

**SENATE, No. 3063**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

INTRODUCED APRIL 8, 2024

**Sponsored by:**

**Senator JOHN F. MCKEON**

**District 27 (Essex and Passaic)**

**Co-Sponsored by:**

**Senator Cryan**

**SYNOPSIS**

Permits civil liability against casinos and simulcast facilities for reckless indifference or intentional misconduct toward persons self-excluded from gaming activities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1)**

1 AN ACT concerning civil liability of casino and simulcast facilities  
2 and amending P.L.2001 c.39.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 1 of P.L.2001, c.39 (C.5:12-71.2) is amended to read  
8 as follows:

9 1. a. The division shall provide by regulation for the  
10 establishment of a list of persons self-excluded from gaming  
11 activities at all licensed casinos and simulcasting facilities. Any  
12 person may request placement on the list of self-excluded persons  
13 by agreeing that, during any period of voluntary exclusion, the  
14 person may not collect any winnings or recover any losses resulting  
15 from any gaming activity at such casinos and facilities.

16 b. The regulations of the division shall establish procedures for  
17 placements on, and removals from, the list of self-excluded persons.  
18 Such regulations shall establish procedures for the transmittal to  
19 licensed casinos and simulcasting facilities of identifying  
20 information concerning self-excluded persons, and shall require  
21 licensed casinos and simulcasting facilities to establish procedures  
22 designed, at a minimum, to remove self-excluded persons from  
23 targeted mailings or other forms of advertising or promotions and  
24 deny self-excluded persons access to credit, complimentaries, check  
25 cashing privileges club programs, and other similar benefits.

26 c. A licensed casino or simulcasting facility or employee  
27 thereof shall not be liable to any self-excluded person or to any  
28 other party in any judicial proceeding for any harm, monetary or  
29 otherwise, which may arise as a result of:

30 (1) the failure of a licensed casino or simulcasting facility to  
31 withhold gaming privileges from, or restore gaming privileges to, a  
32 self-excluded person; or

33 (2) otherwise permitting a self-excluded person to engage in  
34 gaming activity in such licensed casino or simulcasting facility  
35 while on the list of self-excluded persons.

36 This subsection shall not be construed to limit the liability of a  
37 licensed casino or simulcasting facility or employee thereof to any  
38 self-excluded person or to any other party in any judicial  
39 proceeding for any harm, monetary or otherwise, which is caused  
40 by acts or omissions constituting reckless indifference or intentional  
41 misconduct toward self-excluded persons.

42 d. Notwithstanding the provisions of P.L.1977, c.110 (C.5:12-1  
43 et seq.) or any other law to the contrary, the division's list of self-  
44 excluded persons shall not be open to public inspection. Nothing  
45 herein, however, shall be construed to prohibit a casino licensee

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 from disclosing the identity of persons self-excluded pursuant to  
2 this section to affiliated gaming entities in this State or other  
3 jurisdictions for the limited purpose of assisting in the proper  
4 administration of responsible gaming programs operated by such  
5 gaming affiliated entities.

6 e. A licensed casino or simulcasting facility or employee  
7 thereof shall not be liable to any self-excluded person or to any  
8 other party in any judicial proceeding for any harm, monetary or  
9 otherwise, which may arise as a result of disclosure or publication  
10 in any manner, other than a willfully unlawful disclosure or  
11 publication, of the identity of any self-excluded person.

12 (cf: P.L.2014, c.20, s.1)

13

14 2. This act shall take effect immediately.

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#### STATEMENT

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19 This bill permits civil liability against casinos and simulcast  
20 facilities, and their employees, for their failure to withhold gaming  
21 privileges from, or restore gaming privileges to, persons voluntarily  
22 participating in the New Jersey Casino Self-Exclusion Program, or  
23 for permitting a self-excluded person to engage in gaming activity  
24 while on the self-exclusion list, if the casinos and simulcast  
25 facilities, or their employees, acted with reckless indifference or  
26 intentional misconduct against self-excluded persons.

27 Under current law, a licensed casino or simulcasting facility, and  
28 their employees, cannot be held civilly liable to any party in any  
29 judicial proceeding for any harm which may arise as a result from  
30 their failure to withhold gaming privileges from, or restore gaming  
31 privileges to, or for permitting a self-excluded person to engage in  
32 gaming activity.

33 The New Jersey Casino Gambling Self-Exclusion Program was  
34 established in 2001 to allow people with a gambling problem to  
35 voluntarily exclude themselves from gambling in all Atlantic City  
36 casinos. In 2013, the program was expanded to also include self-  
37 exclusion for Internet gaming activities.