

TITLE 15 GAMBLING AND LIQUOR CONTROL
CHAPTER 1 GAMES AND GAMING GENERAL PROVISIONS
PART 18 COMPULSIVE GAMBLING ASSISTANCE PLAN STANDARDS

15.1.18.1 ISSUING AGENCY: New Mexico Gaming Control Board.
[4/15/99; 15.1.18.1 NMAC - Rn, 15 NMAC 1.18.1, 3/31/00]

15.1.18.2 SCOPE: This rule applies to all gaming operator licensees and applicants for gaming operators' licenses.
[4/15/99; 15.1.18.2 NMAC - Rn, 15 NMAC 1.18.2, 3/31/00]

15.1.18.3 STATUTORY AUTHORITY: Section 60-2E-7(B)(3) of the Gaming Control Act authorizes the board to develop, adopt and promulgate all regulations necessary to implement and administer the provisions of the Gaming Control Act. Section 60-2E-26(A) requires each applicant for licensure as a gaming operator to submit with the application a plan for assisting in the prevention, education and treatment of compulsive gambling.
[4/15/99; 15.1.18.3 NMAC - Rn, 15 NMAC 1.18.3, 3/31/00]

15.1.18.4 DURATION: Permanent.
[4/15/99; 15.1.18.4 NMAC - Rn, 15 NMAC 1.18.4, 3/31/00]

15.1.18.5 EFFECTIVE DATE: April 15, 1999, unless a later date is cited at the end of a section.
[4/15/99; 15.1.18.5 NMAC - Rn, 15 NMAC 1.18.5, 3/31/00; A, 1/31/02]

15.1.18.6 OBJECTIVE: The objective of this rule is to establish standards for the development of compulsive gambling assistance plans by applicants for gaming operators' licenses and the implementation and maintenance of such plans by licensed gaming operators.
[4/15/99; 15.1.18.6 NMAC - Rn, 15 NMAC 1.18.6, 3/31/00]

15.1.18.7 DEFINITIONS: Reserved.
[4/15/99; 15.1.18.7 NMAC - Rn, 15 NMAC 1.18.7, 3/31/00]

15.1.18.8 PLAN REQUIRED FOR LICENSURE: An applicant for a gaming operator's license shall submit a compulsive gambling assistance plan with its application. The plan shall meet or exceed the minimum standards set forth in this rule. The development of such a plan by the applicant, and the approval of the plan by the board, are conditions of issuance of the original gaming operator's license. The maintenance of the plan as approved by the board is a condition of annual renewal of the license.
[4/15/99; 15.1.18.8 NMAC - Rn, 15 NMAC 1.18.8, 3/31/00; A, 2/28/05]

15.1.18.9 MINIMUM STANDARDS FOR COMPULSIVE GAMBLING ASSISTANCE PLAN:

A. The compulsive gambling assistance plan shall include all of the following elements unless the applicant or gaming operator licensee obtains a written waiver of any element from the board:

(1) identification of a plan manager or other person responsible for ensuring that the plan is implemented and administered as approved by the board and monitored to maintain the minimum standards established by this rule;

(2) a mission statement that identifies the goals of the gaming operator licensee in administering the plan;

(3) policies concerning the handling of compulsive gambling problems, commitment to training, intervention, the employee's role and duties, management's role and duties, and the patron's responsibilities;

(4) specific, detailed procedures to determine appropriate intervention techniques in a given circumstance, and carrying out the intervention techniques;

(5) printed materials to educate patrons about compulsive gambling and inform them of local and statewide resources available to compulsive gamblers and their families; the materials shall include signs or posters located inside the licensed premises and brochures discussing compulsive gambling issues and sources of treatment and information, samples shall be attached; the primary purpose of all such printed material shall be for

the purpose of promoting a responsible gambling message; the plan shall also specify the source of the printed materials, the authority for the use of said materials and the proposed distribution methods and location;

(6) policy and procedures that prohibit facilitating, participating in, or allowing the issuance of any loans or extension of credit to a patron for gaming purposes; printed materials provided by racetrack operators shall be in both English and Spanish;

