

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

PROPOSED AMENDMENT

11 CSR 45-1.090 Definitions. The commission is amending section (1), (2), (3), (4), (5), (9), (11), (13), (14), (16), (19), and (23).

PURPOSE: This amendment adds the definition for “independent test laboratory” and definitions for items related to cashless, promotional, and bonusing systems, revises existing definitions, and deletes obsolete definitions.

(1) Definitions beginning with A—

(C) Attendant paid external bonus payout—The total value of cashable credits electronically awarded by an external bonusing system, which are paid by an attendant and are uniquely metered by the electronic gaming device (EGD); and

~~[(C)]~~**(D) Attributed interest—A direct or indirect interest in a business entity deemed to be held by a person not through the person’s actual holdings but either through the holdings of the person’s relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement, or agreement.**

(2) Definitions beginning with B—

(A) Bill changer—Means any mechanical, electrical, or other device, contrivance or machine designed for the purpose of dispensing an amount of tokens or credits equal to the amount of currency; and

(B) Bonusing system—A system external to and functionally independent of EGDs, that electronically communicates system bonuses to participating EGDs.

(3) Definitions beginning with C—

(A) Cashable electronic promotion in (CEP In)—The total value of cashable credits electronically transferred to the EGD from a promotional account by means of an external connection between the EGD and a cashless system;

(B) Cashable electronic promotion out (CEP Out)—The total value of cashable credits electronically transferred from the EGD to a promotional account by means of an external connection between the EGD and a cashless system;

(C) Cashless system—Any system used to facilitate the electronic transfer of promotional funds, wagering account funds, or digital wallet funds to and from approved gaming devices and other authorized devices. The system may also allow patrons to deposit funds to and withdraw funds from wagering accounts and digital wallets at the cage. The system includes the collective hardware, software, communications technology, and other ancillary equipment used to conduct cashless transactions;

~~[(A)]~~**(D) Casino surveillance room—A room on a riverboat used by authorized personnel of a Class B licensee to monitor and record gaming and other activities conducted within the riverboat gaming operation;**

[(B)](E) Certification by independent testing laboratories (ITLs)—A written document issued by an independent testing laboratory attesting to the compliance of a particular product with applicable Missouri laws, regulations, Minimum Internal Control Standards (MICS), and adopted technical standards;

[(C)](F) Chief administrative officer—Means the president of a corporation, the managing partner of a partnership, the general partner(s) of a limited partnership, the individual of a sole proprietorship, the managing agent of a joint venture, or the managing agent of a limited liability company. For a consortium of financial participants where no formal chief administrative officer exists, chief administrative officer shall mean the chief administrative officer of the largest financial participant;

[(D)](G) Chip—A nonmetal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of a Class B license for use in gaming other than in electronic gaming devices on the license holder's riverboat;

[(E)](H) Commission—The Missouri Gaming Commission or its agents;

[(F)](I) Commission surveillance room—A room(s) on each riverboat for the exclusive use of the commission or commission agents for monitoring and recording of gaming and other activities;

[(G)](J) Continuously docked excursion—A continuously docked excursion boat shall set a schedule of excursion as required by the definition of excursion. This schedule shall designate a specific time for boarding. On each scheduled excursion, no new passengers shall board after the specified time for boarding has expired;

[(H)](K) Counter check—A type of credit instrument provided by the Class B licensee that is completed as is necessary to be presented by the Class B licensee to the patron's bank for payment; and

[(I)](L) Critical program storage media—Any program storage media that contains software that may affect the integrity of gaming, including, but not limited to, game accounting, system, and peripheral firmware devices involved in or which significantly influence the operation and calculation of game play, game display, game result determination, game accounting, revenue, or security, and which must be verified utilizing an external third-party methodology approved by the commission and which may, as determined by the commission, have security seals attached thereto.

(4) Definitions beginning with D—

(C) Digital wallet—An electronic monetary account maintained outside the Class A and B Licensees' operations funded by patrons and used to transfer patron funds to and from approved gaming devices and other authorized devices through the cashless system;

[(C)](D) Director—The executive director employed by the commission;

[(D)](E) Docksite commission offices—Offices at the dockside, approved by the commission, for the exclusive use of commission agents; and

[(E)](F) Drop bucket—That portion of gaming equipment internally contained which serves as a repository for tokens.

