

1                                   **California Gambling Control Commission**  
2                                   **SPECIFIC LANGUAGE OF PROPOSED REGULATIONS**  
3                                   **Advertising**  
4                                   **CGCC-GCA-2024-##-R**

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6                                   **CALIFORNIA CODE OF REGULATIONS**  
7                                   **TITLE 4. BUSINESS REGULATIONS.**  
8                                   **DIVISION 18. CALIFORNIA GAMBLING CONTROL COMMISSION.**

9  
10                                   **CHAPTER 1. GENERAL PROVISIONS.**  
11                                   **ARTICLE 1. DEFINITIONS AND GENERAL PROCEDURES.**

12  
13                                   **§ 12002. General Definitions.**

14                                   Unless otherwise specified, the definitions in Business and Professions Code  
15 section 19805, supplemented by the definitions found in Chapter 10 of Title 9 of  
16 Part 1 of the Penal Code (commencing with section 330), govern the construction  
17 of this division. As used in this division:

18                                   ...

19                                   **(b) “Advertise” or “advertising” means the publication, dissemination, or**  
20 **causing the publication or dissemination of an advertisement.**

21                                   **(c) “Advertisement” means any written or verbal statement, illustration, or**  
22 **depiction that is disseminated to the public which is calculated to induce**  
23 **participation in a controlled game or gaming activity at one or more gambling**  
24 **establishments, including, without limitation, any written, printed, graphic, or**  
25 **other material, billboard, sign, or other outdoor display, periodical literature,**  
26 **publication, or in a radio or television broadcast, social media business page, or in**  
27 **any other media.**

28                                   **(1) “Advertisement” does not include:**

29                                   **(A) The solicitation of activities, events, or services that do not relate to the**  
30 **conduct of or participation in a controlled game or gaming activity and may**  
31 **otherwise be provided on the licensed premises including, but not limited to,**  
32 **restaurant dining, concerts, trade shows, business conferences, and non-gambling**  
33 **related promotions and contests.**

34                                   **(B) Use of the name, nickname, alias, or any other name by which the**  
35 **gambling establishment is commonly known, including its logo or trademark,**  
36 **exclusive of any other content.**

37                                   **(C) Any editorial or other reading material, such as a news release, in any**  
38 **periodical, publication, or newspaper for the publication of which no money or**  
39 **valuable consideration is paid or promised, directly or indirectly, by any owner**  
40 **category licensee, and which is not written by or at the direction of the owner**  
41 **category licensee.**

                                  Additions shown in blue underline; deletions shown in ~~red-strikeout~~.

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1 (D) The distribution of informational material that is not targeted at persons  
2 under 21 years of age for purposes of recognizing a donation, gift, or charitable  
3 contribution. The information provided may include the name, logo, and  
4 trademark of a gambling establishment and may be provided in informational  
5 material including, but not limited to, a program pamphlet or informational  
6 handout for an event, a posting on a charitable organization’s website, etc.

7 (E) Any job postings for employment opportunities.

8 (F) Any notices or postings otherwise required by the Act, this Division, or  
9 Title 11, Division 3 of the California Code of Regulations, such as posted game  
10 rules.

11 (2) Any advertising material included with or attached to those items which do  
12 not constitute an advertisement pursuant to paragraph (1), must comply with  
13 Article 5.

