

<b>Regulatory Analysis Form</b> (Completed by Promulgating Agency)		<b>INDEPENDENT REGULATORY REVIEW COMMISSION</b> <b>RECEIVED</b> MAR 23 2021 Independent Regulatory Review Commission	
(All Comments submitted on this regulation will appear on IRRC's website)			
(1) Agency Pennsylvania Gaming Control Board			
(2) Agency Number: 125 Identification Number: 229		IRRC Number: 3261	
(3) PA Code Cite: 58 Pa.Code §§ 801a – 817a; 830a			
(4) Short Title: Interactive Gaming			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Chad W. Zimmermann Assistant Chief Counsel Pennsylvania Gaming Control Board P.O. Box 69060 Harrisburg, PA 17101-8323 Phone: (717) 265-8356/ Fax: (717) 703-2988 Email: <a href="mailto:cwzimmerma@pa.gov">cwzimmerma@pa.gov</a> Secondary Contact:			
(6) Type of Rulemaking (check applicable box): <input type="checkbox"/> Proposed Regulation <input checked="" type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation		<input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less) <b>This proposed rulemaking establishes the regulatory oversight structure for the conduct of interactive gaming in this Commonwealth.</b>			
(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation. <b>The Pennsylvania Gaming Control Board's general authority is in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13B02.</b>			

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

**There are no other applicable federal or state statutes, regulations or court decisions that mandate adoption of this rulemaking.**

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

**This rulemaking provides the regulatory framework for slot machine licensees and qualified gaming entities to offer interactive gaming in the Commonwealth. These regulations are necessary to provide for the oversight of the interactive gaming industry and provide a fair and secure environment for patrons who engage in interactive gaming.**

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

**There are no corresponding federal standards for any of these provisions in this rulemaking.**

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

**This rulemaking should not negatively impact Pennsylvania's ability to compete with other states, as these regulations pertain only to Pennsylvania based slot machine licensees and players engaged in the play of interactive gaming in the Commonwealth. An individual who is present in the Commonwealth is only permitted to use interactive gaming systems offered by Pennsylvania operators or certificateholders. The use of geolocation technology ensures that no individual who is outside of the Commonwealth or in another prohibited area is permitted to use Pennsylvania interactive gaming websites.**

**Currently, interactive gaming has been legalized in the following jurisdictions: Delaware, Michigan, Nevada, New Jersey, and West Virginia. Nevada only allows online poker to be played, not other traditional casino games. All other jurisdictions offer interactive gaming in a similar fashion to the requirements of Pennsylvania interactive games. Typically, an individual must be present in the respective jurisdiction to use interactive gaming websites in that state, consistent with Pennsylvania's requirements. Nevada, Delaware, and New Jersey are signatories to a Multi-State Internet Gaming Agreement, which allows individuals in those member states to play peer-to-peer poker against individuals in the other states that are parties to the Agreement, commonly referred to as "shared liquidity." Additionally, an individual in one member state can also play non-peer-to-peer games on an interactive gaming website offered in another member state. Pennsylvania is not yet a party to this Agreement, but provisions in the Act and regulations contemplate Pennsylvania joining if deemed appropriate.**

**Interactive or mobile sports wagering, which is a form of interactive gaming, is legal in the following jurisdictions: Colorado, Illinois, Indiana, Iowa, Michigan, Nevada, New Hampshire, New Jersey, Oregon, Rhode Island, Tennessee, Virginia, and West Virginia.**

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**These regulations will not directly affect any other regulations of another state agency, however, they will be relied on when the regulations pertaining to sports wagering are developed, as online/mobile sports wagering is a form of interactive gaming.**

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

**Prior to the development of these regulations from the temporary regulations which had been adopted previously, the Board reached out to interactive gaming certificateholders, interactive gaming operators, and interactive gaming manufacturers to solicit input on what improvements could be made on the temporary regulations. Comments received by the Board were considered when developing these regulations.**

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

**Any slot machine licensee who wishes to offer interactive gaming in the Commonwealth will be affected by these regulations. Casinos that operate in the Commonwealth of Pennsylvania are not small businesses as defined in the United States Small Business Administration's Small Business Size Regulations, under 13 C.F.R. Ch. 1 Part 121. Of the 13 slot machine licensees that were eligible to seek interactive gaming certificates, 10 have been granted certificates. Additionally, two entities from outside of the Commonwealth applied for and were issued certificates as Qualified Gaming Entities, neither of which would be defined as a small business.**

**Those other businesses also affected are entities that wish to be licensed as an interactive gaming operator (six currently approved, two pending), interactive gaming manufacturer (19 currently approved, eight pending), interactive gaming supplier (none approved, one pending), interactive gaming service provider (100+ approved), and the principals, key employees, gaming employees and nongaming employees thereof. The number of licensed individuals is indeterminable, as each one of these entities likely have numerous principals, key employees, and gaming employees. It is also unknown what category the multitude of businesses involve would be in, however, it is likely that several are not small businesses.**

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

**Any slot machine licensee that wishes to offer interactive gaming in the Commonwealth will be required to comply with the regulation, as well as any qualified gaming entity. Currently there are 13 slot machine licensees, and two entities have been granted qualified gaming entity status by the Board. Interactive gaming certificates have been issued to 10 of the slot machine licensees and both of the Also required to comply are entities that wish to be licensed as an interactive gaming**

operator (six currently approved, two pending), interactive gaming manufacturer (19 currently approved, eight pending), interactive gaming supplier (none approved, one pending, interactive gaming service provider (100+ approved), and the principals, key employees, gaming employees and nongaming employees thereof. The number of licensed individuals is indeterminable, as each one of these entities likely have numerous principals, key employees, and gaming employees.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

**It is not anticipated that this rulemaking will have a negative financial or economic impact on the regulated community or other individuals. These regulations provide the regulatory framework for interactive gaming which will generate tax revenue for the Commonwealth and provide a fair and secure environment for patrons to engage in interactive gaming.**

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

**This rulemaking will provide all necessary oversight for interactive gaming in the Commonwealth. These regulations establish the standards that all entities in the interactive gaming industry must comply with, which will help to provide a fair and secure environment for interactive gaming. It is not anticipated there will be any adverse effects.**

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

**It is anticipated that there will be no additional costs to the regulated community other than the initial costs of licensure, as the costs of implementation and offering interactive gaming have already been accrued under the temporary regulations.**

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

**This rulemaking will have no fiscal impact on local governments.**

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

**The Board expects that this proposed rulemaking will have a relatively small fiscal impact on the Board and other Commonwealth agencies, which primarily is the result of the need for some additional personnel needed to process applications and review, as well as to monitor and regulate the conduct of interactive gaming. Most of the additional duties will be absorbed by existing Board staff. The costs of the proposed regulations will be paid for by an assessment against the interactive gaming revenue as determined by the Department of Revenue.**

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

**Any slot machine licensee wishing to offer interactive gaming in Commonwealth will be required to first obtain authority to do so from the Board, in the form of a Petition. Upon granting of interactive gaming certificates, the entities are required to file internal controls that detail the operation of the entity as it pertains to interactive gaming. Entities that wish to be licensed as an interactive gaming operator, interactive gaming manufacturer, interactive gaming supplier, interactive gaming service provider, and the principals, key employees, gaming employees and nongaming employees thereof must file applications with the Board.**

(22a) Are forms required for implementation of the regulation?

**Applications for licensure are required.**

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

**The applications for licensure are voluminous and therefore not attached, but all can be found under the Licensure tab at the Board's website: <https://gamingcontrolboard.pa.gov>. The Rules Submissions forms for games offered in a Live Gaming Studio, which include the varying options for how a table game can be offered, can also be found at the Board's website under the same tab.**

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Savings</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>COSTS:</b>						
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Costs</b>	\$0	\$0	\$0	\$0	\$0	\$0

<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Revenue Losses</b>	\$0	\$0	\$0	\$0	\$0	\$0

(23a) Provide the past three year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3</b>	<b>FY -2</b>	<b>FY -1</b>	<b>Current FY 2020/2021</b>
PGCB Overall Budget	\$41,665,000	\$46,153,000	\$46,067,000	\$43,357,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.

**Slot machine licensees that operate in the Commonwealth of Pennsylvania and entities involved in interactive gaming will be impacted by this rulemaking; however, in accordance with the United States Small Business Administration's Small Business Size Regulations, under 13 CFR Ch. 1 Part 121, none of the entities qualify as a small business. For any business involved in interactive gaming that is a small business, there is not believed to be any adverse impact from the regulation.**

- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

**It is not anticipated that there will be any significant reporting, recordkeeping or other administrative costs associated with this regulation.**

- (c) A statement of probable effect on impacted small businesses.

**As stated above, none of the operational slot machine licensees are small businesses.**

- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

**There are no less intrusive or costly alternatives for the oversight and regulation of interactive gaming.**

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

**No special provisions have been added.**

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

**No alternative regulatory approaches were considered. This regulation reflects the least burdensome means of maintaining regulatory oversight of interactive gaming.**

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

**As stated above, there is no adverse impact on small businesses in the Commonwealth.**

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

**There is no data, as defined under section (3) of the Regulatory Review Act (71 P.S. § 745.3), upon which this rulemaking is based.**

(29) Include a schedule for review of the regulation including:

- |   |                              |
|---|------------------------------|
| A. The length of the public comment period:                                 | N/A                          |
| B. The date or dates on which any public meetings or hearings will be held: | Held March 17, 2021          |
| C. The expected date of delivery of the final-form regulation:              | 1 <sup>st</sup> Quarter 2021 |
| D. The expected effective date of the final-form regulation:                | Upon final publication       |

E. The expected date by which compliance with the final-form regulation will be required:

**Upon final publication**

F. The expected date by which required permits, licenses or other approvals must be obtained:

**Ongoing**

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

**No formal review schedule has been established. Instead, the Board consistently reviews its regulations and proposes amendments as the need arises.**



CDL-1

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU**

**(Pursuant to Commonwealth Documents Law)**



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<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>Pennsylvania Gaming Control Board</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>#125-229</u></p> <p>DATE OF ADOPTION <u>March 17, 2021</u></p> <p>BY: <u>David Barasch</u> TITLE <u>Chairman</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u>R. Douglas Sherman</u> R. Douglas Sherman, Chief Counsel</p> <p><u>March 17, 2021</u> DATE OF APPROVAL</p> <p>(Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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**FINAL FORM RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA**

**58 PA. CODE  
Final Form Rulemaking  
Subpart L.**

**Chapters 801a-817a, 830a**

**FINAL-FORM RULEMAKING 125-229**  
**PENNSYLVANIA GAMING CONTROL BOARD**  
**58 PA. CODE CHS. 801a - 817a; 830a**  
**Interactive Gaming**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13B02 (relating to regulatory authority), adds Chapters 801a-817a and 830a regarding interactive gaming to read as set forth in Annex A.

***Purpose of the Final-Form Rulemaking***

This final-form rulemaking establishes the regulatory oversight structure for the conduct of interactive gaming in this Commonwealth.

***Explanation***

Subpart L of 58 Pa.Code (relating to interactive gaming) establishes the regulations necessary for the Board to issue interactive gaming certificates slot machine licensees and qualified gaming entities who wish to offer interactive gaming, as well as the licensing of the principals and key employees of the certificate holders and other entities involved. In addition, Subpart O of 58 Pa.Code (relating to fantasy contests) provides rules for player accounts, licensed operator duties and restrictions, and accounting and internal controls governing the conduct of interactive gaming. Finally, Subpart L addresses advertising, compulsive and problem gambling, and self-exclusion of players from interactive gaming in this Commonwealth.

Subpart L establishes a broad regulatory oversight structure for interactive gaming. Section 801a.2 (relating to definitions) provides definitions of terms used throughout Subpart L for the conduct of interactive gaming.

Chapters 802a-808a of this proposed rulemaking establish the categories of certificates and licenses based upon the statutory criteria for the issuance of interactive gaming certificates and licensure in 4 Pa.C.S. Chapter 13B (relating to interactive gaming). Slot machine licensees, and out-of-state entities who are deemed to be qualified gaming entities, may apply for issuance of interactive gaming certificates to offer one or more of the three forms of interactive gaming (peer-to-peer, non-peer-to-peer slots, and non-peer-to-peer table games. The categories of entities

subject to licensure include interactive gaming operators, interactive gaming manufacturers, interactive gaming suppliers, interactive gaming service providers, and the principals and key employees of these entities.

Chapter 809a (relating to interactive gaming platform requirements) establishes the technical requirements for the interactive gaming platform provided by interactive gaming certificate holders or interactive gaming operators. Chapter 810a (relating to interactive gaming testing and controls) establishes the procedures for the testing and control aspects of the interactive gaming platform.

Chapter 811a (relating to interactive gaming accounting and internal controls) establishes the requirements and procedures for the revenue accounting and reporting of interactive gaming as well as other reporting requirements. Chapter 812a (relating to interactive gaming player accounts) sets forth the requirements for an individual's interactive gaming player account, including the procedures for the creation of an account, funding of player accounts and withdrawal of funds, and setting responsible gaming limits.

Chapter 813a (relating to interactive gaming advertisements, promotions and tournaments) establishes the standards for interactive gaming advertising and promotions, including the requirements for the co-branding of ads to disclose the interactive gaming certificate holder. Chapter 814a (relating to compulsive and problem gambling requirements) and Chapter 815a (relating to interactive gaming self-excluded persons) address the options available for players to set responsible gaming limits or to self-exclude from interactive gaming.

Chapter 816a (relating to interactive gaming live studio) provides the framework for live studio simulcasting of casino table games in interactive gaming. Chapter 817a (relating to interactive gaming commencement of operations) establishes the requirements for an entity to begin offering interactive gaming. Chapter 830a (relating to multiuse computing device gaming provisions) provides the regulatory framework for interactive gaming in eligible airports in this Commonwealth.

In the Board's temporary regulations and the proposed rulemaking, an entity that possessed interactive gaming certificates was termed a "certificateholder." For consistency with the Horse Race Development and Gaming Act of 2004, as amended, and the Board's existing body of regulations, this term has been

replaced throughout Annex A of this final-form rulemaking to "certificate holder." The original term has not been bolded with strikethrough text, and the new term is not bolded and capitalized.

Other minor administrative changes were made in this final-form rulemaking, based upon how the interactive gaming industry operated under the temporary regulations and inquiries received from the industry regarding certain provisions of the temporary regulations and the proposed rulemaking. None of these amendments in the final-form rulemaking create an increased cost or regulatory burden on the regulated community, and all of the amendments are necessary for the efficient and effective oversight of interactive gaming operations in the Commonwealth.

### ***Response to Comments***

The Board did not receive any public comments from the regulated community or the general public. Comments were received from the Independent Regulatory Review Commission (IRRC), and responses to the comments are below:

#### *1. Protection of the public health, safety and welfare; Implementation procedures.*

The Board acted with all possible due diligence in getting the final-form regulations promulgated to regulate the interactive gaming industry. After the passage of Act 42 of 2017, the Board was tasked with promulgating regulations for five separate forms of expanded gaming in rapid succession. In December 2020, Governor Tom Wolf signed Act 114 of 2020, making amendments to the Fiscal Code of the Commonwealth. Act 114 on 2020 included a provision that extended the expiration date of temporary regulations of the Board from two years after publication to three years after publication. Therefore, the temporary regulations for interactive gaming, originally adopted in five different packages, expired or do not expire until varying dates between January 6, 2021 and March 9, 2022. To date, the Board has not had any issues involved in the regulatory oversight of interactive gaming.

#### *2. Compliance with the RRA and regulations of IRRC.*

All matters addressed in this comment have been remedied in the final-form Regulatory Analysis Form.

3. *Section 811a.2. Internal Controls. - Clarity and lack of ambiguity.*

The definition of "personal identifiable information" has been moved to § 801a.2 (relating to definitions) to provide clarity on the use of the term in the regulations.

4. *Section 812a.13. Dormant accounts. - Nonregulatory language.*

This section has been updated to reflect the recommended change. Additionally, this section has been re-ordered, moving what was subsection (b) ahead of what was subsection (a), to make more logical sense in describing how an account becomes dormant.

5. *Chapter 815a. Interactive gaming self-excluded persons. - Protection of the public health, safety and welfare; Clarity and lack of ambiguity.*

This chapter has been updated to mirror, when appropriate, the provisions included in final-form rulemaking #125-225.

***Fiscal Impact***

Commonwealth. The Board expects that this final-form rulemaking will have a relatively small fiscal impact on the Board and other Commonwealth agencies, which primarily is the result of the need for some additional personnel to process and review applications, as well as to monitor and regulate the conduct of interactive gaming. Most of the additional duties will be absorbed by existing Board staff. The costs of the final-form regulations will be paid for by an assessment against the licensed interactive gaming certificate holder's interactive gaming revenue as determined by the Department of Revenue.

Political subdivisions. This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. This final-form rulemaking will not have a fiscal impact on the private sector other than for those who elect to participate in interactive gaming. If pursued by an entity, there will be licensing costs as set forth by 4 Pa.C.S. Chapter 13B in order to offer interactive gaming as a certificate holder or operator, or to be licensed as a manufacturer, supplier, or gaming service provider.

General public. This final-form rulemaking will not have fiscal impact on the general public.

### **Paperwork Requirements**

A slot machine licensee who wishes to offer interactive gaming must file a Petition for Issuance of Interactive Gaming Certificates, as well as any necessary licensure applications for principals, key employees, gaming and nongaming employees.

An interactive gaming operator, interactive gaming manufacturer, interactive gaming supplier, interactive gaming service provider, and principals, key employees, and gaming and nongaming employees thereof involved in the provision of interactive gaming in this Commonwealth will be required to file applications with the Board providing information regarding the person's proposed activity, as well as accounting and internal control protocols and background information of each individual sufficient to permit the Board to determine the individual's suitability for licensure.

If an individual wishes to join the interactive gaming self-exclusion list, the person may do so online on the Board's website by filling out a web-based form. The Board's website address is:

<https://responsibleplay.pa.gov/self-exclusion/>

Any game offered in a Live Studio environment in accordance with these regulations must have a Rules Submission form filed. The Rules Submission forms may also be found on the Board's website.

### **Effective Date**

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

### **Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of the proposed rulemaking, published at 50 Pa.B. 4248 and a copy of the Regulatory Analysis Form to IRRC and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees are provided with copies of comments received during the public comment period, as well as other documents

when requested. With regard to this rulemaking, no comments were received from the Committees.

Under section 5a(j.2) of the Regulatory Review Act, on [insert date], the final-form rulemaking was deemed approved by the Committees. IRRC met on [insert date], and approved the regulations in accordance with section 5a(e) of the Regulatory Review Act.

### **Findings**

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa.Code §§ 7.1 and 7.2. (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) This final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

### **Order**

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board are amended by deleting and reserving Chapters 801-815, 817, and 830, and by adding Chapter 801a-816a and 830a to Subpart L (relating to interactive gaming) to read as set forth in Annex A.

(2) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(3) This order shall take effect upon publication in the Pennsylvania Bulletin.

DAVID M. BARASCH,  
Chairman

**Annex A**  
**TITLE 58. RECREATION**  
**PART VII. GAMING CONTROL BOARD**  
**Subpart L. INTERACTIVE GAMING**

(EDITORIAL NOTE: The term "certificateholder," found in the proposed rulemaking, has been changed throughout the text of the final-form rulemaking to "certificate holder" for consistency purposes.)

Chap.

801-815. (Reserved)

817. (Reserved)

818. (Reserved)

830. (Reserved)

Chap.

801a. GENERAL INTERACTIVE GAMING PROVISIONS  
802a. INTERACTIVE GAMING CERTIFICATES  
803a. INTERACTIVE GAMING OPERATORS  
804a. QUALIFIED GAMING ENTITY  
805a. INTERACTIVE GAMING MANUFACTURER  
806a. INTERACTIVE GAMING SUPPLIER  
807a. INTERACTIVE GAMING SERVICE PROVIDERS  
808a. INTERACTIVE GAMING PRINCIPALS AND KEY, GAMING AND NONGAMING  
EMPLOYEES  
809a. INTERACTIVE GAMING PLATFORM REQUIREMENTS  
810a. INTERACTIVE GAMING TESTING AND CONTROLS  
811a. INTERACTIVE GAMING ACCOUNTING AND INTERNAL CONTROLS  
812a. INTERACTIVE GAMING PLAYER ACCOUNTS  
813a. INTERACTIVE GAMING ADVERTISEMENTS, PROMOTIONS AND  
TOURNAMENTS  
814a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS  
815a. INTERACTIVE GAMING SELF-EXCLUDED PERSONS  
816a. INTERACTIVE GAMING LIVE STUDIO  
817a. INTERACTIVE GAMING COMMENCEMENT OF OPERATIONS  
830a. MULTIUSE COMPUTING DEVICE GAMING PROVISIONS



## CHAPTER 801a. GENERAL INTERACTIVE GAMING PROVISIONS

Sec.

801a.1.Scope.

801a.2.Definitions.

801a.3.Certificate or license required.

801a.4.Initial and renewal certificate and license fees.

### **§ 801a.1. Scope.**

The purpose of this subpart is to govern the operation of interactive gaming. The act and the Board's regulations promulgated thereunder otherwise apply when not in conflict with this subpart.

### **§ 801a.2. Definitions.**

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

*Airport authority*—Any of the following:

(i) The governing body of a municipal authority organized and incorporated to oversee the operations of a qualified airport under 53 Pa.C.S. §§ 5601–5623 (relating to Municipality Authorities Act).

(ii) A city of the first class that regulates the use and control of a qualified airport located partially in a county of the first class and partially in a county contiguous to a county of the first class.

*Airport gaming area*—A location within a qualified airport area approved by the airport authority and the Board for the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers.

*Associated equipment*—Any equipment or mechanical, electromechanical or electronic contrivance, component or machine used in connection with interactive gaming, including equipment which affects the proper reporting and counting of gross interactive gaming revenue, computerized systems for controlling and monitoring interactive games, including interactive gaming devices necessary for the operation of interactive games as approved by the Board.

*Authorized interactive game*—An interactive game approved by regulation of the Board to be suitable for interactive gaming offered by an interactive gaming certificate holder or an interactive gaming operator on behalf of an interactive gaming certificate holder in accordance with sections 13B01–13B63 of the act (relating to interactive gaming). The term includes an interactive game approved by regulation of the Board to be suitable for interactive gaming through use of a multiuse computing device.

*Bureau*—The Bureau of Investigations and Enforcement of the Board.

*Cash equivalent*—An asset that is readily convertible to cash, including any of the following:

- (i) Chips or tokens.
- (ii) Travelers checks.
- (iii) Foreign currency and coin.
- (iv) Certified checks, cashier's checks and money orders.
- (v) Personal checks or drafts.

(vi) A negotiable instrument applied against credit extended by a certificate holder, an interactive gaming certificate holder, an interactive gaming operator or a financial institution.

(vii) A prepaid access instrument.

(viii) Any other instrument or representation of value that the Board deems a cash equivalent.

*Cheat*—

(i) To defraud or steal from any player, interactive gaming certificate holder, interactive gaming operator or the Commonwealth while operating or playing an authorized interactive game, including causing, aiding, abetting or conspiring with another person to do so.

(ii) The term also means to alter or causing, aiding, abetting or conspiring with another person to alter the elements of chance, method of selection or criteria which determine:

(A) The result of an authorized interactive game.

(B) The amount or frequency of payment in an authorized interactive game.

(C) The value of a wagering instrument.

(D) The value of a wagering credit.

(iii) The term does not include altering an interactive gaming device or associated equipment for maintenance or repair with the approval of an interactive gaming certificate holder or interactive gaming operator.

*Cheating device*—A device, software or hardware used or possessed with the intent to be used to cheat during the operation or play of any authorized interactive game. The term also includes any device used to alter an authorized interactive game or interactive gaming device or associated equipment without the interactive gaming certificate holder's or interactive gaming operator's approval.

*Communication technology*—Any method used and the components employed to facilitate the transmission and receipt of information, including transmission and reception by systems using wire, wireless, cable, radio, microwave, light, fiber optics, satellite or computer data networks, including the Internet and intranets.

*Concession operator*—A person engaged in the sale or offering for sale of consumer goods or services to the public at a qualified airport, or authorized to conduct other commercial

activities related to passenger services at a qualified airport, in accordance with the terms and conditions of an agreement or contract with an airport authority, government entity or other person.

*Conduct of gaming*—The licensed placement, operation and play of interactive games under this subpart, as authorized and approved by the Board. The term includes the licensed placement, operation and play of authorized interactive games through the use of multiuse computing devices at a qualified airport under sections 13B20–13B20.7 of the act (relating to multi-use computing devices).

*Contest*—An authorized interactive game competition among players for cash, cash equivalents or prizes.

*Eligible passenger*—An individual 21 years of age or older who has cleared security check points with a valid airline boarding pass for travel from one destination to another.

*Gaming employee*—An employee of any of the following who the Board determines, after a review of the work to be performed, requires a gaming employee permit for the protection of the integrity of interactive gaming operations in this Commonwealth:

(i) An interactive gaming certificate holder or interactive gaming operator.

(ii) An interactive gaming manufacturer licensee or interactive gaming supplier licensee.

(iii) An interactive gaming service provider.

(iv) Any other person as determined by the Board.

*Gaming-related restricted area*—A room or area of a licensed facility which is specifically designated by the Board as restricted or by the interactive gaming certificate holder or interactive gaming operator as restricted in its Board-approved internal controls.

*Gaming school*—An educational institution approved by the Department of Education as an accredited college or university, community college, Pennsylvania private licensed school or its equivalent and whose curriculum guidelines are approved by the Department of Labor and Industry to provide education and job training related to employment opportunities associated with interactive games, including interactive gaming devices and associated equipment maintenance and repair.

*Gross interactive airport gaming revenue*—

(i) Revenue is the total of all cash or cash equivalent wagers paid by an eligible passenger to an interactive gaming certificate holder at a qualified airport through the use of multiuse computing devices in consideration for the play of authorized interactive games at a qualified airport through the use of multiuse computing devices, including cash received as entry fees for contests or tournaments, minus:

(A) The total of cash or cash equivalents paid out to an eligible passenger as winnings.

(B) The actual cost paid by the interactive gaming certificate holder at a qualified airport through the use of multiuse computing devices for personal property distributed to a player as a result of playing an authorized interactive game. This clause does not include travel expenses, food, refreshments, lodging or services.

(ii) Amounts deposited with an interactive gaming certificate holder for purposes of interactive gaming at a qualified airport through the use of multiuse computing devices and amounts taken in fraudulent acts perpetrated against an interactive gaming certificate holder for which the interactive gaming certificate holder is not reimbursed and shall not be considered to have been paid to the interactive gaming certificate holder for purposes of calculating gross interactive airport gaming revenue.

*Gross interactive gaming revenue—*

(i) The total of all cash or cash equivalent wagers paid by registered players to an interactive gaming certificate holder in consideration for the play of authorized interactive games, including cash received as entry fees for contests or tournaments, minus:

(A) The total of cash or cash equivalents paid out to registered players as winnings.

(B) The actual cost paid by the interactive gaming certificate holder for any personal property distributed to a player as a result of playing an authorized interactive game. This clause does not include travel expenses, food, refreshments, lodging or services.

(ii) Amounts deposited with an interactive gaming certificate holder for purposes of interactive gaming and amounts taken in fraudulent acts perpetrated against an interactive gaming certificate holder for which the interactive gaming certificate holder is not reimbursed shall not be considered to have been paid to the interactive gaming certificate holder for purposes of calculating gross interactive gaming revenue.

*Interactive game—*

(i) A gambling game offered through the use of communications technology that allows a person utilizing money, checks, electronic checks, electronic transfers of money, credit cards or any other instrumentality to transmit electronic information to assist in the placement of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information.

(ii) The term does not include any of the following:



(A) A lottery game or Internet instant game as defined in the State Lottery Law (72 P.S. §§ 3761-101-3761-2103).

(B) iLottery under 4 Pa.C.S. §§ 501-505 (relating to lottery).

(C) A nongambling game that does not otherwise require a license under the laws of the Commonwealth.

(D) A fantasy contest under 4 Pa.C.S. §§ 301-342 (relating to fantasy contests).

*Interactive gaming*—The placing of wagers with an interactive gaming certificate holder or interactive gaming operator using a computer network of Federal and non-Federal interoperable packet switched data networks through which an interactive gaming certificate holder may offer authorized interactive games to registered players. The term includes the placing of wagers through the use of a multiuse computing device.

*Interactive gaming account*—The formal electronic system implemented by an interactive gaming certificate holder to record the balance of a registered player's debits, credits and other financial activity related to interactive gaming.

*Interactive gaming account agreement*—An agreement entered into between an interactive gaming certificate holder and a registered player which governs the terms and conditions of the registered player's interactive gaming account and the use of

the Internet for purposes of placing wagers on authorized interactive games operated by an interactive gaming certificate holder or interactive gaming operator.

*Interactive gaming agreement*—An agreement entered into by or between an interactive gaming certificate holder and an interactive gaming operator related to the offering or operation of interactive gaming or an interactive gaming system by the interactive gaming operator on behalf of the interactive gaming certificate holder. The term includes an interactive gaming agreement entered into between an interactive gaming certificate holder and an interactive gaming operator for the conduct of interactive gaming through the use of multiuse computing devices at a qualified airport in accordance with sections 13B01–13B63 of the act.

*Interactive gaming certificate*—The authorization issued to a slot machine licensee by the Board authorizing the operation and conduct of interactive gaming by a slot machine licensee in accordance with sections 13B01–13B63 of the act.

*Interactive gaming certificate holder*—A slot machine licensee that has been granted authorization by the Board to operate interactive gaming in accordance with sections 13B01–13B63 of the act.

*Interactive gaming device*—The hardware, software and other technology, equipment or device of any kind as determined by the

Board to be necessary for the conduct of authorized interactive games.

*Interactive gaming license*—A license issued to an interactive gaming operator by the Board under sections 13B01–13B63 of the act.

*Interactive gaming manufacturer*—

(i) A person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs or otherwise makes modifications to authorized interactive games for use or play of authorized interactive games in this Commonwealth for gaming purposes.

(ii) The term includes operators of live gaming studios.

(iii) The term does not include a person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs or otherwise makes modifications to multiuse computing devices used in connection with the conduct of interactive gaming at a qualified airport.

*Interactive gaming manufacturer license*—A license issued by the Board authorizing a manufacturer to manufacture or produce interactive gaming devices or associated equipment for use in this Commonwealth for gaming purposes. The term includes the operators of live gaming studios.

*Interactive gaming network*—A linked system that permits ~~patrons~~ **REGISTERED PLAYERS** of multiple interactive gaming

certificate holders or interactive gaming operators to participate in peer-to-peer interactive gaming.

*Interactive gaming operator*—A person licensed by the Board to operate interactive gaming or an interactive gaming system, through the provision of an interactive gaming platform, on behalf of an interactive gaming certificate holder. The term includes a person that has received conditional authorization under section 13B14 of the act (relating to interactive gaming operators) for as long as the authorization is effective.

*Interactive gaming platform*—The combination of hardware and software or other technology designed and used to manage, conduct and record interactive games and the wagers associated with interactive games, as approved by the Board. The term includes emerging or new technology deployed to advance the conduct and operation of interactive gaming, as approved through regulation by the Board.

*Interactive gaming reciprocal agreement*—An agreement negotiated by the Board and approved by the Governor on behalf of the Commonwealth with the regulatory agency of one or more states or jurisdictions where interactive gaming is legally authorized which will permit the conduct of interactive gaming between interactive gaming certificate holders in this Commonwealth and gaming entities in the states or jurisdictions that are parties to the agreement.

*Interactive gaming restricted area*—A room or area, as approved by the Board, used by an interactive gaming certificate holder or interactive gaming operator to manage, control and operate interactive gaming, including, when approved by the Board, redundancy facilities and remote gaming server locations.

*Interactive gaming service provider*—A person that is not required to be licensed as a manufacturer, supplier, **OR** management company, ~~gaming junket enterprise or a gaming service provider~~ under this part who:

(i) Provides goods or services to an interactive gaming certificate holder or interactive gaming operator for the operation of interactive gaming.

(ii) Is determined to be an interactive gaming service provider by the Board in accordance with the provisions of Chapter 807a (relating to interactive gaming service providers).

*Interactive gaming skin or skins*—The portal **OR PORTALS** to an interactive gaming platform or interactive gaming web site through which authorized interactive games are made available by an interactive gaming certificate holder or interactive gaming operator to registered players in this Commonwealth or registered players in any other state or jurisdiction which has entered into an interactive gaming reciprocal agreement.

*Interactive gaming supplier-*

(i) A person who sells, leases, offers or otherwise provides, distributes or services an interactive gaming device or associated equipment for use or play of interactive games in this Commonwealth.

(ii) The term includes a person that sells, leases, offers or otherwise provides, distributes or services multiuse computing devices approved by the Board.

(iii) The term does not include the seller of a device that does not contain or operate interactive gaming software or systems or that has not been configured as a multiuse computing device at the time it is sold.

*Interactive gaming supplier license*—A license issued by the Board authorizing a supplier to provide products or services related to interactive gaming devices, including multiuse computing device or associated equipment, to interactive gaming certificate holders or interactive gaming operators for use in this Commonwealth for gaming purposes.

