

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2014 and section 313.955, RSMo Supp. 2016, the commission amends a rule as follows:

11 CSR 45-1.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1309–1310). Changes have been made to the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on November 2, 2016. One person commented on this proposed amendment at the public hearing and also submitted those comments in writing. The MGC staff commented on this rule.

COMMENT #1: Daniel Haight, on behalf of Yahoo!, stated that “the regulations should give the Commission discretion to make modifications on a case-by-case basis, particularly when dealing with companies that have various and unrelated product offerings.”

RESPONSE AND EXPLANATION OF CHANGE: A revision was made to include Fantasy Sports Contest Operator applicants in section (1) of this rule.

COMMENT#2: The MGC noted that the Revisor of the *Missouri Revised Statutes* renumbered the sections of the statute created by HB 1941, the Missouri Fantasy Sports Consumer Protection Act (The Act).

RESPONSE AND EXPLANATION OF CHANGE: The Commission revised section (1) and the authority section of this rule to reference the renumbered sections of The Act.

11 CSR 45-1.100 Waivers and Variances

(1) The commission may waive or grant a variance from the provisions of Title 11, Division 45, Chapters 1–40 of the *Code of State Regulations* upon a licensee’s or a Fantasy Sports Contest Operator applicant’s written request, if the commission determines that the waiver or variance is in the best interests of the public. Any waiver or variance granted pursuant to this section constitutes an order of the commission pertaining to gaming, violation of which subjects a licensee to discipline under section 313.812.14(2) and 313.950, RSMo.

AUTHORITY: sections 313.004 RSMo, Supp. 2014, section 313.805, RSMo Supp. 2013, and sections 313.950 and 313.955, RSMo, Supp. 2016. Original rule filed Aug. 27, 2004, effective March 30, 2005. Emergency amendment filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

