

## **57 New Jersey Register 2230(a)**

### **Internet and Mobile Gaming**

#### **Responsible Gaming**

Authorized By: Mary Jo Flaherty, Interim Director, Division of Gaming Enforcement.

Authority: N.J.S.A. 5:12-69.a, 70.a(7), 70.a(16), 76.g, and 76.y.

Calendar Reference: See Summary below for an explanation of exception to calendar requirement.

Proposal Number: PRN 2025-130.

Submit written comments by November 14, 2025, to:

Jamie McKelvey, Deputy Attorney General  
Division of Gaming Enforcement  
1300 Atlantic Avenue  
Atlantic City, New Jersey 08401  
or email to: [RuleComments@njdge.gov](mailto:RuleComments@njdge.gov)

The agency proposal follows:

#### **Summary**

Proposed new N.J.A.C. 13:69O-1.2A sets forth standards and definitions for responsible gaming matters. The proposed new rule establishes standards for online gaming operators and sports wagering operators with respect to ensuring responsible gaming (RG) and defines the categories of at-risk patrons who may require intervention regarding their online gaming activity.

Proposed new N.J.A.C. 13:69O-1.2A(a) sets forth definitions for "at-risk patron," "due diligence review," "cool-off period," "problem gambling behavior," "'responsible gaming,' or 'RG,'" "'responsible gaming lead,' or 'RG Lead,'" "responsible gaming professional," and "RG triggering system."

Proposed new N.J.A.C. 13:69O-1.2A(b) requires each online operator to designate one or more "responsible gaming leads" who shall be required to identify at-risk patrons and maintain a list of such patrons. The RG Lead shall be responsible for ensuring at-risk patrons are provided with responsible gaming information and resources and are shielded from certain gaming marketing campaigns and promotions. The proposed new regulation also sets forth criteria for a person to be removed from the list of at-risk patrons, namely, if they fail to trigger any of the criteria for at-risk patrons for 180 days following a due diligence review and their present activity does not exhibit any potential problem gaming behavior.

Proposed new N.J.A.C. 13:69O-1.2A(c) requires operators to conduct a "due diligence review" of any patron who meets or exceeds the thresholds set forth at N.J.A.C. 13:69O-1.2A(d). The proposed new regulation would further require that if the review leads to the conclusion that a particular patron is at risk, such patron shall be placed on a list of at-risk patrons required to be maintained pursuant to N.J.A.C. 13:69O-1.2A(b)1.

Proposed new N.J.A.C. 13:69O-1.2A(d) sets forth 12 enumerated responsible gaming triggers for an RG Lead to evaluate, including, but not limited to, certain deposit thresholds; a patron accessing, but not completing, the self-exclusion request page three or more times within 30 days; a patron requesting a cool-off period twice within 45 days; and a patron increasing responsible gaming limits three times in seven days without any decrease.

Proposed new N.J.A.C. 13:69O-1.2A(e) sets forth phases of intervention to be undertaken by an online gaming operator following a due diligence review which finds a patron to be at risk of problem gambling behavior. Phase 1 requires the patron to be contacted by the operator. Phase 2 requires the operator to block a patron from wagering until the patron views a video tutorial regarding responsible gaming, and explaining the availability of responsible gaming tools, before the patron can resume wagering. Phase 3 requires that the RG Lead of the operator contact the patron and inform the patron that the operator will provide, at the operator's expense, access to a responsible gaming professional. The RG Lead also may refer the patron to other sources of assistance, such as emergency medical facilities.

[page=2231] Proposed new N.J.A.C. 13:69O-1.2A(f) prohibits the cancellation of a withdrawal request within three days and further prohibits operators from soliciting a patron to reverse a withdrawal request.

Proposed new N.J.A.C. 13:69O-1.2A(g) permits operators to use additional responsible gaming triggers and standards set forth in the proposed new rule that are to be considered as minimum standards.

Proposed new N.J.A.C. 13:69O-1.2A(h) mandates the collection of gender identification information of each verified patron for the purpose of contributing to the Division's annual reports regarding the impact of online gaming on problem gamblers and the gambling addiction in New Jersey.

As the Division of Gaming Enforcement (Division) has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The proposed new rule is meant to ensure responsible gaming and addresses the serious issue of problem gaming. Since online gaming began in 2013, and especially with the advent of online sports wagering in 2018, certain patrons have experienced issues with problem gambling. While the Division has always required the availability of certain responsible gaming tools, such as deposit and spending limits, and it has further required each operator to maintain a patron protection page to facilitate patrons in easily locating information regarding responsible gaming, additional steps are needed to address this ongoing issue.

