

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 40—Fantasy Sports Contests**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.955, RSMo Supp. 2016, the commission adopts a rule as follows:

11 CSR 45-40.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2016 (41 MoReg 1316–1319). Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

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

**COMMENT#1:** Derek Hein, on behalf of DraftKings, expressed concern “that the provisions of subsections (1) and (2) may create extremely high overhead. DraftKings suggests an exception in the rules for temporary testing of software and technologies.”

**RESPONSE:** The Missouri Fantasy Sports Consumer Protection Act requires that the licensee maintain certain operational requirements. The commission needs to have the current set of procedures in order to monitor compliance with the statute. No changes will be made as a result of this comment.

**COMMENT #2:** Mr. Hein suggested that the time period for submitting supplemental documents be changed from five (5) days to fifteen (15) days. DraftKings expects to be able to produce most materials within five (5) days, but expressed concern that there can be significant work required in gathering all materials and is requesting a longer period of time to provide those materials.

**RESPONSE AND EXPLANATION OF CHANGE:** The requested change was made to section (2).

**COMMENT #3:** Mr. Hein stated “DraftKings does not perform age verification checks on those registering for an account, but performs the check before a user funds their account or participates in any contests. DraftKings performs the age verification check when an individual makes their first deposit.”

**RESPONSE:** Section 313.920.9, RSMo provides that licensed operators shall take commercially reasonable steps to confirm that an individual opening an account is not a minor. The Missouri Gaming Commission does not have the authority to alter or vary from the provisions of the statute. No changes will be made as a result of this comment.

**COMMENT #4:** 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 sections (3), (4), and the authority section of this rule to reference the renumbered sections of The Act.

### **11 CSR 45-40.050 Operational Requirements for Fantasy Sports Contest Operators**

(2) The information required by section (1) and all supplemental documents shall be submitted with the initial application and within fifteen (15) days of any subsequent revision.

(3) Upon request, each licensed operator shall provide the commission with a current and accurate list of Missouri residents who have submitted the operator's online self-exclusion form, which the licensed operator developed pursuant to section 313.920, RSMo.

(4) Each licensed operator shall take commercially and technologically reasonable measures to comply with the provisions of sections 313.915 and 313.920, RSMo regarding the verification of each FSC player's true identity, date of birth, and address, including but not limited to independent verification of age using information obtained from independent sources outside of the player seeking to open an account. Third party services may be used to verify the age of a player. Each licensed operator shall use such information, at a minimum, to prevent underage individuals from establishing accounts, to verify state of residence, and to prevent players from establishing more than one (1) account or username or playing anonymously.

*AUTHORITY: sections 313.915, 313.920, 313.925, 313.950, and 313.955, RSMo 2016.*

*Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.*