effective May 30, 2001.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991 amended 1992, 1993, 1994, 2000.*

**11 CSR 45-17.020 Procedure for Applying
for Placement on List of Disassociated Per-
sons**

PURPOSE: This rule establishes the procedure for placement on the commission’s List of Disassociated Persons.



(1) The commission may place a person on the List of Disassociated Persons (List) if the person has—

(A) Notified the commission in writing of his/her pledge not to visit licensed excursion gambling boats by filing an Application for Placement on the List with the commission on forms provided by the commission. By filing such application the person acknowledges that s/he is a problem gambler. The applicant agrees that placement on the List is for life and the commission is not authorized to remove a person from the List, except as provided in 11 CSR 45-17.060. In addition, the applicant acknowledges that licensees may use the information provided in the application to notify its affiliated gaming operations that the applicant is a problem gambler. Therefore, the applicant may be excluded from casinos in other jurisdictions as a result of their request to be placed on the List. The person understands, by filing such application, s/he is granting the commission and all Class A and B licensees the right to eject them from the premises of all excursion gambling boats and s/he may be arrested for trespassing if discovered on an excursion gambling boat. Furthermore, the applicant agrees that once placed on the List if s/he is discovered on an excursion gambling boat, jackpots or winnings in his/her possession at the time of the discovery will be forfeited. Such application shall include:

1. The person's full name and all aliases;
2. A physical description including height, weight, hair and eye color, ethnic origin, and any other noticeable physical characteristics;
3. The person's current home and email address(es) and phone numbers;
4. Social Security Number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. section 552a) or International Identification Number;
5. Date of birth;
6. A statement that the applicant believes s/he is a problem gambler;
7. A photograph suitable for the commission and Class B licensees to use in identifying the person requesting to be placed on the List;
8. The person's occupation and place of employment, if access to excursion gambling boats is necessary for the purpose of carrying out the duties of the individual's employment, per 11 CSR 45-17.015;
9. Interpreter information and affirmation, if applicable; and
10. Other information as deemed necessary by the commission;

(B) The commission may convert the

application to a format that may be filled in and signed electronically;

(C) Signed an acknowledgement verifying s/he wishes to be placed on the commission's List and the commission is specifically authorized and requested to release all contents of the person's application to all Class B licensees and their agents and employees; and

(D) Any person applying to be placed on the List shall execute a full and complete Waiver/Release on a form provided by the commission releasing the commission, all Class A and B licensees, and all their affiliates and agents as identified in 11 CSR 45-17.040 from any liability associated with acts or omissions relating to the provisions of 11 CSR 45-17 et seq.

(2) The application shall be verified and reviewed as designated by the executive director of the commission.

(3) An individual applying for placement on the List agrees to forfeit all points or complimentaries earned by the individual before the individual completes the application for placement on the List. Points or complimentaries refer to credits earned by a person under the terms of a Class B licensee's or its agent's marketing program per 11 CSR 45-5 as approved by the commission and shall include, but not be limited to:

- (A) Food complimentaries;
- (B) Coupons for chips, cash, or electronic gaming device (EGD) credits;
- (C) Hotel complimentaries; or
- (D) Any other cash or non-cash benefit assigned to the player's account.

(4) Neither this chapter, 11 CSR 45-17, nor any of the rights, duties, or obligations established herein, shall create any cause of action, right of action, claim, or other right whatsoever in favor of any person other than the commission against the state of Missouri, the commission, any Class A or B licensee, or any of its agents or employees.

(5) The Disassociated Person shall notify the commission of any changes to the information provided in subsection (1)(A) within thirty (30) days of a change on forms provided by the commission.

AUTHORITY: sections 313.004, 313.813, and 313.832, RSMo 2000, and section 313.805, RSMo Supp. 2011. Original rule filed April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999. Emergency amendment filed*

March 30, 1999, effective April 9, 1999, expired Jan. 20, 2000. Amended: Filed March 30, 1999, effective Nov. 30, 1999. Amended: Filed Aug. 25, 2011, effective March 30, 2012.