Requiring each operator to have a responsible gaming lead, as well as setting forth mandatory triggers for such leads to evaluate patron behavior, will bring standardization to what have been best practices, but not a required process. While each operator already maintains an RG staff, there is no standardization as to when patrons require intervention other than best practices previously set forth by the Division. By promulgating this rule, the Division intends to provide specific requirements regarding what constitutes problem gambling and to ensure that specific assistance is provided to those patrons who require or desire it. These measures are intended to help address the burgeoning need to support responsible gaming awareness and practices.

### **Economic Impact**

The economic impact of this proposed new rule is the benefit it would bring to people who have a potential issue with gaming or may develop one and to alleviate the ensuing social costs. The proposed new rule would bring earlier ensured intervention to patrons displaying signs of problem gambling. This could allow patrons to take measures to curtail gambling before they suffer financial and personal consequences.

Proposed new N.J.A.C.13:69O-1.2A(d)3 would require online gaming operators to employ a responsible gaming professional. Proposed new N.J.A.C. 13:69O-1.2A(d)2 would require online gaming operators to produce a tutorial video regarding responsible gaming. The proposed new rule

will require an investment in responsible gaming by operators with such investments defraying personal and societal costs.

#### **Federal Standards Statement**

The proposed new rule would not exceed Federal standards. The Division's proposed new rule concerns responsible gaming measures by online gaming operators within the New Jersey gaming industry as governed by New Jersey State law, specifically the Casino Control Act, N.J.S.A. 5:12-1 et seq., Sports Wagering Act, N.J.S.A. 5:12A-10 et seq., and the rules promulgated thereunder. Federal standards are not applicable.

#### **Jobs Impact**

The proposed new rule may have a small impact on jobs in New Jersey. Online gaming operators will be required to produce a tutorial and hire responsible gaming professionals. In addition, the provisions of this proposed new rule are meant to prevent true problem gamblers from losing their jobs by bringing early intervention to addictive behavior.

#### **Agriculture Industry Impact**

The proposed new rule will have no impact on agriculture in New Jersey.

#### **Regulatory Flexibility Analysis**

The proposed new rule will affect the operations of New Jersey casino applicants, licensees, and their online gaming partners. While no casino qualifies as a "small business," as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., because they each employ more than 100 persons full-time in the State of New Jersey, some of the online gaming operators might qualify as a "small business" in that they employ less than 100 persons full-time in New Jersey. However, all of the online gaming operators in New Jersey are part of larger entities that employ persons in other states in addition to New Jersey.

The proposed new rule uses performance standards. While all online gaming operators, including those that qualify as New Jersey small businesses, would be required to have a responsible gaming lead, the proposed new rule allows that person to be someone already employed. Accordingly, the rulemaking does not require the expense of hiring additional full-time employees. This benefits small businesses.

All online gaming operators would be required to produce a video tutorial for those persons found to require Phase 2 intervention and to have a responsible gaming professional counsellor who requires Phase 3 intervention. However, nothing in the rulemaking would prevent several small businesses from combining their efforts by producing a single tutorial or hiring a single professional whose costs can be shared among several of the smaller online operators. Accordingly, the rulemaking creates flexibility to lessen the economic burden on small businesses that are required to comply with the proposed new rules. It should also be noted that the subject of the rulemaking is responsible gaming, and its purpose is to assist problem gamblers and those who have a gambling addiction. The rulemaking, thus, has a direct impact on the health and safety of online gaming patrons.

#### **Housing Affordability Impact Analysis**

The proposed new rule will have no impact on the affordability of housing in New Jersey and it is very unlikely that it would evoke a change in the average costs associated with housing because the proposed new rule concerns the operational requirements for online gaming and sports wagering operators and their casino and racetrack partners.

## **Smart Growth Development Impact Analysis**

The proposed new rule will not have an impact on smart growth and it is extremely unlikely that it would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed new rules concern the operational requirements for online gaming and sports wagering operators and their casino and racetrack partners.

## **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The proposed new rule will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State of New Jersey because the proposed new rule concerns the operational requirements for online gaming and sports wagering operators and their casino and racetrack partners. This rulemaking does not impact the ability of people subject to the criminal justice system to work in the casino or racetrack facilities or impact their ability to be employed by online gaming and sports wagering operators.