*Interactive gaming system*—The hardware, software and communications that comprise a type of server-based gaming system for the purpose of offering authorized interactive games.

*Interactive gaming web site*—The interactive gaming skin or skins through which an interactive gaming certificate holder or

interactive gaming operator makes authorized interactive games available for play.

**INTERNATIONAL AIRPORT—AN AIRPORT THAT OFFERS DIRECT COMMERCIAL FLIGHTS FOR ELIGIBLE PASSENGERS WHICH ARRIVE FROM, OR DEPART TO, AN AIRPORT NOT LOCATED WITHIN THE UNITED STATES OF AMERICA.**

*Key employee*—All of the following:

(i) An individual who is employed in a director or department head capacity and who is empowered to make discretionary decisions that regulate interactive gaming operations, including the Director of Information Technology (IT), IT Security Officer, Interactive Gaming Manager or other similar job classifications associated with interactive gaming.

(ii) Persons who manage, control or administer interactive gaming or the bets and wagers associated with authorized interactive games.

(iii) An employee who is not otherwise designated as a gaming employee and who supervises the operations of the interactive gaming department or to whom the interactive gaming department directors or interactive gaming department heads report and other positions not otherwise designated or defined under this subpart which the Board will determine based on detailed analyses of job descriptions as provided in the internal controls of the licensee as approved by the Board.

(iv) Any other employees as determined by the Board.

*Licensed facility—*

(i) The physical land-based location at which a licensed gaming entity is authorized to place and operate slot machines and, if authorized by the Board under sections 13A01–13A63 of the act (relating to table games), to conduct table games and, if authorized under sections 13B01–13B63 of the act, to conduct interactive gaming.

(ii) The term includes any of the following:

(A) An area of a licensed racetrack at which a slot machine licensee was previously authorized under section 1207(17) of the act (relating to regulatory authority of board) to operate slot machines prior to the effective date of the act, as amended.

(B) A Board-approved interim facility or temporary facility.

(C) An area of a hotel which the Board determines is suitable to conduct table games.

(D) An area of a licensed facility where casino simulcasting is conducted, as approved by the Board.

(iii) The term does not include a redundancy facility or an interactive gaming restricted area which is not located on the premises of a licensed facility as approved by the Board and which is maintained and operated by an interactive gaming



certificate holder or interactive gaming operator in connection with interactive gaming or casino simulcasting.

*Live gaming studio*—A physical location that utilizes live video streaming technology to provide live casino games to a player's interactive gaming device or multiuse computing device that permits the player to participate in live streamed casino games, interact with gaming studio dealers and interact with fellow players.

*Multiuse computing device—*

(i) A computing device, including a tablet computer, that:

(A) Is located and accessible to eligible passengers only in an airport gaming area.

(B) Allows an eligible passenger to play an authorized interactive game.

(C) Communicates with a server that is in a location approved by the Board.

(D) Is approved by the Board.

(E) Has the capability of being linked to and monitored by the Department's central control computer system, as applicable for any particular interactive game, in accordance with section 1323 of the act (relating to central control computer system).

(F) Offers a player additional functions which includes Internet browsing, the capability of checking flight status, and ordering food or beverages.

(ii) The term shall not include any tablet or computing device that restricts, prohibits or is incapable of providing access to interactive gaming, interactive gaming skin or skins or interactive gaming platforms.

*Multistate agreement*—The written agreement, approved by the Governor, between the Board and regulatory agencies in other states or jurisdictions for the operation of an interactive multistate wide-area progressive system.

*Multistate wide-area progressive system*—The linking of interactive games offered by interactive gaming certificate holders or interactive gaming operators in this Commonwealth with interactive games located in one or more states or jurisdictions whose regulatory agencies have entered into written agreements with the Board for the operation of the system.

*Net terminal revenue*—The net amount of the gross terminal revenue less the tax and assessments imposed by sections 1402, 1403, 1405 and 1407 of the act.

*Non-peer-to-peer interactive game*—An authorized interactive game in which the player does not compete against players and which is not a peer-to-peer interactive game.

*Peer-to-peer interactive game*—An authorized interactive game which is nonbanking, in which a player competes against one or more players and in which the interactive gaming certificate holder or interactive gaming operator collects a rake.

**PERSONAL IDENTIFIABLE INFORMATION**—ANY DATA OR INFORMATION THAT CAN BE USED, ON ITS OWN OR WITH OTHER DATA OR INFORMATION, TO IDENTIFY, CONTACT OR OTHERWISE LOCATE A REGISTERED PLAYER, INCLUDING A REGISTERED PLAYER'S NAME, ADDRESS, DATE OF BIRTH AND SOCIAL SECURITY NUMBER.

*Player*—An individual wagering cash, a cash equivalent or other thing of value in the play or operation of an authorized interactive game, including during a contest or tournament, the play or operation of which may deliver or entitle the individual playing or operating the authorized interactive game to receive cash, a cash equivalent or other thing of value from another player or an interactive gaming certificate holder or interactive gaming operator.

*Prepaid access instrument*—A card, code, electronic serial number, mobile identification number, personal identification number or similar device that:

(i) Allows patron access to funds that have been paid in advance and can be retrieved or transferred through the use of the device.

(ii) Qualifies as an access device for purposes of regulations issued by the Board of Governors of the Federal Reserve System under 12 CFR Part 205 (relating to electronic fund transfers (Regulation E)).

(iii) Shall be distributed by a slot machine licensee or its affiliates to be considered a cash equivalent at the slot machine licensee's licensed facility or the location of the slot machine licensee's affiliates.

(iv) Shall be used in conjunction with an approved cashless wagering system or electronic credit system to transfer funds for gaming purposes.

*Progressive payout*—An interactive game wager payout that increases in a monetary amount based on the amounts wagered in a progressive system, including a multistate wide-area progressive ~~interactive gaming~~ system.

*Progressive system*—A computerized system linking interactive games offered by interactive gaming certificate holders or interactive gaming operators in this Commonwealth and offering one or more common progressive payouts based on the amounts wagered. The term includes a multistate wide-area progressive system.

*Qualified airport*—A publicly owned commercial service airport.

*Qualified gaming entity*—A gaming entity **WHICH IS NOT A CATEGORY 1, CATEGORY 2, CATEGORY 3, OR CATEGORY 4 SLOT MACHINE LICENSEE, BUT IS** licensed in a jurisdiction **OTHER THAN THE COMMONWEALTH** that has satisfied the requirements of this subpart and any other criteria established by the Board, including financial and character suitability requirements.

*Redundancy facilities*—Rooms or areas used by an interactive gaming certificate holder, an interactive gaming operator, or other licensed or authorized entity associated with the provision of interactive gaming for emergency backup, redundancy or secondary operations attendant to interactive gaming as approved by the Board.

*Registered player*—An individual who has entered into an interactive gaming account agreement with an interactive gaming certificate holder.

*State gaming receipts*—Revenues and receipts required under this subpart to be paid into the State Gaming Fund, the Pennsylvania Race Horse Development Trust Fund and the Pennsylvania Gaming Economic Development and Tourism Fund, and all rights, existing on the effective date of the act, as amended, or coming into existence later, to receive revenues and receipts.

**TOURNAMENT—AN INTERACTIVE GAMING CONTEST OR AN ORGANIZED SERIES OF INTERACTIVE GAMING CONTESTS APPROVED BY THE**

**PENNSYLVANIA GAMING CONTROL BOARD IN WHICH AN OVERALL WINNER IS  
ULTIMATELY DETERMINED.**

**§ 801a.3. Certificate or license required.**

The Board will initiate formal procedures for the acceptance, consideration and final adjudication of petitions and applications by setting filing requirements and deadlines for interactive gaming certificates and interactive gaming licenses.

**§ 801a.4. Initial and renewal certificate and license fees.**

Prior to the Board issuing an interactive gaming certificate or interactive gaming license or renewal thereof, the interactive gaming certificate holder or interactive gaming operator shall pay the certificate or license fee as set forth in the act.

**CHAPTER 802a. INTERACTIVE GAMING CERTIFICATES**

Sec.

- 802a.1. Interactive gaming certificate requirements.
- 802a.2. Interactive gaming certificate petition and standards.
- 802a.3. Interactive gaming certificate term and renewal.

**§ 802a.1. Interactive gaming certificate requirements.**

(a) A slot machine licensee seeking to offer interactive gaming in this Commonwealth may petition the Board for an interactive gaming certificate.

(b) Three categories of interactive gaming are authorized in this Commonwealth:

(1) A peer-to-peer interactive game.

(2) A non-peer-to-peer interactive game which simulates slot machines.

(3) A non-peer-to-peer interactive game which simulates table games.

(c) The filing requirements and deadlines will be posted on the Board's public web site.

(d) An interactive gaming certificate issued under this subpart will list the categories of interactive games authorized under the interactive gaming certificate. An interactive gaming certificate which authorizes multiple categories of interactive games will count as an interactive gaming certificate in each category of interactive game authorized under this section.

**§ 802a.2. Interactive gaming certificate petition and standards.**

(a) A petitioner for an interactive gaming certificate shall submit all of the following to the Board:

(1) The name, business address and contact information of the slot machine licensee applying for an interactive gaming certificate.

(2) The name, business address and contact information of any affiliate or other person that will be a party to an agreement with the interactive gaming certificate petitioner related to the operation of interactive gaming or an interactive gaming system on behalf of the interactive gaming certificate petitioner, including a person applying for an interactive gaming license.

(3) The name, business address, job title and a photograph of each principal and key employee of the interactive gaming certificate petitioner who will be involved in the conduct of interactive gaming, whether or not the principal or key employee is currently licensed by the Board.

(4) The name, business address, job title and a photograph of each principal and key employee of the interactive gaming operator, if any, who will conduct interactive gaming or an interactive gaming system on behalf of the interactive gaming certificate petitioner, whether or not the principal or key employee is currently licensed by the Board.

(5) A statement identifying which categories of interactive games the interactive gaming certificate petitioner intends to offer:



(i) Peer-to-peer interactive games.

(ii) Non-peer-to-peer interactive games which simulate slot machines.

(iii) Non-peer-to-peer interactive games which simulate table games.

(6) An itemized list of the interactive games, including identifying the category of each interactive game for which authorization is being sought.

(7) The estimated number of full-time and part-time employment positions that will be created as a result of interactive gaming and the jurisdictions in which the positions will be located, including positions at the interactive gaming certificate petitioner's licensed facility or at any interactive gaming restricted area if an interactive gaming certificate is issued, and an updated hiring plan under section 1510(a) of the act (relating to labor hiring preferences) which outlines the interactive gaming certificate petitioners plan to promote the representation of diverse groups and Commonwealth residents in the employment positions.

(8) A brief description of the economic benefits expected to be realized by the Commonwealth if an interactive gaming certificate is issued.

(9) The details of any financing obtained or that will be obtained to fund an expansion or modification of the

interactive gaming certificate petitioners licensed facility to accommodate interactive gaming and to otherwise fund the cost of commencing interactive gaming.

(10) Information and documentation concerning financial background and resources, as the Board may require, to establish by clear and convincing evidence the financial stability, integrity and responsibility of the interactive gaming certificate petitioner, and information or documentation concerning any person that will operate interactive gaming or an interactive gaming system on behalf of the interactive gaming certificate petitioner as an interactive gaming operator, as the Board may require. The interactive gaming agreement with a person is subject to the review and approval of the Board.

(11) Information and documentation, as the Board may require, to establish by clear and convincing evidence that the interactive gaming certificate petitioner has sufficient business ability and experience to conduct a successful interactive gaming operation. In making this determination, the Board may consider the results of the interactive gaming certificate petitioner's slot machine and table game operations, including financial information, employment data and capital investment.

(12) Information and documentation, as the Board may require, to establish by clear and convincing evidence that the

interactive gaming certificate petitioner has or will have the financial ability to pay the interactive gaming authorization fee.

(13) Detailed site plans identifying the proposed interactive gaming restricted area where interactive gaming operations will be managed, administered or controlled as approved by the Board.

(14) A detailed description of all of the following:

(i) The interactive gaming certificate petitioner's initial system of internal and accounting controls applicable to interactive gaming.

(ii) The interactive gaming certificate petitioner's proposed standards to protect, with a reasonable degree of certainty, the privacy and security of its registered players.

(iii) How the interactive gaming certificate petitioner will facilitate compliance with the requirements in this chapter and section 802(a)(10)(B) of the Unlawful Internet Gambling Enforcement Act of 2006 (31 U.S.C.A. § 5362(10)(B)), including all of the following:

(A) Age, identity and location verification requirements.

(B) Appropriate data security standards to prevent unauthorized access by a person whose age, identity or

location have not been verified or cannot be verified in accordance with this subpart and applicable regulations of the Board.

(C) Except as provided in sections 13B61-13B63 of the act (relating to miscellaneous provisions), the requirement that all wagers made in the conduct of interactive gaming be initiated and received or otherwise made exclusively in this Commonwealth.

(D) The interactive gaming certificate petitioner's proposed age, identity and location verification standards designed to block access to persons under 21 years of age and other persons excluded or prohibited from participating in interactive gaming under this chapter.

(E) The procedures the interactive gaming certificate petitioner will use to register individuals as registered players.

(F) The procedures the interactive gaming certificate petitioner will use to establish interactive gaming accounts for registered players.

(G) The interactive games and services the interactive gaming certificate petitioner proposes to offer to registered players.

(H) Documentation and information relating to known proposed contractors of the interactive gaming certificate petitioner and subcontractors of the contractors.

(15) The interactive gaming devices and associated equipment and interactive gaming system that the interactive gaming certificate petitioner plans to or will utilize to manage, administer or control its interactive gaming operations.

(16) Compliance certification of the interactive gaming certificate petitioner's proposed interactive gaming devices and associated equipment, including interactive gaming software and hardware, by a Board-approved gaming laboratory to ensure that the gaming software and hardware comply with this subpart and regulations of the Board.

(17) A detailed description of accounting systems, including accounting systems for all the following:

- (i) Interactive gaming accounts.
- (ii) Per hand charges, if applicable.
- (iii) Transparency and reporting to the Board and the Department.
- (iv) Distribution of revenue to the Commonwealth and winnings to registered players.
- (v) Ongoing auditing and internal control compliance reviews.

(18) Detailed information on security systems to protect the interactive gaming skins or interactive gaming web site from internal and external breaches and threats.

(19) Any other information the Board may require.

(b) In addition to the materials required under subsection (a), the petitioner for an interactive gaming certificate shall show, by clear and convincing evidence, all the following:

(1) The petitioner's proposed conduct of interactive gaming complies in all respects with the requirements of this subpart and the Board's regulations.

(2) Age, identity and location verification requirements designed to block access to individuals under 21 years of age and persons otherwise excluded or prohibited from engaging in interactive gaming in accordance with this subpart, as approved by the Board, have been implemented by the slot machine licensee.

(3) The petitioner has implemented or will implement appropriate data security standards to prevent unauthorized access by a person whose age, identity and location has not been verified or cannot be verified in accordance with the Board's regulations.

(4) The petitioner has implemented or will implement appropriate standards to protect the privacy and security of registered players with a reasonable degree of certainty.

(5) The petitioner's initial system of internal and accounting controls applicable to interactive gaming, and the security and integrity of all financial transactions in connection with the system, complies with this chapter and the Board's regulations.

(6) The petitioner is in good standing with the Board.

(7) The petitioner agrees that the number of slot machines and table games in operation at its licensed facility as of October 30, 2017, the effective date of 4 Pa.C.S. Part II (relating to the Pennsylvania Race Horse Development and Gaming Act), will not be reduced as a result of interactive gaming.

(c) In determining whether a petitioner is suitable to be issued an interactive gaming certificate under this subpart, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the petitioner.

(2) If all principals of the petitioner are eligible and suitable under the standards in section 1311.1 of the act (relating to licensing of principals).

(3) The integrity of financial backers.

(4) The suitability of the petitioner and the principals of the petitioner based on the satisfactory results of all of the following:

(i) The background investigation of the principals.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

**§ 802a.3. Interactive gaming certificate term and renewal.**

(a) An interactive gaming certificate and the renewal thereof is valid for 5 years from the date of approval of the petition by the Board.

(b) A renewal application for an interactive gaming certificate shall be filed at least 6 months prior to the expiration of the current certificate.

(c) An interactive gaming certificate for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

**CHAPTER 803a. INTERACTIVE GAMING OPERATORS**

Sec.

803a.1. Interactive gaming operator requirements.

803a.2. Interactive gaming operator application and standards.

803a.3. Interactive gaming license term and renewal.

803a.4. Interactive gaming operator change of control.



**§ 803a.1. Interactive gaming operator requirements.**

A person seeking to operate interactive gaming or an interactive gaming system on behalf of an interactive gaming certificate holder in this Commonwealth may apply with the Board for an interactive gaming license.

**§ 803a.2. Interactive gaming operator application and standards.**

An applicant for an interactive gaming license shall submit all of the following:

(1) An ~~original and one copy of the~~ Entity Enterprise Application and Disclosure Information Form unless otherwise directed by the Board.

(2) The nonrefundable application fee posted on the Board's web site.

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity).

(4) An application from every key employee under this chapter and principal under Chapter 433a (relating to principal licenses) as specified by the Entity Enterprise Application and Disclosure Information Form.

~~(5) A statement that the applicant has developed and implemented internal safeguards and policies to prevent a~~

~~violation of section 1513 of the act (relating to political influence) and a copy of the safeguards and policies.~~

**§ 803a.3. Interactive gaming license term and renewal.**

(a) An interactive gaming license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(b) A renewal application for an interactive gaming license shall be filed at least 6 months prior to the expiration of the current license.

(c) An interactive gaming license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

**§ 803a.4. Interactive gaming operator change of control.**

(a) For purposes of this section, a change of control of an interactive gaming operator will be deemed to have occurred when a person or group of persons acquires:

(1) More than 20% of an interactive gaming operator's securities, assets or other ownership interests.

(2) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other

securities or other ownership interests of the interactive gaming operator.

(3) Any other interest in an interactive gaming operator which allows the acquirer to control the interactive gaming operator.

(b) An interactive gaming operator shall notify the Bureau and the Bureau of Licensing by filing a Notification of Proposed Transfer of Interest Form immediately upon becoming aware of any proposed or contemplated change of control of the interactive gaming operator.

(c) Prior to acquiring a controlling interest in an interactive gaming operator, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(1) A copy of all documents governing the acquisition.

(2) Completed applications for the acquiring company, as required under this chapter, principals as required under § 808a.2 (relating to interactive gaming principals) and key employees as required under § 808a.3 (relating to interactive key employees).

(d) A person or group of persons seeking to acquire a controlling interest in an interactive gaming operator shall promptly provide any additional information requested by the

Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (c).

(e) A person or group of persons may not acquire a controlling interest in an interactive gaming operator until the petition required under subsection (c) has been approved. A person or group of persons seeking to acquire a controlling interest in an interactive gaming operator and the interactive gaming operator may enter into an agreement of sale that is contingent on Board approval of the petition.

(f) The requirements in this section do not apply to the acquisition of a controlling interest in an interactive gaming operator when all of the following conditions are met:

(1) The acquirer is an existing licensed slot machine, table game or interactive gaming operator.

(2) The existing licensed interactive gaming operator has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition at least 60 days prior to the acquisition.

(3) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

## **CHAPTER 804a. QUALIFIED GAMING ENTITY**

Sec.

- 804a.1. Qualified gaming entity license requirements.
- 804a.2. Qualified gaming entity petition requirements.
- 804a.3. Qualified gaming entity application requirements.
- 804a.4. Qualified gaming entity interactive gaming certificate term and renewal.

### **§ 804a.1. Qualified gaming entity license requirements.**

(a) A qualified gaming entity seeking to offer interactive gaming in this Commonwealth may petition the Board for an interactive gaming certificate if all of the following apply:

(1) The Board has published a notice on its web site that it is accepting petitions for qualified gaming entities.

(2) Any category of interactive game, as detailed in § 802a.1(b) (relating to interactive gaming certificate requirements), remains available after eligible slot machine licensees failed to petition for authorization to offer that category of interactive game directly or through an interactive gaming operator.

(3) The entity holds a license, in good standing, in any gaming jurisdiction which entitles the entity to conduct casino, table or poker-style games in a physical land-based casino or by means of the Internet, or both.

(b) The Board will approve and post the process for selecting eligible qualified gaming entities.

**§ 804a.2. Qualified gaming entity petition requirements.**

(a) A qualified gaming entity petitioner for an interactive gaming certificate shall submit to the Board a petition containing the information required by slot machine licensees seeking an interactive gaming certificate under § 802a.2 (relating to interactive gaming certificate petition and standards).

(b) The qualified gaming entity petitioner shall also show, by clear and convincing evidence, all of the following:

(1) It is licensed in good standing in another gaming jurisdiction.

(2) The licensing standards of that other gaming jurisdiction are comprehensive and thorough and provide similar safeguards as those required by the Commonwealth.

(3) The petitioner has the business experience and expertise to operate an interactive gaming system.

(c) In addition to the materials required under subsections (a) and (b), the qualified gaming entity petitioner for an interactive gaming certificate shall show, by clear and convincing evidence, that it has implemented or will implement all of the following:

(1) Interactive gaming that complies in all respects with the requirements of this subpart and regulations promulgated by the Board.

(2) A system of age, identity and location verification protocols designed to block access to individuals under 21 years of age and persons otherwise excluded or prohibited from engaging in interactive gaming in accordance with this subpart, as approved by the Board, has been implemented by the petitioner.

(3) Appropriate data security standards to prevent unauthorized access by any person whose age, identity and location has not been verified or cannot be verified in accordance with the regulations promulgated by the Board.

(4) Appropriate standards to protect the privacy and security of registered players with a reasonable degree of certainty.

(5) A system of internal and accounting controls applicable to interactive gaming, and the security and integrity of all financial transactions in connection with the system, that complies with this chapter and regulations promulgated by the Board.

**§ 804a.3. Qualified gaming entity application requirements.**

(a) If selected under the Board process in § 804a.1(b) (relating to qualified gaming entity license requirements), the eligible qualified gaming entity petitioner shall submit all

applicable applications for the issuance of an interactive gaming certificate as required by the Bureau of Licensing.

(b) In determining whether an eligible qualified gaming entity petitioner is suitable to be issued a qualified gaming entity interactive gaming certificate under this subpart, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the petitioner.

(2) If all principals of the petitioner are eligible and suitable under the standards of section 1311.1 of the act (relating to licensing of principals).

(3) The integrity of all financial backers.

(4) The suitability of the petitioner and the principals of the petitioner based on the satisfactory results of all of the following:

(i) The background investigation of the principals.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.



**§ 804a.4. Qualified gaming entity interactive gaming certificate term and renewal.**

(a) A qualified gaming entity interactive gaming certificate and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(b) A renewal application for a qualified gaming entity interactive gaming certificate shall be filed at least 6 months prior to the expiration of the current certificate.

(c) A qualified gaming entity interactive gaming certificate for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

**CHAPTER 805a. INTERACTIVE GAMING MANUFACTURER**

Sec.

- 805a.1. Interactive gaming manufacturer license requirements.
- 805a.2. Interactive gaming manufacturer license application and standards.
- 805a.3. Interactive gaming manufacturer license term and renewal.
- 805a.4. Interactive gaming manufacturer abbreviated license process.
- 805a.5. Interactive gaming manufacturer licensee responsibilities.
- 805a.6. Interactive gaming manufacturer licensee change of control.

**§ 805a.1. Interactive gaming manufacturer license requirements.**

(a) An interactive gaming manufacturer seeking to manufacture interactive devices or associated equipment for use

in this Commonwealth shall apply to the Board for an interactive gaming manufacturer license.

(b) In accordance with section 1317.1~~(e)-(3)~~ of the act (relating to manufacturer licenses), an applicant for or the holder of an interactive gaming manufacturer license or any of the applicant's or holder's affiliates, intermediaries, subsidiaries or holding companies may not apply for or hold a slot machine license or an interactive gaming supplier license.

**§ 805a.2. Interactive gaming manufacturer license application and standards.**

(a) An applicant for an interactive gaming manufacturer license shall submit all of the following:

(1) An ~~original and one copy of the~~ Enterprise Entity Application and Disclosure Information Form for the applicant and each of the applicant's principal affiliates.

(2) The nonrefundable application fee posted on the Board's web site.

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity).

(4) An application from every key employee under §§ 435a.2 and 808a.3 (relating to key employee license; and interactive key employees) and principal under Chapter 433a

(relating to principal licenses) and § 808a.2 (relating to interactive gaming principals) as specified by the Enterprise Entity Application and Disclosure Information Form and other persons as determined by the Board.

(5) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies is an applicant for or holder of a slot machine license and that the applicant has neither applied for nor holds an interactive gaming supplier license.

~~(6) A statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence) and a copy of the safeguards and policies.~~

(b) In addition to the materials required under subsection (a), an applicant for an interactive gaming manufacturer license shall do all of the following:

(1) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(2) Demonstrate that the applicant has the ability to manufacture, build, rebuild, repair, fabricate, assemble, produce, program, design or otherwise make modifications to interactive gaming devices or associated equipment which meet one or more of the following criteria:

(i) Are specifically designed for use in the operation of interactive gaming or an interactive gaming device or associated equipment.

(ii) Are needed to conduct an authorized interactive game.

(iii) Have the capacity to affect the outcome of the play of an interactive game.

(iv) Have the capacity to affect the calculation, storage, collection or control of gross interactive gaming revenue.

(c) In determining whether an applicant is suitable to be licensed as an interactive gaming manufacturer under this section, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals of the applicant are eligible and suitable under the standards of section 1311.1 of the act (relating to licensing of principals).

(3) The integrity of all financial backers.

(4) The suitability of the applicant and the principals of the applicant based on the satisfactory results of all of the following:

(i) The background investigation of the principals.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

**§ 805a.3. Interactive gaming manufacturer license term and renewal.**

(a) An interactive gaming manufacturer license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(b) A renewal application for an interactive gaming manufacturer license shall be filed at least 6 months prior to the expiration of the current license.

(c) An interactive gaming manufacturer license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

**§ 805a.4. Interactive gaming manufacturer abbreviated license process.**

(a) The Board may use an abbreviated licensing process if the applicant holds a license issued by the Board to manufacture slot machines, table games, **SPORTS WAGERING DEVICES OR**

**ASSOCIATED EQUIPMENT, VIDEO GAMING TERMINALS**, table game devices or associated equipment and all of the following apply:

(1) The license was issued by the Board and is currently in good standing.

(2) The entity to whom the manufacturer license was issued affirms there has been no material change in circumstances relating to the license.

(3) The Board determines, in its sole discretion, that there has been no material change in circumstances relating to the licensee that necessitates that the abbreviated process not be used.

(b) This section may not be construed to waive any fees associated with obtaining an interactive gaming manufacturer license through the application process in this Commonwealth.

**§ 805a.5. Interactive gaming manufacturer licensee responsibilities.**

(a) A holder of an interactive gaming manufacturer license shall have a continuing duty to do all of the following:

(1) Comply with the general requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(2) For publicly traded interactive gaming manufacturer licensees, provide notification of all SEC filings or if the

manufacturer is publicly traded on a foreign exchange, a copy of all filings submitted to the securities regulator that has jurisdiction over the foreign publicly traded corporation. The notification or copies of the filings shall be submitted to the Bureau of Licensing within 30 days after the date of filing with the SEC or securities regulator that has jurisdiction over the foreign publicly traded corporation.

(b) An employee of a licensed interactive gaming manufacturer who is a gaming or nongaming employee as defined in § 801a.2 (relating to definitions) shall obtain a permit under § 808a.4 (relating to interactive gaming employees) or registration under § 808a.5 (relating to interactive nongaming employees).

**§ 805a.6. Interactive gaming manufacturer licensee change of control.**

(a) For purposes of this section, a change of control of an interactive gaming manufacturer licensee will be deemed to have occurred when a person or group of persons acquires:

(1) More than 20% of an interactive gaming manufacturer licensee's securities, assets or other ownership interests.

(2) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other

securities or other ownership interests of the interactive gaming manufacturer licensee.

(3) Any other interest in an interactive gaming manufacturer licensee which allows the acquirer to control the interactive gaming manufacturer licensee.

(b) An interactive gaming manufacturer licensee shall notify the Bureau and the Bureau of Licensing by filing a Notification of Proposed Transfer of Interest Form immediately upon becoming aware of any proposed or contemplated change of control of the interactive gaming manufacturer licensee.

(c) Prior to acquiring a controlling interest in an interactive gaming manufacturer licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(1) A copy of all documents governing the acquisition.

(2) Completed applications for the acquiring company, as required under this chapter, principals as required under § 808a.2 (relating to interactive gaming principals) and key employees as required under § 808a.3 (relating to interactive key employees).

(3) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a slot machine licensee or interactive gaming



certificate holder and that the acquirer has neither applied for nor holds an interactive gaming supplier license.

(d) A person or group of persons seeking to acquire a controlling interest in an interactive gaming manufacturer licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (c).

(e) A person or group of persons may not acquire a controlling interest in an interactive gaming manufacturer licensee until the petition required under subsection (c) has been approved. A person or group of persons seeking to acquire a controlling interest in an interactive gaming manufacturer licensee and the interactive gaming manufacturer licensee may enter into an agreement of sale that is contingent on Board approval of the petition.

(f) The requirements in this section do not apply to the acquisition of a controlling interest in an interactive gaming manufacturer licensee when all of the following conditions are met:

(1) The acquirer is an existing licensed slot machine, table game or interactive gaming manufacturer.

(2) The existing licensed interactive gaming manufacturer has provided the Bureau and the Bureau of Licensing

notification and a copy of all documents governing the acquisition at least 60 days prior to the acquisition.

(3) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

#### **CHAPTER 806a. INTERACTIVE GAMING SUPPLIER**

Sec.

- 806a.1. Interactive gaming supplier license requirements.
- 806a.2. Interactive gaming supplier application and standards.
- 806a.3. Interactive gaming supplier entity term and renewal.
- 806a.4. Interactive gaming supplier abbreviated license process.
- 806a.5. Interactive gaming supplier licensee responsibilities.
- 806a.6. Interactive gaming supplier change of control.

##### **§ 806a.1. Interactive gaming supplier license requirements.**

(a) A supplier seeking to sell, lease, offer or otherwise provide, distribute or service interactive gaming devices or associated equipment to an interactive gaming certificate holder or interactive gaming operator in this Commonwealth shall apply to the Board for an interactive gaming supplier license.

(b) In accordance with sections 1317 and 1317.1 of the act (relating to supplier licenses; and manufacturer licenses), an applicant for or the holder of an interactive gaming supplier license or any of the applicant's or holder's affiliates, intermediaries, subsidiaries or holding companies may not apply

for or hold a slot machine license or an interactive gaming manufacturer license.

**§ 806a.2. Interactive gaming supplier application and standards.**

(a) An applicant for an interactive gaming supplier license shall submit all of the following:

(1) An ~~original and one copy of the~~ Enterprise Entity Application and Disclosure Information Form for the applicant and each of the applicant's principal affiliates.

(2) The nonrefundable application fee posted on the Board's web site.

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity).

(4) An application from every key employee under § 808a.3 (relating to interactive key employees) and principal under § 808a.2 (relating to interactive gaming principals) as specified by the Enterprise Entity Application and Disclosure Information Form and other persons as determined by the Board.

(5) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies is an applicant for or holder of a slot machine license and that the applicant has neither applied for nor holds an interactive gaming manufacturer license.

~~(6) A statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence) and a copy of the safeguards and policies.~~

(b) In addition to the materials required under subsection (a), an applicant for an interactive gaming supplier license shall comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(c) In determining whether an applicant is suitable to be licensed as an interactive gaming supplier under this section, the Board will consider all of the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals of the applicant are eligible and suitable under the standards of section 1311.1 of the act (relating to licensing of principals).

(3) The integrity of all financial backers.

(4) The suitability of the applicant and the principals of the applicant based on the satisfactory results of all of the following:

(i) The background investigation of the principals.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

**§ 806a.3. Interactive gaming supplier entity term and renewal.**

(a) An interactive gaming supplier license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(b) A renewal application for an interactive gaming supplier license shall be filed at least 6 months prior to the expiration of the current license.

(c) An interactive gaming supplier license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

**§ 806a.4. Interactive gaming supplier abbreviated license process.**

(a) The Board may use an abbreviated licensing process if the applicant holds a license issued by the Board to supply slot machines, table games, **SPORTS WAGERING DEVICES OR ASSOCIATED EQUIPMENT, VIDEO GAMING TERMINALS**, table game devices or associated equipment and all of the following apply:

(1) The license was issued by the Board and is currently in good standing.

(2) The entity to whom the supplier license was issued affirms there has been no material change in circumstances relating to the license.

(3) The Board determines, in its sole discretion, that there has been no material change in circumstances relating to the licensee that necessitates that the abbreviated process not be used.

(b) This section may not be construed to waive any fees associated with obtaining an interactive gaming supplier license through the application process in this Commonwealth.