(7) a comprehensive employee training plan satisfactory to the board, including training manuals and other materials necessary to educate employees about compulsive gambling issues; the training plan shall include instruction in the psychology of the compulsive gambler, methods of recognizing compulsive gambling behavior, intervention techniques and other subjects as determined by the board;

(8) form for certifying, to the board's satisfaction, that each employee required to obtain the training has done so within the time period specified by this rule;

(9) details of a follow-up training program to periodically reinforce employee training;

(10) estimated costs for implementation and administration;

(11) timetable and procedures for implementing the compulsive gambling assistance plan; the plan must be implemented no later than ninety (90) days from the date gaming commences on the licensed premises;

(12) details from licensee on the provider to whom referrals are made;

(13) treatment providers shall provide documentation showing that they are licensed, in good standing and have a documented competency in the field of problem gambling issues; and

(14) any other policies and procedures recommended by the state of New Mexico department of health and approved by the board or established by the board.

B. The board shall submit the entire plan to the state of New Mexico department of health for evaluation. The New Mexico department of health shall recommend to the board approval or disapproval of the plan.

[4/15/99; 15.1.18.9 NMAC - Rn, 15 NMAC 1.18.9, 3/31/00; A, 2/28/05; A, 10/15/15]

15.1.18.10 EMPLOYEE TRAINING:

A. The compulsive gambling assistance plan shall be designed with employee training and education as fundamental aspects of the plan. The purpose of the training is to develop awareness of compulsive gambling and to provide resources to assist the employee in handling compulsive gambling issues.

B. The employee training program shall include training and materials on the following topics:

(1) characteristics and symptoms of compulsive gambling behavior;

(2) prevalence of compulsive gambling in the general population;

(3) relationship of compulsive gambling to other addictions;

(4) social costs of compulsive gambling, such as indebtedness, costs for treatment, suicide, criminal behavior, lost jobs, and counseling for family problems;

(5) identification of vulnerable populations, including women, low-income patrons, the elderly, and persons who abuse drugs and alcohol;

(6) intervention techniques to be employed where a compulsive gambling problem is identified or suspected; and

(7) assistance and referral programs, including specific resources and training on how to discuss compulsive gambling with a patron and give advice concerning access to available services.

C. Training must be conducted within 60 days of the employee's hire date and re-certification must be done annually. Certification and re-certification of such training shall be submitted on a form provided or approved by the board. Failure to submit the required certification may result in administrative action against the gaming operator licensee.

D. This rule shall not be construed as requiring gaming employees to identify compulsive or other problem gamblers.

[4/15/99; 15.1.18.10 NMAC - Rn, 15 NMAC 1.18.10, 3/31/00; A, 2/28/05]

15.1.18.11 ANNUAL REPORT OF ACTIVITIES: Each gaming operator licensee shall submit to the board, no later than March 31 annually, a report detailing the licensee's compulsive gambling activities for the previous 12-month period ending December 31. The report shall be in form and content prescribed or approved by the board.

[15.1.18.11 NMAC - N, 1/31/02; A, 2/28/05]

15.1.18.12 COMPULSIVE GAMBLING FUNDS DISTRIBUTION: A racetrack gaming operator shall spend all funds required by statute to fund or support programs for the treatment and assistance of compulsive gamblers each year within 120 days after the close of the licensee's fiscal year.

A. Racetracks shall spend no more than 15 % on administrative costs, including the salary of the plan manager or other person responsible for ensuring that the plan is implemented and administered and for marketing of compulsive gambling issues.

B. Racetracks shall spend the remainder of the compulsive gambling funds on compulsive gambling training for employees, crisis intervention and prevention programs, gambling assistance and treatment, and a helpline as identified in the plan and approved by the board.

[15.1.18.12 NMAC - N, 5/14/04; A, 2/28/05]

HISTORY OF 15.1.18 NMAC:

Pre NMAC History: None.

History of Repealed Material: [Reserved]

Other History:

15 NMAC 1.18, Compulsive Gambling Assistance Plan Standards, effective 4/15/99.

15 NMAC 1.18, Compulsive Gambling Assistance Plan Standards (filed 3/26/99) reformatted, renumbered, amended and replaced by 15.1.18 NMAC, Compulsive Gambling Assistance Plan Standards, effective 3/31/2000.