

PUBLIC PROTECTION CABINET
Kentucky Horse Racing Commission
(New Administrative Regulation)

810 KAR 2:100. Self-Exclusion.

RELATES TO: KRS 230.260(15), 61.870-61.884

STATUTORY AUTHORITY: KRS 230.260(15)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.260 authorizes the Horse Racing Commission to promulgate administrative regulations prescribing conditions for a self-exclusion list for people who identify as problem or compulsive gamblers. This statute also requires the Commission to promulgate regulations prescribing conditions for notifications of the availability of this list by racing associations.

Section 1. Self-Exclusion List.

- (1) The racing commission shall establish and maintain a self-exclusion list for individuals who self-identify as problem or compulsive gamblers.
- (2) The list shall include the names and other identifying information of the individuals who have self-excluded from gambling at racing tracks, as set forth in Section 3(1) of this administrative regulation.

Section 2. Notice to the Public.

- (1) Each racing association shall display a notice to the public of the existence of the self-exclusion list and the method or methods individuals may use to self-identify at the track, online, or by phone.
- (2) The notice shall be displayed at public entrances to the wagering-specific locations of the racing track and on the racing association's Web site.
- (3) The notice shall include information about the consequences of self-exclusion, including that the individual will be prohibited from entering the racing track and participating in any gambling activity at the track.
- (4) The notice and its placement locations shall be approved by the commission.

Section 3. Collection of Self-Exclusion Information.

- (1) Each racing association shall collect self-exclusion information from individuals who self-identify as problem or compulsive gamblers.
- (2) The self-exclusion information collected shall include the individual's name, address, date of birth, and other identifying information as prescribed by the racing commission.
- (3) The racing association shall provide the self-exclusion information to the racing commission on a weekly basis and in a manner approved by the commission.

Section 4. Compilation of Comprehensive List.

- (1) The racing commission shall compile and maintain a comprehensive list of all individuals who have self-excluded from gambling at racing tracks.
- (2) The comprehensive list shall include the self-exclusion information provided by each racing association.
- (3) The comprehensive list shall be provided to all racing associations and updated on an as-needed basis, but at least monthly.

Section 5. Confidentiality of Self-Exclusion Information.

- (1) Pursuant to KRS 61.878(1)(a) and 230.260, information collected under this subsection shall be excluded from the application of KRS 61.870 to 61.884.
- (2) Self-exclusion information shall be kept confidential and shall not be disclosed except as necessary to enforce these regulations or as required by law.

Section 6. Self-exclusion policy.

(1) Each racing association may establish its own self-exclusion policy. Each policy shall be approved by the racing commission to ensure the best interests of horse racing and compliance with KRS 230.260.

(2) The policy may cover how the racing association chooses to exclude individuals on the exclusion list. The policy may include identification and verification, forfeiture of prizes by excluded persons, security personnel, technology, employee training, contractual obligations, or collaboration with other racing associations.

(3) Each racing association shall review its self-exclusion policy at least once every two (2) years and amend it as necessary to ensure compliance with commission regulations and its effectiveness in achieving the purposes for which it is established.

JONATHAN RABINOWITZ, Chairman

RAY PERRY, Secretary

APPROVED BY AGENCY: May 10, 2023

FILED WITH LRC: May 12, 2023 at 9 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 AM on July 21, 2023 at 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on July 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jennifer Wolsing, General Counsel, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone +1 (859) 246-2040, fax +1 (859) 246-2039, email jennifer.wolsing@ky.gov.