**§ 806a.5. Interactive gaming supplier licensee responsibilities.**

(a) A supplier shall submit to the Bureau of Licensing for review any agreements with a licensed interactive gaming manufacturer, licensed interactive gaming operator, slot machine licensee or interactive gaming certificate holder. The review may include financing arrangements, technical competency, compensative agreements and other terms or conditions to ensure the financial independence of the licensed interactive gaming supplier from any licensed interactive gaming manufacturer or licensed or certified interactive gaming entity.

(b) A holder of a supplier license shall have a continuing duty to do all of the following:

(1) Comply with the general requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(2) For publicly traded interactive gaming suppliers, provide notification of all SEC filings or, if the supplier is publicly traded on a foreign exchange, a copy of all filings submitted to the securities regulator that has jurisdiction over the foreign publicly traded corporation. The notification or copies of the filings shall be submitted to the Bureau of Licensing within 30 days after the date of filing with the SEC or securities regulator that has jurisdiction over the foreign publicly traded corporation.

(c) An employee of a licensed interactive gaming supplier who is a gaming or nongaming employee as defined in § 801a.2 (relating to definitions) shall obtain a permit under § 808a.4 (relating to interactive gaming employees) or registration under § 808a.5 (relating to interactive nongaming employees).

**§ 806a.6. Interactive gaming supplier change of control.**

(a) For purposes of this section, a change of control of an interactive gaming supplier licensee will be deemed to have occurred when a person or group of persons acquires:

(1) More than 20% of an interactive gaming supplier licensee's securities, assets or other ownership interests.

(2) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the interactive gaming supplier licensee.

(3) Any other interest in an interactive gaming supplier licensee which allows the acquirer to control the interactive gaming supplier licensee.

(b) An interactive gaming supplier licensee shall notify the Bureau and the Bureau of Licensing by filing a Notification of Proposed Transfer of Interest Form immediately upon becoming aware of any proposed or contemplated change of control of the interactive gaming supplier licensee.

(c) Prior to acquiring a controlling interest in an interactive gaming supplier licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(1) A copy of all documents governing the acquisition.

(2) Completed applications for the acquiring company, as required under this chapter, principals as required under § 808a.2 (relating to interactive gaming principals) and key



employees as required under § 808a.3 (relating to interactive key employees).

(3) An affirmation that neither the acquirer nor any of its affiliates, intermediaries, subsidiaries or holding companies is a slot machine licensee or interactive gaming certificate holder and that the acquirer has neither applied for nor holds an interactive gaming manufacturer license.

(d) A person or group of persons seeking to acquire a controlling interest in an interactive gaming supplier licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (c).

(e) A person or group of persons may not acquire a controlling interest in an interactive gaming supplier licensee until the petition, required under subsection (c), has been approved. A person or group of persons seeking to acquire a controlling interest in an interactive gaming supplier licensee and the supplier licensee may enter into a sales agreement that is contingent on Board approval of the petition.

(f) The requirements in this section do not apply to the acquisition of a controlling interest in an interactive gaming supplier licensee when all of the following conditions are met:

(1) The acquirer is an existing licensed slot machine, table game or interactive gaming supplier.

(2) The existing licensed interactive gaming supplier has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition at least 60 days prior to the acquisition.

(3) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

#### **CHAPTER 807a. INTERACTIVE GAMING SERVICE PROVIDERS**

Sec.

- 807a.1. General interactive gaming service provider requirements.
- 807a.2. Interactive gaming service provider certification applications.
- 807a.3. Interactive gaming service provider registration applications.
- 807a.4. Qualification of individuals and entities of certified interactive gaming service providers.
- 807a.5. Interactive gaming service provider registration and certification term and renewal.
- 807a.6. Authorized interactive gaming service providers list; prohibited interactive gaming service providers.
- 807a.7. Permission to conduct business prior to certification or registration.
- 807a.8. Emergency interactive gaming service provider.
- 807a.9. Duty to investigate.

**§ 807a.1. General interactive gaming service provider requirements.**

(a) Except as provided in § 807a.9 (relating to duty to investigate), an interactive gaming service provider or person seeking to conduct business with an interactive gaming certificate holder or interactive gaming operator shall apply to the Board for certification if the interactive gaming service provider or person is providing **ANY OF THE FOLLOWING**:

(1) Data hosting services unless the hosting service is in a jurisdiction, the standards of which are recognized by the Board, the owner of the hardware is licensed as an interactive gaming operator by the Board and the facility is approved by the Board.

(2) Payment processing and related money-transmitting services with direct contact with a ~~patron's~~ **REGISTERED PLAYER'S** interactive gaming account.

(3) Customer identity, age verification and geo-location verification used in the conduct of interactive gaming, regardless of the interactive gaming service provider or person's contractual relationship with an interactive gaming certificate holder.

(4) Interactive affiliate goods or services and the interactive affiliate is being paid a revenue share. As used in this subsection, "interactive affiliate" means as an

individual or entity involved in promoting, marketing and directing business to online gaming sites in exchange for compensation paid based on player activity not a flat fee.

(5) Any other person as determined by the Board.

(b) Except as provided in § 807a.9, a gaming service provider or person seeking to conduct business with an interactive gaming certificate holder or interactive gaming operator shall apply to the Board for a registration if the interactive gaming service provider or person is providing goods or services related to interactive gaming or interactive wagering and the interactive gaming service provider or person is not required to be certified as an interactive gaming service provider. This subsection applies to interactive affiliates involved in promoting, marketing and directing business to online gaming sites in exchange for a flat fee.

(c) A holder of an interactive gaming service provider certification, registration or authorization shall have a continuing duty to comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

**§ 807a.2. Interactive gaming service provider certification applications.**

(a) An interactive gaming service provider seeking certification shall submit ~~an original and one copy of~~ a Certification Application and Disclosure Form. The ~~original, copy and the~~ application **AND** fee toward the cost of the investigation of the applicant, as posted on the Board's web site, shall be submitted to the Bureau of Licensing by the interactive gaming service provider unless otherwise directed by the Bureau of Licensing.

(b) In addition to the requirements in subsection (a), an applicant for an interactive gaming service provider certification shall do all of the following:

(1) Submit applications and release authorizations for each individual required to be qualified under § 807a.4 (relating to qualification of individuals and entities of certified interactive gaming service providers).

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(c) An applicant for an interactive gaming service provider certification shall reimburse the Board for costs incurred in conducting the investigation of the applicant.

(d) An interactive gaming service provider certification will not be issued until all fees and costs have been paid.

**§ 807a.3. Interactive gaming service provider registration applications.**

(a) An interactive gaming service provider seeking registration shall complete ~~an original and one copy of~~ a Gaming Service Provider Registration Form. The ~~original, copy and the~~ application **AND** fee toward the cost of the investigation of the applicant, as posted on the Board's web site, shall be submitted to the Bureau of Licensing by the interactive gaming service provider unless otherwise directed by the Bureau of Licensing.

(b) In addition to the materials required under subsection (a), an applicant for an interactive gaming service provider registration shall do all of the following:

(1) Submit release authorizations for each individual required to be qualified under § 807a.4 (relating to qualification of individuals and entities of certified interactive gaming service providers).

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(3) Submit fingerprints of all of the following individuals in a manner prescribed by the Bureau:

(i) Each officer and director of the registered interactive gaming service provider applicant. For purposes of this subparagraph, "officer" means a president, a chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(ii) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the registered interactive gaming service provider applicant.

(iii) Each salesperson of a registered interactive gaming service provider applicant who solicits business from, or has regular contact with, any representatives of an interactive certificate holder or interactive gaming operator or any employee of a registered interactive gaming service provider applicant who will be engaging in that conduct.

(c) A person who holds any direct or indirect ownership or beneficial interest in a registered interactive gaming service provider or applicant for interactive gaming service provider registration, or has the right to any profits or distributions directly or indirectly, from the registered interactive gaming service provider or applicant for interactive gaming service provider registration may be required to submit fingerprints if the Bureau determines that the submission of fingerprints of the

person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(d) Each of the individuals required to submit fingerprints under subsection (b)(3) shall be found qualified by the Board.

(e) An individual who is a gaming or nongaming employee as defined in § 801a.2 (relating to definitions) shall obtain a gaming employee occupation permit in accordance with § 808a.4 (relating to interactive gaming employees) or a nongaming employee registration in accordance with § 808a.5 (relating to interactive nongaming employees).

(f) An applicant for an interactive gaming service provider registration shall reimburse the Board for costs incurred in conducting the investigation of the applicant.

(g) An interactive gaming service provider registration will not be issued until all fees and costs have been paid.

**§ 807a.4. Qualification of individuals and entities of certified interactive gaming service providers.**

(a) The following individuals shall submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board:

(1) Each officer and director of a certified interactive gaming service provider or applicant for interactive gaming service provider certification. For the purposes of this



paragraph, "'officer'" means a president, a chief executive officer, a chief financial officer, and a chief operating officer and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the certified interactive gaming service provider or applicant for interactive gaming service provider certification. A certified interactive gaming service provider or applicant for interactive gaming service provider certification shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(3) Each salesperson of a certified interactive gaming service provider or applicant for interactive gaming service provider certification who solicits business from, or has regular contact with, any representatives of an interactive gaming certificate holder or interactive gaming operator or any employee of a certified interactive gaming service provider or applicant for interactive gaming service provider certification who will be engaging in that conduct.

(b) Each entity that directly owns 20% or more of the voting securities of a certified interactive gaming service provider or person applying for interactive gaming service provider

certification shall file a Certification Form—Holding Company with the Bureau of Licensing and be found qualified by the Board.

(c) The following persons may be required to submit a Certification Form—Holding Company or a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Bureau of Licensing determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(1) An intermediary or holding company of a certified interactive gaming service provider or person or applicant for interactive gaming service provider certification not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a certified interactive gaming service provider or applicant for interactive gaming service provider certification.

(3) An employee of a certified interactive gaming service provider or applicant for interactive gaming service provider certification.

(4) A person who holds any direct or indirect ownership or beneficial interest in a certified interactive gaming service provider or applicant for interactive gaming service provider certification, or has the right to any profits or distribution,

directly or indirectly, from the certified interactive gaming service provider or applicant for interactive gaming service provider certification.

(5) A trustee of a trust that is required to be found qualified under this section.

(d) The Bureau of Licensing may issue a temporary credential to an individual who is required to be qualified by the Board under this section if all of the following apply:

(1) The individual's presence in an interactive gaming restricted area is needed.

(2) The company with which the individual is associated is on the authorized gaming service provider list.

(e) Upon request, the Bureau of Licensing will issue a credential to an individual who has been found qualified under this section if the interactive gaming service provider has been certified.

(f) An employee of a certified or registered interactive gaming service provider who is a gaming or nongaming employee as defined in § 801a.2 (relating to definitions) shall obtain a permit under § 808a.4 (relating to interactive gaming employees) or registration under § 808a.5 (relating to interactive nongaming employees).

**§ 807a.5. Interactive gaming service provider registration and certification term and renewal.**

(a) Interactive gaming service provider certifications, registrations and renewals issued under this subpart will be valid for 5 years from the date of Board approval.

(b) Registered and certified interactive gaming service providers shall submit to the Board a completed renewal application or form and renewal fee at least ~~180 days~~ **6 MONTHS** prior to the expiration of a certification, registration or authorization.

(c) A certification or registration for which a completed renewal application and fee has been received by the Bureau of Licensing will continue to be in effect until the Board sends written notification to the holder of the certification or registration that the Board has approved or denied the certification or registration.

**§ 807a.6. Authorized ~~interactive~~ gaming service providers list; prohibited ~~interactive~~ gaming service providers.**

(a) The Board will maintain a list of authorized ~~interactive~~ gaming service providers and a list of prohibited ~~interactive~~ gaming service providers. The authorized list will contain the names of persons who have been:

(1) Registered or certified.

(2) Authorized to conduct business with interactive certificate holder or interactive gaming operator under § 437a.9 (relating to permission to conduct business prior to certification or registration).

(b) Except as permitted under §§ 437a.1(a)(2), (d) and (g) and 437a.10 (relating to general gaming service provider requirements; and emergency gaming service provider), an interactive gaming certificate holder or interactive gaming operator may not purchase goods or services from an interactive gaming service provider unless the interactive gaming service provider is on the authorized ~~interactive~~ gaming service provider list. A slot machine licensee, interactive gaming certificate holder or interactive gaming operator or applicant or any affiliate, intermediary, subsidiary or holding company thereof acting on behalf of the slot machine licensee, interactive gaming certificate holder, interactive gaming operator or applicant may not enter into an agreement or continue to do business with an interactive gaming service provider on the prohibited gaming service providers list.

(c) The Board may place a person or provider on the prohibited ~~interactive~~ gaming service provider list if any of the following apply:

(1) The interactive gaming service provider has failed to comply with this chapter.

(2) The interactive gaming service provider has failed to cooperate with Board staff in its review and investigation of the interactive gaming service provider's application.

(3) The interactive gaming service provider's application for certification or registration has been denied or withdrawn with prejudice or the interactive gaming service provider has had its interactive gaming service provider certification or registration suspended or revoked.

(4) The interactive gaming service provider has failed to provide information to a slot machine licensee, an interactive gaming certificate holder or interactive gaming operator that is necessary for the slot machine licensee, interactive gaming certificate holder or interactive gaming operator to comply with this chapter.

(d) A person seeking to be removed from the list of prohibited ~~interactive~~ gaming service providers shall file a petition for removal in accordance with § 493a.4 (relating to petitions generally) and shall be responsible for all costs associated with the person's petition for removal from the list of prohibited ~~interactive~~ gaming service providers. The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited ~~interactive~~ gaming service providers list and how the interactive gaming service provider has cured any deficiencies

that led to the interactive gaming service provider being placed on the prohibited ~~interactive~~ gaming service providers list.

(e) The Board may impose a monetary penalty or other appropriate sanction in connection with the removal of a person from the list of prohibited ~~interactive~~ gaming service providers or attach any reasonable condition to the removal of a person from the list of prohibited ~~interactive~~ gaming service providers.

**§ 807a.7. Permission to conduct business prior to certification or registration.**

(a) Notwithstanding § 807a.1 (relating to general interactive gaming service provider requirements), the Bureau of Licensing may authorize an applicant for an interactive gaming service provider certification or registration to conduct business with a slot machine licensee, an interactive gaming certificate holder or interactive gaming operator prior to the certification or registration of the interactive gaming service provider applicant if all of the following criteria are met:

(1) A completed Gaming Service Provider Registration Form or a completed Gaming Service Provider Certification Application and Disclosure Information Form has been filed by the slot machine licensee, interactive gaming certificate holder or interactive gaming operator in accordance with §§ 807a.2 or

807a.3 (relating to interactive gaming service provider certification applications; and interactive gaming service provider registration applications).

~~(2) The slot machine licensee, interactive gaming certificate holder or interactive gaming operator certifies that it has performed due diligence on the interactive gaming service provider.~~

~~(3)~~ (2) The applicant for an interactive gaming service provider registration or certification agrees, in writing, that the grant of permission to conduct business prior to registration or certification does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the authorization granted pursuant to this section, with or without prior notice to the applicant, if the Bureau of Licensing is informed that the suitability of the applicant may be at issue or the applicant fails to cooperate in the application or investigatory process.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for certification or registration, the Bureau of Licensing may rescind the permission granted to the applicant for certification or registration to conduct business with a slot machine licensee, interactive gaming certificate holder or interactive gaming operator under subsection (a). If the permission is rescinded, the applicant



for certification or registration shall cease conducting business with the slot machine licensee, interactive gaming certificate holder, interactive gaming operator or applicant by the date specified in the notice of the rescission by the Bureau of Licensing under subsection (c).

(c) The Bureau of Licensing will notify the applicant for certification or registration and the slot machine licensee, interactive gaming certificate holder, interactive gaming operator or applicant by registered mail and e-mail that permission for the applicant for certification or registration to conduct business with the slot machine licensee, interactive gaming certificate holder, interactive gaming operator or applicant under subsection (a) has been rescinded and that the slot machine licensee, interactive gaming certificate holder, interactive gaming operator or applicant shall cease conducting business with the applicant for certification or registration by the date specified in the notice.

**§ 807a.8. Emergency interactive gaming service provider.**

(a) An interactive gaming certificate holder or interactive gaming operator may utilize an interactive gaming service provider that is not registered, certified or authorized to conduct business in accordance with § 807a.7 (relating to permission to conduct business prior to certification or

registration) when a threat to public health, welfare or safety exists or circumstances outside the control of the slot machine licensee, interactive gaming certificate holder or interactive gaming operator create an urgency of need which does not permit the delay involved in using the formal method of interactive gaming service provider certification or registration. A slot machine licensee, interactive gaming certificate holder or interactive gaming operator may not use an interactive gaming service provider on the prohibited list.

(b) When using an interactive gaming service provider that is not registered, certified or authorized to conduct business to respond to an emergency, the slot machine licensee, interactive gaming certificate holder or interactive gaming operator shall do all of the following:

(1) Immediately notify the Bureau of Licensing of the emergency and the interactive gaming service provider that was selected to provide emergency services.

(2) File an Interactive Gaming Service Provider Emergency Notification Form with the Bureau of Licensing within 72 hours after commencement of the interactive gaming service provider's services and a written explanation of the basis for the procurement of the emergency interactive gaming service provider.

(c) An employee of the emergency interactive gaming service provider who is providing emergency services that requires access to an interactive gaming restricted area shall obtain a temporary access credential in accordance with § 808a.7 (relating to emergency and temporary credentials) prior to performing any work.

(d) If the slot machine licensee, interactive gaming certificate holder or interactive gaming operator continues to utilize the interactive gaming service provider after the emergency circumstances have passed or if the Bureau of Licensing determines that the circumstances did not necessitate the use of an emergency interactive gaming service provider that was not registered, certified or on the authorized list, the slot machine licensee, interactive gaming certificate holder, interactive gaming operator and interactive gaming service provider shall comply with this chapter.

**§ 807a.9. Duty to investigate.**

(a) A slot machine licensee, interactive gaming certificate holder or interactive gaming operator shall investigate the background and qualifications of the applicants for interactive gaming service provider registration or certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) A slot machine licensee, interactive gaming certificate holder or interactive gaming operator shall have an affirmative duty to avoid agreements or relationships with persons applying for an interactive gaming service provider registration or certification whose background or associations are injurious to the public health, safety, morals, good order and general welfare of the residents of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(c) A slot machine licensee, an interactive gaming certificate holder or interactive gaming operator shall have a duty to inform the Board of an action by an applicant for or holder of an interactive gaming service provider registration or certification, which the slot machine licensee, interactive gaming certificate holder or interactive gaming operator believes would constitute a violation of the act or this part.

## **CHAPTER 808a. INTERACTIVE GAMING PRINCIPALS AND KEY, GAMING AND NONGAMING EMPLOYEES**

Sec.

- 808a.1. General provisions.
- 808a.2. Interactive gaming principals.
- 808a.3. Interactive key employees.
- 808a.4. Interactive gaming employees.
- 808a.5. Interactive nongaming employees.
- 808a.6. Board credentials.
- 808a.7. Emergency and temporary credentials.
- 808a.8. Loss, theft or destruction of credentials.

**§ 808a.1. General provisions.**

(a) An individual seeking a principal license, key employee license, gaming employee occupation permit or nongaming employee registration to participate in interactive gaming in this Commonwealth shall apply to the Board as follows:

(1) Principal and key employee applicants shall submit ~~an original and one copy of~~ a completed Multi-Jurisdictional Personal History Disclosure Form as well as ~~an original and one copy of~~ a completed Principal/Key Employee Form-Pennsylvania Supplement to the Multi-Jurisdictional Personal History Disclosure Form.

(2) Gaming employee occupation permit and nongaming employee registration applicants shall submit the Gaming Employee or Nongaming Employee Registration Application using the SLOTS Link Electronic Application system.

(3) All applicants shall submit the nonrefundable application fee posted on the Board's web site.

(b) In addition to the materials required in subsection (a), an applicant shall comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(c) The holder of a principal license, key employee license, gaming employee occupation permit or nongaming employee

registration shall provide an updated photograph at the request of Board staff.

(d) An applicant for a gaming employee occupation permit or nongaming employee registration shall be at least 18 years of age.

(e) After reviewing the application and the results of the applicant's background investigation, the Board may issue a principal license, key employee license, gaming employee occupation permit or nongaming employee registration if the individual has proven that he is a person of good character, honesty and integrity, and is eligible and suitable to be licensed as a principal, key employee, gaming employee or nongaming employee.

(f) Slot machine licensees, interactive gaming certificate holders, interactive gaming operators, interactive gaming manufacturers, interactive gaming suppliers and interactive gaming service providers that hire an individual who holds a key employee license, gaming employee occupation permit or registration issued by the Board shall contact the Bureau of Licensing to confirm that the individual's key employee license, gaming employee occupation permit or registration is in good standing prior to allowing the individual to perform work associated with interactive gaming in this Commonwealth.

(g) An individual who holds a principal license, key employee license, gaming employee occupation permit or registration is subject to all of the following wagering restrictions relative to interactive gaming:

(1) An individual whose job duties include interactive gaming and who holds a license, permit or registration and is currently employed by or is a principal of an interactive certificate holder may not place wagers on web sites offered by or associated with the interactive certificate holder. The licensed, permitted or registered individual shall wait at least 30 days following the date that the individual is no longer employed in a position that includes interactive gaming job duties before the individual may wager on web sites offered by or associated with the interactive certificate holder.

(2) An individual who holds a license, permit or registration and is currently employed by or is a principal of an interactive gaming operator may not wager on web sites operated by the interactive gaming operator. The licensed, permitted or registered individual shall wait at least 30 days following the date that the individual is no longer employed by the interactive gaming operator before the individual may wager on web sites operated by the interactive gaming operator.

(3) An individual whose job duties include interactive gaming and who holds a license, permit or registration and is

currently employed by or is a principal of an interactive manufacturer or interactive supplier may not wager on web sites associated with interactive certificate holders in this Commonwealth that offer games or use equipment manufactured, supplied, developed or programmed by the interactive manufacturer or interactive supplier.

**§ 808a.2. Interactive gaming principals.**

(a) Principals and principal entities, as defined in §§ 401a.3 and 433a.1 (relating to definitions), shall submit an application for licensure as described in § 808a.1 (relating to general provisions).

(b) A principal license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(c) A renewal application for a principal license shall be filed at least 6 months prior to expiration of the current license.

(d) A principal license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(e) A principal license issued under this subpart will ~~be~~ only be valid for the licensed or certified entity with which the principal is associated.



**§ 808a.3. Interactive key employees.**

(a) Key employees, as defined in §§ 401a.3 and 801a.2 (relating to definitions), shall submit an application for licensure as described in § 808a.1 (relating to general provisions).

(b) A key employee license and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(c) A renewal application for a key employee license shall be filed at least 6 months prior to expiration of the current license.

(d) A key employee license for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(e) A key employee license issued under this subpart will be valid for employment with any licensed or certified entity.

**§ 808a.4. Interactive gaming employees.**

(a) Gaming employees, as defined in §§ 401a.3 and 801a.2 (relating to definitions), shall submit an application for licensure as described in § 808a.1 (relating to general provisions).

(b) In addition to the materials required to be submitted under this subpart, gaming employee occupation permit applicants

shall submit verification of an offer of employment from a licensed or certified entity.

(c) A gaming employee occupation permit and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(d) A renewal application for a gaming employee occupation permit shall be filed at least 6 months prior to expiration of the current permit.

(e) A gaming employee occupation permit for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(f) An individual who wishes to receive a gaming employee occupation permit under this subpart may authorize an applicant for or holder of a slot machine license, interactive gaming certificate, interactive gaming license, interactive gaming manufacturer license, interactive gaming supplier license, or interactive gaming service provider certification or registration to file an application on the individual's behalf.

(g) A gaming employee occupation permit issued under this chapter will be valid for employment with any licensed, certified or registered entity.

**§ 808a.5. Interactive nongaming employees.**

(a) Nongaming employees, as defined in § 401a.3 (relating to definitions), shall submit an application for registration as described in § 808a.1 (relating to general provisions).

(b) In addition to the materials required to be submitted under this subpart, nongaming employee registration applicants shall submit verification of an offer of employment from a licensed or certified entity.

(c) A nongaming employee registration and the renewal thereof is valid for 5 years from the date of approval of the application by the Board.

(d) A renewal application for a nongaming employee registration shall be filed at least 6 months prior to expiration of the current registration.

(e) A nongaming employee registration for which a completed renewal application and fee has been received by the Board will continue in effect until acted upon by the Board.

(f) An individual who wishes to receive a nongaming employee registration under this subpart may authorize an applicant for or holder of a slot machine license, interactive gaming certificate, interactive gaming license, interactive gaming manufacturer license, interactive gaming supplier license, or interactive gaming service provider certification or registration to file an application on the individual's behalf.

(g) A nongaming employee registration issued under this chapter will be valid for employment with any licensed, certified or registered entity.

**§ 808a.6. Board credentials.**

The individuals required to be licensed, permitted or registered under this subpart shall obtain a Board credential as described in § 435a.6 (relating to Board credentials).

**§ 808a.7. Emergency and temporary credentials.**

The individuals required to be licensed, permitted or registered under this subpart may obtain an emergency or temporary Board credential as described in §§ 435a.7 and 435a.8 (relating to emergency credentials; and temporary credentials).

**§ 808a.8. Loss, theft or destruction of credentials.**

(a) As soon as possible, but no later than 24 hours following the loss, theft or destruction of a Board credential, emergency credential or temporary credential, the person to whom the credential was issued shall notify the Bureau of Licensing.

(b) The slot machine licensee, interactive gaming certificate holder or interactive gaming operator, on behalf of an employee whose Board-issued credential was lost, stolen or destroyed, may request a replacement Board credential by

submitting a Request for Duplicate PGCB Credential Form and the fee established by the Board to the Bureau of Licensing.

## **CHAPTER 809a. INTERACTIVE GAMING PLATFORM REQUIREMENTS**

Sec.

809a.1. Scope.

809a.2. Definitions.

809a.3. Location of equipment.

809a.4. Physical and environmental controls for equipment.

809a.5. Access to equipment.

809a.6. System requirements.

809a.7. Geolocation requirements.

809a.8. Security policy requirements.

### **§ 809a.1. Scope.**

To ensure players are not exposed to unnecessary security risks by choosing to participate in interactive gaming in this Commonwealth and to ensure the integrity and security of interactive gaming operations in this Commonwealth, the system requirements in this chapter apply to all of the following critical components of an interactive gaming system:

(1) Interactive gaming system components which record, store, process, share, transmit or retrieve sensitive player information (for example, credit and debit card details, authentication information and player account balances).

(2) Interactive gaming system components which generate, transmit or process random numbers used to determine the outcome of games or virtual events.

(3) Interactive gaming system components which store results or the current state of a player's wager.

(4) Points of entry and exit from the previously listed systems or other systems which are able to communicate directly with core critical systems.

(5) Communication networks which transmit sensitive player information.

#### **§ 809a.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Domain name system*—The globally distributed Internet database which maps machine names to IP numbers, and vice versa.

*Player device*—The device that converts communications from the interactive gaming platform into a human interpretable form and converts human decisions into a communication format understood by the interactive gaming platform. The term includes personal computers, mobile phones, tablets, and the like.

*Primary server*—First source for Domain Name System data and responses to queries.

*Remote access*—Any access from outside the interactive gaming system or interactive gaming system network, including access from other networks within the same facility.

*Secondary server or redundancy server*—A server that shares the same features and capabilities as the primary server serves and acts as a second or substitutive point of contact in case the primary server is unavailable, busy or overloaded.

*Stateful protocol*—A protocol in which the communication system utilized by the player and the primary or secondary server tracks the state of the communication session.

*Stateless protocol*—A protocol in which neither the player nor the primary or secondary servers communication systems tracks the state of the communication session.

**§ 809a.3. Location of equipment.**

(a) The Board shall approve the location of all interactive gaming devices and associated equipment used by an interactive gaming certificate holder or interactive gaming operator to conduct interactive gaming. The interactive gaming devices and associated equipment may be located in a restricted area on the premises of the licensed facility, in an interactive gaming restricted area within the geographic limits of the county in this Commonwealth where the licensed facility is situated or any

other area, located within the United States, provided the location adheres to all of the following limitations:

(1) The primary server used to resolve domain name service inquiries used by an interactive gaming certificate holder or interactive gaming operator to conduct interactive gaming in this Commonwealth must be physically located in a secure data center.

(2) Any redundancy, secondary and emergency servers used by an interactive gaming certificate holder or interactive gaming operator to conduct interactive gaming in this Commonwealth must be physically located in a secure data center at a separate premises than the primary server within the Commonwealth.

(b) The Board may require interactive gaming system data necessary to certify revenue and resolve player complaints to be maintained in this Commonwealth in a manner and location approved by the Board. The data must include data related to the calculation of revenue, player transactions, game transactions, game outcomes, responsible gaming and any other data which may be prescribed by the Board. The data must be maintained in a manner which prevents unauthorized access or modification without the prior approval of the Board.



**§ 809a.4. Physical and environmental controls for equipment.**

(a) An interactive gaming system and the associated communications systems must be located in facilities which provide physical protection against damage from fire, flood, hurricane, earthquake, and other forms of natural or manmade disaster by utilizing and implementing at least all of the following measures:

(1) Security perimeters (barriers such as walls, card-controlled entry gates or manned reception desks) must be used to protect areas that contain interactive gaming systems components.

(2) Secure areas must be protected by appropriate entry controls to ensure that access is restricted to only authorized personnel.

(3) All access must be recorded in a secure log which is available for inspection by Board staff.

(4) Secure areas must include an intrusion detection system. Attempts at unauthorized access must be logged.

(b) Interactive gaming system servers must be located in server rooms which prohibit unauthorized access.

(c) Interactive gaming system servers must be housed in racks located within a secure area.

(d) Interactive gaming system components must provide all of the following minimum utility support:

(1) Interactive gaming system components must be provided with adequate primary power.

(2) Interactive gaming system components must have uninterruptible power supply equipment to support operations in the event of a power failure.

(3) There must be adequate cooling for the equipment housed in the server area.

(4) Power and telecommunications cabling carrying data or supporting information services must be protected from interception or damage.

(5) There must be adequate fire protection for the interactive gaming system components housed in the server room.

**§ 809a.5. Access to equipment.**

(a) The interactive gaming certificate holder and interactive gaming operator shall limit and control access to the primary server and any secondary servers by ensuring all of the following:

(1) Maintain access codes and other computer security controls.

(2) Maintain logs of user access, security incidents and unusual transactions.

(3) Coordinate and develop an education and training program on information security and privacy matters for employees and other authorized users.

(4) Ensure compliance with all State and Federal information security policies and rules.

(5) Prepare and maintain security-related reports and data.

(6) Develop and implement an incident reporting and response system to address security breaches, policy violations and complaints from external parties.

(7) Develop and implement an ongoing risk assessment program that targets information security and privacy matters by identifying methods for vulnerability detection and remediation and overseeing the testing of those methods.

(b) Remote access to an interactive gaming certificate holder or interactive gaming operator's interactive gaming system is only permitted as follows:

(1) To Board employees upon request and without limitation.

(2) For testing purposes with prior approval from and as limited by the Board.

(3) By employees of an interactive gaming certificate holder or an interactive gaming operator with prior approval from and as limited by the Board.

(c) All interactive gaming certificate holder's or interactive gaming operator's interactive gaming systems must be available for independent testing by the Board, without limitation.

**§ 809a.6. System requirements.**

(a) *Interactive gaming system methodology.* An interactive gaming system shall be designed with a methodology (for example, cryptographic controls) approved by the Board to ensure secure communications between a player's device and the interactive gaming system. When reviewing the security of an interactive gaming certificate holder or interactive gaming operator's interactive gaming system methodology, the Board will consider all of the following:

(1) The interactive gaming system methodology shall be designed to ensure the integrity and confidentiality of all player communication and ensure the proper identification of the sender and receiver of all communications. If communications are performed across a third-party network, the system must either encrypt the data packets or utilize a secure communications protocol to ensure the integrity and confidentiality of the transmission.

(2) Wireless communications between the player device and the primary or secondary server must be encrypted in transit

using a method (for example, AES, IPsec and WPA2) approved by the Board.

~~(3) An interactive gaming certificate holder or interactive gaming operator shall mask the service set identification of the interactive gaming system network to ensure that it is unavailable to the general public.~~

(4) All communications that contain **patron REGISTERED PLAYER** account numbers, user identification, or passwords and PINs must utilize a secure method of transfer (for example, 128-bit key encryption) approved by the Board.

(5) Only devices authorized by the Board are permitted to establish communications between a player device and an interactive gaming system.

(6) Server-based interactive gaming systems must maintain an internal clock that reflects the current date and time that must be used to synchronize the time and date among all components that comprise the interactive gaming system. The interactive gaming system date and time must be visible to the **patron REGISTERED PLAYER** when logged on.

(b) *Change or modification.* Any change or modification to the interactive gaming system shall be handled in accordance with the Change Management guidelines issued and distributed to interactive gaming certificate holders, interactive gaming operators, and interactive gaming manufacturers.

(c) *Standards for data logging.* An interactive gaming system must meet all of the following standards regarding data logging:

(1) Interactive gaming systems must employ a mechanism capable of maintaining a separate copy of all of the information required to be logged in this section on a separate and independent logging device capable of being administered by an employee with no incompatible function. If the interactive gaming system can be configured so that any logged data is contained in a secure transaction file, a separate logging device is not required.

