

**RESOLUTION CONCERNING ADOPTION OF EMERGENCY
AMENDMENTS TO GAMING RULES 2 & 29,
1 C.C.R. 207-1**

WHEREAS, on May 10, 2022, the Colorado General Assembly passed House Bill (HB) 22-1402, concerning measures to promote responsible gaming and also creating a Responsible Gaming Grant Program, establishing funding mechanisms to support the Responsible Gaming Grant Program, and making an appropriation;

WHEREAS, on June 7, 2022, Governor Jared S. Polis signed HB 22-1402;

WHEREAS, HB 22-1402 took effect at 12:01 a.m. on August 10, 2022 (the day following the expiration of the ninety-day period after final adjournment of the General Assembly on May 11, 2022);

WHEREAS, HB 22-1402 creates the Responsible Gaming Grant Program under the Department of Revenue to promote and address problem gaming in Colorado;

WHEREAS, HB 22-1402 authorizes the Colorado Limited Gaming Control Commission (the “Commission”) to administer the Responsible Gaming Grant Program in collaboration with the behavioral health administration, and to award grants to eligible applicants using funds in the Responsible Gaming Grant Program Cash Fund;

WHEREAS, HB 22-1402 authorizes the Commission to promulgate rules to implement the Responsible Gaming Grant Program;

WHEREAS, HB 22-1402 outlines reporting requirements for each grantee to submit a report concerning the use of grant money to the Commission on or before September 1, 2023, and on or before September 1 each year thereafter;

WHEREAS, HB 22-1402 outlines reporting requirements for the Commission to submit a summarized report to the legislative committees of reference and to the behavioral health administration on or before December 1, 2023, and on or before December 1 each year thereafter;

WHEREAS, in order to timely implement the Responsible Gaming Grant Program so that the Commission can award grants to ensure the grantees and the Commission have the information to provide the reports in 2023, the Commission finds it is necessary to promulgate emergency rules detailing the creation of the Responsible Gaming Grant Program, the application process for grants, the process for reviewing and awarding grants, the duties and responsibilities of grant recipients, and the reporting responsibilities of grant recipients;

WHEREAS, HB 22-1402 requires retail gaming licensees, sports betting operators, and internet sports betting operators to annually submit reports to the director of the Division of Gaming describing the efforts of the licensee/operator to promote responsible gaming in the preceding state fiscal year and plans concerning promotional efforts in the current fiscal year;

WHEREAS, in order for retail gaming licensees, sports betting operators, and internet sports betting operators to begin preparing annual reports for submission in 2023, the Commission finds it is necessary to promulgate emergency rules detailing criteria for sufficient promotion of responsible gaming to be submitted by retail gaming licensees, sports betting operators, and internet sports betting operators;

WHEREAS, HB 22-1402 also requires the Division of Gaming to operate a program in which certain individuals may be excluded from retail gaming activities and/or sports betting activities in the State of Colorado on and after January 1, 2023;

WHEREAS, HB 22-1402 requires that the Commission promulgate rules regarding the exclusion program of certain individuals from retail gaming activities and/or sports betting activities and the operation of the program by the Division on or before November 1, 2022;

WHEREAS, since the passage of HB 22-1402, the Division of Gaming has engaged in lengthy and meaningful discussions with stakeholders and the public to craft the proposed rules for the Commission to consider in order to implement the provisions of HB 22-1402;

WHEREAS, a temporary or emergency rule may be adopted if an agency finds that immediate adoption of a rule is imperatively necessary and that compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest;

WHEREAS, the immediate adoption of the emergency amendments to Regulation 30-215 *Responsible Gaming Grant Program* under Rule 2 is imperatively necessary to implement the Responsible Gaming Grant Program so that the Commission can create the program and award grants in 2023 prior to the reporting deadlines listed in HB 22-1402 and compliance with the requirements of § 24-4-103, C.R.S., would be contrary to public interest;

WHEREAS, the immediate adoption of the emergency amendments to Regulation 30-2901 *Display of Responsible Gaming Logo*, Regulation 30-2902 *Retail Gaming Licensee's Self-exclusion*, Regulation 30-2903 *Direct Marketing to Prohibited Gaming Participants*, Regulation 30-2904 *Responsible Advertising and Promotions*,

Regulation 30-2905 *Exclusion List – Duties and Responsibilities*, and Regulation 30-2906 *Establishment of Responsible Gaming Best Practices* under Rule 29 are imperatively necessary to implement the exclusion program of certain individuals from retail gaming activities and/or sports betting activities and the requirements for the submission of responsible gaming reports by retail gaming licensees, sports betting operators, and internet sports betting operators as required by HB 22-1402, and so compliance with the requirements of § 24-4-103, C.R.S., would be contrary to public interest; and

WHEREAS, a permanent change could be achieved no sooner than January 2023, given the process for notice and promulgation of the rules pursuant to the provisions of § 24-4-103, C.R.S.


NOW, THEREFORE, IT IS HEREBY RESOLVED by the Colorado Limited Gaming Control Commission, based on the facts recited above, as follows:

The immediate adoption of the emergency rule amendments for gaming Rules 2 and 29 under 1 C.C.R. 207-1, effective October 27, 2022, are imperatively necessary to properly regulate and control gaming in Colorado and to ensure the regulated community, stakeholder, and the public have clear guidance regarding changes following HB 22-1402, and the delay resulting from strict compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest.

RESOLVED AND ENTERED this 27 day of October, 2022.

COLORADO LIMITED GAMING
CONTROL COMMISSION

By:



Richard Nathan, Chair