**Full text** of the proposed new rule follows:

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 13:690-1.2A Responsible gaming

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

1. "At-risk patron" means an individual who meets any of the patron play criteria at (d) below, and after a due diligence review by the operator, is found by the operator to be exhibiting potential problem gaming behavior.
2. "Cool-off period" means a designated timeframe during which a patron voluntarily suspends access to their internet or mobile gaming account. During this period, the patron is prohibited from logging in, [page=2232] placing wagers, depositing funds, or engaging in any gaming activity. The cool-off period shall not be reversible once initiated and must last for a minimum of 72 hours. The cool-off period also is known as a "suspended account," pursuant to N.J.A.C. 13:690-1.1.
3. "Due diligence review" means a comprehensive examination and assessment of a patron's gaming patterns to evaluate potential risk for problem gaming.
4. "Problem gaming behavior" means actions or patterns of behavior that leads to significant psychological, physical, occupational, relational, financial, and/or legal harm to the patron or others.
5. "Responsible gaming" or "RG" means a policy for best practices to promote a safe and enjoyable gaming experience while minimizing the potential harm to individuals and communities, emphasizing the importance of informed decision making, player protection, and social responsibility.
6. "Responsible gaming lead" or "RG Lead" means the individual employee at each operator responsible for ensuring at-risk patrons are provided with responsible gaming information, such as referrals to available resources and the responsible gaming features offered by the operator, and that responsible gaming practices are effectuated. Each responsible gaming lead is supported by additional responsible gaming staff.
7. "Responsible gaming professional" means a professional counselor licensed by the State of New Jersey with experience in addressing and mitigating the effects of problem gaming.

8. "RG triggering system" means the automated tool utilized by the operator to identify potential at-risk patrons through the evaluation of patron play criteria set forth at (d) below.

(b) Each operator shall designate one employee to serve as a dedicated responsible gaming lead whose responsibilities shall include, but not be limited to:

1. Identifying and maintaining a list of at-risk patrons, which shall be provided to the Division upon request, and that shall include information relating to the following matters:

i. If a patron meets or exceeds any of the patron play criteria at (d) below, but the operator's due diligence review determines that the patron is not an at-risk patron, the operator must document the specific reasons for this determination and maintain that documentation for a minimum of five years;

ii. A patron may be removed from the at-risk patron list if they fail to trigger any criteria enumerated at (d) below for a period of 180 days from the date of the last due diligence review and if the patron's activity then is determined by the responsible gaming lead not to be exhibiting potential problem gaming behavior; and

iii. The same patron shall be added again to the list of at-risk patrons if, after a due diligence review, the patron is subsequently determined by the responsible gaming lead to be an at-risk patron;

2. Ensuring at-risk patrons are provided with responsible gaming information, including resources regarding gaming addiction and/or problem gaming, as well as the availability of responsible gaming features offered by the operator, such as time, loss, and deposit limits, cool-off period options, self-exclusion requests as described at N.J.A.C. 13:69G-2.2, and account closure procedures; and

3. Ensuring at-risk patrons are not presented with direct advertising materials, including, but not limited to, marketing, promotions, casino and gaming event invitations, and complimentary services or items.

(c) Any patron meeting or exceeding any of the thresholds at (d) below shall be flagged for due diligence review by the operator to determine whether the patron is exhibiting signs of potential problem gaming. If, after such due diligence review, the operator believes that the patron may be exhibiting signs of problem gaming behavior, the patron shall be placed on the list of at-risk patrons maintained by that operator's responsible gaming lead required pursuant to (b)<sup>1</sup> above.

(d) Each operator shall incorporate in its procedures, at a minimum, the following patron play criteria as automatic triggers for due diligence review by the operator:

1. A patron's deposits exceed \$ 10,000 over a 24-hour period;

2. A patron's deposits exceed \$ 100,000 over a 90-day period;

3. A patron accesses the self-exclusion request page, but does not complete the self-exclusion process three or more times in a 30-day period;

4. A patron requests a second cool-off period within 45 days of the conclusion of the first cool-off period;

5. A patron makes three consecutive increases to any responsible gaming limits offered by the operator without any decreases within a seven-day period;

6. A patron cancels withdrawal requests within the cancellation requirements set forth at (f) below, prior to the processing of the withdrawal three times in a 10-day period;

7. The total turnover of a patron's account exceeds \$ 1,000,000 in a 90-day period;
8. A patron's time spent logged into the account increases by 50 percent or more, during the current week, compared to the immediately preceding two-week period;
9. A patron ends two or more gambling/gaming sessions in the same week with a balance of less than \$ 1.00 remaining in the account;
10. A patron concludes two or more sessions in the same week with an increase in the total number of wagers from the previous session;
11. Any additional triggers identified by the operator to be potential indicators of problem gaming behavior; or
12. Any additional triggers identified by the Division through a Director's Order and notice to the operators.