(2) Interactive gaming systems must provide a mechanism for the Board to query and export, in a format required by the Board, all interactive gaming system data.

(3) Interactive gaming systems must electronically log the date and time any player gaming account is created or terminated (Account Creation Log).

(4) An interactive gaming system must maintain all information necessary to recreate player game play and account activity during each player session, including any identity or location verifications, for not less than 10 years.

(5) Unless otherwise authorized by the Board, when software is installed on or removed from an interactive gaming system, the action must be recorded in a secure electronic log

(Software Installation/Removal Log), which must include all of the following:

- (i) The date and time of the action.
- (ii) The identification of the software.
- (iii) The identity of the person performing the action.

(6) Unless otherwise authorized by the Board, when a change in the availability of game software is made on an interactive gaming system, the change must be recorded in a secure electronic log (Game Availability Log), which must include:

- (i) The date and time of the change.
- (ii) The identification of the software.
- (iii) The identity of the person performing the change.

(7) Unless otherwise exempted by the Board, an interactive gaming system must record all promotional offers (Promotions Log) issued through the system. The log must provide the information necessary as determined by the Board to audit compliance with the terms and conditions of current and previous offers.

(8) Results of all authentication attempts must be retained in an electronic log (Authentication Log) and accessible for not less than 90 days.

(9) All adjustments to an interactive gaming system data made using stored procedures must be recorded in an electronic log (Adjustments Log), which lists all of the following:

(i) The date and time.

(ii) The identification and user ID of user performing the action.

(iii) A description of the event or action taken.

(iv) The initial and ending values of any data altered as a part of the event or action performed.

(d) *Security requirements.*

(1) Networks should be logically separated so that there should be no network traffic on a network link which cannot be serviced by hosts on that link.

(2) Networks must meet all of the following requirements to assure security:

(i) The failure of any single item should not result in a denial of service.

(ii) An intrusion detection system/intrusion prevention system must be installed on the network which can do all of the following:

(A) Listen to both internal and external communications.



(B) Detect or prevent Distributed Denial of Service attacks.

(C) Detect or prevent shellcode from traversing the network.

(D) Detect or prevent Address Resolution Protocol spoofing.

(E) Detect other Man-in-the-Middle indicators and server communication immediately.

(iii) Each server instance in cloud and virtualized environments should perform only one function.

(iv) In virtualized environments, redundant server instances cannot run under the same hypervisor.

(v) Stateless protocols should not be used for sensitive data without stateful transport.

(vi) All changes to network infrastructure must be logged.

(vii) Virus scanners or detection programs, or both, should be installed on all pertinent information systems and should be updated regularly to scan for new strains of viruses.

(viii) Network security should be tested by a qualified and experienced individual on a regular basis.

(ix) Testing should include testing of the external interfaces and internal network.

(x) Testing of each security domain on the internal network should be undertaken separately.

(3) ~~Networks shall be assessed by an independent, third-party auditor on an annual basis to evaluate the effectiveness of the information technology security measures in place for the network, with a report to be provided to the Board outlining any weaknesses or deficiencies and recommendations on how such issues may be remedied.~~ AN ANNUAL SECURITY AUDIT SHALL BE PERFORMED TO COMPLEMENT THE REQUIRED INDEPENDENT TESTING LABORATORY TESTING AND ANNUAL ENCRYPTION CERTIFICATION.

(i) THE SECURITY AUDIT SHALL COVER THE UNDERLYING OPERATING SYSTEMS, NETWORK COMPONENTS AND HARDWARE CHANGES NOT INCLUDED IN THE EVALUATION OF THE INTERACTIVE GAMING SOFTWARE.

(ii) THE SECURITY AUDIT SHALL BE PERFORMED BY AN INDEPENDENT THIRD PARTY WHO SHALL PROVIDE A DETAILED REPORT WITH REMEDIATION OR MITIGATION PLANS TO THE BOARD, AND MAY TAKE THE FORM OF ANY OF THE FOLLOWING:

- (A) PENETRATION TEST.
- (B) VULNERABILITY ASSESSMENT.
- (C) COMPLIANCE AUDIT.
- (D) RISK ASSESSMENT.

(4) INTERNAL AND EXTERNAL NETWORK VULNERABILITY SCANS SHALL BE RUN AT LEAST QUARTERLY, OR AFTER ANY CHANGE OR MODIFICATION TO THE INTERACTIVE GAMING SYSTEM THAT REQUIRES

APPROVAL BY THE BOARD UNDER THE CHANGE MANAGEMENT GUIDELINES  
DISTRIBUTED UNDER § 809a.6(b) (RELATING TO SYSTEM  
REQUIREMENTS), UNLESS OTHERWISE DIRECTED BY THE BOARD.

(i) TESTING PROCEDURES MUST VERIFY THAT FOUR  
QUARTERLY INTERNAL AND EXTERNAL SCANS TAKE PLACE EVERY 12 MONTHS  
AND THAT RE-SCANS OCCUR UNTIL ALL MEDIUM RISK (CVSS4.0 OR  
HIGHER) VULNERABILITIES ARE RESOLVED.

(ii) THE QUARTERLY SCANS MAY BE PERFORMED BY  
EITHER AN INDEPENDENT THIRD PARTY OR BY A QUALIFIED EMPLOYEE OF  
THE INTERACTIVE GAMING CERTIFICATE HOLDER OR INTERACTIVE GAMING  
OPERATOR.

(iii) VERIFICATION OF THE SCANS SHALL BE  
SUBMITTED TO THE BOARD ON A QUARTERLY BASIS AND MUST INCLUDE A  
REMEDATION OR MITIGATION PLAN FOR ANY VULNERABILITIES NOT  
RESOLVED PRIOR TO THE SUBMISSION OF THE VERIFICATION.

(e) *Self-monitoring of critical components.* The interactive  
gaming system must implement the self-monitoring of critical  
components. A critical component that fails self-monitoring  
tests shall be taken out of service immediately and may not be  
returned to service until there is reasonable evidence that the  
fault has been rectified. Required self-monitoring measures  
include all of the following:

(1) The clocks of all components of the interactive  
gaming system must be synchronized with an agreed accurate time

source to ensure consistent logging. Time skew shall be checked periodically.

(2) Audit logs recording user activities, exceptions and information security events must be produced and kept for a period of time to be determined by the Board to assist in investigations and access control monitoring.

(3) System administrators and system operator activities must be logged.

(4) Logging facilities and log information must be protected against tampering and unauthorized access.

(5) Any modifications, attempted modifications, read access, or other change or access to any interactive gaming system record, audit or log must be detectable by the interactive gaming system. It must be possible to see who has viewed or altered a log and when.

(6) Logs generated by monitoring activities shall be reviewed periodically using a documented process. A record of each review must be maintained.

(7) Interactive gaming system faults shall be logged, analyzed and appropriate actions taken.

(8) Network appliances with limited onboard storage must disable all communication if the audit log becomes full or offload logs to a dedicated log server.

(f) *System disclosure requirements.*

(1) A petitioner for or holder of an interactive gaming certificate, an applicant for or holder of an interactive gaming license, and an applicant for or holder of an interactive gaming manufacturer license shall seek Board approval of all source code used to conduct interactive gaming in this Commonwealth.

(2) All documentation relating to software and application development should be available for Board inspection and retained for the duration of its lifecycle.

(3) All software used to conduct interactive gaming in this Commonwealth shall be designed with a method, approved by the Board, that permits remote validation of software.

(g) *Shutdown and recovery capabilities.* The interactive gaming system must have all of the following shutdown and recovery capabilities to maintain the integrity of the hardware, software and data contained therein in the event of a shutdown:

(1) The interactive gaming system must be able to perform a graceful shutdown and only allow automatic restart on power up after all of the following procedures have been performed:

(i) The program resumption routine, including self-tests, completes successfully.

(ii) All critical control program components of the interactive gaming system have been authenticated using a method approved by the Board.

(iii) Communication with all components necessary for the interactive gaming system operation have been established and similarly authenticated.

(2) The interactive gaming system must be able to identify and properly handle the situation when master resets have occurred on other remote gaming components which affect game outcome, win amount or reporting.

(3) The interactive gaming system must have the ability to restore the system from the last backup.

(4) The interactive gaming system must be able to recover all critical information from the time of the last backup to the point in time at which the interactive gaming system failure or reset occurred.

(h) *Recovery plan.* An interactive gaming certificate holder or interactive gaming operator shall have a plan in place, approved by the Board, to recover interactive gaming operations in the event that the interactive gaming system is rendered inoperable (that is, Disaster/Emergency Recovery Plan). When reviewing the sufficiency of an interactive gaming certificate holder or interactive gaming operator's plan to recover interactive gaming system operations in the event the interactive gaming system is rendered inoperable, the Board will consider all of the following:

(1) The method of storing player account information and gaming data to minimize loss in the event the interactive gaming system is rendered inoperable.

(2) If asynchronous replication is used, the method for recovering data should be described or the potential loss of data should be documented.

(i) *Recovery plan requirements.* An interactive gaming certificate holder's or interactive gaming operator's Disaster/Emergency Recovery Plan must also:

(1) Delineate the circumstances under which it will be invoked.

(2) Address the establishment of a recovery site physically separated from the interactive gaming system site.

(3) Contain recovery guides detailing the technical steps required to re-establish gaming functionality at the recovery site.

(4) Include a Business Continuity Plan that addresses the process required to resume administrative operations of interactive gaming activities after the activation of the recovered platform for a range of scenarios appropriate for the operations context of the interactive gaming system.

(j) *Location of equipment.* Equipment used by a server-based interactive gaming system for the sole purpose of restoring data

following a disaster must be located in a location within the United States as approved by the Board.

(k) *Player self-exclusion.* The interactive gaming system must provide an easy and obvious mechanism for players to access the Board's self-exclusion database to self-exclude from interactive gaming.

(l) *Mechanism for temporary suspension.* The interactive gaming system must provide a mechanism by which a player may elect to temporarily suspend his or her interactive gaming account for a period of no less than 72 hours in accordance with the terms and conditions agreed to by the player upon registration.

**§ 809a.7. Geolocation requirements.**

(a) An interactive gaming system must employ a mechanism to detect the physical location of a player upon logging into the interactive gaming system and as frequently as specified in the Board's technical standards and the interactive gaming certificate holder's or interactive gaming operator's approved internal controls submission. If the system detects that the physical location of the player is in an area unauthorized for an interactive gaming system, the system shall not accept wagers and must disable any interactive gaming activity for that player until the player is in an authorized location.



(b) The geolocation system must be equipped to dynamically monitor the player's location and block unauthorized attempts to access the interactive gaming system throughout the duration of the gaming session.

(c) An interactive gaming certificate holder or interactive gaming operator must prevent registered players within a licensed facility from accessing authorized interactive games on the registered player's own computers or other devices through the use of geolocation technologies.

(d) Interactive gaming shall only occur within this Commonwealth unless the conduct of gaming is not inconsistent with Federal law, law of the jurisdiction, including any foreign nation, in which the participating player is located, or the gaming activity is conducted pursuant to a reciprocal agreement to which the Commonwealth is a party that is not inconsistent with Federal law.

**§ 809a.8. Security policy requirements.**

Interactive gaming certificate holders and interactive gaming operators shall adopt and maintain a Board-approved information security policy which describes the certificate holder's or licensee's approach to managing information security and its implementation. This policy is required in addition to any similar requirements that may be imposed as part of the

certificate holder's or licensee's internal controls. The information security policy must:

(1) ~~Have a provision requiring review when changes occur to the interactive gaming system or the processes which alter the risk profile of the interactive gaming system.~~ CONFORM TO THE STANDARDS OF THE MOST RECENT VERSION OF THE NIST CYBERSECURITY FRAMEWORK.

(2) ~~Be approved by the certificate holder's or licensee's management.~~ BE REVIEWED ANNUALLY AS WELL AS WHEN SIGNIFICANT CHANGES OCCUR TO THE INTERACTIVE GAMING SYSTEM OR THE PROCESSES WHICH ALTER THE RISK PROFILE OF THE INTERACTIVE GAMING SYSTEM.

(3) ~~Be communicated to all employees and relevant external parties.~~ BE APPROVED ANNUALLY BY THE CERTIFICATE HOLDER'S OR OPERATOR'S MANAGEMENT.

(4) ~~Undergo review at planned intervals.~~ BE COMMUNICATED TO ALL EMPLOYEES AND RELEVANT EXTERNAL PARTIES.

(5) Delineate the responsibilities of the certificate-holder's or licensee's staff and the staff of any third parties for the operation, service and maintenance of the interactive gaming system and its components.

## **CHAPTER 810a. INTERACTIVE GAMING TESTING AND CONTROLS**

Sec.

- 810a.1. Scope.
- 810a.2. Definitions.
- 810a.3. Minimum game standards.
- 810a.4. Minimum display standards.
- 810a.5. Random number generator standards.
- 810a.6. Software authentication.
- 810a.7. Changes to game.
- 810a.8. Game rules.
- 810a.9. Fairness.
- 810a.10. Prohibitions.
- 810a.11. Controls.
- 810a.12. Test accounts.

### **§ 810a.1. Scope.**

To ensure players are not exposed to unnecessary security risks by choosing to participate in interactive gaming in this Commonwealth and to ensure the integrity and security of interactive gaming operations in this Commonwealth, this chapter applies to all games an interactive gaming certificate holder or interactive gaming operator seeks to offer to players in this Commonwealth.

### **§ 810a.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Artwork or art*—Graphical and auditory information that is sent to the player device for presentation to the player.

*Game cycle*—The finite set of all possible combinations.

*Player interface*—The interface within the software in which the player interacts. The term is also referred to as the gaming window.

**PERSONAL PROGRESSIVE—A PROGRESSIVE JACKPOT WHICH ONLY ONE PLAYER CONTRIBUTES TO WITH QUALIFYING PROGRESSIVE WAGERS AND WHICH ONLY THAT PLAYER CAN WIN.**

*Progressive jackpot*—

(i) An increasing prize based on a function of credits that are wagered.

(ii) A monetary prize that increases in value based on a function of credits wagered.

(iii) The term includes prizes that are awarded based on criteria other than obtaining winning outcomes in the game, such as mystery progressives.

### **§ 810a.3. Minimum game standards.**

All of the following requirements apply to the game information, artwork, paytables and help screens which include all written, graphical and auditory information provided to the player either directly from the game interface or from a page

accessible to the player from the game interface through a hyperlink located in a conspicuous location.

(1) All statements and graphics within the gaming information, artwork, paytables and help screens must be accurate and not misleading.

(2) All game rules and payable information must be available to the player directly on the player interface or accessible from the player interface through a hyperlink without the need for funds to be deposited or funds to be staked.

(3) All game rules and payable information must be sufficient to explain all the applicable rules and how to participate in all stages of the game.

(4) Paytable information must include all possible winning outcomes, patterns, rankings and combinations, and their corresponding payouts with a designated denomination or currency. All displayed payouts must be theoretically possible.

(5) The rules of the game must inform the players of the imperfections of the communications medium for the game and how this affects them.

(6) There must be sufficient information regarding any award payout adjustments such as fees, rakes, commissions, and the like.

(7) If the artwork contains game instructions specifying a maximum win then it must be possible to win this

amount from a single game (including features or other game options).

(8) For games that offer bonus bets that require a base game bet, the minimum percentage return to player of the bonus bet must take into account that a base game bet must be placed.

(9) If random/mystery prizes are offered, the maximum value obtainable from the random/mystery prize must be indicated. If the value of the random/mystery prize depends on credits wagered or any other factors, this must be stated.

(10) The artwork should clearly state the rules for payments of prizes when multiple wins are possible.

(i) A description of what combinations will be paid when a pay line may be interpreted to have more than one individual winning combination ('only highest paid win per line').

(ii) When the game supports multiple pay lines, the artwork should display a message indicating wins on different pay lines are added or equivalent.

(iii) When the game supports scatters, artwork should display a message indicating that scattered wins are added to pay line wins, or equivalent, if this is the rule of the game.

(iv) The artwork should clearly communicate the treatment of coinciding scattered wins with respect to other

possible scattered wins. For example, the artwork should state whether combinations of scattered symbols pay all possible prizes or only the highest prize.

(v) The artwork should clearly communicate the treatment of coinciding game outcome (that is, straight flush can be a flush and a straight, three red 7s can be any three 7s).

(11) If it is possible to bet on multiple lines and it is not clear which reel positions are part of each of the possible lines, then the additional lines must be clearly displayed on the artwork and appropriately labeled. The additional lines must either be shown on the displayed artwork, be available for display on a help screen or permanently displayed on all game-play screens in a location separate from the actual reels.

(12) When multiplier instructions are displayed on artwork, there must be no question as to whether the multiplier applies.

(13) All game symbols and objects must be clearly displayed to the player and not be misleading in any way. Game symbols and objects must retain their shape throughout all artwork, except while animation is in progress.

(14) The artwork must clearly state which symbols and objects may act as a substitute or wild and in which winning combinations the substitute/wild may be applied.

(15) The artwork must clearly state which symbols and objects may act as scatter and in which winning combinations the scatter may be applied.

(16) The game may not advertise upcoming wins unless the advertisement is accurate and mathematically demonstrable.

(17) All of the following requirements apply to games depicting cards being drawn from a deck:

(i) A game which utilizes multiple decks of cards must clearly indicate the number of cards and card decks in play.

(ii) Once removed from the deck, cards may not be returned to the deck except as provided by the rules of the game depicted.

(iii) The deck may not be reshuffled except as provided by the rules of the game depicted.

(18) All of the following requirements apply to multiwager games:

(i) Each individual wager to be played must be clearly indicated to inform the player as to which wagers have been made and the credits bet per wager.



(ii) Each winning prize obtained must be displayed to the player in a way that clearly associates the prizes to the appropriate wager. When there are wins associated with multiple wagers, each winning wager must be indicated in turn.

**§ 810a.4. Minimum display standards.**

All of the following game information must be visible or easily accessible to the player at all times during a player session:

- (1) The name of the game being played.
- (2) Restrictions on play or betting such as any play duration limits, maximum win values, and the like.
- (3) The player's current session balance.
- (4) The current bet amount. This is only during the phase of the game when the player can add to or place additional bets for that phase.
- (5) Current placement of all bets.
- (6) The denomination of the bet.
- (7) The amount won for the last completed game (until the next game starts or betting options are modified).
- (8) The player options selected for the last completed game (until the next game starts or a new selection is made).

(9) Initial player selection options are to be described. Player selection options once the game has commenced should be clearly shown on the screen.

(10) The winning amount for each separate wager and total winning amount are to be displayed on the screen.

**§ 810a.5. Random number generator standards.**

(a) The random number generator must be cryptographically strong at the time of submission for approval. When more than one instance of a random number generator is used in an interactive gaming system, each instance must be separately evaluated and certified. When each instance is identical but involves a different implementation within a game/application, each implementation shall also be separately evaluated and certified. Any outcomes from the random number generator used for game symbol selection/game outcome determination must be shown, by data analysis and a source code read, to:

(1) Be statistically independent, unless the submission has been approved for a persistent-state outcome determination.

(2) Be fairly distributed (within statistically expected bounds) over their range.

(3) Pass various recognized statistical tests.

(4) Be cryptographically strong.

(b) Random number generators must adhere to standards in § 461a.7 (relating to slot machine minimum design standards).

(c) The gaming laboratory may employ the use of various recognized tests to determine whether or not the random values produced by the random number generator pass the desired confidence level of 95%. These tests include the following:

- (1) Chi-square test.
- (2) Equi-distribution (frequency) test.
- (3) Gap test.
- (4) Overlaps test.
- (5) Poker test.
- (6) Coupon collectors test.
- (7) Permutation test.
- (8) Kolmogorov-Smirnov test.
- (9) Adjacency criterion tests.
- (10) Order statistic test.
- (11) Runs tests (patterns of occurrences should not be recurrent).
- (12) Interplay correlation test.
- (13) Serial correlation test potency and degree of serial correlation (outcomes should be independent of the previous game, unless the submission has been approved for a persistent-state outcome determination).
- (14) Tests on subsequences.

(15) Poisson distribution.

(d) The scaling method may not compromise the cryptographic strength of the random number generator. The scaling method must preserve the distribution of the scaled values. For example, if a 32-bit random number generator with a range of the set of integers in the closed interval  $[0, 2^{32}-1]$  were to be scaled to the range of the set of integers in the closed interval  $[1, 6]$  so that the scaled values can be used to simulate the roll of a standard six-sided die, then each integer in the scaled range should theoretically appear with equal frequency. In the example given, if the theoretical frequency for each value is not equal, then the scaling method is considered to have a bias. Thus, a compliant scaling method must have bias equal to zero.

(e) If the interactive gaming system utilizes hard-based random number generators, there must be dynamic/active, real-time monitoring of the output with a sample size large enough to allow for reasonably high statistically powerful testing so that game play is disabled when an output testing failure is detected.

(f) If the interactive gaming system utilizes a software-based random number generator, it must adhere to all of the following:

(1) The period of the random number generator, in conjunction with the methods of implementing the random number

generator outcomes, must be sufficiently large to ensure that all game independent outcome combinations/permutations are possible for the given game/application, unless the submission has been approved for a persistent-state outcome determination.

(2) The methods of seeding/reseeding must ensure that all seed values are determined in a manner that does not compromise the cryptographic security of the random number generator.

(3) To ensure that random number generator outcomes cannot be predicted, adequate background cycling/activity must be implemented in between games. Whenever a game outcome is made up of multiple mapped random number generator values, background cycling/activity must be implemented during the game (that is, in between the selection of each mapped random number generator value) to ensure that the game outcome is not comprised of sequential mapped random number generator outcomes. The rate of background cycling/activity must be sufficiently random in and of itself to prevent prediction.

#### **§ 810a.6. Software authentication.**

The acquisition and development of new software must follow defined processes in accordance with the information security policy.

(1) The production environment must be logically and physically separated from the development and test environments.

(2) Development staff shall be precluded from having access to promote code changes into the production environment.

(i) If, due to staffing limitations, this requirement cannot be met by the entity, the internal controls submitted to the Board shall describe what measures will be implemented to ensure the integrity of interactive games in the production environment.

(3) There must be a documented method to verify that test software is not deployed to the production environment.

(4) To prevent leakage of personal identifiable information, there must be a documented method to ensure that raw production data is not used in testing.

(5) All documentation relating to software and application development should be available and retained for the duration of its lifecycle.

**§ 810a.7. Changes to game.**

A change or modification to an interactive game shall be handled in accordance with the Change Management guidelines issued and distributed to interactive gaming certificate holders, interactive gaming operators, and interactive gaming manufacturers.

**§ 810a.8. Game rules.**

(a) Interactive gaming certificate holders and interactive gaming operators shall adopt and adhere to written, comprehensive house rules governing wagering transactions by and between authorized players that are available for review at all times by players through a conspicuously displayed link. House rules must include all of the following:

- (1) Clear and concise explanation of all fees.
- (2) The rules of play of a game.
- (3) Any monetary wagering limits.
- (4) Any time limits pertaining to the play of a game.

(b) House rules must be approved by the Board.

(c) House rules that deviate from Board regulations shall be submitted to the Board's Office of Gaming ~~Laboratories~~  
**LABORATORY OPERATIONS** for review and approval prior to submission to the Board for approval prior to implementation.

**§ 810a.9. Fairness.**

(a) All critical functions including the generation of the result of any game (and the return to the player) must be generated by the interactive gaming platform and be independent of the player device. All of the following also apply:

(1) Game outcome may not be affected by the effective bandwidth, link utilization, bit error rate or other characteristic of the communications channel between the interactive gaming platform and the player device.

(2) Determination of events of chance that result in a monetary award may not be influenced, affected or controlled by anything other than numerical values derived in an approved manner from the certified random number generator when applicable and in conjunction with the rules of the game.

(3) Each possible permutation or combination of game elements that produces winning or losing game outcomes must be available for random selection at the initiation of each play, unless otherwise denoted by the game.

(4) As game symbols are selected/game outcomes are determined, they must be immediately used as directed by the rules of the game.

(5) When the game requires a sequence or mapping of symbols or outcomes to be set up in advance, the symbols or outcomes should not be resequenced or remapped, except as provided for in the rules of the game.

(6) After selection of the game outcome, the game may not make a variable secondary decision which affects the result shown to the player.



(7) Except as provided by the rules of the game, events of chance within games should be independent and not correlated with any other events within the game or events within the previous game, unless the submission has been approved for a persistent-state outcome determination.

(8) For game types such as a spinning reel game, unless otherwise disclosed to the player, the mathematical probability of a symbol appearing in a position for any game outcome must be constant.

(b) A game may not be designed to give the player a false expectation of better odds by misrepresenting any occurrence or event.

(1) Games that are designed to give the player the perception that they have control over the game due to player skill when they actually do not must fully address this behavior in the game help screens.

(2) The final outcome of each game must be displayed for a sufficient length of time that permits a player to verify the outcome of the game.

#### **§ 810a.10. Prohibitions.**

(a) *Forced game play.*

(1) The player may not be forced to play a game just by selecting that game.

(2) It must not be possible to start a new game in the same player interface instance before all relevant meters have been updated on the interactive game system and all other relevant connections and player session balance or, if applicable, the player's total balance has been updated.

(3) If an auto play mode is incorporated, it must be possible to turn this mode off at any time during game play.

(b) *Bots and computerized players.* Bots or computerized players are only permitted when employed by the interactive gaming system in free play or training mode, or if use of the bot or computerized player satisfies all of the following:

(1) The use of artificial intelligence software must be clearly explained in the help menus.

(2) All computerized players must be clearly marked at the tables so that players are aware of which players are not human.

(c) *Incomplete games.* A game is incomplete when the game outcome remains unresolved or the outcome cannot be properly seen by the player.

(1) The interactive gaming certificate holder or interactive gaming operator may provide a mechanism for a player to complete an incomplete game.

(2) Incomplete games shall be resolved before a player is permitted to participate in another instance of the same game.

(3) Wagers associated with an incomplete game must be voided within 30 days and the wagers can be forfeited or returned to the player provided that:

(i) The terms and conditions or the game rules, or both, must clearly define how wagers will be handled when they remain undecided beyond the specified time period and the interactive gaming system must be capable of returning or forfeiting the wagers, as appropriate.

(ii) In the event that a game cannot be continued due to an interactive gaming system action, all wagers must be returned to the players of that game.

(d) *Auto play prohibited.* Game play shall be initiated only after a ~~patron~~ **REGISTERED PLAYER** has affirmatively placed a wager and activated play. An auto play feature is not permitted in game software unless authorized by the Board, and if permitted shall not exceed 50 spins.

#### **§ 810a.11. Controls.**

(a) A replay last game feature either as a re-enactment or by description must be available to players. The replay must clearly indicate that it is a replay of the entire previous game

cycle, and must provide, at a minimum, all of the following information:

(1) The date and time the game started or ended, or both.

(2) The display associated with the final outcome of the game, either graphically or by a clear text message.

(3) Total player cash/credits at start or end of play, or both.

(4) Total amount bet.

(5) Total cash/credits won for the prize (including progressive jackpots).

(6) The results of any player choices involved in the game outcome.

(7) Results of any intermediate game phases, such as gambles or feature games.

(8) Amount of any promotional awards received, if applicable.

(b) For each individual game played, all of the following information must be recorded, maintained and easily demonstrable by the interactive gaming system:

(1) Unique player ID.

(2) Contributions to progressive jackpot pools, if applicable.

(3) Game status (in progress, complete, and the like).

(4) The table number, if applicable, at which the game was played.

(5) The payable used.

(6) Game identifier and version.

(c) An organized event that permits a player to either purchase or be awarded the opportunity to engage in competitive play against other players may be permitted providing all of the following rules are met:

(1) While enabled for tournament play, a game may not accept real money from any source, nor pay out real money in any way, but must utilize tournament specific credits, points or chips which have no cash value.

(2) Interactive gaming contest/tournament rules are available to a player on the web site where the interactive gaming contest/tournament is being conducted. The rules must include, at a minimum, all of the following:

(i) All conditions players shall meet to qualify for entry into and advancement through the contest/tournament.

(ii) Any conditions concerning late arrivals or complete tournament no-shows and how auto-blind posting or initial entry purchase, or both, is handled.

(iii) Specific information pertaining to any single contest/tournament, including the amount of money placed in the prize pool.

(iv) The distribution of funds based on specific outcomes.

(v) The name of the organization or person that conducted the contest/tournament on behalf of, or in conjunction with, the operator, if applicable.

(3) The results of each contest/tournament shall be made available on the interactive gaming web site for the players to review. Subsequent to being posted on the web site, the results of each contest/tournament shall be available upon request. The recording must include all of the following:

(i) Name of the event.

(ii) Date of event.

(iii) Total number of entries.

(iv) Amount of entry fees.

(v) Total prize pool.

(vi) Amount paid for each winning category.

(d) All of the following requirements apply to the disabling and re-enabling of gambling on the interactive gaming system:

(1) The interactive gaming system must be able to disable or enable all gambling on command.

(2) When any gambling is disabled or enabled on the interactive gaming system an entry must be made in an audit log that includes the reason for any disable or enable.

(e) When a game or gaming activity is disabled:

(1) The game is not to be accessible to a player once the player's game has fully concluded.

(2) The player should be permitted to conclude the game in play (that is, bonus rounds, double up/gamble and other game features related to the initial game wager should be fully concluded).

(3) If wagers have been placed on pending real-life events:

(i) The terms and conditions must clearly define what happens to the wagers if the gaming activity is to remain disabled and the corresponding real-life event is completed, and the interactive gaming system must be capable of returning all bets to the players or settling all bets, as appropriate.

(ii) The terms and conditions must clearly define what happens to the wagers if the gaming activity is to re-enable before the corresponding real-life event is completed, and the interactive gaming system must be capable of returning all bets to the players, or leaving all bets active, as appropriate.

(f) When one or more feature/bonus prize may be paid to the player, the bonus game must be part of the overall payable theoretical return to player.

(g) All progressive jackpots must adhere to all of the following:

(1) All players that play progressive jackpot games must be made aware of actions which would make them eligible to win the progressive jackpot.

(2) When progressive jackpot contributions are part of the return to player calculation, the contributions may not be assimilated into revenue. If a cap is established on any progressive jackpot all additional contributions once that cap is reached are to be credited to a diversion pool.

(3) The rules of the game must incorporate how the progressive jackpot is funded and determined.

(4) If a minimum bet amount exists for a player to win a progressive jackpot, then the return to player (excluding the progressive jackpot) must meet the minimum player return in accordance with § 461a.7(a) (relating to slot machine minimum design standards). The calculation of the theoretical payout percentage may not include the amount of any progressive jackpot in excess of the initial reset amount.

(5) The current progressive jackpot amount should be displayed on all player devices participating in the progressive jackpot. This display should be updated on all participating player devices at least every 30 seconds.

(6) The rules of the game must inform the players of any maximum awards or time limits, or both, which may exist for each progressive jackpot.



(7) For progressive jackpots offering multiple levels of awards, the player must always be paid the higher amount if a particular combination is won that should trigger the higher paying award. This may occur when a winning combination may be evaluated as more than one of the available payable combinations (that is, a flush is a form of a straight flush and a straight flush is a form of a royal flush). There may be situations when the progressive jackpot levels must be swapped to ensure the player is being awarded the highest possible value based on all combinations the outcome may be defined as.

(8) If multiple progressive jackpots occur at approximately the same time and there is no definitive way of knowing which jackpot occurred first, the operator shall adopt procedures, approved by the Board, for resolution. The rules of the game must include information which addresses the resolution of this possibility.

(9) All progressive jackpots must adhere to standards in § 461a.12 (relating to progressive slot machines) and § 461a.13 (relating to wide area progressive systems), except for any physical requirements deemed inapplicable by the Board and subject to the following modifications:

(i) Notice of intent to transfer a progressive jackpot must be conspicuously displayed on the interactive game icon and at all times during a gameplay by means of methodology

approved by the Board for a period at least 10 days immediately preceding the transfer of the progressive jackpot.

(ii) Within § 461a.12, the term ''gaming floor'' used regarding land-based progressives shall be analogous to the term ''interactive gaming platform'' used regarding interactive gaming progressives.

**(10) IF A PROGRESSIVE JACKPOT IS OFFERED AS A PERSONAL PROGRESSIVE THAT ONLY ONE PLAYER CONTRIBUTES TO AND ONLY THAT PLAYER CAN WIN, THE PLAYER'S CONTRIBUTIONS TO THE PROGRESSIVE JACKPOT MUST BE REFUNDED TO THE PLAYER WITHIN 30 DAYS IF THE PLAYER'S INTERACTIVE GAMING ACCOUNT IS CLOSED FOR ANY REASON.**

**§ 810a.12. Test accounts.**

(a) Interactive gaming certificate holders and interactive gaming operators may establish test accounts to be used to test the various components and operation of an interactive gaming system in accordance with internal controls, which, at a minimum, address all of the following:

(1) The procedures for the issuance of funds used for testing, including the identification of who is authorized to issue the funds and the maximum amount of funds that may be issued.

(2) The procedures for assigning each test account for use by only one person.

(3) The maintenance of a record for all test accounts to include when they are active, to whom they are issued and the employer of the person to whom they are issued.