14 (d)~~(b)~~

15 (e)~~(e)~~

16 (f)~~(d)~~

17 (g)~~(e)~~

18 (h)~~(f)~~

19 (i)~~(g)~~

20 (j)~~(h)~~

21 (k)~~(i)~~

22 (l)~~(j)~~

23 (m)~~(k)~~

24 (n)~~(l)~~

25 (o)~~(m)~~

26 (p)~~(n)~~

27 (q)~~(o)~~

28 (r)~~(p)~~

29 (s)~~(q)~~

30 (t)~~(r)~~

31 (u)~~(s)~~

32 (v)~~(t)~~

33 (w)~~(u)~~

34 (x)~~(v)~~

35 (y)~~(w)~~

36 (z)~~(x)~~

37 (aa)~~(y)~~

38 (ab)~~(z)~~

39 (ac)~~(aa)~~

40 (ad)~~(ab)~~

41 (ae)~~(ac)~~

- 1 (af)~~(ad)~~
- 2 (ag)~~(ae)~~
- 3 (ah)~~(af)~~
- 4 (ai)~~(ag)~~
- 5 (aj)~~(ah)~~
- 6 (ak)~~(ai)~~
- 7 (al)~~(aj)~~
- 8 (am)~~(ak)~~
- 9 (an)~~(al)~~
- 10 (ao)~~(am)~~
- 11 (ap)~~(an)~~
- 12 (aq)~~(ao)~~
- 13 (ar)~~(ap)~~
- 14 (as)~~(aq)~~
- 15 (at)~~(ar)~~
- 16 (au)~~(as)~~
- 17 (av)~~(at)~~
- 18 (aw)~~(au)~~
- 19 (ax)~~(av)~~
- 20 (ay)~~(aw)~~
- 21 (az)~~(ax)~~
- 22 (ba)~~(ay)~~
- 23 (bb)~~(az)~~

24 Note: Authority cited: Sections 19811, 19823, 19824, 19840, 19841, 19853 and 19854, Business  
 25 and Professions Code. Reference: Sections 19800, 19805, 19811, 19816, 19853 and 19984,  
 26 Business and Professions Code.

27 **ARTICLE 5: ADVERTISING**

28

29 **§ 12095. General Requirements.**

30 (a) An owner category licensee must comply with all the requirements of this  
 31 article, as applicable.

32 (b) In construing and enforcing the advertising provisions of this article, any  
 33 action, omission, or failure to comply with this article by an advertising agent,  
 34 representative, contractor, or any other person retained by the owner category  
 35 licensee, will be deemed the act, omission, or failure to comply with this article  
 36 by the owner category licensee.

37 (c) Nothing in this article will be construed to create or imply a private cause  
 38 of action.

39 Note: Authority cited: Sections 19824, 19826, 19840, 19841 and 19984, Business and Professions  
 40 Code. Reference: Sections 19841 and 19984, Business and Professions Code.

1  
2 **§ 12096. Specific TPPPS Business Requirements.**

3 (a) A TPPPS business licensee:

4 (1) Will not create, purchase, place, or disseminate any advertisement for a  
5 cardroom business licensee unless it has a TPPPS contract with that cardroom  
6 business licensee and the advertisement costs and scope of advertising services to  
7 be performed are included in the TPPPS contract.

8 (2) Must provide the cardroom business licensee copies or transcripts of all  
9 advertisements used to promote a gaming activity that the TPPPS business  
10 licensee has, or has caused to be, created, purchased, placed, or disseminated for  
11 the cardroom business licensee for purposes of complying with Title 11, CCR,  
12 Section 2072, subsection (e).

13 Note: Authority cited: Sections 19824, 19826, 19840, 19841 and 19984, Business and Professions  
14 Code. Reference: Sections 19841 and 19984, Business and Professions Code.

15  
16 **§ 12097. Advertising Content and Dissemination.**

17 (a) Advertisements must present all of the required information pursuant to  
18 this section in a clear and conspicuous manner. Clear and conspicuous means the  
19 required information is legible and readable or audible and intelligible, as  
20 applicable.

21 (b) Advertisements must present the information required by paragraph (2) of  
22 subsection (c) of this section and paragraph (1) of subsection (b) of Section 12461  
23 in all of the languages used in the advertisement.

24 (c) All advertisements must include:

25 (1) The name, nickname, alias, or any other name by which the gambling  
26 establishment is commonly known; and,

27 (2) A statement that participants must be 21 or older to gamble;

28 (3) Information required by paragraphs (1) and (3) of subsection (b) of Section  
29 12461;

30 (4) In any reference to a game, either:

31 (A) The name of the Bureau-approved game or group of games;

32 (B) The Bureau-approved alternative name for the Bureau-approved game or  
33 group of games; or,

34 (C) If the game or group of games is identified by a name other than that  
35 which is in accordance with items (A) and/or (B), the advertisement must state  
36 one of the following:

37 1. “California game” or “California games”;

38 2. “This cardroom does not offer banked games”; or,

39 3. Any other safe harbor statement(s) published by the Bureau at its discretion.

40 (5) In any reference to a gaming activity, either:

41 (A) The name of the Bureau-approved gaming activity; or,

1 (B) Any gaming activity name with the Bureau-approved identification  
2 number.

3 (d)(1) The requirements of paragraphs (2) through (5) of subsection (c) do not  
4 apply to any small tangible items upon which the information required would be  
5 impracticable to print, display, or present, including, but not limited to: apparel,  
6 hats, pens, key chains, dishware, drinking glasses, coffee mugs, etc.

