Comments of the Independent Regulatory Review Commission

Pennsylvania Gaming Control Board Regulation #125-258 (IRRC #3491)

Compulsive and Problem Gaming Regulation Updates

September 9, 2026

We submit for your consideration the following comments on the proposed rulemaking published in the July 11, 2026 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Legislative comments. – Determining whether the regulation is in the public interest.

Representatives Jose Giral, Morgan Cephas, Ben Waxman, Danilo Burgos, Joseph C. Hohenstein, and Mary Isaacson of the Philadelphia Delegation commend the Board for this rulemaking. They specifically express support for the proposed regulation's focus on modernizing terminology, providing players with expanded options to set gambling limits and account suspension, creating more consistency of resource requirements across multiple platforms, enhancing players' abilities to deter triggers by strengthening direct marketing communication barriers, and strengthening accountability and setting explicit responsible gaming expectations tailored specifically to iGaming operators. However, the representatives do express concerns about certain aspects of this rulemaking and urge the Board to include the following items in the final-form regulation:

- Mandatory pre-commitment limits;
- Elimination of high-risk payment methods;
- Strict advertisement safeguards;
- Algorithmic accountability and data sharing;
- Restriction of high-velocity betting mechanics; and
- Unification of self-exclusion removal.

We will consider the Board's responses to these legislative concerns and suggestions as we determine whether the final regulation is in the public interest.

2. Implementation procedures and timetables for compliance by the public and private sectors. – Feasibility; Reasonableness; Implementation procedures.

Gaming operators express concerns about the implementation of certain provisions of this rulemaking. Some examples from these operators are provided below.

- "The proposed jackpot and auto-play changes would require coordinated implementation across multiple systems and stakeholders."
- "The concern is that several proposed provisions, as drafted, may create conflicting patron-contact duties, undefined marketing and account-status obligations, substantial implementation burdens for casino-controlled systems and vendors, and potential regulatory risk even where a licensee acts in good faith."
- "Provide a reasonable phased implementation period for requirements that require Customer Relations Management (CRM) system or website changes, vendor coordination, data mapping, accessibility review, testing, or internal-control revisions. Immediate compliance upon final publication may not be feasible for changes dependent on third-party systems or coordinated deployment."
- "…[T]hat any updates to the Board's Regulations provide a reasonable period before implementation such that operators can update their platforms to conform with the new regulations. Regulations may necessitate a longer runway if they require software build time."
- "The prohibition on targeting individuals based on removal from suspended or excluded status raises practical implementation issues."

These operators also provide suggestions regarding implementation, such as implementation flexibility for certain requirements, phased implementation, continued stakeholder engagement on implementation guidance before compliance dates are established, and a defined transition period for certain provisions. We urge the Board to work with the regulated community to develop reasonable and feasible implementation procedures and timetables to ensure compliance with the final-form rulemaking.

3. Protection of the public health, safety, and welfare.

Advocacy groups commend the Board for its work on this proposed regulation to date and generally express support for it, but they do have some concerns. Below are some examples of these groups' concerns.

- "While the proposed amendments improve consistency and modernize existing regulations, we feel they do not fully address the significant public health challenges associated with today's continuously expanding gambling environment."
- "Accompanying Pennsylvania's unprecedented growth in availability and participation in multiple forms of land based and online gambling are increasing reports of gambling-related harms that affect individuals, families, and communities. The Commonwealth has an opportunity to strengthen its regulatory framework and better protect Pennsylvanians

by adopting a more comprehensive public health approach that emphasizes prevention, early intervention, treatment, and long-term recovery."

- "The current proposal focuses primarily on updating existing regulations, but as outlined in the Joint State Government Commission's July 2026 Sports Betting Study (HR 60), structural gaps still expose Pennsylvanians to elevated risk."
- "We respectfully request that the final rulemaking include additional safeguards to further reduce gambling-related harm."
- "One way to increase adoption of the tools [responsible gambling tools] is to shift from an opt-in approach to an opt-out approach, which is something we suggest the regulations consider when it comes to deposit and spending limits."

We ask that the Board work with stakeholders to ensure that the final-form regulation protects the public health, safety, and welfare of the Commonwealth.

4. Definitions. – Clarity.

Commenters express concerns about certain terms not being defined and other terms lacking clarity. Some of these terms include the following: "gambling disorder," "directed marketing," "contact," "registered patrons and players," "all websites," "agent acting on behalf," "account," "closed," "deactivated," "material amendment," "qualified person," "general public," "saturate," "a given communication medium or location," "disproportionately targets," "age-gating," and "registered."

We ask that the Board define the above-listed terms in the final rulemaking.

5. Section 501a.2. Compulsive and problem gambling plan. – Clarity; Need.

Subsection (b) requires an applicant for a slot machine license to submit its compulsive and problem gambling plan at least 60 days prior to its effective date. The rationale for this timeframe, as conveyed in the Preamble, is to provide the Board sufficient time to review the plan prior to it becoming effective. This makes sense for amendments to the plan under Section 501a.2(g). However, it is unclear whether such a requirement is necessary for a new applicant for a slot machine license for the following reasons: 1) Section 501a.2(a) requires the plan to be submitted with the initial application for a slot machine license; and 2) Section 501a.2(b) prohibits the new slot machine licensee from beginning operation until the plan is approved. We ask that the Board clarify and explain the need for the 60-day requirement under subsection (b).