(4) The procedures for the auditing of testing activity by the interactive gaming certificate holder or interactive gaming operator to ensure the accountability of funds used for testing and proper adjustments to gross interactive gaming revenue.

(5) The ability to withdraw funds from a test account without the Board's prior approval must be disabled by the interactive gaming system.

(6) For testing of peer-to-peer games:

(i) A person may utilize multiple test accounts.

(ii) Test account play shall be conducted without the participation of players.

(b) In addition to the required internal controls in subsection (a)(1)-(6), for any wagering on test accounts conducted outside the boundaries of this Commonwealth, the procedures for auditing of testing activity must include the method for ascertaining the location from which persons using test accounts access the interactive gaming system.

**CHAPTER 811a. INTERACTIVE GAMING ACCOUNTING AND INTERNAL  
CONTROLS**

Sec.

- 811a.1. Scope.
- 811a.2. Internal controls.
- 811a.3. Terms and conditions.
- 811a.4. Information to be displayed on web site.
- 811a.5. Segregation of bank accounts and reserve requirements.
- 811a.6. Interactive gaming certificate holder's or interactive gaming operator's organization.
- 811a.7. Mandatory interactive gaming system logging.
- 811a.8. Records/data retention requirements.
- 811a.9. Required reports; reconciliation.

**§ 811a.1. Scope.**

To ensure the integrity and security of interactive gaming operations in this Commonwealth, this chapter applies to all interactive gaming certificate holders or interactive gaming operators seeking to offer interactive gaming to ~~patrons~~ **REGISTERED PLAYERS** in this Commonwealth.

**§ 811a.2. Internal controls.**

(a) At least 90 days prior to commencing interactive gaming under this part, an interactive gaming certificate holder or interactive gaming operator shall submit to the Board for approval internal controls for all aspects of interactive gaming prior to implementation and any time a change is made thereafter. The internal controls must include detailed

procedures for system security, operations, accounting, and reporting of compulsive and problem gamblers.

(b) Notwithstanding subsection (a), the procedures and controls may be implemented by an interactive gaming certificate holder or interactive gaming operator upon the filing of the procedures and controls with the Board. Each procedure or control submission must contain narrative and diagrammatic representations of the system to be utilized and must include all of the following:

(1) Procedures for reliable accounting controls, including the standardization of forms and definition of terms to be utilized in the interactive gaming operations.

(2) Procedures, forms and, when appropriate, formulas to govern all of the following:

- (i) Calculation of hold percentages.
- (ii) Revenue drops.
- (iii) Expense and overhead schedules.
- (iv) Complimentary services.
- (v) Cash-equivalent transactions.

(3) Job descriptions and the system of personnel and chain of command establishing a diversity of responsibility among employees engaged in interactive gaming operations, including employees of an interactive gaming operator, and identifying primary and secondary management and supervisory

positions for areas of responsibility, salary structure and personnel practices.

(4) Procedures for the registration of players and establishment of interactive gaming accounts, including a procedure for authenticating the age, identity and physical address of an applicant for an interactive gaming account and whether the applicant is a person prohibited from establishing or maintaining an account under section 13B22 of the act (relating to establishment of interactive gaming accounts).

(5) Procedures for terminating a registered player's interactive gaming account and the return of any funds remaining in the interactive gaming account to the registered player.

(6) Procedures for suspending or terminating a dormant interactive gaming account and the return of any funds remaining in the dormant interactive gaming account to the registered player.

(7) Procedures for the logging in and authentication of a registered player to enable the player to commence interactive gaming and the logging off of the registered player when the player has completed play, including a procedure to automatically log a registered player out of the player's interactive gaming account after a specified period of inactivity.

(8) Procedures for the crediting and debiting of a registered player's interactive gaming account.

(9) Procedures for cashing checks, receiving electronic negotiable instruments, and redeeming chips, tokens or other cash equivalents.

(10) Procedures for withdrawing funds from an interactive gaming account by the registered player.

(11) Procedures for the protection of a registered player's funds, including the segregation of a registered player's funds from operating funds of the interactive gaming certificate holder or interactive gaming operator.

(12) Procedures for recording transactions pertaining to interactive gaming.

(13) Procedures for the security and sharing of personal identifiable information of a registered player, funds in an interactive gaming account and other information as required by the Board. The procedures must include the means by which an interactive gaming certificate holder or interactive gaming operator will provide notice to a registered player related to the sharing of personal identifiable information. **For the purpose of this paragraph, "personal identifiable information" means any data or information that can be used, on its own or with other data or information, to identify, contact or otherwise locate a registered player, including a registered**

~~player's name, address, date of birth and Social Security  
number.~~

(14) Procedures and security for the calculation and recordation of revenue.

(15) Procedures for the security of interactive gaming devices and associated equipment.

(16) Procedures and security standards as to receipt, handling, and storage of interactive gaming devices and associated equipment.

(17) Procedures and security standards to protect the interactive gaming certificate holder's or interactive gaming operator's interactive gaming skin or interactive gaming web site and interactive gaming devices and associated equipment from hacking or tampering by any person.

(18) Procedures for responding to suspected or actual hacking or tampering with an interactive gaming certificate holder's or interactive gaming operator's interactive gaming skin or interactive gaming web site and interactive gaming devices and associated equipment, including partial or complete suspension of interactive gaming or the suspension of any or all interactive gaming accounts when warranted.

(19) Procedures to verify each registered player's physical location each time a registered player logs into his



interactive gaming account and at appropriate intervals thereafter as determined by the Board.

(20) Procedures to ensure that the interactive games are fair and honest and that appropriate measures are in place to deter, detect and, to the extent possible, prevent cheating, including collusion and use of cheating devices, including the use of software programs that make wagers according to algorithms.

(21) Procedures to assist problem and compulsive gamblers, including procedures intended to prevent a person from participating in authorized interactive gaming who is otherwise prohibited from participating in interactive gaming.

(22) Procedures to govern emergencies, including suspected or actual cyber-attacks, hacking or tampering with the interactive gaming certificate holder's interactive gaming skin, interactive gaming platform or interactive gaming web site. The procedures must include the process for the reconciliation or repayment of a registered player's interactive gaming account.

(c) The submission required under subsections (a) and (b) must include a detailed description of the interactive gaming certificate holder's or interactive gaming operator's administrative and accounting procedures related to interactive gaming, including its written system of internal controls. Each

written system of internal controls must include all of the following:

(1) An organizational chart depicting appropriate duties and responsibilities of the key employees involved in interactive gaming.

(2) A description of the duties and responsibilities of each position shown on the organizational chart.

(3) The record retention policy of the interactive gaming certificate holder or interactive gaming operator.

(4) The procedure to be utilized to ensure that money generated from the conduct of interactive gaming is safeguarded and accounted for.

(5) Procedures to ensure that recorded accountability for assets is compared with actual assets at intervals required by the Board and appropriate action is taken with respect to discrepancies.

(6) Procedures to be utilized by an employee of an interactive gaming certificate holder or interactive gaming operator in the event of a malfunction of an interactive gaming system or other equipment used in the conduct of interactive gaming.

(7) Procedures to be utilized by the interactive gaming certificate holder or interactive gaming operator to prevent persons under 21 years of age, self-excluded or involuntary

excluded individuals, and players outside this Commonwealth, unless otherwise authorized by an interactive gaming reciprocal agreement, from engaging in interactive gaming.

(8) Other items the Board may request in writing to be included in the internal controls.

(d) Prior to authorizing an interactive gaming certificate holder or interactive gaming operator to commence the conduct of interactive gaming, the Board will review the system of internal controls, security protocols and audit protocols submitted under this chapter to determine whether they conform to the requirements of this chapter and whether they provide adequate and effective controls for the conduct of interactive gaming.

(e) If an interactive gaming certificate holder or interactive gaming operator intends to make a change or amendment to its system of internal controls, it shall submit the change or amendment electronically to the Bureau of Gaming Operations in a manner prescribed by the Bureau of Gaming Operations. The interactive gaming certificate holder or interactive gaming operator may implement the change or amendment on the 30th calendar day following the filing of a complete submission unless the interactive gaming certificate holder or interactive gaming operator receives written notice tolling the change or amendment in accordance with this chapter

or written notice from the Board's Executive Director rejecting the change or amendment.

(f) If during the 30-day review period in this chapter, the Bureau of Gaming Operations preliminarily determines that a procedure in a submission contains an insufficiency likely to negatively affect the integrity of interactive gaming or the control of revenue generated from interactive gaming, the Bureau of Gaming Operations, by written notice to the interactive gaming certificate holder or interactive gaming operator, will:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30-calendar day review period in this chapter is to be tolled and that any internal controls at issue not be implemented until approved under this chapter.

(g) Examples of submissions that may contain an insufficiency likely to negatively affect the integrity of interactive gaming may include the following:

(1) Submissions that fail to provide information sufficient to permit the review of interactive gaming activities by the Board, the Bureau, the Department or law enforcement.

(2) Submissions that fail to provide for the segregation of incompatible functions so that an employee is not in a position to commit an error and perpetrate a fraud and to

conceal the error or fraud in the normal course of the employee's duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required under the act or this part.

(4) Submissions that would implement operations or accounting procedures not authorized by the act or this part.

(h) Whenever a change or amendment has been tolled under this chapter, the interactive gaming certificate holder or interactive gaming operator may submit a revised change or amendment within 30 days of receipt of the written notice from the Bureau of Gaming Operations. The interactive gaming certificate holder or interactive gaming operator may implement the revised change or amendment upon receipt of written notice of approval from the Board's Executive Director or on the 30th calendar day following the filing of the revision unless the interactive gaming certificate holder or interactive gaming operator receives written notice tolling the change or amendment in accordance with this chapter or written notice from the Board's Executive Director rejecting the change or amendment.

#### **§ 811a.3. Terms and conditions.**

(a) An interactive gaming certificate holder or interactive gaming operator shall develop terms and conditions for

interactive gaming which must be included in the internal controls. The terms and conditions and any changes thereto shall be acknowledged by the player and the acknowledgment must be date and time-stamped by the interactive gaming system.

(b) The terms and conditions must address all aspects of the interactive gaming operation, including all of the following:

(1) The name of the party with whom the player is entering into a contractual relationship, including any interactive gaming certificate holder or interactive gaming operator.

(2) The player's consent to have the interactive gaming certificate holder or interactive gaming operator confirm the player's age and identity.

(3) Rules and obligations applicable to the player other than rules of the game including all of the following:

(i) Prohibition from allowing any other person to access or use his interactive gaming account.

(ii) Prohibition from engaging in interactive gaming activity, unless the player is physically located in this Commonwealth, unless such gaming is authorized by an interactive gaming reciprocal agreement.

(iii) Consent to the monitoring and recording by the interactive gaming certificate holder, interactive gaming

operator or the Board, or all of the above, of any wagering communications and geographic location information.

(iv) Consent to the jurisdiction of this Commonwealth to resolve any disputes arising out of interactive gaming.

(v) Prohibition against utilizing automated computerized software or other equivalent mechanism, such as a bot, to engage in play.

(4) Full explanation of all fees and charges imposed upon a player related to interactive gaming transactions.

(5) Availability of account statements detailing player account activity.

(6) Privacy policies, including information access and use of customer data.

(7) Legal age policy, including a statement that it is a criminal offense to allow a person who is under 21 years of age to participate in interactive gaming and a player who does so must be prohibited from interactive gaming.

(8) Notification that if the player's interactive gaming account remains dormant for 2 year any funds remaining on deposit and any pending wagers shall be forfeited.

(9) The player's right to set responsible gaming limits and self-exclude.

(10) The player's right to suspend his account for no less than 72 hours.

(11) Actions that will be taken in the event a player becomes disconnected from the interactive gaming system during game play.

(12) Notice that a malfunction voids all pays.

(13) Estimated time-period for withdrawal of funds from the interactive gaming account.

(14) Detailed information to be displayed on a player protection page.

(15) Method for changing or retrieving a password or other approved access security feature and the ability to choose strong authentication login protection.

(16) Method for filing a complaint with the interactive gaming certificate holder or interactive gaming operator and method for filing with the Board an unresolved complaint after all reasonable means to resolve the complaint with the interactive gaming certificate holder or interactive gaming operator have been exhausted.

(17) Method for obtaining a copy of the terms and conditions agreed to when establishing an interactive gaming account.



(18) Method for the player to obtain account and game history from the interactive gaming certificate holder or interactive gaming operator.

(19) Notification of Federal prohibitions and restrictions regarding interactive gaming, specifically, any limitations upon interactive gaming in 18 U.S.C.A. § 1084 and the Unlawful Internet Gambling Enforcement Act of 2006 (31 U.S.C.A. §§ 5361-5367). The notice must explicitly state that it is a Federal offense for persons physically located outside of this Commonwealth to engage in interactive wagering through an interactive gaming certificate holder or interactive gaming operator unless explicitly authorized by the Board or an interactive gaming reciprocal agreement.

(20) Any other information required by the Board.

**§ 811a.4. Information to be displayed on web site.**

Interactive gaming certificate holders and interactive gaming operators shall provide for the prominent display of all of the following information on a page which, by virtue of the construction of the web site, authorized players must access before beginning a gambling session:

(1) The full name of the interactive gaming certificate holder or interactive gaming operator and address from which it carries on business.

(2) A logo, to be provided by the Board, indicating that the interactive gaming certificate holder or interactive gaming operator on behalf of the interactive gaming certificate holder is authorized to operate interactive gaming in this Commonwealth.

(3) The interactive gaming certificate holders and interactive gaming operator's license number.

(4) A statement that persons under 21 years of age are not permitted to engage in interactive gaming.

(5) A statement that persons located in a jurisdiction where interactive gaming is not legal are not permitted to engage in interactive gaming.

(6) Active links to all of the following:

(i) Information explaining how disputes are resolved.

(ii) A problem gambling web site that is designed to offer information pertaining to responsible gaming.

(iii) The Board's web site.

(iv) A web site that allows for an authorized player to choose to be excluded from engaging in interactive gaming.

(v) A link to the house rules adopted by the interactive gaming certificate holder or interactive gaming operator.

**§ 811a.5. Segregation of bank accounts and reserve requirements.**

(a) An interactive gaming certificate holder or interactive gaming operator shall maintain a bank account for player's funds separate from all other operating accounts to ensure the security of funds held in the player's interactive gaming accounts.

(b) The balance maintained in this account must be greater than or equal to the sum of the daily ending cashable balance of all player interactive gaming accounts, funds on game and pending withdrawals.

(c) An interactive gaming certificate holder or interactive gaming operator shall have unfettered access to all player interactive gaming account and transaction data to ensure the amount held in its independent account is sufficient. An interactive gaming certificate holder's or interactive gaming operator's chief financial officer shall file a quarterly attestation with the Board, unless otherwise directed by the Board, that the funds have been safeguarded under this section.

**§ 811a.6. Interactive gaming certificate holder's or interactive gaming operator's organization.**

(a) An interactive gaming certificate holder's or interactive gaming operator's systems of internal controls must include organization charts depicting segregation of functions

and responsibilities and descriptions of the duties and responsibilities for each position shown on each organization chart. Interactive gaming certificate holders and interactive gaming operators are permitted, except as otherwise provided in this section, to tailor organizational structures to meet the needs or policies of a particular management philosophy. An interactive gaming certificate holder's and interactive gaming operator's organization charts must provide for all of the following:

(1) A system of personnel and chain of command which permits management and supervisory personnel to be held accountable for actions or omissions within their areas of responsibility.

(2) The segregation of incompatible functions, duties and responsibilities so that an employee is not in a position to commit an error and perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.

(3) The performance of all functions, duties and responsibilities in accordance with sound financial practices by qualified personnel.

(4) The areas of responsibility which are not so extensive as to be impractical for an individual to monitor.

(b) In addition to other positions required as part of an interactive gaming certificate holder's or interactive gaming

operator's internal controls, an interactive gaming certificate holder,~~or~~ interactive gaming operator, **OR OTHER LICENSED ENTITY INVOLVED IN THE OPERATION OF THE INTERACTIVE GAMING SYSTEM AS APPROVED BY THE BOARD**, shall maintain an information technology department supervised by an individual licensed as a key employee who functions, for regulatory purposes, as the information technology director. An interactive gaming certificate holder,~~or~~ interactive gaming operator, **OR OTHER LICENSED ENTITY INVOLVED IN THE OPERATION OF THE INTERACTIVE GAMING SYSTEM AS APPROVED BY THE BOARD**, shall employ an information technology security officer and an interactive gaming manager, both of whom shall be licensed as a key employee.

(c) The information technology director shall be responsible for the integrity of all data, and the quality, reliability and accuracy of all computer systems and software used by the interactive gaming certificate holder in the conduct of interactive gaming, whether the data and software are located within or outside the certificate holder's or interactive gaming operator's facility, including, without limitation, specification of appropriate computer software, hardware and procedures for security, physical integrity, audit and maintenance of all of the following:

(1) Access codes and other computer security controls used to insure appropriately limited access to computer software and data.

(2) Monitoring logs of user access, security incidents and unusual transactions.

(3) Logs used to document and maintain the details of any hardware and software modifications.

(4) Computer tapes, disks or other electronic storage media containing data relevant to interactive gaming operations.

(5) Computer hardware, communications equipment and software used in the conduct of interactive gaming.

(d) The information technology security officer, **OR OTHER POSITION AS APPROVED BY THE BOARD**, shall report to the information technology director and be responsible for all of the following:

(1) Maintaining access codes and other computer security controls used to insure appropriately limited access to computer software and data.

(2) Reviewing logs of user access, security incidents and unusual transactions.

(3) Coordinating the development of the interactive gaming certificate holder's or interactive gaming operator's information security policies, standards and procedures.

(4) Coordinating the development of an education and training program on information security and privacy matters for employees and other authorized users.

(5) Ensuring compliance with all State and Federal information security policies and rules.

(6) Preparing and maintaining security-related reports and data.

(7) Working with internal and external audit personnel to ensure all findings are addressed in a timely and effective manner.

(8) Developing and implementing an Incident Reporting and Response System to address security breaches, policy violations and complaints from external parties.

(9) Serving as the official contact for information security and data privacy issues, including reporting to law enforcement.

(10) Developing and implementing an ongoing risk assessment program that targets information security and privacy matters by identifying methods for vulnerability detection and remediation and overseeing the testing of those methods.

(11) Remaining current with the latest information technology security and privacy legislation, rules, advisories, alerts and vulnerabilities to ensure the interactive gaming

certificate holder's or interactive gaming operator's security program and security software is effective.

(e) The interactive gaming manager shall report to the information technology director, or other department manager as approved by the Board, and be responsible for ensuring the proper operation and integrity of interactive gaming and reviewing all reports of suspicious behavior. The interactive gaming manager shall immediately notify the Bureau upon detecting any person participating in interactive wagering who is:

(1) Engaging in or attempting to engage in, or who is reasonably suspected of cheating, theft, embezzlement, collusion, money laundering or any other illegal activities.

(2) A self-excluded person under the act and Board regulations.

(3) Prohibited by the interactive gaming certificate-holder or interactive gaming operator from interactive gaming.

#### **§ 811a.7. Mandatory interactive gaming system logging.**

(a) An interactive gaming system must employ a mechanism capable of maintaining a separate copy of the information required to be logged under this chapter on a separate and independent logging device capable of being administered by an employee with no incompatible function. If the interactive



gaming system can be configured so that any logged data is in a secure transaction file, a separate logging device is not required.

(b) An interactive gaming system must provide a mechanism for the Board to query and export, in a format required by the Board, all gaming system data.

(c) An interactive gaming system must electronically log the date and time any interactive gaming account is created or terminated (Account Creation Log).

(d) An interactive gaming system must maintain all information necessary to recreate player game play and account activity during each player session, including any identity or location verifications, for no less than 10 years.

(e) Unless otherwise authorized by the Board, when software is installed on or removed from an interactive gaming system, the action must be recorded in a secure electronic log (Software Installation/Removal Log), which must include all of the following:

- (1) The date and time of the action.
- (2) The identification of the software.
- (3) The identity of the person performing the action.

(f) Unless otherwise authorized by the Board, when a change in the availability of game software is made on a gaming system,

the change must be recorded in a secure electronic log (Game Availability Log), which must include all of the following:

- (1) The date and time of the change.
- (2) The identification of the software.
- (3) The identity of the person performing the change.

(g) Unless otherwise exempted by the Board, an interactive gaming system must record all promotional offers (Promotions Log) issued through the system. The Promotions Log must provide the information necessary to audit compliance with the terms and conditions of current and previous offers.

(h) Results of all authentication attempts must be retained in an electronic log (Authentication Log) and accessible for 90 days.

(i) All adjustments to gaming system data made using stored procedures must be recorded in an electronic log (Adjustments Log), which lists all of the following:

- (1) The date and time.
- (2) The identification and user ID of user performing the action.
- (3) A description of the event or action taken.
- (4) The initial and ending values of any data altered as a part of the event or action performed.

**§ 811a.8. Records/data retention requirements.**

(a) For the purposes of this section, "books, records and documents" means any book, record or document pertaining to, prepared in or generated by the operation of the interactive gaming certificate holder or interactive gaming operator including all forms, reports, accounting records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence and personnel records required to be generated and maintained under this part. This definition applies without regard to the medium through which the record is generated or maintained (for example, paper, magnetic media or encoded disk).

(b) Original books, records and documents pertaining to the operation of interactive gaming must be:

(1) Prepared and maintained in a complete, accurate and legible form. Electronic data must be stored in a format that ensures readability, regardless of whether the technology or software that created or maintained it has become obsolete.

(2) Retained in a secure location by the interactive gaming certificate holder or interactive gaming operator that is equipped with a fire suppression system or at another location approved under subsection (d).

(3) Made available for inspection by agents of the Board, the Department and the Pennsylvania State Police during all hours of operation.

(4) Organized and indexed in a manner to provide immediate accessibility to agents of the Board, the Department and the Pennsylvania State Police.

(5) Destroyed only after expiration of the minimum retention period specified in subsection (c), except that the Board may, upon the written request of an interactive gaming certificate holder or interactive gaming operator and for good cause shown, permit the destruction at an earlier date.

(c) Original books, records and documents shall be retained by an interactive gaming certificate holder or interactive gaming operator for a minimum of 5 years.

(d) An interactive gaming certificate holder or interactive gaming operator may request, in writing, that the Board's Executive Director approve an alternative location outside of this Commonwealth to store original books, records and documents. The request must include all of the following:

(1) A detailed description of the proposed location, including security and fire suppression systems.

(2) The procedures under which the Board, the Department and the Pennsylvania State Police will be able to

gain access to the original books, records and documents retained at the location outside of this Commonwealth.

(e) An interactive gaming certificate holder or interactive gaming operator may request, in writing, that the Board's Executive Director approve a microfilm, microfiche or other suitable media system for the copying and storage of original books, records and documents. The request must include representations regarding all of the following:

(1) The processing, preservation and maintenance methods which will be employed to ensure that the books, records and documents are available in a format which makes them readily available for review and copying.

(2) The inspection and quality control methods which will be employed to ensure that microfilm, microfiche or other media when displayed on a reader/viewer or reproduced on paper exhibits a high degree of legibility and readability.

(3) The availability of a reader/printer for use by the Board, the Department and the Pennsylvania State Police at the location approved by the Board and the readiness with which the books, records or documents being stored on microfilm, microfiche or other media can be located, read and reproduced.

(4) The availability of a detailed index of all microfilmed, microfiched or other stored data maintained and

arranged in a manner to permit the immediate location of any particular book, record or document.

(f) Nothing herein shall be construed as relieving an interactive gaming certificate holder or interactive gaming operator from meeting any obligation to prepare or maintain any book, record or document required by any other Federal, State or local governmental body, authority or agency.

**§ 811a.9. Required reports; reconciliation.**

(a) An interactive gaming system shall be designed to generate reports as specified by the Board that must include, at a minimum, all of the following:

- (1) The report title.
- (2) The version number of the current system software and report definition.
- (3) The date or time period of activity, or description as of a point in time.
- (4) The date and time the report was generated.
- (5) Page numbering, indicating the current page and total number of pages.
- (6) Subtotals and grand totals as required by the Department.
- (7) A description of any filters applied to the data presented in the document.

(8) Column and row titles, if applicable.

(9) The name of the interactive gaming certificate-holder or interactive gaming operator.

(10) A reconciliation of all relevant data contained therein, if applicable.

(b) All required reports must be generated by the interactive gaming system, even if the period specified contains no data to be presented. The report generated must indicate all required information and contain an indication of "'No Activity'" or similar message if no data appears for the period specified.

(c) An interactive gaming system must provide a mechanism to export the data generated for any report to a format approved by the Board.

(d) An interactive gaming system must generate all of the following daily reports, at a minimum, for each gaming day to calculate the taxable revenue:

(1) A Player Account Summary Report, which must include transaction information for each player account and test account for all of the following categories:

(i) Beginning balance.

(ii) Total amount of deposits.

(iii) Total amount of noncashable bonuses deposited.

(iv) Total amount of noncashable bonuses wagered by game type (sports, slots and tables).

(v) Total amount of noncashable bonuses expired.

(vi) Total amount of transfers to games by game type (sports, slots and tables).

(vii) Total amount of transfers from games by game type (sports, slots and tables).

(viii) Total amount of withdrawals.

(ix) Total amount of funds on game at the beginning of the gaming day (the amount of pending wagers at the end of the prior gaming day).

(x) Total amount of funds on game at the end of the gaming day (the amount of pending wagers plus funds transferred to a game but not yet wagered).

(xi) Win or loss, calculated as the ending funds on games less the beginning funds on game.

(xii) Ending balance.

(xiii) Any other information that may be required by the Board.

(2) A Wagering Summary Report, which must include all of the following by authorized game and poker variation, as applicable:

(i) Total amounts wagered.

(ii) Total amounts won.



(iii) Total tournament entry or participation fees.

(iv) Rake or vigorish.

(v) Total amounts of guaranteed funds paid to players.

(vi) Total amounts due to or from an interactive gaming network.

(vii) Win or loss calculated as the net of the total amounts wagered and total amounts won plus tournament entry fees, rake or vigorish, guaranteed funds and amounts due to or from an interactive gaming network.

(viii) Any other information that may be required by the Board.

(3) A noncashable Promotional Account Balance Report, which must include the ending noncashable promotional balance in each player account.

(e) An interactive gaming network must generate the following daily reports for each participating interactive gaming certificate holder or interactive gaming operator, at a minimum, for each gaming day to reconcile the daily gross interactive gaming revenue:

(1) A System Player Account Summary Report, which must include all of the following transaction information for each player account:

- (i) Player identification number.
- (ii) Total amount of transfers to games.
- (iii) Total amount of transfers from games.
- (iv) Win or loss statistics.
- (v) Total amount of rake.
- (vi) Total amount of entry fees.

(2) A System Wagering Summary Report, which must include all of the following game activity by authorized game or poker variation:

- (i) Total amounts wagered.
- (ii) Total amounts won.
- (iii) Total tournament entry or participation fees.
- (iv) Rake or vigorish.
- (v) Total amounts of guaranteed funds paid to players.
- (vi) Win or loss statistics, calculated as the net of the total amounts wagered and total amounts won plus tournament entry fees, rake or vigorish, and guaranteed funds.

(f) An interactive gaming certificate holder or interactive gaming operator must utilize the Wagering Summary Report to calculate interactive gross gaming revenue on a daily basis for reporting purposes. In addition, the certificate holder or operator shall do all of the following:

(1) Prepare a Variance Report documenting the win/loss amounts from the Player Account Report and Wagering Summary Report.

(2) Calculate the variance between the two amounts.

(3) Document the reason for the variance.

(4) Report a manual adjustment to increase revenue by the amount of the variance whenever the total of the Player Account Summary Report is greater than the total of the Wagering Summary Report, unless the reason for the variance as documented above is sufficient to support a determination that revenue was properly reported.

(g) Instead of subsection (f), an interactive gaming certificate holder or interactive gaming operator may accumulate the daily Variance Report information on a monthly Variance Report in a manner described in the interactive gaming certificate holder's or interactive gaming operator's internal controls.

(h) An interactive gaming system must generate, on a daily basis commencing 2 years after the creation of the first interactive gaming account, a Dormant Account Report, which must list all player accounts including the Pending Wager Account Report that have not had activity for 2 years. The report must include all of the following:

(1) The player name and account number.

(2) The date of the last transaction.

(3) The account balance.

(i) Voids of completed wagering transactions may not occur without Board approval.

(j) An interactive gaming system must generate a Performance Report, which compares the theoretical return to player (RTP) to the actual RTP of each game offered by a gaming system. The report must also provide the total number of rounds of play for each game and shall be generated and reviewed monthly by the interactive gaming certificate holder or interactive gaming operator to evaluate the performance of all games offered to the public. The Performance Report must include the data required by this subsection from the first day interactive gaming was offered to the date of the report.

(k) An interactive gaming system must generate a Player Account Adjustments Report, which shall be reviewed on a daily basis by either the interactive gaming certificate holder or interactive gaming operator to evaluate the legitimacy of player account adjustments. If the daily review is performed by the interactive gaming operator, the interactive gaming certificate holder or interactive gaming operator shall conduct a weekly review of the Player Account Adjustment Reports. Unless otherwise authorized by the Board, the report must, at a minimum, include all of the following:

- (1) The player's name.
- (2) An account number.
- (3) The date and time of the adjustment.
- (4) The person who performed the adjustment.
- (5) The reason for the adjustment.
- (6) The amount of the adjustment.

(1) An interactive gaming system must generate a report on a weekly basis identifying potential compulsive and problem gamblers, including those players who self-report. The interactive gaming certificate holder or interactive gaming operator shall review the report and document any action taken.

(m) An interactive gaming system must be capable of generating a Pending Transaction Account Report, which must include and separately itemize all pending transactions for each player account, including funds on game and deposits and withdrawals not yet cleared.

(n) An interactive gaming certificate holder or interactive gaming operator shall develop internal controls for performing a daily reconciliation of gross interactive gaming revenue, including a daily reconciliation of the Player Account Summary Report to the Wagering Summary Report, a reconciliation of the Wagering Summary Report to each remote game ~~service~~ **SERVER**, a reconciliation of sports wagering system reports to the wagering Summary Report, and at least a quarterly calculation of the

balance required to be maintained pursuant to § 811a.5 (relating to segregation of bank accounts and reserve requirements).

(i) Each report shall be accurate to reconcile and balance on a daily basis.

(ii) Variances shall be investigated and reported to the Board, which must include the amount, cause and remediation plan for corrective action.

## **CHAPTER 812a. INTERACTIVE GAMING PLAYER ACCOUNTS**

### **Sec.**

- 812a.1. Definitions.
- 812a.2. Player account registration.
- 812a.3. Account security.
- 812a.4. Single account requirement.
- 812a.5. Account terms and conditions disclosures.
- 812a.6. Self-exclusion list.
- 812a.7. Player funding of accounts.
- 812a.8. Player loyalty programs.
- 812a.9. Player account controls.
- 812a.10. Player withdrawals.
- 812a.11. Player account statements.
- 812a.12. Suspended accounts.
- 812a.13. Dormant accounts.
- 812a.14. Use of player data.

### **§ 812a.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Electronic identifier*—A unique identifier, such as a username or account number, other than personal identifying information (for example, a Social Security number), used to identify a player.

*Player session*—A player session consists of all activities and communications performed by an authorized registered player and the interactive gaming system between the time the registered player logs in to the interactive gaming system and the time the registered player logs out or is logged out of the interactive gaming system.

*Strong authentication*—A method that is intrinsically stringent enough to ensure the security of the system it protects by withstanding any attacks it is likely to encounter by combining at least two mutually-independent factors so that the compromise of one method should not lead to the compromise of the second and includes one nonreusable element, which cannot easily be reproduced or stolen from the Internet, to verify the identity of a registered player.

**§ 812a.2. Player account registration.**

(a) Prior to engaging in interactive gaming, a player shall establish an interactive gaming account.

(b) To establish an interactive gaming account, the player shall provide all of the following information:

- (1) The player's legal name.
- (2) The player's date of birth.
- (3) The entire or last four digits of the player's Social Security number, if voluntarily provided, or equivalent for a foreign player such as a passport or taxpayer identification number.
- (4) The player's address.
- (5) The player's e-mail address.
- (6) The player's telephone number.
- (7) Any other information collected from the player to verify his identity.

(c) An interactive gaming certificate holder or interactive gaming operator shall create and maintain an electronic player file containing the information the player submitted to establish the player account.

(d) The electronic player file created by an interactive gaming certificate holder or interactive gaming operator must encrypt the information in an electronic player file.

**(i) AS PART OF THE ANNUAL SECURITY AUDIT REQUIRED UNDER § 809a.6(d)(3), THE INDEPENDENT THIRD PARTY SHALL VERIFY THAT THE INFORMATION INCLUDED CONTAINED IN THE ELECTRONIC PLAYER FILES MAINTAINED BY THE INTERACTIVE GAMING CERTIFICATE HOLDER OR INTERACTIVE GAMING OPERATOR IS PROPERLY ENCRYPTED.**



(e) The interactive gaming certificate holder or interactive gaming operator shall verify the player's identity and record the document number of the government-issued credential examined, or other methodology for remote, multisourced authentication, which may include third-party and governmental databases, as approved by the Board.