7 (2) The requirements of paragraphs (2) and (3) of subsection (c) do not apply  
8 to any digital material where the inclusion would be impracticable due to limited  
9 characters or spaces if a link to a website that complies with subsection (b) of  
10 Section 12461 is included in the advertisement.

11 (e) An advertisement must not be deceptive to the public. The Bureau must  
12 consider the following criteria in determining whether an advertisement is  
13 deceptive:

14 (1) The advertisement depicts gambling as a means to become wealthy or  
15 resolve a financial burden.

16 (2) The advertisement targets or appeals to children or adolescents or  
17 encourages persons under 21 years of age to engage in controlled gambling.  
18 Examples of this include, but are not limited to:

19 (A) The advertisement uses depictions, images, appearances, or voice-over  
20 services of anyone under 21 years of age.

21 (B) The advertisement uses objects such as toys, inflatables, movie characters,  
22 cartoon characters, or any other display, depiction, or image designed in a manner  
23 likely to be substantially or predominately appealing to minors or anyone under  
24 21 years of age.

25 (C) The advertisement is used on the premises of any day care center, youth  
26 center, preschool, or school providing instruction in any grades kindergarten to  
27 12, or at any function for a school providing instruction to any grades  
28 kindergarten to 12, or at any function that is held primarily for persons under the  
29 age of 21.

30 (3) The advertisement uses either of the following terms when describing any  
31 of the games, groups of games, or gaming activities offered at the gambling  
32 establishment, unless the use of the term draws a distinction between the term and  
33 the games or gaming activities offered at the gambling establishment:

34 (A) “Nevada”; or,

35 (B) “Vegas”.

36 (4) The advertisement makes any false or misleading claims.

37 (5) The advertisement depicts, illustrates, portrays, or refers to a game, group  
38 of games, or gaming activity that is not currently approved by the Bureau for the  
39 cardroom advertised and is prohibited by Penal Code section 330.

1 Note: Authority cited: Sections 19811, 19824, 19841 and 19920, Business and Professions Code.  
2 Reference: Sections 19801, 19841 and 19920, Business and Professions Code; and Sections  
3 4369.2 and 4369.4, Welfare and Institutions Code.

4  
5 **§ 12098. Age Confirmation in Advertising.**

6 (a) Prior to any advertising from the owner category licensee involving direct  
7 communication or dialogue directed to a particular individual, the owner category  
8 licensee must use age affirmation, self-attestation, or other reasonable means to  
9 verify or substantiate a good-faith belief that the intended recipient is 21 years of  
10 age or older. For the purposes of this section, direct communication or dialogue  
11 may occur through any form of communication initiated by or for the owner  
12 category licensee, including in-person, telephone, physical mail, or electronic.  
13 This Section does not apply to digital advertising that uses an age filter to target  
14 advertising to persons 21 years of age or older.

15 (b) A method of age verification is not necessary for a communication if the  
16 owner category licensee can verify that the owner category licensee has  
17 previously had the intended recipient verify the recipient is 21 years of age or  
18 older by a method of age affirmation or self-attestation and the owner category  
19 licensee sends the communication to the intended recipient.

20 (c) An owner category licensee must use a method of recipient age affirmation  
21 or self-attestation, or provide notice to a person that they must be 21 years of age  
22 or older, before a potential customer joins a mailing list, subscribes, or otherwise  
23 consents to receiving direct communication or dialogue controlled by an owner  
24 category licensee.

25 Note: Authority cited: Sections 19811, 19824, 19841 and 19920, Business and Professions Code.  
26 Reference: Sections 19801, 19841 and 19920, Business and Professions Code; and Section  
27 4369.4, Welfare and Institutions Code.

28  
29 **§ 12099. Disapproval of Advertising.**

30 (a) If the Bureau determines an advertisement is deceptive in accordance with  
31 this article, the Bureau may issue a notice of disapproval to the owner category  
32 licensee. The notice of disapproval must include, at minimum, the following:

33 (1) A legal citation of the violation;

34 (2) A description of each part of the advertisement that is not compliant with  
35 this article;

36 (3) A specified deadline that provides at least 30 calendar days from the date  
37 of issuance of the notice of disapproval to correct the advertisement; and,

38 (4) An explanation of the owner category licensee's right to submit written  
39 support to rebut the notice of disapproval, consistent with subsection (b).

40 (b)(1) An owner category licensee may submit written support to the Bureau  
41 to rebut the notice of disapproval within 14 calendar days following the Bureau's  
42 issuance of the notice of disapproval.