(5) Definitions beginning with E—

(B) Electronic gaming device (EGD)—Any electrical device or machine which upon payment of consideration is available to play or operate, the operation of which, whether by reason of the skill of the operator, application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive premiums, merchandise, tokens, redeemable game

credits, or anything of value other than unredeemable free games whether the payoff is made automatically from the machines or in any other manner;

(9) Definitions beginning with I—

(A) Independent testing laboratory (ITL)—A testing laboratory that tests and evaluates gaming devices and associated systems and equipment against applicable Missouri laws, regulations, MICS, and adopted technical standards. To be considered independent, the testing laboratory shall not have developed or manufactured any of the products it tests;

~~[(A)]~~**(B) Indirect interest**—An interest in a business entity that is deemed to be held by the holder of a Class B license not through the holder’s actual holdings in the business entity but through the holder’s holdings in other business entities; and

~~[(B)]~~**(C) Internal control system**—Administrative and accounting controls designed by the holder of a Class B license, for the purpose of exercising control over the riverboat gaming operation.

(11) Definitions beginning with K—

(A) Key business entity—A holder of any direct or indirect legal or beneficial publicly traded or privately held interest whose combined direct, indirect, or attributed publicly traded interest is five percent (5%) or more or privately held interest is one percent (1%) or more in an applicant or licensee or in a key business entity of an applicant or licensee, **any entity, excluding any governmental entity, that owns the real estate of an excursion gambling boat, or any business entity so designated by the commission or director**; and

(B) Key person—Includes the following individuals *[or business entities]*:

1. An officer, director, trustee, proprietor, managing agent, or general manager of an applicant or licensee or of a **key business entity** *[key person]* of an applicant or licensee;

2. A holder of any direct or indirect legal or beneficial publicly traded interest whose combined direct, indirect, or attributed publicly traded interest is five percent (5%) or more in an applicant or licensee or in a **key business entity** *[key person]* of an applicant or licensee;

3. A holder of any direct or indirect legal or beneficial privately held interest whose combined direct, indirect, or attributed privately held interest is one percent (1%) or more in an applicant or licensee or in a **key business entity** *[key person]* of an applicant or licensee;

4. A holder of any direct or indirect legal or beneficial interest in an applicant or licensee or in a **key business entity** *[key person]* of an applicant or licensee if the interest was required to be issued under agreement with or authority of a government entity;

5. An owner of an excursion gambling boat; and

6. Any individual *[or business entity]* so designated by the commission or director.

(13) ~~[(Reserved)]~~ **Definitions beginning with M**—

(A) Machine paid external bonus payout—The total value of cashable credits electronically awarded by an external bonusing system to the credit meter and are uniquely metered by the EGD.

(14) Definitions beginning with N—

(B) Non-cashable electronic promotion in (NCEP In)—The total value of non-cashable credits electronically transferred to the EGD from a promotional account by means of an external connection between the EGD and a cashless system;

(C) Non-cashable electronic promotion out (NCEP Out)—The total value of non-cashable credits electronically transferred from the EGD to a promotional account by means of an external connection between the EGD and a cashless system; and

[(B)](D) Nonvalue chip—A chip, clearly and permanently impressed, engraved, or imprinted with the name of the riverboat, but bearing no value designation[]]; *and*

(C) Notice of commission action—A notice of denial, restriction, suspension, supervision, revocation, nonrenewal, or exclusion issued by the commission.]

(16) Definitions beginning with P—

(C) Petitioner—*[An]* **A person, applicant, licensee, or excluded person who requests a hearing [upon issuance of a Notice of Commission Action] before the commission;**

(E) Player reward credits—Downloadable credits earned by patrons and increment with play based on predetermined formulas (e.g. player reward points);

[(E)](F) Poker—Approved gambling games which are played in a poker room and use poker cards dealt by a nonplaying dealer in which a maximum of eleven (11) players wager on the superiority of their individual hands against the hands of the other players;

[(F)](G) Political contribution—The making of any gift of any kind or paying or giving money or any other thing of value to—

1. Any candidate or nominee for any public office in Missouri;

2. Any public official; or

3. Any fund-raising committee or other fund-raising entity, whether located in Missouri or elsewhere, that gives, lends, or otherwise provides funds to meet the expenses of any candidate for public office or public official;

[(G)](H) Progressive controller—The hardware and software that controls all communications within a progressive game link and its associated progressive meter;

[(H)](I) Progressive jackpot—A value determined by a holder of a Class B license and arrived at by income of an independent, local, or interlinked gambling game. This value shall be clearly displayed to players of the interlinked gambling game and metered incrementally by a progressive controller. A progressive game must prominently display signage indicating either that a progressive jackpot is to be paid or indicating the current amount of the jackpot. An automated controller is not required in games of live poker where the incrementing and distribution processes are defined in the approved rules of the game;

(J) Promotional account—A patron account enabled to allow the direct electronic transfer of promotional giveaway credits, player reward credits, or another source of credits approved by the commission to an EGD;

(K) Promotional system(s)—A collection of files which electronically transfers credits bi-directionally between any promotional account and EGD through the use of a cashless system;

(L) Promotional giveaway credits—Downloadable credits awarded to a player’s account based on predefined criteria outlined by the rules of a promotion, where the patron provides no consideration; and

[(I)](M) Proprietary—Relating to financial, ownership, legal, security, operational, or contractual matters.

