

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2021, the commission amends a rule as follows:

11 CSR 45-9.119 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2022 (47 MoReg 497-499). Changes have been made to the text of the proposed amendment so it is reprinted here. Changes have been made to the text of the proposed revision of the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter S, so those changes are explained below. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended May 1, 2022, and the commission held a public hearing on the proposed amendment on May 6, 2022. No one attended the public hearing. One (1) written comment in support of the proposed revisions was received. Two (2) staff comments were received.

COMMENT #1: Chris Soriano, VP, Chief Compliance Officer of Penn National Gaming, Inc. wrote on collective behalf of Penn National Gaming, Inc., Hollywood Casino St. Louis, River City Casino and Hotel, and Argosy Casino Hotel and Spa (collectively, “Penn”) expressing their support for the proposed amendments to Minimum Internal Control Standards – Chapter S. “Penn appreciates the opportunity to work with the Commission and the Commission staff from the outset to help share best practices with the Commission regarding Penn’s experience in rolling out its cashless system in other U.S. jurisdictions. Penn remains fully committed to working with the Commission and staff on the next steps in implementing this new technology in Missouri casinos. Penn firmly believes that the implementation of cashless technology in Missouri casinos will help to attract more customers, benefit the Missouri casino industry and its existing customers, and help with responsible gaming initiatives, all while sustaining the employee headcount in the industry. We appreciate the proactive steps the Commission has taken thus far to implement and regulate this important new technology. The Penn team remains available to assist the Commission with any questions that may arise throughout the remainder of the process and looks forward to working with the Commission on the implementation of cashless wagering technology in Missouri.”

RESPONSE: No changes were made in response to this comment.

COMMENT #2: S §16.01—A staff member requested that MICS, Chapter S §16.01 be revised to describe the details required to be included in the management responses, similar to the details provided in MICS, Chapter L §3.01.

RESPONSE AND EXPLANATION OF CHANGE: Agreed and revised as recommended. For clarity and consistency throughout the MICS, staff revised MICS, Chapter S §16.01 as follows: “Every third calendar year, the Class A or Class B Licensee shall employ the services of an independent third party MIS security professional to assess the security of Critical IT Systems by

performing a penetration test and a vulnerability and threat analysis assessment, and evaluating the licensee's compliance with MICS, Chapter S. Vulnerabilities receiving a critical or high severity rating from the penetration testing shall be remediated or the Class B Licensee shall establish mitigating controls within 90-days of the on-site testing. An electronic copy of the report shall be submitted to the MGC within 60 days after the conclusion of the on-site testing. The report shall include all findings and management's responses to the findings. The management responses shall include the specific corrective action to be taken, implementation date and the employee(s) responsible for implementation and subsequent follow-up. If the exception has already been addressed, the report shall include the corrective action taken and the date the corrective action occurred."

COMMENT #3: A staff member noted that since changes are being made to the text of the proposed MICS, Chapter S to address a comment, the date of incorporation by reference in section (1) needs to be revised to reflect the date the commission adopted the revised MICS, Chapter S.

RESPONSE AND EXPLANATION OF CHANGE: The staff concurs and revised the date of adoption accordingly.

### **11 CSR 45-9.119 Minimum Internal Control Standards (MICS)—Chapter S**

(1) The commission has established minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter S—Management Information Systems, which is incorporated by reference and made a part of this rule as adopted by the commission on May 25, 2022, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. Chapter S does not incorporate any subsequent amendments or additions.