

PROPOSED AMENDMENTS TO REGULATION 5

PURPOSE: In accordance with NRS 463.145, NRS 463.150, to create a new regulation regarding the non-payment of winnings to individuals formally trespassed from a gaming establishment or to individuals on Nevada's list of excluded persons; and to take such additional action as may be necessary and proper to effectuate these stated purposes.

REGULATION 5

OPERATION OF GAMING ESTABLISHMENTS

(Draft Date: September 5, 2024)

New
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5.095 Non-Payment of Winnings to Trespassed Individuals and to Individuals on the List of Excluded Persons

1. A licensed gaming establishment shall not knowingly pay any ostensible winnings from any gambling game, slot machine, race book, or sports pool, or pari-mutuel operator:

(a) To any individual who was previously trespassed from the licensed gaming establishment in accordance with NRS 207.200(2)(e), unless such trespass warning is rescinded; or

(b) If applicable to such licensed gaming establishment, to any individual who has been placed on the list of persons to be excluded or ejected from any licensed gaming establishment which conducts pari-mutuel wagering or operates any race book, sports pool or games, other than slot machines only, pursuant to NRS 463.151.

2. A licensed gaming establishment that issues a warning against trespass to an individual in accordance with NRS 207.200(2)(e) shall further inform the individual verbally or in writing, in substantially similar form, of the following:

Any future wager by you is deemed void. You are not entitled to receive, and [Name of licensed gaming establishment] is prohibited from knowingly paying you, any ostensible future winnings from gaming. You are not entitled to recover, and [Name of licensed gaming establishment] is not required to reimburse you, any possible future losses from gaming. Further, you are deemed not to be a patron for purposes of NRS 463.361 to 463.3668 or Regulation chapter 7A.

3. A licensed gaming establishment shall return the wager to any individual who is not paid pursuant to subsection 1 of this section.

4. For purposes of this section, any trespass warning issued to an individual is rescinded only if such rescission:

(a) Is provided in writing to the individual by the licensed gaming establishment; and

(b) Expressly and unambiguously notifies the individual that the previous trespass warning is rescinded.

5. Every licensed gaming establishment shall conspicuously display at each public entrance, as well as on its website and in its house rules, written notice that provides, in substantially similar form, the following:

Any individual who has received a warning against trespassing at this gaming establishment pursuant to NRS 207.200(2)(e) and NGC Regulation 5.095 shall not be entitled to receive, and this gaming establishment is prohibited from knowingly paying, any winnings from gaming to that individual. Further, such individuals are not entitled to recover, and this gaming establishment is not required to reimburse, any losses from gaming.

6. Every licensed gaming establishment which conducts pari-mutuel wagering or operates any race book, sports pool or games, other than slot machines only, shall conspicuously display at each public entrance, as well as on its website and in its house rules, written notice that provides, in substantially similar form, the following:

Any individual who has been placed on the list of persons to be excluded or ejected from any licensed gaming establishment which conducts pari-mutuel wagering or operates any race book, sports pool or games, other than slot machines only, pursuant to NRS 463.151 shall not be entitled to receive, and this gaming establishment is prohibited from knowingly paying, any winnings from gaming to that individual. Further, such individuals are not entitled to recover, and this gaming establishment is not required to reimburse, any losses from gaming.

7. For each individual who has been issued a trespass warning in accordance with NRS 207.200(2)(e), or who is on the list of persons to be excluded or ejected from any licensed gaming establishment which conducts pari-mutuel wagering or operates any race book, sports pool or games, other than slot machines only, pursuant to NRS 463.151, the licensed gaming establishment shall:

(a) Remove the individual's name from any lists used for direct marketing or direct mailing;

(b) Disable any accounts assigned to the individual, including any player award or wagering accounts, and redeem any cash owed to the individual from the accounts.

8. Any licensed gaming establishment that issues a warning against trespass to an individual in accordance with NRS 207.200(2)(e) shall maintain and provide to the Board, upon request, with evidence of the

warning against trespass issued to the individual including, without limitation, the following:

(a) The name and physical address of the licensed gaming establishment where the warning against trespass was issued;

(b) A description of the location on the premises of the licensed gaming establishment where the warning against trespass was issued;

(c) The date and time the warning against trespass was issued and the name of the individual to whom the warning against trespass was issued;

(d) Identifies the representative or law enforcement officer who issued the warning against trespass, and identifies any witnesses; and

(e) If possible, a photograph or video recording taken of the individual from when the warning against trespass was issued;

9. Failure of a licensed gaming establishment to comply with subsections 2, and 5 through 8 of this section shall not be grounds for an individual to claim that he or she is entitled to payment of winnings, or reimbursement of losses, from gaming.

10. Failure of a licensed gaming establishment to comply with this section is an unsuitable method of operation.

11. Any individual who falls within the provisions of subsection 1 of this section is deemed not to be a patron for purposes of NRS 463.361 to 463.3668 or Regulation chapter 7A.