(f) The interactive gaming certificate holder or interactive gaming operator shall verify that the player is of the legal age of 21 years of age, not self-excluded or otherwise prohibited from participation in interactive gaming.

(g) The interactive gaming certificate holder or interactive gaming operator shall require the player to affirm that the information provided to the interactive gaming certificate holder is accurate.

(h) The interactive gaming certificate holder or interactive gaming operator shall record the player's acceptance of the interactive gaming certificate holder's terms and conditions to participate in interactive gaming.

(i) The interactive gaming certificate holder or interactive gaming operator shall record the player's acknowledgement that the legal age for interactive gaming is 21 years of age and that he is prohibited from allowing any other person to access or use his interactive gaming account.

(j) The interactive gaming certificate holder or interactive gaming operator shall record the player's acknowledgement that any violations of the interactive gaming regulations are subject to the penalties provided in the act and may result in criminal prosecution under 18 Pa.C.S. (relating to Crimes Code).

(k) The interactive gaming certificate holder or interactive gaming operator shall require the player to establish a password or other access security feature as approved by the Board and advise the player of the ability to utilize strong authentication login protection.

(l) The interactive gaming certificate holder or interactive gaming operator shall notify the player of the establishment of the account by e-mail or first class mail.

**§ 812a.3. Account security.**

(a) An interactive gaming system must utilize sufficient security to ensure player access is appropriately limited to the registered account holder. Unless otherwise authorized by the Board, security measures must include, at a minimum, all of the following:

(1) A username.

(2) A password of sufficient length and complexity to ensure its effectiveness.

(3) Upon account creation, the option for users to choose strong authentication login protection.

(4) When a player logs into his registered interactive gaming account, the system must display the date and time of the player's previous log on.

(5) An option to permit a player to elect to receive an electronic notification to the player's registered e-mail address, cellular phone or other device each time an interactive gaming account is accessed.

(6) The interactive gaming system must require a player to re-enter his username and password after 15 minutes of user inactivity.

(b) An interactive gaming certificate holder or interactive gaming operator may not permit the creation of anonymous interactive gaming accounts or accounts using fictitious names. A registered player may, while engaged in interactive gaming, represent himself using a screen name other than his actual name.

(c) An interactive gaming system must provide an account statement with account details to a player on demand, **EITHER DISPLAYED ON THE INTERACTIVE GAMING WEBSITE OR MOBILE APP OR AVAILABLE FOR IMMEDIATE DOWNLOAD**, which must include information as required under this chapter.

(d) An interactive gaming system must utilize sufficient security to ensure third-party access to player accounts is limited as follows:

(1) Network shared drives containing application files and data for interactive gaming system must be secured so that only authorized personnel may gain access.

(2) Login accounts and passwords required to administer network and other equipment are secured so that only authorized Information Technology (IT) personnel from the interactive gaming certificate holder or interactive gaming operator may gain access to these devices.

(3) Remote access by vendor personnel to any component of the interactive gaming system is allowed for purposes of support or updates and is enabled only when approved by authorized IT personnel employed by the technology provider.

(e) Interactive gaming certificate holders and interactive gaming operators may utilize third-party vendors to verify player information so long as those vendors are licensed by the Board when required and the agreements related to the provided services is submitted to the Board.

#### **§ 812a.4. Single account requirement.**

(a) A player shall have only one interactive gaming account for each interactive gaming certificate holder or interactive

gaming operator. Each interactive gaming account must be nontransferable, unique to the player who establishes the account, and distinct from any other account number that the player may have established with the interactive gaming certificate holder or interactive gaming operator for noninteractive gaming activity.

(b) Each registered player account shall be treated independently and players may not be permitted to transfer funds between accounts held with different interactive gaming certificate holders or interactive gaming operators. Registered players are prohibited from transferring funds to an account held by another player.

(c) To ensure compliance with this subpart, interactive gaming certificate holders and interactive gaming operators shall:

(1) Record and maintain the physical location of the registered player while logged in to the interactive gaming account.

(2) Ensure that a registered player does not occupy more than one position at a game at any given time unless otherwise approved by the Board to permit a registered player to occupy more than one position at a game at any given time.

**§ 812a.5. Account terms and conditions disclosures.**

(a) During the registration process the player shall agree to the terms and conditions which govern the relationship between the interactive gaming certificate holder or interactive gaming operator and the player. The terms and conditions must include a privacy policy which governs the protection and use of the player's data.

(b) The terms and conditions provided to players by interactive gaming certificate holders and interactive gaming operators shall be submitted to the Bureau of Gaming Operations for review. The terms and conditions must contain, at minimum, all of the following:

(1) The name and address of the interactive gaming certificate holder or interactive gaming operator.

(2) A statement that the interactive gaming certificate holder or interactive gaming operator is licensed and regulated by the Board for the purposes of operating and offering interactive gaming services in this Commonwealth.

(3) A requirement that the player acknowledges that he has read the terms and conditions and agrees to be bound by them.

(4) A requirement that the player will comply with all applicable laws, statutes and regulations.

(5) A statement that no individual under 21 years of age may participate in interactive gaming and that it is a criminal offense to allow a person who is not legally of age to participate in interactive gaming in this Commonwealth.

(6) A statement that the player consents to verification of registration information including name, address, date of birth, Social Security number, passport identification (for non-United States residents) and any other identification information required to confirm age and identity.

(7) A statement that the player consents to verification of his location for the duration of play of interactive games.

(8) A statement that players have the right to set responsible gaming limits and to self-exclude from interactive gaming.

(9) A dispute resolution policy including notifying players of their right to file a complaint with the Board.

(10) A player disconnection policy.

(11) Any other information that may be required by the Board.

**§ 812a.6. Self-exclusion list.**

(a) All interactive gaming certificate holders and interactive gaming operators shall have a link on its

interactive gaming web site to the self-exclusion page of the Board web site.

(b) Any player seeking to self-exclude from interactive gaming shall follow the procedures in the Board's regulations.

**§ 812a.7. Player funding of accounts.**

(a) A player's interactive gaming account may be funded through the use of all of the following:

(1) Cash deposits made directly with the interactive gaming certificate holder or interactive gaming operator.

(2) Personal checks, cashier's checks, wire transfer and money order deposits made directly or mailed to the interactive gaming certificate holder or interactive gaming operator.

(3) A player's credit card or debit card, including prepaid cards.

(4) A player's deposit of cash, gaming vouchers or gaming chips at a cashiering location approved by the Board.

(5) A player's reloadable prepaid card, which has been verified as being issued to the player and is nontransferable.

(6) Cash complimentaries, promotional credits or bonus credits.

(7) Winnings.



(8) Automated clearing house (ACH) transfer, provided that the interactive gaming certificate holder or interactive gaming operator has security measures and controls to prevent ACH fraud. A failed ACH deposit attempt may not be considered fraudulent if the player has successfully deposited funds through an ACH transfer on a previous occasion with no outstanding chargebacks. If the interactive gaming certificate holder or interactive gaming operator suspects fraud after multiple failed ACH deposit attempts, the interactive gaming certificate holder or interactive gaming operator may temporarily freeze or suspend the player's account to investigate and, if the interactive gaming certificate holder or interactive gaming operator determines that fraud has occurred, suspend the player's account.

(9) Adjustments made by the interactive gaming certificate holder or interactive gaming operator following the resolution of disputes provided there is documented notification to the player.

(10) Any other means as approved by the Board.

(b) An interactive gaming certificate holder or interactive gaming operator shall neither extend credit to a player nor allow the deposit of funds into an interactive gaming account that are derived from the extension of credit by affiliates or

agents of the interactive gaming certificate holder or interactive gaming operator.

(c) A player's interactive gaming account may not have a negative account balance as a result of the placement of any wager in the interactive gaming system.

(d) Player account balances must be updated after each game cycle to ensure that sufficient funds are available for any future real money games the player may choose to play.

(e) Interactive gaming certificate holders or interactive gaming operators shall not accept or facilitate a wager:

(1) On any interactive game not approved by the Board for play in this Commonwealth.

(2) On any interactive game which the certificate holder or operator knows or reasonably should know is not between individuals.

(3) On any interactive game which the certificate holder or operator knows or reasonably should know is made by a person who has elected to temporarily suspend his or her interactive gaming account and the period of temporary suspension has not expired.

(4) On any interactive game which the certificate holder or operator knows or reasonably should know is made by a person on the interactive gaming self-exclusion list or the

Board's involuntary exclusion list as it pertains to interactive gaming.

(5) From a person who the interactive gaming certificate holder or interactive gaming operator knows or reasonably should know is placing the wager in violation of State or Federal law.

(6) From any licensed individual who is not permitted to participate in interactive gaming by virtue of his position with an interactive gaming certificate holder, interactive gaming operator or other affiliated entity.

(f) All adjustments to interactive gaming accounts for amounts of \$500 or under shall be periodically reviewed by supervisory personnel as set forth in the interactive gaming certificate holder's or interactive gaming operator's internal controls. All other adjustments shall be authorized by supervisory personnel prior to being entered.

#### **§ 812a.8. Player loyalty programs.**

If player loyalty programs are supported by an interactive gaming system, all of the following must apply:

(1) Redemption of registered player loyalty points earned must be by a secure transaction that automatically debits the points balance for the value of the prize redeemed.

(2) All registered player loyalty database transactions are to be recorded by the interactive gaming system. If the player loyalty program is provided by an external service provider, the interactive gaming system must be capable of securely communicating with that service.

(3) The interactive gaming system must make readily accessible to the registered player all terms and conditions governing each available promotional or bonus feature.

(4) The terms and conditions must be clear and unambiguous, especially when bonuses or promotions are limited to certain tables or nontournament play, or when other specific conditions apply.

**§ 812a.9. Player account controls.**

(a) A player session is started when a player logs in to the interactive gaming system.

(1) A player must be provided with the electronic identifier created by the interactive gaming certificate holder or interactive gaming operator, if applicable, and a password to start a session.

(2) The interactive gaming system must allow players to change their passwords.

(3) When a player has forgotten his password/PIN, the interactive gaming system must provide a secure process for the

reauthentication of the player and the retrieval or resetting, or both, of the password/PIN. Processes for dealing with lost player user IDs or passwords must be clearly described to the player.

(4) When a player logs in to the interactive gaming system, the date and time of his prior player session must be displayed.

(5) Each player session must have a unique identifier assigned by the interactive gaming system which distinguishes the current session from previous and future sessions.

(b) During a peer-to-peer game, the software must permit a player to set an away from computer status (that is, self-imposed session inactivity). This functionality must be fully described in the help screens or applicable terms and conditions.

(1) The away from computer status must disallow all play and also cause the player's turn to be automatically skipped during any round of play which takes place while this status is active.

(2) If a player sets an away from computer status during the middle of a round of play, he automatically forfeits play for that round (for example, for a round of poker, the software must automatically fold the player's hand during the next round of betting).

(3) If a player performs any game action within the game window while in an away from computer status, the status must be removed and the player will be enrolled into the next round of play. Nongame sensitive actions, such as accessing the help menu from the game window do not require this status to be removed.

(4) If action has not been taken by the player within the time period specified in the help screens or the terms and conditions, or both, the player must be automatically placed into the away from computer status.

(5) If a player has been in the away from computer status for over 30 minutes, the player must be automatically logged out of the game or player account, or both.

(c) Interactive gaming systems must employ a mechanism that detects session inactivity and terminates a player session when applicable.

(1) If the interactive gaming system fails to receive a response from the interactive gaming device within 30 minutes, whether the player has been in away from computer mode or not, the interactive gaming system must implement a user inactivity timeout and terminate the player session.

(2) If a player session is terminated due to player inactivity timeout, the interactive gaming device must display to the player the player session termination (that is, the user

inactivity timeout) upon the player's next attempted action on the interactive gaming system.

(3) Further game play is not permitted until the interactive gaming system and the interactive gaming device establish a new session.

(d) A player session ends when:

(1) The player notifies the interactive gaming system that the session is finished (for example, logs out).

(2) A session inactivity timeout is reached.

(3) The interactive gaming system terminates the session.

(i) When the interactive gaming system terminates a player session, a record must be written to an audit file that includes the termination reason.

(ii) The interactive gaming system must attempt to send a session finished message to the interactive gaming device each time a session is terminated by the interactive gaming system.

(e) The Board's Responsible Gaming logo linking to a responsible gaming page shall be placed at the top of the interactive gaming web site. The responsible gaming page must contain, at a minimum, all of the following:

(1) Information about potential risks associated with gambling and where to get help for a gambling problem.

(2) A list of the responsible gaming measures that can be invoked by the player, such as player session time limits and bet limits, and an option to enable the player to invoke those measures.

(3) Mechanisms which detect unauthorized use of the player's account, such as observing the Last Log in Time Display, the IP address of the last login and reviewing financial account information.

(4) A link to the terms and conditions that the player agreed to be bound to by entering and playing on the site.

(5) A link to the applicable privacy policy.

(6) A link to Board's web site.

(f) All links to player protection services (for example, self-exclusion and other player-imposed limits) provided by third parties are to be tested by the interactive gaming certificate holder or interactive gaming operator periodically as required by the Board. Game play may not occur when links used to supply information on player protection services are not displayed or are not operational. When the link to player protection services is no longer available, the interactive gaming certificate holder or interactive gaming operator shall provide an alternative support service.

(g) Players must be provided with a clear mechanism to impose self-limitations for gaming parameters including



deposits, wagers, losses and player session durations as required by the Board. The self-limitation mechanism must provide all of the following functionality:

(1) Any decrease to self-limitations for gaming must be effective no later than the player's next login. Any increase to these limits must become effective only after the time-period of the previous limit has expired and the player reaffirms the requested increase.

(i) For example, a player sets a \$1,000 monthly deposit limit on the 1st day of the month. The player may not increase this limit to more than \$1,000 until the 1st day of the following month. The same player may decrease the limit to less than \$1,000 at any point, and shall be effective at the player's next login.

(2) A deposit limit as determined by the player must be offered on a daily, weekly and monthly basis, and must specify the maximum amount of money a player may deposit into his interactive gaming account during the designated period of time.

(3) A spend limit as determined by the player must be offered on a daily, weekly and monthly basis, and must specify the maximum amount of player deposits that may be put at risk during a designated period of time.

(4) A single wager limit as determined by the player must be offered and must specify the maximum amount of any

single wager a player may put at risk in a single wager in an interactive game.

(i) This single wager limit is not applicable for peer-to-peer poker games offered by interactive gaming certificate holders or operators.

(ii) Notwithstanding the provisions of subsection (g)(1), a requested increase in the player's single wager limit (that is, from \$50 to \$100) shall not take effect for 24 hours after the request is made.

(5) A time-based limit as determined by the player must be offered on a daily basis and must specify the maximum amount of time that a player may spend playing on an interactive gaming system, provided that if the time-based limit is reached a player will be permitted to complete any round of play, or active or prepaid tournament.

(6) A table limit as determined by the player must be offered and must specify the maximum amount a registered player may bring to a peer-to-peer interactive gaming table.

(7) The self-limitations set by a player may not override any system imposed limitations or contradict information within the game rules.

(h) The interactive gaming system must be capable of applying system-imposed limits as required by the terms and conditions agreed to by the player upon registration and as

required by the Board. System-imposed limits must adhere to all of the following:

(1) Players must be notified in advance of any system-imposed limits and their effective dates.

(2) Once updated, system-imposed limits must be consistent with what is disclosed to the player.

(3) Upon receiving any system-limitation request, the interactive gaming system must ensure that all specified limits are correctly implemented immediately or at a specified time (that is, next login, next day, and the like) that was clearly indicated to the player.

(4) In cases when system-imposed limitation values (for example, deposit, wager, loss and player session duration) are greater than self-imposed player limit values, the system-imposed limitations must take priority.

(i) Players must be provided with an easy and obvious mechanism to temporarily suspend his or her interactive gaming account. The temporary suspension mechanism must provide all of the following functionality:

(1) The player must be provided with the option to temporarily suspended his or her interactive gaming account for a specified period of time as defined in the terms and conditions, or indefinitely.

(2) In the case of temporary suspension, the interactive gaming system must ensure that:

(i) Immediately upon processing the temporary suspension, new bets or deposits are not accepted from that player until the temporary suspension has expired.

(ii) During the temporary suspension period, the player is not prevented from withdrawing any or all of his account balance, provided that the interactive gaming system acknowledges that the funds have cleared.

(iii) In the case of indefinite temporary suspension, the interactive gaming system must ensure that:

(A) The player is paid in full for his account balance, provided that the interactive gaming system acknowledges that the funds have cleared.

(B) All player accounts must be closed or deactivated.

(j) The interactive gaming system must provide a clear mechanism to advise the player of the right to make a complaint against the interactive gaming certificate holder, interactive gaming operator or another player (that is, when collusion is suspected or when a player is disruptive or abusive).

**§ 812a.10. Player withdrawals.**

(a) An interactive gaming certificate holder or interactive gaming operator shall establish protocols for players to withdraw funds, whether an interactive gaming account is open or closed.

(b) An interactive gaming certificate holder or interactive gaming operator shall prevent unauthorized withdrawals from an interactive gaming account.

(c) Funds may be withdrawn from a player's interactive gaming account for all of the following:

(1) The funding of game play.

(2) A cash-out at the cashier's cage upon player's request.

(3) A cash-out through the issuance of a check from the interactive gaming certificate holder or interactive gaming operator.

(4) A cash-out transfer to a player's reloadable prepaid cash card, which has been verified as being issued to the player and is nontransferable.

(5) Adjustments made by the interactive gaming certificate holder or interactive gaming operator following the resolution of disputes provided there is documented notification to the player.

(6) Cash-out transfers directly to the player's individual account with a bank or other financial institution (banking account) provided that the interactive gaming certificate holder or interactive gaming operator verifies the validity of the account with the financial institution.

(7) Any other means approved by the Board.

(d) An interactive gaming certificate holder or interactive gaming operator may not permit a player to transfer funds to another player.

**§ 812a.11. Player account statements.**

(a) At the request of a player, interactive gaming systems must provide an interactive gaming account statement which must include detailed account activity for at least the 6 months preceding the request. In addition, an interactive gaming system must, upon request, be capable of providing a summary statement of all player activity during the past year. Information to be provided on the summary statement must include, at a minimum, all of the following:

- (1) Deposits to the interactive gaming account.
- (2) Withdrawals from the interactive gaming account.
- (3) Win or loss statistics.
- (4) Beginning and ending account balances.

(5) Self-imposed responsible gaming limit history, if applicable.

(b) Account statements must be **EITHER DISPLAYED ON THE INTERACTIVE GAMING WEBSITE OR MOBILE APP OR AVAILABLE FOR IMMEDIATE DOWNLOAD, OR IF REQUESTED BY THE PLAYER,** sent to the **PLAYER'S** registered address (e-mail or first class) ~~of the player upon request~~ for the time period specified.

#### **§ 812a.12. Suspended accounts.**

(a) Interactive gaming systems must employ a mechanism to place an interactive gaming account in a suspended mode:

(1) When requested by the player for a specified period of time, which may not be less than 72 hours.

(2) When required by the Board.

(3) When initiated by an interactive gaming certificate holder or interactive gaming operator that has evidence to indicate ~~all~~ **ANY** of the following:

(i) Illegal activity.

(ii) A negative player account balance.

(iii) A violation of the terms of service has taken place on an authorized registered player's interactive gaming account.

(b) When an interactive gaming account is in a suspended mode, the interactive gaming certificate holder or interactive

gaming operator may not remove funds from the account without prior approval from the Board. In addition, the interactive gaming system must do all of the following:

(1) Prevent the player from engaging in interactive gaming.

(2) Prevent the player from depositing funds.

(3) Prevent the player from withdrawing funds from his interactive gaming account, unless the suspended mode was initiated by the player.

(4) Prevent the player from making changes to his interactive gaming account.

(5) Prevent the removal of the interactive gaming account from the interactive gaming system.

(6) Prominently display to the authorized player that the account is in a suspended mode, the restrictions placed on the account and any further course of action needed to remove the suspended mode.

(c) An interactive gaming certificate holder or interactive gaming operator shall notify the player by mail (first class or e-mail) whenever his interactive gaming account has been closed or placed in a suspended mode. The notification must include the restrictions placed on the account and any further course of action needed to remove the restriction.

(d) A suspended account may be restored:



(1) Upon expiration of the time period established by the player.

(2) When permission is granted by the Board.

(3) When the interactive gaming certificate holder or interactive gaming operator has lifted the suspended status.

**§ 812a.13. Dormant accounts.**

**(a) AN INTERACTIVE GAMING ACCOUNT WILL BE DEEMED DORMANT IF THERE IS NO ACTIVITY (LOGINS, GAME PLAY, WITHDRAWALS, CONTACTS WITH CUSTOMER SERVICE) FOR 2 YEARS.**

~~(a)~~ (b) Interactive gaming certificate holders and interactive gaming operators shall provide notification to the player at the player's registered address (physical or electronic) if the player's interactive gaming account remains dormant for 1 year.

~~(b) An interactive gaming account will be deemed dormant if there is no activity (login, game play, withdrawal, and the like) for 2 years.~~

(c) Funds remaining on deposit in an interactive gaming account which is dormant and for which the player has not requested payment must be abandoned 60 days after the notice in subsection (b) is provided. Interactive gaming certificate holders and interactive gaming operators shall report abandoned funds from dormant accounts in accordance with rules and

regulations on abandoned and unclaimed property set forth by the Pennsylvania Treasury, Bureau of Abandoned and Unclaimed Property.

**§ 812a.14. Use of player data.**

(a) An interactive gaming certificate holder, interactive gaming operator, or an employee or other person engaged in duties related to the conduct of interactive gaming may not disclose information about the name of a player, or other identifying information.

(b) Interactive gaming certificate holders or interactive gaming operators with employees who have direct contact with players by phone, e-mail, electronic chat or other means shall implement training for those employees, at the start of their employment and at regular intervals thereafter, addressing recognition of the nature and symptoms of problem gambling behavior and how to assist players in obtaining information regarding help for a gambling problem and self-exclusion program.

**CHAPTER 813a. INTERACTIVE GAMING ADVERTISEMENTS, PROMOTIONS AND  
TOURNAMENTS**

Sec.

- 813a.1. Definitions.
- 813a.2. Advertising.
- 813a.3. Promotions.
- 813a.4. Interactive gaming tournaments.
- 813a.5. Record retention and reports.

**§ 813a.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Celebrity player*—A well-known or professional interactive gaming player who is under agreement with an interactive gaming certificate holder or interactive gaming operator whereby the interactive gaming certificate holder or interactive gaming operator pays the celebrity player a fixed sum to engage in interactive gaming with the certificate holder's or operator's players as an advertising or promotional enticement to its customers.

*Promotion*—An event conducted by an interactive gaming certificate holder or an interactive gaming operator that provides or offers registered or prospective players cash, credits, merchandise, coupons, players club credits, or points, bonuses or anything else of value to entice the player to wager

with the interactive gaming certificate holder or interactive gaming operator.

*Restricted interactive gaming credit*—Interactive gaming funds that cannot be cashed out by the player until the wagering requirements or other restrictions associated with those funds are met in accordance with disclosed terms and conditions.

**§ 813a.2. Advertising.**

(a) Interactive gaming certificate holders and interactive gaming operators shall comply with § 501a.7 (relating to advertising).

(b) All interactive gaming advertisements exclusively directed to residents of this Commonwealth shall be co-branded, clearly and prominently displaying the name or logo, or both of the interactive gaming certificate holder and interactive gaming operator in equal size and quality, including but not limited to:

(i) Television or radio advertisements relating to the availability of interactive gaming or sports wagering in this Commonwealth.

(ii) Direct mail pieces, e-mails, or text messages sent to residents of this Commonwealth.

(iii) Billboards located in this Commonwealth.

(iv) Newspaper, magazine and other print publications that are based in this Commonwealth, including online editions of these publications.

(c) Advertising utilized by interactive gaming certificate holders and interactive gaming operators may not:

(1) Consist of indecent or offensive graphics or audio, or both.

(2) Obscure the game play area or obstruct a game in progress.

(3) Contain content that contradicts the game rules or terms and conditions.

(4) Specifically target players which have been excluded from play.

(d) Interactive gaming certificate holders and interactive gaming operators may utilize celebrity or other players to participate in peer-to-peer games for advertising or publicity purposes provided:

(1) The interactive gaming certificate holder or an interactive gaming operator clearly identifies the celebrity player to the players.

(2) The interactive gaming certificate holder or an interactive gaming operator does not realize a profit beyond the rake for hosting the celebrity player.

(3) The interactive gaming certificate holder or an interactive gaming operator shall include winnings by the celebrity player in its gross gaming revenue if the certificate holder or licensee does not permit the celebrity player to retain these funds.

(e) An interactive gaming certificate holder or an interactive gaming operator that contracts with a celebrity player to advertise or promote its services may fund the celebrity player's interactive gaming account in full or in part. The certificate holder or licensee may also pay the celebrity player a one-time or flat fee for his services.

(f) A celebrity player engaged in interactive gaming in this Commonwealth under an agreement with an interactive gaming certificate holder or an interactive gaming operator for advertising or promotional purposes may or may not utilize his own funds to wager.

#### **§ 813a.3. Promotions.**

(a) An interactive gaming certificate holder or interactive gaming operator shall notify and provide to the Board, at least ~~2~~ 5 days prior to implementing a promotion, terms and conditions of each promotion. The terms and conditions must include, at a minimum, all of the following:

(1) A description of what is being offered as part of the promotion.

(2) The dates and times that the promotion is being conducted.

(3) The persons who are eligible to participate in the promotion.

(4) The required action to receive whatever is being offered as part of the promotion.

(5) The procedure to claim or redeem the promotional offer, if applicable.

(6) Registration procedures.

(7) Limitations on participation.

(8) Wagering requirements and limitations by type of game.

(9) The order in which funds are used for wagering.

(10) Eligible games.

(11) Any restrictions on the withdrawal of funds.

(12) Rules regarding cancellation.

(13) The statement ''If you or someone you know has a gambling problem, help is available. Call 1-800-GAMBLER.''

(14) Any other information the Board may require.

(b) An interactive gaming certificate holder or an interactive gaming operator shall designate one employee responsible for providing promotions to the Board. The

designated employee shall provide a signed attestation with the submitted promotion indicating the employee has reviewed the promotion for compliance with Board regulations. The designated employee shall serve as the point of contact between a certificate holder or a licensee and the Board on all submitted promotions.

(c) An interactive gaming certificate holder or interactive gaming operator shall be responsible for providing the terms and conditions of promotions and the conduct of all promotions offered directly or indirectly by a third-party vendor or marketing affiliate on behalf of the interactive gaming certificate holder or an interactive gaming operator.

(d) The terms and conditions of all promotions communicated to players must be posted on the interactive gaming certificate holder's home webpage as well as any skins the interactive gaming certificate holder operates or an interactive gaming operator operates on behalf of an interactive gaming certificate holder. The terms and conditions must be stated in a clear and conspicuous manner using plain language and be readily accessible and available for review for the duration of the promotion (even after player accepts a promotion).

(e) An interactive gaming certificate holder or interactive gaming operator shall provide a clear and conspicuous method for a player to cancel his participation in a promotion that



utilizes restricted interactive gaming credits. Upon request for cancellation, the interactive gaming certificate holder or interactive gaming operator shall inform the player of the amount of unrestricted funds that will be returned upon cancellation and the value of restricted funds that will be removed from the player's interactive gaming account. If the player elects to proceed with cancellation, unrestricted funds remaining in a player's interactive gaming account must be returned in accordance with the terms and conditions.

(f) An interactive gaming certificate holder or interactive gaming operator may not, once a player has met the terms of a promotion, cap or limit winnings earned while participating in the promotion.

(g) An interactive gaming certificate holder or an interactive gaming operator may be required to discontinue, as expeditiously as possible, the use of a particular promotion upon receipt of written notice from the Board that the Board has determined that the use of the particular promotion in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.

(h) An interactive gaming certificate holder or interactive gaming operator may not offer or conduct a promotion which violates any Federal, State or local law.

(i) An interactive gaming certificate holder or an interactive gaming operator shall develop and submit to the Board, as part of the submission required as part of the certificate holder's or licensee's internal controls, procedures governing the conduct of all promotions to be offered by an interactive gaming certificate holder or interactive gaming operator.

**§ 813a.4. Interactive gaming tournaments.**

(a) An organized event that permits a player to purchase or be awarded the opportunity to engage in competitive play against other players (that is, a tournament) may be permitted providing all of the following:

(1) Prior to conducting an interactive gaming tournament, an interactive gaming certificate holder or an interactive gaming operator shall file for approval of the terms and conditions of each interactive gaming tournament type with the Bureau of Gaming Operations as part of the certificate holder's or licensee's internal controls. The terms and conditions shall be followed and include, at a minimum, all of the following:

- (i) Game type (for example, hold'em poker).
- (ii) Rules concerning tournament play and participation.

(iii) All conditions registered players shall meet to qualify for entry into, and advancement through, the tournament.

(iv) Any conditions concerning late arrivals or complete tournament no-shows and how auto-blind posting or initial entry purchase, or both, is handled.

(v) Funding source amounts comprising the prize pool (for example, buy-ins, re-buys or add-ons).

(vi) Prize structure on payout.

(vii) Methodology for determining win.

(viii) Any other information as the Board may require.

(2) While enabled for tournament play, a game may not accept real money from any source, nor pay out real money in any way, and must utilize tournament specific credits, points or chips which do not have cash value.

(b) The terms and conditions of all interactive gaming tournaments communicated to players shall be posted on the interactive gaming web site and stated in a clear and conspicuous manner using plain language. The terms and conditions of each interactive gaming tournament must be readily accessible and remain available for review by the player until the interactive gaming tournament is complete.

(c) An interactive gaming certificate holder or an interactive gaming operator may be required to discontinue, as expeditiously as possible, an interactive gaming tournament upon receipt of written notice from the Board's Executive Director that the Board's Executive Director has determined that the conduct of an interactive gaming tournament could adversely impact the public or the integrity of gaming.

(d) An interactive gaming certificate holder or an interactive gaming operator shall submit a notice of intent to conduct an interactive gaming tournament at least 5 business days prior to the start of the tournament. The notice shall be submitted electronically to the Bureau of Gaming Operations using the Internal Controls and Table Games Submission Form, which is posted on the Board's web site, and must include all of the following:

(1) The type of game to be played.

(2) The dates and times the tournament will be conducted.

(3) Participation eligibility requirements including all of the following:

(i) Who is eligible to participate.

(ii) The minimum and maximum number of participants.

(iii) Entry fees charged.

(4) The monetary amount or description of the prizes to be awarded.

(5) Any other information as the Board may require.

(e) Submission of a proposed schedule may not require the interactive gaming certificate holder or interactive gaming operator to conduct all tournaments in the schedule.

(f) An interactive gaming certificate holder or interactive gaming operator may seek to amend or modify the schedule at any time by filing a written request with the Board's Executive Director.

(g) An interactive gaming certificate holder or interactive gaming operator shall maintain records related to the conduct of interactive gaming tournaments in accordance with § 465a.6(c) (relating to retention, storage and destruction of books, records and documents). These records shall be made available to Board staff and the Department upon request and must include all of the following:

(1) A full accounting of gross interactive gaming revenue for each tournament including cash received as entry fees and the total of cash or cash equivalents paid out to registered players.

(2) The names and addresses of all prize winners and the prize each winner was awarded.

**§ 813a.5. Record retention and reports.**

(a) Unless otherwise approved by the Board, a record of all bonus and promotional wagering offers related to interactive gaming shall be maintained in an electronic file that is readily available to the Board. All bonus and promotional wagering offers must be stated in clear and unambiguous terms and be readily accessible by the ~~patron~~ **REGISTERED PLAYER**.

(b) Unless otherwise exempted by the Board, a gaming system must record all promotional offers (Promotions Log) issued through the system. The log must provide the information necessary to audit compliance with the terms and conditions of current and previous offers.

(c) An interactive gaming system must be able to provide a Promotional Account Summary Report (or similarly named report) on demand for any player loyalty promotions or bonuses, or both, that are redeemable for cash, monetary game play credits or merchandise. The report must contain, at a minimum, all of the following information:

- (1) Beginning balance for promotion type.
- (2) Total amount of awards by promotion type.
- (3) Total amount used by promotion type.
- (4) Total amount expired by promotion type.
- (5) Total adjustment amount by promotion type.
- (6) Ending balance by promotion type.

## **CHAPTER 814a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS**

Sec.

- 814a.1. General requirements.
- 814a.2. Responsible gaming self-limits.
- 814a.3. Compulsive and problem gambling plan.
- 814a.4. Employee training program.
- 814a.5. Reports.
- 814a.6. Web site requirements.

### **§ 814a.1. General requirements.**

(a) Interactive gaming shall only be engaged in by registered players who have established an interactive gaming account for interactive gaming.

(b) The message "'IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER,'" or comparable language approved the Board, must be prominently displayed to a person visiting or logging onto and logging off of the interactive gaming certificate holder or interactive gaming operator's interactive gaming skin.

(c) When a registered player logs on to an interactive gaming system, the system must display the date and time of the registered player's previous log on.