6. Section 501a.3. Employee training program. – Need; Reasonableness.

Subsection (a.1) requires management-level employees in positions with supervisory responsibilities, employees of departments with duties or responsibilities pertaining to the compulsive and problem gambling plan, and employees who interact with patrons or the public to complete the compulsive and problem gambling employee training program. The requirement that "employees who interact with patrons or the public" undergo compulsive and problem gambling training would include food and beverage employees. We ask that the Board explain the need for and reasonableness of subjecting food and beverage employees to this requirement in the final-form regulation.

7. Section 501a.7. Advertising. – Clarity; Need; Reasonableness.

This section provides for means to limit advertisement exposure or targeting of underage individuals and means to opt out of directed gaming-related marketing materials.

Gaming operators and advocacy groups express concerns about the lack of clarity in some of the provisions of this section. Some examples from these commenters are provided below.

- "Several parts of the proposed amendments regarding advertising are vague, ambiguous and could be difficult, if not impossible to implement."
- "Proposed section 501a.7(c)(4) is ambiguous. For example, what do 'saturate' and 'a given communication medium or location' mean – one sporting event's television advertisement, one social media platform, one gaming operator's advertisements viewed on its own or together with other licensed and unlicensed gaming advertisements?"
- "We applaud that this addition [in Section 501a.7(f)] seeks to reduce advertising to underage individuals. However, the proposed language only states that licensee[s] shall 'take steps' to do this but has no specific requirements."
- "Because the obligation runs to the general public rather than to registered patrons, who are separately addressed under subsection (g), we welcome clarification as to the channels through which a licensee may satisfy it."

We ask that the Board clarify ambiguous provisions identified by commenters in this section.

Subsection (e)

Paragraph (2) changes the height of the font used for billboards for the gambling assistance message from at least 5% to at least 2% of the height or width of the face of the billboard. We ask that the Board explain why a change to the font size is necessary.

Subsection (i)

Paragraph (1)(iii) requires the licensee to stop sending directed marketing materials to an individual who has opted out "as soon as practical, but no later than 5 full business days following the individual's opt out." A commenter states that this requirement is "logistically impossible due to mail house processing lead times." The same commenter recommends that the Board "[a]lign the opt-out timeline for Direct [USPS] Mail with industry-standard lead times rather than a 5-day window." We ask that the Board consider the reasonableness of the five-day requirement.

8. Section 812a.9. Player account controls. – Clarity; Reasonableness; Implementation procedures.

Subsection (g)

Paragraph (2) of this subsection states that a deposit limit must be offered on a daily, weekly, and monthly basis and must specify the maximum amount of money and the maximum number of deposit transactions a player may deposit into his or her interactive gaming account during the designated period of time. Commenters express concerns about the clarity of this paragraph.

For example, a commenter states: "The proposed limits would benefit from clarification regarding whether deposit amount limits (amount of money) and deposit transaction limits (number of transactions) are intended to function as separate player controls or as part of a single limit-setting process. Additional guidance would help ensure consistent implementation among operators." Another commenter states that "it is unclear whether the intent of this provision is to create a discrete 'maximum deposit transaction' limit, or whether the [Board] expects…deposit limits to have a compound function (e.g. a single limit that offers maximum dollar amount and the maximum number of deposit transactions)." We ask that the Board clarify subsection (g)(2) in the final regulation to address commenters' concerns.

Paragraphs (6.1) and (6.2) provide for potential jackpot limits and auto-play limits. Commenters express concerns about the clarity of and the rationale for these paragraphs. For example, one commenter states that the "proposed language does not clearly explain what outcome the Board intends to achieve or whether the control should apply at game/tournament access, progressive wager, or individual wager level." Another commenter questions the rationale for these paragraphs, given that "having a patron establish a potential jackpot limit and game-specific auto-play limits might encourage irresponsible behavior, pushing patrons to craft complicated betting strategies and riskier bets than they would otherwise do." We ask that the Board clarify and explain the reasonableness of the implementation of potential jackpot and auto-play limits in the final regulation.

Paragraph (6.3) provides for a promotion self-suspension that allows a player an easy-to-initiate means to opt out of promotions for the time period the player elects. Commenters express concerns about the clarity of this paragraph. For example, one commenter states the following: "The proposed provision requires additional clarification regarding its scope and operation. In particular, guidance is needed on whether it applies only to promotional communications sent to a player or also to promotional content displayed when a player voluntarily accesses a website or mobile application." Another commenter says that it is "unclear what additional responsible gaming benefit would be provided by requiring a separate 'promotion self-suspension.'" We ask that the Board clarify the promotion self-suspension provision in the final rulemaking.