(e) Each operator shall ensure the RG triggering system includes the below phases of intervention. Operators must maintain detailed records of all responsible gaming interventions for a period of five years. These records must be available for inspection by the Division upon request. The operator may advance a patron to a subsequent phase of intervention if the due diligence review or the specific trigger initiated warrants a more advanced response:

1. Phase 1. The operator shall contact the patron through the patron's validated email address, or any such other method as approved by the Division, and provide information to the patron regarding the availability of the various responsible gaming features offered by the operator, including time, loss, and deposit limits, cool-off period options, self-exclusion requests, and account closure procedures, as well as resources that can be accessed to support responsible gaming and to address problem gaming.
2. Phase 2. The operator shall require the patron to view a video tutorial regarding responsible gaming and problem gaming to continue gaming activity. The tutorial shall first be approved by the Division and shall be utilized to educate the patron on the availability of various responsible gaming features offered by the operator, including time, loss, and deposit limits, cool-off period options, self-exclusion requests, and account closure procedures, as well as resources that can be accessed to support responsible gaming and to address problem gaming. The video may be separated into multiple parts or sections; however, the video shall contain both audio and visual components. The patron shall be required to view the video in its entirety prior to placing further wagers, and a record confirming that the video was viewed in its entirety shall be required, generated, and maintained by the operator.
3. Phase 3. The responsible gaming lead shall contact the patron directly by phone, video call, or any such other method of communication approved by the Division to discuss possible problem gaming behavior and to highlight all responsible gaming options offered by the operator, including time, loss, and deposit limits, cool-off period options, self-exclusion requests, and account closure procedures. The responsible gaming lead shall provide the patron with contact information for a responsible gaming professional. The responsible gaming lead shall provide their own contact information to the patron, so that the patron can contact the responsible gaming lead directly to receive further guidance, if sought. The responsible gaming lead also may refer the patron to emergency medical and/or mental health professionals or to law enforcement if the responsible gaming lead determines that the patron may be at risk of harm to themselves or others. In the event that the responsible gaming lead is unable to reach the patron by any approved method of communication, a voice message shall be left with the patron and documented by the responsible gaming lead. The responsible gaming lead must make three attempts to contact the patron by phone, with each [page=2233] call placed at least 24 hours after the preceding call and with a voice message left each time. If the responsible gaming lead is unable to speak with the patron by phone after three attempts, the responsible gaming lead shall email the patron and the patron's account shall be temporarily suspended until such time as the responsible gaming lead is able to speak directly with the patron by phone, video call, or any such

other method of communication approved by the Division. The email shall include the information required in this paragraph and shall be approved in form by the Division. The patron's account will remain suspended until the direct communication required by Phase 3 intervention is completed and results in a determination by the responsible gaming lead that the patron is not exhibiting problem gaming behavior. If, after the Phase 3 intervention, the responsible gaming lead concludes that the patron is exhibiting signs of problem gaming, the patron's account shall be closed, and the patron shall be referred to available problem gambling resources. Account balances and pending wagers shall be handled in accordance with the provisions set forth at N.J.A.C. 13:69G-2.3(e).

(f) A withdrawal request made by a patron may not be cancelled or reversed by the patron within a three-day period beginning with the withdrawal request and prior to the disbursement of the funds. Any solicitation by operators for patrons to rescind fund withdrawals that are pending and have not been processed is prohibited.

(g) The criteria for problem gaming enumerated at (d) above are set forth as requisite minimum standards, and operators are encouraged to have additional automated triggers to identify problem gaming and/or lower numeric thresholds and timeframes in their discretion as added safeguards. Additionally, operators may escalate the response to any subsequent phase, or take any other action deemed necessary or appropriate, if they determine the patron may be at severe risk for problem gaming.

(h) Each operator shall collect and maintain the gender identification data (male, female, non-binary) of each successfully verified patron for the exclusive purpose of contributing to the annual reports on the impact of internet gaming and sports wagering on problem gamblers and gambling addiction in New Jersey, pursuant to N.J.S.A. 5:12-95.18 and 5:12A-11.

1. Each operator shall directly require or establish arrangements with reputable data sources to obtain gender identification data for all successfully verified patrons. Gender identification data is not required necessarily at the time of account creation and may be collected at a subsequent point. Each operator must report to the Division annually on its requirements or such arrangements, detailing the sources and methodologies used to acquire the requisite information. Each operator is solely responsible for ensuring that gender identification information is collected and shall maintain this information in a manner that provides an audit trail to verify compliance with this section.