(19) Definitions beginning with S—

(A) Server(s)—Physical computer hardware or virtual software that manages network resources and provides services in response to requests;

[(A)](B) Shoe—A device used to dispense cards in gambling games;

[(B)](C) Signature—The definitive identity of an individual specific ROM or EPROM chip, determined by electronic analysis and reflective of the ROM or EPROM chip's game behavior capability;

[(C)](D) Slot machine—A type of electronic gaming device;

(E) Slot machine interface board (SMIB)—An interface device which permits systems to bi-directionally communicate to EGDs;

[(D)](F) Sole proprietor—A person who in his/her own name owns one hundred percent (100%) of the assets and is solely liable for the debts of a business;

[(E)](G) Substantial creditor—The holder of any debt instrument of whatever character, against an individual or business entity, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute, fixed, or contingent, the aggregate amount of which is fifty thousand dollars (\$50,000) or more;

[(F)](H) Substantial owner—The holder of at least twenty-five percent (25%) of the total combined voting power of a corporation or at least twenty-five percent (25%) of the total value of shares of all classes of stock of a corporation; or at least a twenty-five percent (25%) interest in a partnership, or at least twenty-five percent (25%) of the value of a trust computed actuarially; or at least twenty-five percent (25%) of the legal or beneficial interest in any other business entity. For purposes of computing these percentages, a holder shall be deemed to own any stock or other interest in a business entity, whether owned directly or indirectly;

[(G)](I) Supervisor—a person with one (1) or more identified subordinate job position(s) reporting to his or her job position according to the Class B licensee's organizational chart;

[(H)](J) Supplier—*[A]***Any independent testing laboratory or a person who sells or leases gaming equipment and supplies to any licensee***;* *[and]* **or any person whose product connects with approved gaming devices;**

[(I)](K) Support facility—A place of business which is part of, or operates in connection with, a riverboat gaming operation and is owned in whole or in part by a holder of a Class B license, or any of their key persons including, without limitation, riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants; **and**

(L) System bonus—A promotional award external to an approved gaming device, in the form of credits added directly to the credit meter or paid by an attendant, triggered by an event in accordance with the rules of a promotion.

(23) *[(Reserved)]* **Definitions beginning with W—**

(A) Wagering account—A patron account held by the Class A or B Licensee that allows the electronic transfer of the patron's funds to or from an approved gaming device and other authorized devices through the cashless system;

(B) Wagering account transfer in (WAT In)—The total value of cashable credits electronically transferred to the EGD from a wagering account or digital wallet by means of an external connection between the EGD and a cashless system; and

(C) Wagering account transfer out (WAT Out)—The total value of cashable credits electronically transferred from the EGD to the wagering account or digital wallet by means of an external connection between the EGD and a cashless system.

*AUTHORITY: sections 313.004, **RSMo 2016, and sections 313.800[,]** and 313.805, RSMo [2016] **Supp. 2021.** * Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed March 2, 1995, effective March 12, 1995, expired July 9, 1995. Amended: Filed March 2, 1995, effective Aug. 30, 1995. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Emergency amendment filed June 25, 1996, effective July 5, 1996, expired Dec. 31, 1996. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed June 4, 1999, effective Jan. 30, 2000. Amended: Filed March 30, 2000, effective Oct. 30, 2000. Amended: Filed Dec. 7, 2001, effective June 30, 2002. Amended: Filed Jan. 18, 2005, effective Aug. 30, 2005. Amended: Filed Feb. 28, 2007, effective Oct. 30, 2007. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expired May 13, 2009. Amended: Filed Oct. 29, 2008, effective April 30, 2009. Amended: Filed July 28, 2010, effective Feb. 28, 2011. Amended: Filed Jan. 30, 2014, effective Sept. 30, 2014. Amended: Filed July 31, 2014, effective Feb. 28, 2015. Amended: Filed Aug. 27, 2015, effective March 30, 2016. Amended: Filed April 26, 2018, effective Dec. 30, 2018. **Amended: Filed February 25, 2022.***

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for May 6, 2022, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*