

The Prohibited Use of Electronic Benefits Transfer Cards at Certain Locations

Colorado Revised Statute 26-2-104, which became law in 1996, prohibited recipients the use of Electronic Benefits Transfer (EBT) cards at automated teller machines (ATM) at certain locations, including licensed gaming establishments. On May 1, 2015, Governor Hickenlooper signed House Bill 15-1255. This bill requires the Department of Revenue to adopt rules to govern the enforcement of the prohibited use of electronic benefits transfer service cards at automated teller machines located in licensed gaming establishments, in-state simulcast facilities, race tracks, establishments licensed to sell malt, vinous, or spirituous liquors, medical marijuana centers, and retail marijuana stores. The bill requires the new rule to be effective as of January 1, 2016.

A work group made up of stakeholders and subject matter experts was convened on October 5, to deliberate and provide direction and guidance for the final proposed language. Proposed Rule 1 CCR 210-4 has been drafted and a Rulemaking Hearing was held on October 26, 2015. When adopted by the Department of Revenue Executive Director, the rule will become effective on January 1, 2016.

The law and proposed rule requires affected establishments at which an ATM is located to take measures to prevent a client from using an EBT card to access moneys from such an ATM. Licensees are required to post signs on or near their ATMs notifying their clients that “The use of an electronic benefits transfer service (“EBT”) card to access public benefits at this machine is prohibited by Colorado Law, section 26-2-104, Colorado Revised Statutes”. Alternatively, licensees are exempt from the signage requirement if they can provide an exemption letter from the owner of each ATM stating that the ATM has been programmed to reject EBT cards.

HB 15-1255 became law when signed by the Governor on May 1, 2015, therefore Colorado casinos are required to follow the requirements therein.

The Division of Gaming is providing the aforementioned information to ensure that Gaming Licensees are aware of the law and comply with its requirements. The proposed rule provides guidance for licensees to follow based on House Bill 15-1255. House Bill 15-1255 and proposed Rule 1 CCR 210-4 are attached to this bulletin for your information. Please read them carefully for the full details regarding compliance.

Exemption letters, as specified in law and in the proposed Rule 1 CCR 210-4 (5), may be submitted to the Division via e-mail at dor_ccbhcasinos@state.co.us or dor_cripplecreekcasinos@state.co.us. Questions regarding this matter should be directed to Field Operations Manager Jeff Marone at (303) 205-1330.