**Original authority: 313.004, RSMo 1993 amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; 313.813, RSMo 2000; and 313.832, RSMo 1991.*

11 CSR 45-17.030 Procedure for Entry of Names onto List of Disassociated Persons

PURPOSE: This rule establishes procedures for entry of names onto the List of Disassociated Persons.

(1) Upon filing of an application for placement on the List of Disassociated Persons (List), the director may file a Notice of Placement on the List. Such notice shall be a closed record to the extent provided for in sections 313.847 and 610.021, RSMo; provided the application and notice may be disclosed to all Class B licensees and their agents and employees.

(2) The director shall deliver a copy of the Notice of Placement on the List to the applicant via regular U.S. mail to the address contained on the application, or other address provided by the applicant, or by appointment. The applicant is deemed to be placed on the List at the time the person executes the application for placement on the List, not at the time such notice is delivered to the applicant.

(3) Should the director find that an applicant does not qualify for placement on the List, s/he shall so notify the applicant via regular U.S. mail to the address contained on the application, or other address provided by the applicant, or by appointment.

AUTHORITY: sections 313.004 and 313.813, RSMo 2000, and section 313.805, RSMo Supp. 2011. Original rule filed April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999. Amended: Filed March 1, 2000, effective Sept. 30, 2000. Amended: Filed Aug. 25, 2011, effective March 30, 2012.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.813, RSMo 2000.*

11 CSR 45-17.040 Confidentiality of List of Disassociated Persons



PURPOSE: This rule establishes the procedure for maintaining the confidentiality of those placed on the List of Disassociated Persons.

(1) The director shall notify each Class B licensee of the placement of any person on the List of Disassociated Persons (List), or the removal of any person from the List per 11 CSR 45-17.060, and may disclose to the Class B licensee and any of its agents or employees any or all information contained on the person's application(s).

(2) Each Class B licensee shall submit to the commission a plan for the dissemination of the information regarding persons placed on the List, as well as persons who have been removed from the 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 general manager; casino manager; and all ticketing/player's club, cage, security, and surveillance personnel. Licensees may not disclose the name of, or any information about, a person who has been placed on or removed from the List to anyone other than employees and agents of the licensee whose duties and functions require access to the information. The plan must be approved by the commission. All information disclosed to any Class B licensee regarding anyone placed on or removed from the 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, 11 CSR 45-17.

(3) Class B licensees may disclose the information contained in the applications to its affiliates as defined in subsection (A) of this section, or agents of such affiliates. The disclosed information shall be used solely for the limited purposes of assisting in the administration of problem and responsible gaming programs and allowing the affiliate or agent of the affiliate to determine whether to deny a person on the List access to areas where gambling games are played. All disclosures must be made in accordance with procedures approved by the commission. Written approval of the executive director of the commission is required prior to disclosing this information. The Class B licensee is responsible for maintaining the confidentiality of any information disclosed. Such information shall not be used to deny services located at non-gaming properties to a person on the List.

(A) "Affiliate" means: The holding com-

pany, as defined by 11 CSR 45-10.040, or any person sharing a holding company in common with a gaming licensee, provided that the affiliate is in the business of operating gambling games.

AUTHORITY: sections 313.004 and 313.813, RSMo 2000, and sections 313.805 and 610.021, RSMo Supp. 2011.* Original rule filed April 18, 1996, effective Dec. 30, 1996. Amended: Filed Aug. 28, 1998, effective March 30, 1999. Amended: Filed March 30, 1999, effective Nov. 30, 1999. Amended: Filed Aug. 25, 2011, effective March 30, 2012.

*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994, 2000, 2008, 2010; 313.813, RSMo 2000; and 610.021, RSMo 1987, amended 1993, 1995, 1998, 2002, 2004, 2008, 2009.

11 CSR 45-17.050 Removal From List of Disassociated Persons Prohibited (Rescinded March 30, 2012)

AUTHORITY: sections 313.004 and 313.805, RSMo 1994. Original rule filed April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999. Rescinded: Filed Aug. 25, 2011, effective March 30, 2012.

11 CSR 45-17.060 Procedure to Discontinue Self-Exclusion on the List of Disassociated Persons

PURPOSE: This rule establishes the procedure to discontinue self-exclusion on the commission's List of Disassociated Persons.