(d) If a registered player has suspended his account, an interactive gaming certificate holder or interactive gaming operator may not send gaming-related electronic or direct postal mail to that player while the account is suspended.

(e) Software utilized for interactive gaming must display the all of following information, in addition to the minimum display standards in this subpart:

(1) The current time in the time zone where the registered player is physically located and the time elapsed while in the current registered player session.

(2) Cause a pop-up notification, at least every hour, to be prominently displayed on the interactive gaming device advising the registered player of the amount of time elapsed since his log on, and the amount of money wagered since his log on.

(3) Offer the registered player the option to select a pop-notification, in 15-minute and 30-minute increments, advising the registered player of the amount of money wagered since his log on.

(4) Offer the option to activate self-imposed limits during the player account registration process.

(f) An interactive gaming certificate holder or interactive gaming operator offering interactive gaming shall have a dedicated licensed employee responsible for notifying the Board upon detecting a person participating in interactive gaming who is required to be excluded under Board regulations or any person who is otherwise prohibited from engaging in interactive gaming. This employee shall be licensed as a key employee.



(g) All terms and conditions for interactive gaming must be included as an appendix to the internal controls or, when specified, as part of the interactive gaming compulsive and problem gambling plan of the interactive gaming certificate holder or interactive gaming operator addressing all aspects of the operation, including all of the following:

(1) Registered player's right to set responsible gaming limits and to self-exclude.

(2) Registered player's right to suspend his account for any selected period of time.

(3) Information to be displayed on a registered player protection page, which shall be accessible to a registered player during a registered player session. The registered player protection page must contain, at a minimum, all of the following:

(i) A prominent message, which states ''If you or someone you know has a gambling problem, help is available. Call 1-800-Gambler'' in a size and font as approved the Director of the Office of Compulsive and Problem Gaming (OCPG).

(ii) A direct link to all of the following:

(A) The Council on Compulsive Gambling of Pennsylvania's web site.

(B) The Department of Drug and Alcohol Programs' (or successor agency) gambling addiction participating provider list webpage.

(C) The OCPG webpage.

(iii) All of the following responsible gaming information that shall be approved by the Board's Director of the OCPG:

(A) A clear statement of the interactive gaming certificate holder or interactive gaming operator's policy and commitment to responsible gaming.

(B) Informational documents, which shall be reviewed and updated annually by the interactive gaming certificate holder or interactive gaming operator, regarding all of the following subjects, or a direct link to information regarding all of the following subjects, if available, from an organization based in this Commonwealth or the United States dedicated to helping people with potential gambling disorders and labeled as:

(I) Rules of responsible gambling.

(II) Myths about gambling.

(III) Risks associated with gambling.

(IV) Signs and symptoms of gambling disorders.

(V) The Board's self-exclusion brochure.

(C) Rules governing self-imposed responsible gaming limits, including all of the following:

(I) List of each type of self-imposed limit.

(II) How to enroll in each type of self-imposed limit.

(iv) The following statement: ''A person who has enrolled in interactive gaming self-exclusion or has otherwise been excluded from interactive gaming activities, and individuals who are under the age of 21, shall not participate in interactive gaming or interactive gaming activities and will have their winnings forfeited and interactive gaming accounts suspended upon violation.'' The text and font size of the notices shall be submitted for approval to the Director of the OCPG.

(h) An interactive gaming system must comport with all requirements regarding player accounts in Chapter 812a (relating to interactive gaming player accounts).

#### **§ 814a.2. Responsible gaming self-limits.**

An interactive gaming system must be capable of allowing a registered player to establish the following responsible gaming limits. Any decrease to these limits may not be effective later than the registered player's next login. Any increase to these

limits must become effective only after the time period of the previous limit has expired and the registered player reaffirms the requested increase:

(1) A deposit limit must be offered on a daily, weekly and monthly basis and must specify the maximum amount of money a registered player may deposit into his interactive gaming account during a particular period of time.

(2) A limit on the amount of money spent within a daily, weekly and monthly basis must be offered. The registered player shall be unable to participate in gaming for the remainder of the time selected if the registered player reaches the loss limit.

(3) A limit on the maximum amount of any single wager on any interactive game.

(4) A time-based limit must be offered on a daily basis and must specify the maximum amount of time, measured hourly from the registered player's login to log off, a registered player may spend engaging in interactive gaming, provided that if the time-based limit is reached a registered player is permitted to complete any round of play, or active or prepaid tournament.

(5) A table limit must be offered and must specify the maximum amount a registered player may bring to a peer-to-peer interactive gaming table.

(6) A temporary suspension of a player's interactive gaming account must be offered for any number of hours or days, as selected by the registered player, which shall not be less than 72 hours.

(7) The interactive gaming certificate holder or interactive gaming operator shall provide a mechanism by which a registered player may change the controls of paragraphs (1)–(6). Notwithstanding any other provision in this section, the registered player may not change gaming controls while an interactive gaming account is suspended. The registered player shall continue to have access to the interactive gaming account and shall be permitted to withdraw funds from the account upon proper application for the funds to the interactive gaming certificate holder or interactive gaming operator.

**§ 814a.3. Compulsive and problem gambling plan.**

(a) An interactive gaming certificate or interactive gaming operator applicant shall submit a compulsive and problem gambling plan for review at the time of submission of the application that conforms with § 501a.2 (relating to compulsive and problem gambling plan).

(b) In addition to the requirements in § 501a.2, an interactive gaming certificate holder's or interactive gaming

operator applicant's compulsive and problem gambling plan must include all of the following:

(1) The goals of the plan.

(2) The identification of the individual who will be responsible for the implementation and maintenance of the plan.

(3) Policies and procedures including all of the following:

(i) The commitment of the interactive gaming certificate holder or interactive gaming operator to train appropriate employees.

(ii) The duties and responsibilities of the employees designated to implement or participate in the plan, including the dedicated employee who is responsible for ensuring the operation and integrity of interactive gaming and reviewing all reports of suspicious behavior.

(iii) The responsibility of registered players with respect to responsible gambling.

(iv) Procedures to identify registered players and employees with suspected or known compulsive and problem gambling behavior.

(v) Procedures for prominently posting the message 'IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER,' or comparable language approved by the Board, on all interactive gaming sites and displaying the

message to a person visiting or logging onto and logging off the interactive gaming certificate holder or interactive gaming operator's interactive gaming skin or interactive gaming web site.

(vi) Procedures on displaying the date and time of the registered player's previous log on each time that registered player logs on to his interactive gaming account.

(vii) Procedures for preventing an underage person or a person on the interactive gaming self-exclusion list from being mailed any advertisement, promotion or other target mailing, including those sent electronically, no later than 5 business days after receiving notice from the Board that the person has been placed on the interactive gaming self-exclusion list.

(viii) A policy and procedures for the display of the time in the time zone where the registered player is physically located and the time elapsed while in the current registered player session and the cause of a pop-up notification, at least every hour, to be prominently displayed on the interactive gaming device advising the registered player of the amount of time elapsed and the money wagered since his log on.

(ix) Procedures for offering registered players the option to select a pop-up notification in 15-minute and 30-

minute increments advising the registered player of the amount of money wagered since his log on.

(x) Procedures for reviewing, updating and posting information on the interactive gaming certificate holder or interactive gaming operator's web site regarding gambling addiction treatment services, gamblers anonymous programs, compulsive gambling organizations and informational documents on all of the following:

- (A) Rules of responsible gambling.
- (B) Myths about gambling.
- (C) Risks associated with gambling.
- (D) Signs and symptoms of gambling disorders.
- (E) Randomness of play.

(xi) Procedures for posting links to all of the following organizations' web sites on the interactive gaming certificate holder/operator licensee's web site:

- (A) The Council on Compulsive Gambling of Pennsylvania.
- (B) The National Council on Problem Gambling.
- (C) The Department of Drug and Alcohol Programs' (or successor agency) gambling addiction participating provider list.
- (D) Gamblers Anonymous of PA.
- (E) Gam-Anon of PA.



(F) The Board's Office of Compulsive and Problem Gambling.

(G) A Pennsylvania or United States suicide prevention organization's webpage and telephone number.

(xii) Procedures for responding to ~~patron~~ **REGISTERED PLAYER** requests for information regarding gambling addiction treatment services, gamblers anonymous programs, compulsive gambling organizations, and other informational documents.

(A) The interactive gaming certificate holder or interactive gaming operator shall provide examples of the materials to be used as part of its plan, including the problem gambling helpline number and message, informational documents and other posted material, including all of the following:

(I) Rules of responsible gambling.  
(II) Myths about gambling.  
(III) Risks associated with gambling.  
(IV) Signs and symptoms of gambling disorders.

(V) Randomness of play.

(VI) Self-exclusion brochure.

(4) Policies and procedures on the governing of self-imposed limits and suspension.

(5) An employee training program as required under this chapter, including training materials to be utilized and a plan for annual reinforcement training.

(6) A certification process established by the interactive gaming certificate holder or interactive gaming operator to verify that each employee has completed the training required by the plan.

(7) An estimation of the cost of development, implementation and administration of the plan.

(8) Procedures to prevent underage gambling as required under § 513a.3(b) (relating to responsibilities of licensees, permittees, registrants and certification holders).

(9) Procedures to prevent excluded persons from gambling.

(10) Procedures to prevent self-excluded and temporarily suspended persons from gambling.

(11) Procedures to monitor all interactive gaming sites for suspicious activity including those who are:

(i) Engaging in or attempting to engage in, or who are reasonably suspected of, cheating, theft, embezzlement, collusion, money laundering or any other illegal activities.

(ii) Required to be excluded under Board regulations.

(iii) Prohibited by the interactive gaming certificate holder or interactive operator licensee from interactive gaming.

(12) Procedures on the reporting of those who may have or have a known gambling disorder.

(13) Details of outreach programs which the interactive gaming certificate holder or interactive gaming operator intends to offer to employees and individuals who are not employees of the interactive gaming certificate holder or interactive gaming operator.

(14) The plan for posting the statement "'If you or someone you know has a gambling problem, help is available. Call 1-800-GAMBLER'" on the interactive gaming certificate holder's or interactive gaming operator's webpage and each skin.

(c) The compulsive and problem gambling plan of an applicant for an interactive gaming certificate or interactive gaming license that has been approved to receive an interactive gaming certificate or interactive gaming license shall be approved by the Director of the Office of Compulsive and Problem Gaming (OCPG). An applicant for an interactive gaming certificate or interactive gaming license who has been approved to receive an interactive gaming certificate or interactive gaming license will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of the OCPG. An

interactive gaming certificate holder or interactive gaming operator may not commence operations until the Director of the OCPG approves the plan.

(d) Compliance with the plan approved under this chapter will be a condition of interactive gaming certificate or interactive gaming license renewal.

(e) An interactive gaming certificate holder or interactive gaming operator shall submit any other policies and procedures intended to be used beyond what is required under subsection (d) to prevent and raise awareness of gambling disorders.

(f) An interactive gaming certificate holder or interactive gaming operator shall submit amendments to the compulsive and problem gambling plan to the Director of the OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The interactive gaming certificate holder or interactive gaming operator may implement the amendments on the 30th calendar day following the filing the amendments unless the interactive gaming certificate holder or interactive gaming operator receives a notice under subsection (h) objecting to the amendments.

(g) If during the 30-day review period the Director of the OCPG determines that the amendments may not promote the prevention of compulsive and problem gambling or assist in the proper administration of responsible gaming programs, the

Director of the OCPG may, by written notice to the interactive gaming certificate holder or interactive gaming operator, object to the amendments. The objection will:

(1) Specify the nature of the objection and, when possible, an acceptable alternative.

(2) Direct that the amendments not be implemented until approved by the Director of the OCPG.

(h) When amendments have been objected to under subsection (g), the interactive gaming certificate holder or interactive gaming operator may submit revised amendments for review in accordance with subsections (f) and (g).

#### **§ 814a.4. Employee training program.**

(a) The annual employee training program required under this chapter must include instruction on all of the following:

(1) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling.

(2) The relationship of gambling disorders to other addictive behavior.

(3) The social and economic consequences of a gambling disorder, including debt, treatment costs, suicide, criminal behavior, unemployment and domestic issues.

(4) Techniques to be used when a gambling disorder is suspected or identified.

(5) Techniques to be used to discuss a gambling disorder with registered players and advise registered players to contact 1-800-GAMBLER to receive information regarding community, public and private treatment services.

(6) Procedures for suspending an interactive gaming account belonging to an underage individual or a person on the interactive gaming self-exclusion list, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel.

(7) Procedures for preventing an excluded person or a person on the interactive gaming self-exclusion list from being mailed any advertisement, promotion or other target mailing no later than 5 business days after receiving notice from the Board that the person has been placed on the interactive gaming self-exclusion list.

(8) Procedures for preventing an individual under 21 years of age from receiving any advertisement, promotion or other target mailing.

(9) Procedures to prevent an individual under 21 years of age or a person on the interactive gaming self-exclusion list from having access to or from receiving complimentary services, or other like benefits.

(b) Training and training materials shall be updated annually and include current research and information on responsible and problem gambling.

(c) As part of each employee's orientation, and prior to the start of their job duties, responsible and problem gambling training for employees shall be conducted by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs as part of the employee's orientation. If an online training program is utilized, the training shall be created and maintained by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs.

(d) Employees who have received training shall be certified by the interactive gaming certificate holder or interactive gaming operator under this chapter upon completion of the training.

(e) Employees are required to receive periodic reinforcement training at least once every calendar year starting with the year following the year in which the employee was hired. The date of the reinforcement training shall be recorded in each employee's personnel file.

(f) Employees shall report persons with a suspected or identified gambling disorder to a designated employee or other supervisory employee.

(g) The identity of an individual with suspected or known problem gambling behavior must be confidential except as provided under Board regulations regarding interactive gaming self-exclusion list and section 1516(d) of the act (relating to list of persons self-excluded from gaming activities).

(h) An interactive gaming certificate holder or interactive gaming operator may collaborate with a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required under this chapter.

(i) Interactive gaming certificate holder or interactive gaming operators may enact policies or procedures, or both, that are more stringent than those listed in these regulations, including stricter rules for those who sign up for a self-exclusion list.

#### **§ 814a.5. Reports.**

(a) An interactive gaming certificate holder or interactive gaming operator shall submit to the Director of the Office of Compulsive and Problem Gaming (OCPG) an annual summary of its compulsive and problem gambling program by the last business day of July.



(b) The annual summary must contain, at a minimum, detailed information regarding all of the following:

(1) Employee training, including all of the following:

(i) The dates of new hires and annual reinforcement compulsive gambling training.

(ii) The individual or group who conducted the training.

(iii) The number of employees who completed the new hire compulsive gambling training.

(iv) The number of employees who completed the annual reinforcement compulsive gambling training.

(2) The amount spent on the Compulsive and Problem Gambling Plan for all of the following:

(i) Employee training.

(ii) Outreach including community training and sponsorships.

(3) Additional information including all of the following:

(i) The number of underage individuals who were denied interactive gaming access.

(ii) The number of self-excluded individuals who were denied interactive gaming access.

(iii) A summary of any community outreach conducted by the certificate holder/operator licensee.

**§ 814a.6. Web site requirements.**

Under section 1509(c) of the act (relating to compulsive and problem gambling program), each interactive gaming certificate holder/operator licensee shall cause the words ''IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, HELP IS AVAILABLE, CALL 1-800-GAMBLER'' or comparable language approved by the Board, which must include the words ''gambling problem'' and ''call 1-800-GAMBLER'' to be prominently displayed to a person visiting or logging onto the interactive gaming certificate holder or interactive gaming operator's interactive gaming skin or interactive gaming web site.

**CHAPTER 815a. INTERACTIVE GAMING SELF-EXCLUDED PERSONS**

Sec.

815a.1. Scope.

815a.2. Definitions.

815a.3. Requests for interactive gaming self-exclusion.

815a.4. Interactive gaming self-exclusion list.

815a.5. Certificate holder and operator duties.

815a.6. Removal from the interactive gaming self-exclusion list.

815a.7. Exceptions for individuals on the interactive gaming self-exclusion list.

815a.8. Disclosures of information related to persons on the self-exclusion list.

**§ 815a.1. Scope.**

The purpose of this chapter is to provide players with a process to self-exclude from interactive gaming activities in

this Commonwealth and detail the process by which individuals may exclude themselves from interactive gaming activity and restore their ability to participate in interactive gaming activity in this Commonwealth.

**§ 815a.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Fully executed gaming transaction*—An activity involving interactive gaming or interactive **OR MOBILE** sports wagering occurring in this Commonwealth which results in an individual obtaining any money or thing of value from or being owed any money or thing of value by an interactive gaming certificate holder or interactive gaming operator.

*Gaming activity*—The play of interactive gaming or interactive **OR MOBILE** sports wagering including play during contests, tournaments or promotional events.

*Gaming related activity*—An activity related to interactive gaming or interactive **OR MOBILE** sports wagering including applying for player club memberships or credit, cashing checks or accepting a complimentary gift, service, promotional item or other thing of value from an interactive gaming certificate holder, interactive gaming operator or an affiliate thereof.

*Interactive gaming self-excluded person*—A person whose name and identifying information is included, at the person's own request, on the interactive gaming self-exclusion list maintained by the Board.

*Interactive gaming self-exclusion list*—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be:

(i) Excluded from engaging in interactive gaming or interactive **OR MOBILE** sports wagering in this Commonwealth.

(ii) Prohibited from collecting any winnings or recovering any losses resulting from interactive gaming or interactive **OR MOBILE** sports wagering activity in this Commonwealth.

**OCPG—OFFICE OF COMPULSIVE AND PROGRAM GAMBLING.**

*Winnings*—Any money or thing of value received from, or owed by, an interactive gaming certificate holder or interactive gaming operator as a result of a fully executed gaming transaction.

**§ 815a.3. Requests for interactive gaming self-exclusion.**

(a) A person requesting placement on the interactive gaming self-exclusion list shall submit a completed Request for Voluntary Self-Exclusion from Gaming Activities Form to the Board by one of the following methods:

(1) Electronically on the Board's web site.

(2) In person by scheduling an appointment at the Board's Harrisburg office, one of the Board's other offices or at a licensed facility. To make an appointment, a person shall contact the OCPG at (717) 346-8300 or problemgambling@pa.gov.

(b) A request for interactive gaming self-exclusion must include all of the following identifying information:

(1) Name, including any aliases or nicknames.

(2) Date of birth.

(3) Address of current residence.

(4) Telephone number.

(5) Social Security number, **OR THE LAST 4 DIGITS OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER**, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a). ~~At a minimum, the last 4 digits of the Social Security number must be provided.~~

(6) Physical description of the person, including height, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.

(c) The information provided in subsection (b) shall be updated by the interactive gaming self-excluded person within 30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address, **OR**

**SUBMITTED ONLINE IN THE "UPDATE MY INFORMATION" WEBFORM ON THE BOARD'S WEBSITE.** A copy of the form can be obtained by calling the OPGC at (717) 346-8300, by e-mail at [problemgambling@pa.gov](mailto:problemgambling@pa.gov), or by writing to:

PENNSYLVANIA GAMING CONTROL BOARD

OFFICE OF COMPULSIVE AND

PROBLEM GAMBLING

P.O. BOX 69060

HARRISBURG, PA 17106-9060

(d) The length of interactive gaming self-exclusion requested by a person must be one of the following:

- (1) One year (12 months).
- (2) Five years.
- (3) Lifetime.

(e) A request for self-exclusion from interactive gaming activities in this Commonwealth must include a signed release which:

(1) Acknowledges that the request for interactive gaming self-exclusion has been made voluntarily.

(2) Certifies that the information provided in the request for interactive gaming self-exclusion is true and accurate.

(3) Acknowledges that the individual requesting interactive gaming self-exclusion is or may be a problem gambler.

(4) Acknowledges that a person requesting a lifetime exclusion may only request removal from the interactive gaming self-exclusion list in accordance with the procedures set forth in § 815a.6 (relating to removal from the interactive gaming self-exclusion list) and that a person requesting a 1-year or 5-year exclusion will remain on the interactive gaming self-exclusion list until the period of exclusion expires.

(5) Acknowledges that if the individual is discovered participating in interactive gaming, that the individual's interactive gaming account will be suspended and the individual's winnings will be subject to confiscation and remittance to support compulsive and problem gambling programs.

(6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board and all interactive gaming certificate holders or interactive gaming operators from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

(i) The failure of an interactive gaming certificate holder or interactive gaming operator to withhold

interactive gaming privileges from or restore interactive gaming privileges to an interactive gaming self-excluded person.

(ii) Otherwise permitting or not permitting an interactive gaming self-excluded person to engage in interactive gaming activities in this Commonwealth while on the list of interactive gaming self-excluded persons.

(iii) Confiscation of the individual's winnings.

(f) A person submitting an interactive gaming self-exclusion request shall present or submit electronically a copy of that person's valid government-issued identification containing the person's signature and photograph when the person submits the request, or if the person does not possess a valid government-issued identification, some other documentation to verify the identity of the person (for example, a utility or other bill in the person's name at the same address provided).

(g) ~~A person requesting self-exclusion under this chapter shall upload a photo of his current valid government-issued photo identification during self-exclusion enrollment.~~ A PERSON REQUESTING INTERACTIVE GAMING SELF-EXCLUSION UNDER THIS CHAPTER SHALL HAVE A PHOTOGRAPH TAKEN BY THE BOARD, OR AGENT THEREOF, UPON SUBMISSION OF THE REQUEST TO BE ON THE LIST.

(i) A PERSON REQUESTING CASINO SELF-EXCLUSION ELECTRONICALLY ON THE BOARD'S WEB SITE SHALL SUBMIT A COPY OF A



RECENT PASSPORT-STYLE PHOTOGRAPH OF THE PERSON UPON SUBMISSION  
OF THE REQUEST TO BE ON THE LIST.

**§ 815a.4. Interactive gaming self-exclusion list.**

(a) The Board will maintain the official interactive gaming self-exclusion list and will make all necessary additions or deletions **OF INDIVIDUALS REMOVED FROM THE LIST UNDER § 815a.6 (RELATING TO REMOVAL FROM INTERACTIVE GAMING SELF-EXCLUSION LIST)** within 5 business days of the verification of the information received under § 815a.3 (relating to requests for interactive gaming self-exclusion) and shall make the interactive gaming self-exclusion list available to interactive gaming certificate holders and interactive gaming operators electronically by means of the Board's self-exclusion system.

(b) The information made available to interactive gaming certificate holder and interactive gaming operators by means of the Board's self-exclusion system will include the following information concerning a person who has been added to the interactive gaming self-exclusion list:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number.

(5) Social Security number, **OR THE LAST 4 DIGITS OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER**, when voluntarily provided by the person requesting interactive gaming self-exclusion under section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a). ~~At a minimum, the last 4 digits of the Social Security number will be provided.~~

(6) Physical description of the person, including height, gender, hair color, eye color and other physical characteristic, that may assist in the identification of the person.

**(7) A COPY OF THE PHOTOGRAPH TAKEN BY THE BOARD OR SUBMITTED ELECTRONICALLY UNDER § 815a.3.**

(c) The information made available to interactive gaming certificate holders and interactive gaming operators by the Board concerning a person whose name has been removed from the interactive gaming self-exclusion list will include the name and date of birth of the person.

(d) An interactive gaming certificate holder and interactive gaming operator shall maintain a copy of the interactive gaming self-exclusion list and establish procedures to ensure that the copy of the interactive gaming self-exclusion list is updated at least every 2 business days with the information made available by means of the Board's self-exclusion system and that all appropriate employees and agents of the interactive gaming

certificate holder or interactive gaming operator are notified of any additions to or deletions from the list.

(e) Information furnished to or obtained by the Board under this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter.

(f) Interactive gaming certificate holders or interactive gaming operators, employees or agents thereof may not disclose the name of, or any information about, a person who has requested self-exclusion from interactive gaming to anyone other than employees and agents of the interactive gaming certificate holder or interactive gaming operator whose duties and functions require access to the information. Notwithstanding the foregoing, an interactive gaming certificate holder or interactive gaming operator may disclose the identity of an interactive gaming self-excluded person to appropriate employees of affiliated gaming entities in this or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs.

(g) An interactive gaming self-excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any interactive gaming activity for the entire period of time that the person is on the Board's interactive gaming self-exclusion list.

(h) Winnings incurred by an interactive gaming self-excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(i) For the purposes of this section, winnings issued to, found on or about or redeemed by an interactive gaming self-excluded person's interactive gaming account shall be presumed to constitute winnings subject to remittance to the Board.

**§ 815a.5. Certificate holder and operator duties.**

(a) An interactive gaming certificate holder or interactive gaming operator shall train its employees and establish procedures to do all of the following:

(1) Refuse wagers from and deny gaming privileges to an interactive gaming self-excluded person.

(2) Deny gaming related activities and benefits to an interactive gaming self-excluded person.

(3) Ensure that interactive gaming self-excluded persons do not receive, either from the interactive gaming certificate holder, interactive gaming operator or any agent thereof, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to interactive gaming activities.

(4) Make available to ~~patron's~~ **REGISTERED PLAYERS** materials explaining the interactive gaming self-exclusion program.

(b) An interactive gaming certificate holder or interactive gaming operator shall submit a copy of its procedures and training materials established under this subsection to the Director of ~~the Office of Compulsive and Problem Gaming (OCPG)~~ **OCPG** for review and approval at least 30 days prior to initiation of interactive gaming activities on interactive gaming sites. The interactive gaming certificate holder or interactive gaming operator will be notified in writing of any deficiencies in the procedures and training materials and may submit revisions to the procedures and training materials to the Director of the OCPG. An interactive gaming certificate holder or interactive gaming operator may not commence operations until the Director of the OCPG approves the procedures and training.

(c) An interactive gaming certificate holder or interactive gaming operator shall submit amendments to the procedures and training materials required under this subsection to the Director of the OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The interactive gaming certificate holder or interactive gaming operator may implement the amendments on the 30th calendar day following the filing of the amendments unless the interactive

gaming certificate holder or interactive gaming operator receives a notice under this subsection objecting to the amendments.

(d) If during the 30-day review period the Director of the OCPG determines that the amendments to the procedures and training materials may not promote the prevention of interactive gaming by self-excluded individuals or assist in the proper administration of the interactive gaming self-exclusion program, the Director of the OCPG may, by written notice to the interactive gaming certificate holder or interactive gaming operator, object to the amendments. The objection will:

(1) Specify the nature of the objection and, when possible, an acceptable alternative.

(2) Direct that the amendments not be implemented until approved by the Director of the OCPG.

(e) When the amendments to the procedures and training materials have been objected to under this subsection, the interactive gaming certificate holder or interactive gaming operator may submit revised amendments in accordance with this subsection (c).

(f) The list of interactive gaming self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of the act.

(g) Under section 1516 of the act (relating to list of persons self-excluded from gaming activities), interactive gaming certificate holders and interactive gaming operators and employees thereof may not be liable for damages in any civil action, which is based on the following:

(1) Failure to withhold gaming privileges from or restore gaming privileges to an interactive gaming self-excluded person.

(2) Permitting or not permitting an interactive gaming self-excluded person to gamble.

(3) Good faith disclosure of the identity of an interactive gaming self-excluded person to someone, other than those authorized by this chapter, for the purpose of complying with this chapter.

(g) An interactive gaming certificate holder or interactive gaming operator shall report the discovery of an interactive gaming self-excluded person that did or attempt to engage in interactive gaming related activities to the Director of the OCPG within 24 hours.

**§ 815a.6. Removal from the interactive gaming self-exclusion list.**

(a) For individuals who are on the interactive gaming self-exclusion list for 1 year or 5 years, upon the conclusion of the

period of self-exclusion, the individual will be removed from the interactive gaming self-exclusion list without further action on his part.

(b) For individuals who have elected to be interactive gaming self-excluded for less than lifetime, the individual may be removed from the interactive gaming self-exclusion list if all of the following has occurred:

(1) The individual has filed a petition with the Board's Office of Hearings and appeals requesting to be removed from the interactive gaming self-exclusion list.

(2) The individual has presented facts and circumstances which, in the Board's discretion, demonstrate a compelling reason for the Board to grant early removal from the interactive gaming self-exclusion list.

(3) The Board has found by a preponderance of the evidence that the person should be removed from the interactive gaming self-exclusion list and issues an order to that effect.

(c) For individuals who selected lifetime interactive gaming self-exclusion under § 815a.3(d)(3) (relating to requests for interactive gaming self-exclusion):

(1) After being on the interactive gaming self-exclusion list for a period of 10 years, the individual may petition the Board to be removed from the interactive gaming self-exclusion list.



(2) The petition shall be filed with the Board in writing, and shall be accompanied by all of the following:

(i) Documentation from a treatment provider who is certified by the International Gambling Counselor Certification Board or who has received a Problem Gambling Endorsement from the Pennsylvania Certification Board to conduct problem gambling assessments that the individual has completed a problem gambling assessment.

(ii) Documentation from a treatment provider that the individual has completed the treatment recommendation, if any, made after the assessment by the state-funded problem gambling treatment provider.

(3) After the petition is filed, OCPG will provide documentation to the Office of Enforcement Counsel regarding whether the individual has been known to engage in or attempt to engage in interactive gaming while self-excluded, including dates and times.

(4) The petition shall be handled in accordance with the procedures for petitions found in Subpart H of the Board's regulations, including all confidentiality provisions.

(5) As the petitioner, the interactive gaming self-excluded individual filing the petition for removal from the interactive gaming self-exclusion list bears the burden of proof in showing that removal from the list would not be detrimental to the

individual's physical or mental well-being and would not have a negative impact on gaming in the Commonwealth.

(6) If the Board:

(i) Grants the petition, it shall deliver to the individual by first class mail an Order approving the petition for removal from the interactive gaming self-exclusion list, and provide to the individual the contact information for OCPG for information on how to complete the removal process.

(ii) Denies the petition, it shall deliver to the individual by first class mail an Order denying the petition for removal from the interactive gaming self-exclusion list, which shall notify the individual that he or she shall remain on the interactive gaming self-exclusion list **AND INCLUDE THE REASON FOR DENIAL.**

(7) Any petitioner whose petition is denied by the Board shall be prohibited from filing a subsequent petition for removal from the lifetime interactive gaming self-exclusion list for a period of five years from the date of denial.

**§ 815a.7. Exceptions for individuals on the interactive gaming self-exclusion list.**

The prohibition against allowing interactive gaming self-excluded persons to engage in activities related to interactive

gaming does not apply to an individual who is on the interactive gaming self-exclusion list if all of the following apply:

(1) The individual is carrying out the duties of employment or incidental activities related to employment.

(2) The individual does not otherwise engage in any interactive gaming activities.

**§ 815a.8. Disclosures of information related to persons on the self-exclusion list.**

(a) The Board may periodically release to the public demographics and general information regarding the interactive gaming self-exclusion lists such as the total number of individuals on the list, gender breakdown and age range.

(b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

(c) The Board will not disclose identifying information or confirm or deny the existence of an individual's name on the Board's interactive gaming self-exclusion lists.

**CHAPTER 816a. INTERACTIVE GAMING LIVE STUDIO**

Sec.

816a.1. Live studio simulcasting.

816a.2. Submission of game rules for approval.

**§ 816a.1. Live studio simulcasting.**

(a) An interactive gaming certificate holder or interactive gaming operator shall obtain Board approval to simulcast authorized table games.

(b) An interactive gaming certificate holder or interactive gaming operator shall obtain Board approval for the location of its proposed live simulcast studio.

(c) An entity producing, hosting, offering or otherwise providing live studio services shall be licensed by the Board prior to providing live studio services.

(d) An interactive gaming certificate holder or interactive gaming operator seeking to offer live studio simulcasting, as well as the entity producing, hosting, offering or otherwise providing live studio services, shall adhere to § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions), Chapter 611a (relating to table game minimum training standards) and game approval as set forth in this chapter.

(e) Table game simulcasting must utilize a simulcast control server for the purpose of recording all wagering activity and game results. The simulcast control server must do all of the following:

(1) Provide the player with real time visual access to the live game being played.

(2) Prevent anyone from accessing the wagering outcome prior to finalizing a wager.

(3) Record dealer-verified game results before posting.

(4) Be equipped with a mechanism to void game results, if necessary.

(f) All of the following information, at a minimum, must be readily available on an interactive gaming certificate holder's or interactive gaming operator's skin/web site before a player begins play and at all times during play:

(1) ~~THE TABLE NUMBER AND LOCATION.~~ A VISUAL DISPLAY OF THE LOCATION OF THE TABLE.

(2) The table minimum and maximum wagers.

(3) The number of decks used, if applicable.

(4) Dealer actions, if applicable.

(5) The amount wagered.

(6) The game outcome.

(7) Vigorish amount, if applicable.

(8) Payout odds, when applicable.

(9) The amount won or lost.

**§ 816a.2. Submission of game rules for approval.**

(a) Prior to offering a live studio table game authorized under this subpart governing interactive gaming in this Commonwealth, ~~the interactive gaming certificate holder or~~

~~interactive gaming operator~~ AN ENTITY PRODUCING, HOSTING, OFFERING OR OTHERWISE PROVIDING LIVE STUDIO SERVICES shall submit and obtain approval of a Rules Submission which specifies which options ~~the interactive gaming certificate holder or interactive gaming operator~~ THE ENTITY PRODUCING, HOSTING, OFFERING OR OTHERWISE PROVIDING LIVE STUDIO SERVICES will use in the conduct of the live studio table game.