Additions shown in blue underline; deletions shown in ~~red-strikeout~~.

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1       (2) The notice of disapproval will be stayed until the Bureau issues its final  
2 determination in response to the timely written support submitted to rebut the  
3 notice of disapproval.

4       (3) Within 30 calendar days following receipt of the timely written support  
5 submitted to rebut the notice of disapproval, the Bureau must respond to the  
6 owner category licensee in writing with its final determination. The Bureau will  
7 consider the information provided and will notify the owner category licensee of  
8 one of the following:

9       (A) The Bureau's final determination to uphold the notice of disapproval,  
10 including an updated deadline to correct the advertisement specified in the notice  
11 of disapproval. The updated deadline specified in the Bureau's final determination  
12 must provide a minimum of 30 calendar days from the date of issuance to correct  
13 the advertisement;

14       (B) The Bureau's determination to rescind the notice of disapproval.

15       (c) If either a notice of disapproval is issued in accordance with subsection (a)  
16 or a final determination is issued in accordance with subsection (b), and the  
17 noncompliant advertisement is not corrected by the deadline specified by the  
18 Bureau, the Bureau may take additional disciplinary action as it deems  
19 appropriate.

20       (d) Any notice of disapproval and failure to correct the advertisement pursuant  
21 to subsection (a), any final determination and failure to correct the advertisement  
22 pursuant to subsection (b), instances of repeated violations of this article, and any  
23 subsequent action by the owner category licensee and/or Bureau, must be  
24 included in the Bureau report for consideration during an owner category  
25 licensee's initial or renewal license application and may be considered a factor in  
26 determining suitability for licensure.

27       (e) Nothing in this article will be construed to limit the Bureau from filing a  
28 disciplinary action under Chapter 10 of this division and/or under Business and  
29 Professions Code sections 19930 and 19931.

30 Note: Authority cited: Sections 19811, 19824, 19841, 19856, 19857, 19859 and 19920, Business  
31 and Professions Code. Reference: Sections 19801 and 19920, Business and Professions Code; and  
32 Section 4369.4, Welfare and Institutions Code.

33  
34       **CHAPTER 7. CONDITIONS OF OPERATION FOR GAMBLING ESTABLISHMENTS.**  
35       **ARTICLE 9. PROGRAM FOR RESPONSIBLE GAMBLING.**

36  
37       **§ 12461. Posting Referral Information.**

38       ...

39       (b) Any website or social media landing page operated by or ~~on behalf of~~  
40 under the control of any cardroom business licensee or TPPPS business licensee

1 must, in accordance with subsection (a) and (b) of Section 12097, contain the  
2 following information in writing:

3 (1) ~~a~~ A responsible gambling message;

4 (2) ~~and a link~~ A hyperlink to the Office of Problem Gambling at  
5 <http://www.problemgambling.ca.gov> (or its successors) that provides information  
6 and referral services for problem gamblers, ~~currently~~  
7 ~~“<http://www.problemgambling.ca.gov>.”~~; and,

8 (3) At least one of the following information and referral services for problem  
9 gamblers approved by the Office of Problem Gambling (or its successors):

10 (A) 1-800-GAMBLER;

11 (B) 800gambler.chat; or,

12 (C) Text “SUPPORT” to 53342.

13 ~~(e) Advertising material produced by or on behalf of any cardroom business~~  
14 ~~licensee or TPPPS business licensee must contain a responsible gambling~~  
15 ~~message and shall refer to the telephone number listed in subsection (a) above or~~  
16 ~~the website listed in subsection (b) above, or both. This provision applies to any~~  
17 ~~advertisement that will be distributed by television, radio, outdoor display, flyer,~~  
18 ~~mail or digitally. This provision does not apply to:~~

19 ~~(1) Any digital material with limited characters or space that provides a link to~~  
20 ~~a website that complies with subsection (b).~~

21 ~~(2) Any promotional item in which size or space limitations do not allow the~~  
22 ~~responsible gambling message to be legibly displayed, such as: pens, key chains,~~  
23 ~~hats, drinking glasses, coffee mugs, etc.~~

24 Note: Authority cited: Sections 19811, 19840, 19841~~(e)~~ and 19920, Business and Professions  
25 Code. Reference: Sections 19801 and 19920, Business and Professions Code; and Sections 4369.2  
26 and 4369.4, Welfare and Institutions Code.

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