(1) Notwithstanding the provisions of 11 CSR 45-17.070, at any time after five (5) years from the original date of placement on the List of Disassociated Persons (List), a Disassociated Person (DAP) may petition the commission for removal from the List. In order to be eligible for removal from the List, a person shall execute and submit, in a manner acceptable to the commission, an application for removal on a form provided by the commission. Such application shall include:

- (A) The person's full name and all aliases;
- (B) The person's current home address, email address, and phone number(s);
- (C) Social Security Number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C. section 552a) or International Identification Number;
- (D) Date of birth and gender;
- (E) A statement that the DAP wishes to be

removed from the List and accepts full responsibility for any adverse consequences which may result from removal;

(F) A photograph suitable for the commission to use in identifying the person requesting to discontinue self-exclusion on the List;

(G) A signed acknowledgement verifying s/he wishes to be removed from the List, authorizing the commission to release all contents of the person's application for removal to all Class B licensees and their agents and employees;

(H) A statement acknowledging that the individual understands each licensee may choose to continue exclusion or reinstate privileges at the licensee's sole discretion; and

(I) Other information as deemed necessary by the commission.

(2) The application shall be verified and reviewed as designated by the executive director of the commission.

(3) Once an application for removal from the List has been deemed complete and valid, the director shall file a Notice of Removal from the List.

(4) The director shall provide a copy of the Notice of Removal from the List to the applicant via regular U.S. mail to the address contained on the application, other address provided by the applicant, or by appointment.

(5) Should the director find an applicant does not qualify for removal from the List, s/he shall so notify the applicant via regular U.S. mail to the address contained on the application, other address provided by the applicant, or by appointment.

(6) Each Class B licensee shall file with the commission a letter stating its policy regarding whether persons removed from the List will be allowed access to its property.

(A) If a Class B licensee adopts a policy to allow prior DAPs to patronize its establishment, any prior notice of trespass is voided allowing prior DAPs to gamble at the property. If a casino has cause to exclude a prior DAP, a separate notice of trespass shall be provided to that individual to notify the individual of his/her excluded status.

(B) If a Class B licensee adopts a policy to continue the exclusion of all persons removed from the List, the Class B licensee shall not cash checks, process cash advances, enroll these individuals in any tournaments or promotion, or provide marketing materials to these individuals except in mass mailings to "resident" or the like.



(7) Neither the rules in 11 CSR 45-17, nor any of the rights, duties, or obligations established herein, shall create any cause of action, right of action, claim, or other right whatsoever in favor of any person other than the commission against the state of Missouri, the commission, any Class A or B licensee, or any of its agents or employees.

AUTHORITY: sections 313.004, 313.813, and 313.847, RSMo 2000, and sections 313.805 and 610.021, RSMo Supp. 2011. Original rule filed Aug. 25, 2011, effective March 30, 2012.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; 313.813, RSMo 2000; 313.847, RSMo 1993, amended 1994; and 610.021, RSMo 1987, amended 1993, 1995, 1998, 2002, 2004, 2008, 2009.*

11 CSR 45-17.070 Procedure to Re-Establish Self-Exclusion on the List of Disassociated Persons

PURPOSE: This rule establishes the procedure for permanent self-exclusion on the List of Disassociated Persons (List) for individuals who have previously chosen to be removed from the commission's List.

(1) A former Disassociated Person who has had his/her name removed from the List of Disassociated Persons (List) may request at any time to re-establish his/her self-exclusion on the List one (1) time by submitting a new application for placement on the List per the procedures provided in 11 CSR 45-17.030. Re-establishing self-exclusion results in permanent placement on the List. The Disassociated Person may not again request removal. The commission shall inform all such applicants that this self-exclusion is for life and there is no process for removal from the List.

AUTHORITY: sections 313.004, 313.813, and 313.847, RSMo 2000, and sections 313.805 and 610.021, RSMo Supp. 2011. Original rule filed Aug. 25, 2011, effective March 30, 2012.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; 313.813, RSMo 2000; 313.847, RSMo 1993, amended 1994; and 610.021, RSMo 1987, amended 1993, 1995, 1998, 2002, 2004, 2008, 2009.*