

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. 2019, the commission amends a rule as follows:

11 CSR 45-40.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2019 (44 MoReg 3043-3044). The section with changes 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 January 2, 2020. No one commented on this proposed amendment at the public hearing. One written comment was received from Sarah Koch, Director, Government Affairs of DraftKings, Inc.

COMMENT: DraftKings requested that modifications be made to 11 CSR 45-40.060(1) to include statutory language “to conform the language used in the regulations to that found in the adopted law” and which “provides the Commission the ability to approve alternative segregation methods should a licensed operator determine that something other than a special purpose entity is appropriate to protect Missouri resident funds.”

RESPONSE AND EXPLANATION OF CHANGE: The commission concurs with the recommendations to include “properly constituted” and to add a reference to the commission’s ability to approve an alternate approach to segregating player funds. The commission determined that no additional changes were necessary.

11 CSR 45-40.060 Segregated Account Requirements.

(1) The licensed operator shall maintain a properly constituted special purpose entity approved by the commission to segregate player funds from operational funds as required by section 313.915, RSMo. If the commission approves in writing an alternate approach to segregating player funds as authorized by section 313.915.5, RSMo the licensed operator shall comply with all terms and conditions of the written approval.