

TITLE 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 20—Sports Wagering

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 39(g) of Article III, *Missouri Constitution*, the commission adopts a rule as follows:

11 CSR 45-20.570 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 16, 2025 (50 MoReg 845–846). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended July 16, 2025, and the commission held a public hearing on the proposed rule on July 17, 2025. There were three (3) attendees at the public hearing, but no comments were made. The commission received six (6) written comments on the proposed rule. Commission staff made one (1) comment on the proposed rule. The Joint Committee on Administrative Rules made one (1) comment on the proposed rule.

COMMENT #1: Sections (1), (3)-(8), and (10)-(12) – The Joint Committee on Administrative Rules suggested clarifying which licensees are being referenced.

RESPONSE AND EXPLANATION OF CHANGE: Agreed and revised.

COMMENT #2: Section (4) – Daniel Rainieri, with BetMGM, suggested revising the language to clarify material terms and conditions for promotions and outline exceptions to sizing limitations.

RESPONSE AND EXPLANATION OF CHANGE: Partially agreed and revised to further clarify what material conditions include.

COMMENT #3: Subsection (6)(A) – Rebecca London, with DraftKings, requested clarification as to whether this subsection means the date and time the promotion was made publicly available.

RESPONSE AND EXPLANATION OF CHANGE: Agreed and revised.

COMMENT #4: Section (10) – Daniel Rainieri, with BetMGM, suggested revising the language regarding how patrons may view the terms and conditions of a promotion.

RESPONSE: This language is in Article III, Section 39(g), of the *Missouri Constitution*. No changes have been made to the rule as a result of this comment.

Comment #5: Section (12) – John Mehaffey, a member of the general public, suggested revising the language to prohibit affiliate marketing businesses from receiving payment based on the number of patrons acquired.

RESPONSE: This rule is consistent with marketing restrictions in other jurisdictions. No changes have been made to the rule as a result of this comment.

COMMENT #6: Section (13) – A staff member suggested removing this section as this language is in Article III, Section 39(g), of the *Missouri Constitution*.

RESPONSE AND EXPLANATION OF CHANGE: Agreed and revised.

COMMENT #7: Section (13) – Adam Kates, with PENN Entertainment, requested clarification as to whether promotions may not be shown when a patron is located within a sports district.

RESPONSE: This section has been removed as this language is duplicative of language in Article III, Section 39(g), of the *Missouri Constitution*. No changes have been made to the rule as a result of this comment.

COMMENT #8: Section (13) – Rebecca London, with DraftKings, requested clarification as to how this section would be enforced.

RESPONSE: This section has been removed as this language is duplicative of language in Article III, Section 39(g), of the *Missouri Constitution*. No changes have been made to the rule as a result of this comment.

11 CSR 45-20.570 Promotions and Marketing

(1) Retail licensees and Mobile licensees may offer sports wagering promotions, which are any events designed to attract patrons. Promotions include but are not limited to contests, drawings, games, player reward programs, coupons, giveaways, free play, and promotional credit offers. Licensees shall be responsible for the conduct of promotional activities.

(3) Retail licensees and Mobile licensees shall create and maintain dated, written rules governing each promotion offered. The written rules shall—

(4) Retail licensees and Mobile licensees shall ensure advertising materials for promotions include material terms and conditions for that promotion and have those material terms in close proximity to the headline claim of the promotion and in a reasonably prominent size. Material conditions include information about the cost to participate and the nature of the promotion, to assist patrons in understanding the terms and conditions of the promotion.

(5) Retail licensees and Mobile licensees shall ensure the promotional rules pertaining to any available promotions are accessible to patrons and the commission upon request. Any advertisement or information provided to patrons for a promotion shall be consistent with the rules of the promotion.

(6) Retail licensees and Mobile licensees shall maintain a record of all promotional wagering offers for five (5) years in a file that shall be provided to the commission upon request. All promotional wagering offers shall be stated in clear and unambiguous terms and shall be readily accessible by the patron before and after the offer is accepted and prior to completion. Offer terms and the record of all offers shall include at a minimum—

(A) The date and time made publicly available;

(7) Retail licensees and Mobile licensees shall be responsible for the content and conduct of any and all advertising or marketing done on its behalf or to its benefit whether conducted by the licensee, an employee or agent of the licensee, an affiliated entity, or a third party pursuant to contract.

(8) Retail licensees and Mobile licensees shall retain a copy of all advertising and marketing materials intended to promote any sports wagering operation in the state of Missouri, including a publication log, to be retained for five (5) years, of when and how those materials have been published, aired, displayed, or distributed.

(10) Retail licensees and Mobile licensees shall use commercially and technologically reasonable means to ensure marketing and advertisements—

(11) All advertising and marketing materials published, aired, displayed, or distributed by or on behalf of any Retail licensee or Mobile licensee—

(12) Retail licensees and Mobile licensees shall not enter into an agreement with a third party to conduct advertising or marketing on behalf of, or to the benefit of, the licensee when compensation is dependent on, or related to, the volume or outcome of wagers instead of the number of patrons acquired.