(b) The initial Rules Submission for any live studio interactive game and any amendment to the Rules Submission shall be submitted electronically to the Bureau of Gaming Operations using the form specified on the Board's web site at [www.gamingcontrolboard.pa.gov](http://www.gamingcontrolboard.pa.gov).

(c) ~~An interactive gaming certificate holder or interactive gaming operator~~ AN ENTITY PRODUCING, HOSTING, OFFERING OR OTHERWISE PROVIDING LIVE STUDIO SERVICES may implement the provisions in a Rules Submission upon receipt of written notice of approval from the Board's Executive Director or on the 15th calendar day following the filing of the Rules Submission unless ~~the interactive gaming certificate holder or interactive gaming operator~~ THE ENTITY PRODUCING, HOSTING, OFFERING OR OTHERWISE PROVIDING LIVE STUDIO SERVICES receives written notice under subsection (d) tolling the Rules Submission or written notice of disapproval from the Board's Executive Director.

(d) If during the 15-day review period in subsection (c) the Bureau of Gaming Operations determines that a provision in the Rules Submission is inconsistent with the regulations for the conduct of that interactive game, the Bureau of Gaming Operations, by written notice to ~~the interactive gaming certificate holder or interactive gaming operator~~ **THE ENTITY PRODUCING, HOSTING, OFFERING OR OTHERWISE PROVIDING LIVE STUDIO SERVICES**, will:

(1) Specify the nature of the inconsistency and, when possible, an acceptable alternative procedure.

(2) Direct that the 15-calendar day review period in subsection (c) be tolled and that the Rules Submission not be implemented until approved under subsection (e).

(e) When a Rules Submission has been tolled under subsection (d), ~~the interactive gaming certificate holder or interactive gaming operator~~ **THE ENTITY PRODUCING, HOSTING, OFFERING OR OTHERWISE PROVIDING LIVE STUDIO SERVICES** may submit a revised Rules Submission within 15 days of receipt of the written notice from the Bureau of Gaming Operations. ~~The interactive gaming certificate holder or interactive gaming operator~~ **THE ENTITY PRODUCING, HOSTING, OFFERING OR OTHERWISE PROVIDING LIVE STUDIO SERVICES** may implement the revised Rules Submission upon receipt of written notice of approval from the Board's Executive Director or on the 15th calendar day following the filing of the

revised Rule Submission unless ~~the interactive gaming certificate holder or interactive gaming operator~~ THE ENTITY PRODUCING, HOSTING, OFFERING OR OTHERWISE PROVIDING LIVE STUDIO SERVICES receives written notice under subsection (d) tolling the revised Rules Submission or written notice of disapproval from the Board's Executive Director.

(f) The current version of each Rules Submission of ~~an interactive gaming certificate holder or interactive gaming operator~~ AN ENTITY PRODUCING, HOSTING, OFFERING OR OTHERWISE PROVIDING LIVE STUDIO SERVICES shall be maintained and made available in electronic form through secure computer access to the internal audit and surveillance departments of ~~the interactive gaming certificate holder or interactive gaming operator~~ THE ENTITY PRODUCING, HOSTING, OFFERING OR OTHERWISE PROVIDING LIVE STUDIO SERVICES and the Board's casino compliance representatives and other Board employees. Each page of the Rules Submission must indicate the date on which it was approved by the Board's Executive Director.

(g) ~~An interactive gaming certificate holder or interactive gaming operator~~ AN ENTITY PRODUCING, HOSTING, OFFERING OR OTHERWISE PROVIDING LIVE STUDIO SERVICES shall maintain a copy, either in paper or electronic form, of any superseded Rules Submission for a minimum of 5 years.



## **CHAPTER 817a. INTERACTIVE GAMING COMMENCEMENT OF OPERATIONS**

Sec.

817a.1. Definitions.

817a.2. Commencement of operations generally.

817a.3. Interactive gaming skins.

### **§ 817a.1. Definitions.**

The following terms, when used in this chapter, have the following meaning, unless the context clearly indicates otherwise:

*Remote game server or remote game content*—Interactive gaming system hardware and software separate from that which comprises the gaming platform which allows access to games or may drive the features common to game offerings, game configurations, random number generators, reporting, and the like. The registered player initially communicates directly with the interactive gaming platform which can be integrated with one or more remote game servers or include remote game content, or both.

### **§ 817a.2. Commencement of operations generally.**

(a) Prior to the commencement of interactive gaming operations, an interactive gaming certificate holder or interactive gaming operator shall submit all of the following:

(1) Documentation verifying the platform and related information to include all of the following:

- (i) Platform version number.
- (ii) A list of all submitted games.
- (iii) Documentation listing the entity that created the submitted games.
- (iv) Certification that the system operates in accordance with Commonwealth law and regulations.
- (v) A list of all critical files within the interactive gaming system.
- (vi) A list of any remote game content providers that will work in conjunction with the submitted platform.

(2) Testing results for the platform as well as all games.

(3) Documentation that provides a detailed overview of the interactive gaming system including system architecture, encryption methods utilized, user roles and permission settings, configuration settings, and logical and physical security.

(4) Documentation that provides an overview of the random number generator which must include a method that allows for extraction of the random number generator values for statistical analysis.

(5) A list of devices that will work in conjunction with the submitted platform.

(6) Details regarding the location and security standards for the primary and secondary equipment as well as data warehouses, data safes and other system related equipment.

(7) Copies of signed contracts between the interactive gaming certificate holder or interactive gaming operator and any third party integrating with the submitted platform.

(8) Documentation demonstrating, to the satisfaction of Board staff, implementation of all accounting and internal controls governing all of the following:

- (i) Age and identity verification procedures.
- (ii) Geolocation compliance.
- (iii) Procedures on establishing and maintaining player accounts.
- (iv) Procedures for ensuring player confidentiality.
- (v) Procedures for ensuring accurate and timely submission of revenue and tax information to the Department.
- (vi) Procedures governing player complaints.
- (vii) Procedures for compiling and maintaining all requisite reports and logs.
- (viii) Procedures regarding player protection, including implementation of compulsive and problem gambling and self-exclusion links on the certificate holder's or operator's web site.

(b) Prior to commencement of operations, the interactive gaming certificate holder's or interactive gaming operator's employees required to be licensed or permitted by the Board shall be appropriately licensed or permitted and trained in the performance of their responsibilities.

(c) Prior to commencement of operations, the interactive gaming certificate holder or interactive gaming operator shall ensure that new and existing employees of the certificate holder and interactive gaming operator are regularly informed about the restrictions on placing wagers by the interactive gaming sites offered by or associated with the interactive certificate holder.

(d) Prior to commencement of operations, the interactive gaming certificate holder or interactive gaming operator shall have successfully completed a test period.

(e) The Board will establish a commencement date upon which interactive gaming may commence in this Commonwealth.

(f) All interactive gaming certificate holders and interactive gaming operators shall commence operations on the date established by the Board unless granted an extension by the Board, upon a showing of good cause by the interactive gaming certificate holder or interactive gaming operator, up to 12 months from that date. Failure to commence interactive gaming operations within the time directed by the Board may result in

administrative sanctions up to and including revocation of the certificate or license to operate interactive gaming in this Commonwealth.

**§ 817a.3. Interactive gaming skins.**

(a) Under the act, the Board may issue an interactive gaming certificate to slot machine licensees to conduct interactive gaming in this Commonwealth, directly or through an interactive gaming operator acting on behalf of the interactive gaming certificate holder under the terms of an interactive gaming agreement that has been approved by the Board. For purposes of this subpart, "'slot machine licensee'" includes all Category 1, 2 and 3 slot machine licensees, and eligible qualified gaming entities.

(b) Under the act, the Board may authorize interactive gaming certificate holders or interactive gaming operators operating an interactive gaming system on behalf of an interactive gaming certificate holder to deploy interactive gaming skins or interactive gaming web sites, including through mobile applications, to facilitate the conduct of interactive gaming activities for registered players in this Commonwealth or registered players in any other state or jurisdiction which the Commonwealth has entered into an interactive gaming reciprocal agreement.

(c) Interactive gaming operators are not permitted to offer interactive games in this Commonwealth independent from an interactive gaming certificate holder and the interactive gaming certificate holder's webpage or the webpage of an entity within the interactive gaming certificate holder's organizational structure.

(d) Interactive gaming certificate holders and interactive gaming operators acting on behalf of an interactive gaming certificate holder may only offer interactive gaming in this Commonwealth through the interactive gaming certificate holder's webpage or mobile application or the webpage or mobile application of an entity within the interactive gaming certificate holder's organizational structure.

(e) Interactive gaming certificate holders and interactive gaming operators operating an interactive gaming system on behalf of an interactive gaming certificate holder shall obtain Board approval of all interactive gaming skins operated on behalf of the interactive gaming certificate holder for purposes of conducting interactive gaming in this Commonwealth.

(f) To ensure compliance with the act, a slot machine licensee or eligible qualified gaming entity shall petition for and obtain its own interactive gaming certificate to operate interactive gaming operations in this Commonwealth.

(g) Nothing in this section is intended to prohibit interactive gaming certificate holders from entering into interactive gaming operation agreements with multiple licensed interactive gaming operators to offer interactive games the Board has authorized the interactive gaming certificate holder to conduct.

(h) Nothing in this section is intended to prohibit interactive gaming operators from entering into interactive gaming operation agreements with multiple interactive gaming certificate holders to offer interactive games the Board has authorized the interactive gaming certificate holder to conduct.

(i) Nothing in this section is intended to prohibit interactive gaming certificate holders or interactive gaming operators operating an interactive gaming system on behalf of an interactive gaming certificate holder from conducting interactive gaming utilizing players registered in other jurisdictions with which the Commonwealth has entered into a reciprocal agreement permitting interstate interactive gaming.

#### **CHAPTER 830a. MULTIUSE COMPUTING DEVICE GAMING PROVISIONS**

Sec.

830a.1. Scope.

830a.2. Board authorization required.

830a.3. Airport authority or concession operator agreements.

830a.4. Multiuse computing device gaming petition and standards of review.

- 830a.5. Multiuse computing device gaming fees and taxes.
- 830a.6. Licensure requirements.
- 830a.7. Multiuse computing device and gaming platform requirements.
- 830a.8. Multiuse computing device gaming accounting and internal controls; required reports.
- 830a.9. Eligible passengers; accounts; funding of play; withdrawals.
- 830a.10. Compulsive and problem gaming; self-exclusion.
- 830a.11. Commencement of multiuse computing device gaming.

**§ 830a.1. Scope.**

The purpose of this chapter is to govern the operation of interactive gaming at qualified airports through the use of multiuse computing devices in this Commonwealth. The provisions of 4 Pa.C.S. §§ 1101-1904 (relating to Pennsylvania Race Horse Development and Gaming Act) as amended by the act of October 30, 2017 (P.L. 419, No. 42), and the Board regulations promulgated thereunder shall apply when not in conflict with this chapter.

**§ 830a.2. Board authorization required.**

(a) Upon petition, the Board may authorize an interactive gaming certificate holder to provide for the conduct of interactive gaming, directly or indirectly through an interactive gaming operator under an interactive gaming agreement, at a qualified airport through the use of multiuse computing devices by eligible passengers in an airport gaming area.



(b) If the interactive gaming certificate holder intends to operate interactive gaming at a qualified airport through the use of multiuse computing devices under an interactive gaming agreement, the interactive gaming operator that is party to the interactive gaming agreement shall have been issued an interactive gaming license or will be issued an interactive gaming license prior to the commencement of operations.

(c) The interactive gaming agreement shall be subject to the review and approval of the Board.

(d) The interactive gaming certificate holder or interactive gaming operator may only offer on the interactive gaming system on the multiuse computing devices the categories of interactive gaming it has been authorized to offer under 4 Pa.C.S. § 13B11(a.2) (relating to authorization to conduct interactive gaming).

**§ 830a.3. Airport authority or concession operator agreements.**

(a) Prior to petitioning for authorization from the Board an interactive gaming certificate holder or interactive gaming operator on behalf of an interactive gaming certificate holder shall have in place an agreement as follows:

(1) For the conduct of interactive gaming at a qualified airport which is located partially in a county of the first class and partially in a county contiguous to a county of

the first class, the written agreement shall be with either the airport authority or its designee or a concession operator, except that, if the written agreement is with a concession operator, the airport authority or its designee must have approved or consented to lawful gaming within the airport gaming area through the concession operator's concession contract, and the airport authority must have received a copy of the written agreement with the certificate holder or the interactive gaming operator.

(2) For the conduct of interactive gaming at a qualified airport which is not located partially within a county of the first class and partially in a county contiguous to a county of the first class, the written agreement shall be with the airport authority or its designee.

(b) The written agreement shall be subject to the review and approval of the Board.

**§ 830a.4. Multiuse computing device gaming petition and standards of review.**

(a) An interactive gaming certificate holder or interactive gaming operator on behalf of an interactive gaming certificate holder seeking to offer interactive gaming at a qualified airport through the use of multiuse computing devices in this Commonwealth that satisfies the requirements in 4 Pa.C.S. § 13B20

(relating to authorization) may petition the Board for authorization in accordance with this chapter.

(b) The petition filed by an interactive gaming certificate holder or interactive gaming operator on behalf of an interactive gaming certificate holder shall comply with the requirements of 4 Pa.C.S. § 13B20(c) and shall be in a form as proscribed by the Board.

(c) The Board shall approve the petition submitted under subsection (a) upon review and approval of the information submitted under subsection (b) and a determination by the Board by clear and convincing evidence that:

(1) The interactive gaming certificate holder and the interactive gaming operator, if applicable, have paid all required fees and taxes payable.

(2) The interactive gaming certificate holder, or the interactive gaming operator, as the case may be, possesses the necessary funds or has secured adequate financing to commence the conduct of interactive gaming at the qualified airport.

(3) The proposed internal and external security and surveillance measures at the qualified airport and within the airport gaming area are adequate.

(4) Interactive gaming at the qualified airport will be conducted and operated in accordance with this chapter.

**§ 830a.5. Multiuse computing device gaming fees and taxes.**

(a) Upon authorization from the Board to conduct interactive gaming at a qualified airport through the use of multiuse computing devices, an interactive gaming certificate holder or interactive gaming operator shall pay a one-time, nonrefundable fee, which upon receipt by the Board shall be deposited in the General Fund.

(b) The amount of the authorization fee paid shall be as provided for in 4 Pa.C.S. § 13B20.3 (relating to fee).

**(C) IF A QUALIFIED AIRPORT THAT IS NOT INITIALLY DETERMINED TO BE AN INTERNATIONAL AIRPORT UNDER THIS CHAPTER PAYS THE LOWER FEE AMOUNT AS DICTATED BY § 13B20.3(A)(2)(IV), BUT LATER BECOMES AN INTERNATIONAL AIRPORT, THE QUALIFIED AIRPORT SHALL PAY THE DIFFERENCE BETWEEN THE LOWER FEE AMOUNT AND THE HIGHER FEE AMOUNT DICTATED BY § 13B20.3(A)(2)(IV) AS A CONDITION OF CONTINUED OFFERING OF INTERACTIVE GAMING THROUGH MULTIUSE COMPUTING DEVICES.**

(c) An interactive gaming certificate holder or interactive gaming operator authorized to conduct interactive gaming at a qualified airport shall report to the Department of Revenue and pay the multiuse gaming device tax and multiuse gaming device local share assessment as required by the Act on the gross interactive airport gaming revenue from multiuse computing devices in qualified airports.

**§ 830a.6. Licensure requirements.**

(a) Any interactive gaming operator, interactive gaming manufacturer, interactive gaming supplier or interactive gaming service provider seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers in an airport gaming area shall have been issued a license, certification, registration or other authorization from the Board to participate in interactive gaming in accordance with Chapters 803a (relating to interactive gaming operators) and 805a-807a (relating to interactive gaming manufacturer; interactive gaming supplier; and interactive gaming service providers). For purposes of this section, a concession operator shall be licensed as an interactive gaming supplier.

(b) Any interactive gaming principal, interactive gaming key employee or interactive gaming employee seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers in an airport gaming area shall have been issued a license, permit, registration or other authorization from the Board in accordance with Chapter 808a (relating to interactive gaming principals and key, gaming and nongaming employees).

(c) Any employee of a concession operator as defined in the Act and this subpart whose job duties include oversight,

management, maintenance or other tasks involving interactive gaming through multiuse computing devices at a qualified airport, including but not limited to handling player complaints, providing player assistance or supervising play on the multiuse computing devices, must be licensed as an interactive gaming employee.

(d) The Board may, in its discretion, determine at any time that other entities or employees not described in the preceding subparagraphs shall be licensed, permitted, certified, registered or otherwise authorized by the Board.

**§ 830a.7. Multiuse computing device and gaming platform requirements.**

(a) A multiuse computing device must:

(1) Be located and accessible to eligible passengers only in an airport gaming area.

(2) Allow an eligible passenger to play an authorized interactive game. To ensure the multiuse computing device is operated only by an eligible passenger, the device shall provide for verification of age and passenger status through automated means on the device, unless otherwise approved by the Board.

(3) Be approved by the Board.

(4) Communicate with a server that is in a location approved by the Board.

(5) Have the capability of providing all necessary reports for calculation of gross interactive airport gaming revenue as required by the Department.

(6) Be tethered or otherwise secured in a manner to prevent removal from the airport gaming area.

(7) Offer a player additional functions which includes Internet browsing, the capability of checking flight status, and ordering food or beverages.

(i) An interactive gaming certificate holder, interactive gaming operator or concession operator may restrict access to other interactive gaming web sites in the Internet browsing function on the multiuse computing device.

(ii) An interactive gaming certificate holder, interactive gaming operator or concession operator shall not, acting directly or indirectly in concert with an airport authority or other entity, restrict access to other interactive gaming web sites on public wireless Internet offered to persons at a qualified airport.

(8) Be equipped with software or a program that would allow an authorized onsite interactive gaming employee to temporarily disable the device or terminate an interactive gaming session.

(b) The interactive gaming system and interactive gaming platform used to conduct interactive gaming through the use of

multiuse computing gaming devices at a qualified airport shall be subject to the requirements set forth in Chapters 809a and 810a (relating to interactive gaming platform requirements; and interactive gaming testing and controls) as they relate to the conduct of interactive gaming through the use of multiuse computing devices.

(c) The interactive gaming system and interactive gaming platform used to conduct interactive gaming through the use of multiuse computing devices by eligible passengers at a qualified airport shall not be subject to the requirement of section 809a.7 (relating to geolocation requirements).

**§ 830a.8. Multiuse computing device gaming accounting and internal controls; required reports.**

(a) The interactive gaming certificate holder or interactive gaming operator offering interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area shall be subject to the requirements of Chapter 811a (relating to interactive gaming accounting and internal controls).

(b) If applicable, the internal controls shall include protocols and procedures for the involvement of a concession operator and its employees in the offering of interactive gaming through multiuse computing devices at a qualified airport in an



airport gaming area, including but not limited to licensure of employees, account funding and withdrawals, handling player complaints, providing player assistance, supervising play on the multiuse computing devices or other items the Board may request be included in the internal controls.

(c) The interactive gaming system used to offer interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area shall be designed to generate reports as specified by the Board which comply with the requirements of § 811a.9(a)-(c) (relating to required reports; reconciliation).

**§ 830a.9. Eligible passengers; accounts; funding of play; withdrawals.**

(a) Prior to engaging in interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, the player shall be verified as an eligible passenger, as defined in this subpart, by automated means provided on the multiuse computing device, or as otherwise approved by the Board.

(b) An eligible passenger shall create an account with the interactive gaming certificate holder, interactive gaming operator or concession operator, which shall last for the duration of the player's interactive gaming session and the withdrawal of the player's winnings, if applicable.

(i) If a player has established an interactive gaming account under Chapter 812a (relating to interactive gaming player accounts) with an interactive gaming certificate holder or interactive gaming operator who also offers interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, the player may use his or her established interactive gaming account to engage in interactive gaming on the multiuse computing device.

(c) A player's account may be funded through the use of all of the following:

(1) A player's credit card or debit card, including prepaid cards.

(2) A player's reloadable prepaid card.

(3) Cash ~~complementaries~~ **COMPLIMENTARIES**, promotional credits or bonus credits.

(4) Automated clearing house (ACH) transfer, provided that the interactive gaming certificate holder, interactive gaming operator, or concession operator has security measures and controls to prevent ACH fraud.

(5) Any other means as approved by the Board.

(d) An interactive gaming certificate holder, interactive gaming operator or concession operator shall establish protocols for players to withdraw funds at the end of the player's

interactive gaming session in accordance with its approved internal controls.

(e) Funds may be withdrawn from the player's account at the end of the interactive gaming session through the use of all of the following:

(1) The issuance of a check from the interactive gaming certificate holder, interactive gaming operator or concession operator.

(2) Transfer to a player's reloadable prepaid cash card.

(3) Transfer directly to the player's individual account with a bank or other financial institution (banking account) provided that the interactive gaming certificate holder, interactive gaming operator or concession operator verifies the validity of the account with the financial institution.

(4) Any other means approved by the Board.

**§ 830a.10. Compulsive and problem gaming; self-exclusion.**

(a) Any interactive gaming certificate holder or interactive gaming operator seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers at a qualified airport in an airport gaming area shall comply with the provisions of Chapters 814a

and 815a (relating to compulsive and problem gambling requirements; and interactive gaming self-excluded persons).

**§ 830a.11. Commencement of multiuse computing device gaming.**

(a) Prior to the commencement of interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, an interactive gaming certificate holder or interactive gaming operator shall submit all of the required information set forth in § 817a.2(a) (relating to commencement of operations generally), excluding the Geolocation compliance information from § 817a.2(a)(8)(ii).

(b) Prior to commencement of operations, the interactive gaming certificate holder's, interactive gaming operator's or concession operator's interactive gaming principals, interactive gaming key employees or interactive gaming employees shall be appropriately licensed or permitted and trained in the performance of their responsibilities.

(1) At all times when interactive gaming through the use of multiuse computing devices at a qualified airport in an airport gaming area is offered, the interactive gaming certificate holder, interactive gaming operator or concession operator shall have an adequate number of interactive gaming employees onsite, based upon quantity of multiuse computing devices available for use and the dimensions of the airport

gaming area, at a number to be approved by the Board to handle matters related to the oversight, management, maintenance or other tasks involving interactive gaming through multiuse computing devices, including but not limited to player complaints, providing player assistance or supervising play on multiuse computing devices.

(2) If at any time it appears or is reported to an interactive gaming employee or employees that the multiuse computing device is being operated in violation of this chapter and this subpart, the interactive gaming employee shall terminate the interactive gaming session, with such procedure for termination to be detailed in the internal controls.

(c) Prior to commencement of operations, the interactive gaming certificate holder, interactive gaming operator or concession operator licensee shall ensure that new and existing employees of the interactive gaming certificate holder or interactive gaming operator, and employees of the concession operator licensed by the Board, are regularly informed about the restrictions in § 808a.1(g) (relating to general provisions), restricting the placement wagers on the interactive gaming sites offered by or associated with the interactive certificate holder, interactive gaming operator or concession operator.

(d) Prior to commencement of operations, the interactive gaming certificate holder or interactive gaming operator shall have successfully completed a test period.



PENNSYLVANIA GAMING CONTROL BOARD  
P.O. BOX 69060  
HARRISBURG, PA 17106

CHAD W. ZIMMERMANN  
*Assistant Chief Counsel*  
P.O. Box 69060  
Harrisburg, PA 17106-9060  
Phone: (717) 346-8300  
Fax: (717) 346-8350  
Email: cwzimmerma@pa.gov

March 23, 2021

**Delivered via e-mail**

David Sumner, Executive Director  
Independent Regulatory Review Commission  
333 West Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17120

*Chairman*  
DAVID M. BARASCH

*Commissioners*  
FRANK DERMODY  
OBRA S. KERNODLE, IV  
SEAN LOGAN  
T. MARK MUSTIO  
FRANCES J. REGAN  
DENISE J. SMYLER

*Ex-Officio Members*  
STACY GARRITY  
C. DANIEL HASSELL  
RUSSELL C. REDDING

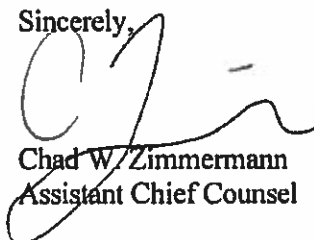
**RE: PGCB Final Form Rulemaking #125-229: Interactive Gaming**

Dear Mr. Sumner:

Enclosed with this letter please find a copy of a final form rulemaking for review by the Independent Regulatory Review Commission ("Commission") from the Pennsylvania Gaming Control Board ("Board"). This final form rulemaking sets forth the regulatory framework Interactive Gaming, in accordance with the regulatory authority provisions of the Pennsylvania Race Horse Development and Gaming Act of 2004, as amended. This final form rulemaking was adopted by the Board on March 17, 2021. This regulation was previously adopted by the Board as a proposed rulemaking on December 18, 2019 and published in the Pennsylvania Bulletin on August 22, 2020. No public comments were received. The Commission issued comments, and all comments were addressed in the regulation and/or preamble.

This final form rulemaking was hand-delivered to the Majority Chair and Minority Chair of the House Gaming Oversight Committee, and was e-delivered to the Legislative Reference Bureau who in turn delivered it to the Majority Chair and Minority Chair of the Senate Community, Economic and Recreational Development Committee. Confirmation of the deliveries is contained in the final form rulemaking packet.

Sincerely,



Chad W. Zimmermann  
Assistant Chief Counsel

ENCLOSURE

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

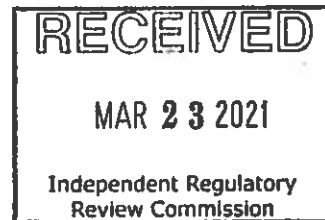
**I.D. NUMBER:** #125-229

**SUBJECT:** Interactive Gaming

**AGENCY:** Pennsylvania Gaming Control Board

**TYPE OF REGULATION**

- ( ) Proposed Regulation
- (x) Final Regulation
- ( ) Final Regulation with Notice of Proposed Rulemaking Omitted
- ( ) 120-day Emergency Certification of the Attorney General
- ( ) 120-day Emergency Certification of the Governor
- ( ) Delivery of Tolled Regulation
- ( ) With Revisions      ( ) Without Revisions



**FILING OF REGULATION**

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<u>HOUSE COMMITTEE - Gaming Oversight</u>		
3/23/21		<u>MAJORITY CHAIR Rep. Susan C. Helm</u>
3/23/21		<u>MINORITY CHAIR Rep. Scott Conklin</u>
<u>SENATE COMMITTEE - Community, Economic and Recreational Development</u>		
3/23/21		<u>MAJORITY CHAIR Sen. John T. Yudichak</u>
3/23/21		<u>MINORITY CHAIR Sen. Amanda M. Cappelletti</u>
3/23/21		<u>INDEPENDENT REGULATORY REVIEW COMMISSION</u> David Sumner, via e-Delivery
_____	_____	<u>ATTORNEY GENERAL (for Final Omitted only)</u>
_____	_____	<u>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</u>



## Stephen Hoffman

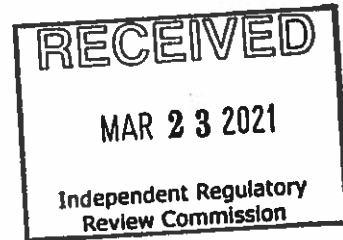
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**From:** Beaver, Hank III <HBeaver@pahouse.net>  
**Sent:** Tuesday, March 23, 2021 11:58 AM  
**To:** Zimmermann, Chad (PGCB)  
**Cc:** Posavec, Cheryl (PGCB)  
**Subject:** RE: e-Delivery of PGCB Final Form Rulemaking #125-229

I have received and am able to access all four of the documents. Thank you!

Sincerely,

**Hank Beaver**  
Executive Director, Gaming Oversight  
Rep. Scott Conklin, Democratic Chairman  
Mobile – 717-810-7677



---

**From:** Zimmermann, Chad (PGCB) <cwzimmerma@pa.gov>  
**Sent:** Tuesday, March 23, 2021 11:55 AM  
**To:** Beaver, Hank III <HBeaver@pahouse.net>  
**Cc:** Posavec, Cheryl (PGCB) <cposavec@pa.gov>  
**Subject:** e-Delivery of PGCB Final Form Rulemaking #125-229  
**Importance:** High

Mr. Beaver:

This email serves as electronic delivery of final form rulemaking #125-229 from the Pennsylvania Gaming Control Board, relating to Interactive Gaming, based upon the unavailability of in-person delivery. Attached to this email are the following documents:

1. Regulatory Analysis Form (PDF format)
2. Face Sheet signed Chairman Barasch and Chief Counsel Sherman (PDF format)
3. Preamble (PDF format)
4. Annex A text (PDF format)

Please reply to this e-mail confirming receipt on behalf of Minority Chair, Representative Scott Conklin, as pursuant to current operating procedures, confirmation of e-Delivery must be shown to IRRC with the final transmittal sheet.

**Chad W. Zimmermann, Esq.**  
Assistant Chief Counsel III  
Office of Chief Counsel  
Pennsylvania Gaming Control Board  
303 Walnut Street, 5<sup>th</sup> Floor  
Harrisburg, PA 17101  
(717) 346-8300 (phone)  
(717) 346-8350 (fax)

[cwzimmerma@pa.gov](mailto:cwzimmerma@pa.gov)

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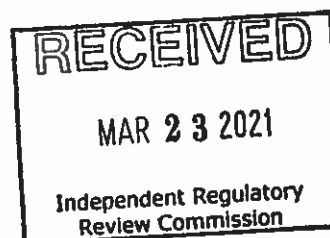
## Stephen Hoffman

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**From:** Pitzer, Scot <spitzer@pasen.gov>  
**Sent:** Tuesday, March 23, 2021 10:54 AM  
**To:** Zimmermann, Chad (PGCB)  
**Subject:** RE: e-Delivery of PGCB Final Form Rulemaking #125-229

Received. Scot

**Scot A. Pitzer**  
**Executive Director**  
Community, Economic & Recreational Development Committee  
Senator John Yudichak – Chair  
State Capitol  
717.705.7734 (o)



**From:** Zimmermann, Chad (PGCB) <cwzimmerma@pa.gov>  
**Sent:** Tuesday, March 23, 2021 10:50 AM  
**To:** JT.Gillen@pasenate.com; Pitzer, Scot <spitzer@pasen.gov>  
**Cc:** Posavec, Cheryl (PGCB) <cposavec@pa.gov>  
**Subject:** e-Delivery of PGCB Final Form Rulemaking #125-229  
**Importance:** High

Ⓢ CAUTION : External Email Ⓢ

Mr. Gillen and Mr. Pitzer:

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4. Annex A text (PDF format)

Please reply to this e-mail confirming receipt on behalf of Majority Chair, Senator John Yudichak and Minority Chair, Senator Amanda Cappelletti, as pursuant to current operating procedures, confirmation of e-Delivery must be shown to IRRC with the final transmittal sheet.

**Chad W. Zimmermann, Esq.**  
Assistant Chief Counsel III  
Office of Chief Counsel  
Pennsylvania Gaming Control Board  
303 Walnut Street, 5<sup>th</sup> Floor  
Harrisburg, PA 17101  
(717) 346-8300 (phone)  
(717) 346-8350 (fax)  
[cwzimmerma@pa.gov](mailto:cwzimmerma@pa.gov)

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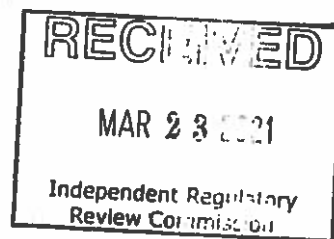
## Stephen Hoffman

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**From:** Gillen, JT <JT.Gillen@pasenate.com>  
**Sent:** Tuesday, March 23, 2021 11:40 AM  
**To:** Zimmermann, Chad (PGCB); spitzer@pasen.gov  
**Cc:** Posavec, Cheryl (PGCB)  
**Subject:** RE: e-Delivery of PGCB Final Form Rulemaking #125-229

Thank you Chad,

I can confirm Receipt.



Jt Gillen  
Legislative Director  
Pronouns: He/Him/His  
Office of Senator Amanda Cappelletti  
183 Main Capitol Building  
Cell – 610 390 5529  
Harrisburg and all Scheduling Requests – 717 787 5544  
District and All Constituent Services – 610 768 4200

---

**From:** Zimmermann, Chad (PGCB) <cwzimmerma@pa.gov>  
**Sent:** Tuesday, March 23, 2021 10:50 AM  
**To:** Gillen, JT <JT.Gillen@pasenate.com>; spitzer@pasen.gov  
**Cc:** Posavec, Cheryl (PGCB) <cposavec@pa.gov>  
**Subject:** e-Delivery of PGCB Final Form Rulemaking #125-229  
**Importance:** High

■ EXTERNAL EMAIL ■

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**Chad W. Zimmermann, Esq.**  
Assistant Chief Counsel III  
Office of Chief Counsel  
Pennsylvania Gaming Control Board

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