
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” which shall consist of those persons who have complied with the provisions of 11 CSR 45-17.010 to 11 CSR 45-17.030 and have been placed on such list by the director. The List of Disassociated Persons 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 and that they wish to seek treatment for their gambling problem. Each person seeking placement on the List of Disassociated Persons 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 A licensee.

(2) Any Class A 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 of Disassociated Persons shall immediately notify or cause to notify the commission and the Class A licensee’s senior security officer on duty. Once it is confirmed that the person is on the List, the Class A licensee shall—

(A) Notify the commission agent on duty of the presence of a Disassociated Person on the excursion gambling boat. The licensee shall remove the Disassociated Person from the excursion gambling boat. After the Disassociated Person has been removed from the excursion gambling boat, the licensee shall cooperate with the commission agent in reporting the incident to the proper prosecuting authority and request charges be filed under section 569.140, RSMo for criminal trespassing, a class B misdemeanor.

(3) Any wager placed by a person on the List of Disassociated Persons is hereby declared to be an unauthorized transaction and all

chips, tokens and electronic credits in the possession of a Disassociated Person 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(17), RSMo and therefore subject to forfeiture as provided under sections 513.600 to 513.646, RSMo.

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

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

(B) The Class A 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 A 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 of Disassociated Persons 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 of Disassociated Persons to—

1. Check cashing privileges;
2. Special club programs such as slot clubs and VIP cards; and
3. The issuance of credit, if applicable.

(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 licensee and the commission of the receipt of such mailing.

AUTHORITY: sections 313.004, 313.805 and 313.832, 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.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994; and 313.832, RSMo 1991.*

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

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 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 of Disassociated Persons with the commission on forms provided by the commission. By filing such application the person acknowledges that s/he is a problem gambler and will seek treatment for his/her condition. The applicant agrees that placement on the list is for life and the commission is not authorized to remove a person from the list. 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 Missouri List of Disassociated Persons. Furthermore, by filing such application, the person understands that s/he is granting the commission and all Class A licensees the right to eject them from the premises of all excursion gambling boats and that s/he may be arrested for trespassing if discovered on an excursion gambling boat. Furthermore, the applicant agrees that once placed on the List of Disassociated Persons if s/he is discovered on an excursion gambling boat, all chips, tokens and electronic credits 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, skin color and any other noticeable physical characteristics;
3. The person’s occupation and current home and business addresses and phone numbers;
4. Social Security 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 A licensees to use in identifying the person requesting to be placed on the List of Disassociated Persons; and

8. Other information as deemed necessary by the commission;

(B) Had such application verified by a member of the commission's enforcement staff; and

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

(D) Neither this Chapter, 11 CSR 45-17, nor any of the rights, duties, or obligations established hereunder, 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 licensee or any of its agents or employees; and

(E) Any person applying to be placed on the List of Disassociated Persons shall execute a full and complete Waiver/Release on a form provided by the commission releasing the commission, all Class A 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. as may be amended from time to time.

(2) Upon receipt of information from the commission that a person has been placed on the List of Disassociated Persons, all Class A licensees shall issue to such disassociated person a notice of trespass, in a form approved by the commission, to be delivered via U.S. mail. The licensee shall provide the commission with a copy of such notice.

AUTHORITY: sections 313.004, 313.805 and 313.832, 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. Emergency amendment filed March 30, 1999, effective April 9, 1999, expired Jan. 20, 2000. Amended: Filed March 30, 1999, effective Nov. 30, 1999.*

**Original authority: 313.004, RSMo 1993 amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994; 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, the director may file a Notice of Placement on the List of Disassociated Persons. Such notice shall be a closed record pursuant to sections 313.847 and 610.021, RSMo; provided that such application and notice may be disclosed to all Class A licensees and their agents and employees.

(2) The director shall deliver a copy of the Notice of Placement on the List of Disassociated Persons to the applicant via certified mail at the home address listed in the application, unless otherwise requested by the applicant. If certified mail delivery is unsuccessful, the director shall send the notice via regular U.S. mail to the home address contained on the application. The applicant is deemed to be placed on the List of Disassociated Persons at the time the person executes the application for placement on the List of Disassociated Persons, 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 of Disassociated Persons, s/he shall so notify the applicant by the procedure set forth in section (2) of this rule.

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.*

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

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 A licensee of the placement of any person on the List of Disassociated Persons and may disclose to the Class A licensee and any of its

agents or employees any or all information contained on the person's application.

(2) Each Class A licensee shall submit to the commission a plan for the dissemination of the information regarding persons on 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 security and surveillance personnel. The plan must be approved by the commission. All information disclosed to any Class A licensee regarding anyone placed on the List of Disassociated Persons 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 A 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 List of Disassociated Persons access to areas where gambling games are played. 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 Disassociated Persons List services that are not associated with gambling games such as restaurant service, hotel service or other non-gaming amenities.

(A) "Affiliate" means: The holding company, 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 313.805, RSMo 1994 and 610.021, RSMo Supp. 1998. 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.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994; and 610.021, RSMo 1987, amended 1993, 1995, 1998.*

11 CSR 45-17.050 Removal From List of Disassociated Persons Prohibited

PURPOSE: This rule states that there is no procedure for removal from the List of

Disassociated Persons because the commission believes that dealing with a gambling problem requires lifetime treatment.

(1) Any person who has been placed on the List of Disassociated Persons shall remain on the List permanently and may not petition to be removed. The commission shall inform all applicants for placement on the List of Disassociated Persons that such placement is for life and there is no process for removal. The commission bases this policy on the belief that dealing with a gambling problem requires lifetime treatment and that a person is continuously recovering from a gambling addiction.

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.*

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