

205 CMR: MASSACHUSETTS GAMING COMMISSION

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- (8) Processes for submitting or receiving approval for Sports Wagering tournaments, contests, or pools;
- (9) Procedures for issuance and acceptance of promotional gaming credits for Sports Wagering; and
- (10) Procedures to identify a Wager or an attempt to Wager above any maximum Wager threshold set by the Sports Wagering Operator that qualifies as unusual or suspicious Wagering.

238.31 : In-Game or In-Play Wagering

A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall include procedures to assure and monitor the integrity of the in-game or in-play Wagering offering, the results handling and patron protection. Indicative areas for consideration in the procedure for results handling shall include, but not be limited to, time delays, sources of results, and reversal of results. The procedures shall also account for courtsiding prevention mechanisms including a delay in live pictures.

238.32 : Restricted Patrons

A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall meet the requirements of 205 CMR 243.01(1)(t) and include the following in accordance with M.G.L. c. 23N, § 11(a):

- (1) No Sports Wagering Operator, directors, officers, owners, employees, subcontractors, or Qualifiers of the Sports Wagering Operator, as well as those within the same household as any such Person, may place Sports Wagers with the Sports Wagering Operator, or with any other Sports Wagering Operator tethered to the Operator, on any event, except in private pools where the player's association with the Sports Wagering Operator is clearly disclosed. Nor may such individual place Sports Wagers through another person as a proxy or agent. However, Sports Wagering Operator employees may use clearly marked test accounts for testing purposes such as evaluating a Sports Wagering Platform. Sports Wagering Operators shall make these restrictions known to all affected individuals and corporate entities.
- (2) No individual with proprietary or non-public information held by the Sports Wagering Operator may place Sports Wagers with the Sports Wagering Operator, or with any other Sports Wagering Operator tethered to the Operator. Nor may such individual place Sports Wagers through another person as a proxy or agent. Sports Wagering Operators shall make these restrictions known to all affected individuals and corporate entities.
- (3) No Sports Wagering Operator shall allow a professional or athlete, coach, referee, team owner, employee of a Sports Governing Body or its member teams and patron and referee union personnel, place Sports Wagers on events in the sport in which the individual participates, or in which the athlete the individual represents participates. Nor may such athlete, sports agent, team official, team representative, referee or league official place Wagers through another person as a proxy or agent. A Sports Wagering Operator may not be held liable for a violation of 205 CMR 238.32(3) if:
 - (a) The Sports Wagering Operator makes commercially reasonable efforts to obtain lists of such Persons for the purpose of implementing 205 CMR 238.32, such as by monitoring for and restricting accounts of such Persons;
 - (b) The Sports Wagering Operator makes these restrictions known to all affected individuals and corporate entities;
 - (c) The Sports Governing Body in which the athlete, sports agent, team official, team representative, referee or league official participates, maintains and enforces a policy that excludes such individuals from placing Wagers in that sport;
 - (d) The Commission has previously used the list of barred employees from the Sports Wagering Operator in accordance with M.G.L. c. 23N, § 11(a)(ii), and worked directly with a member team to determine the risk posed by certain employees for obtaining nonpublic information on a Sporting Event and removed an employee without knowledge of team strategy or game operations from such a list after the Commission determined any such risk is *de minimis*; and

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(e) The Sports Wagering Operator, upon learning of a violation of 205 CMR 238.4832(3), informs the Commission, immediately bars the individual committing the violation from Sports Wagering by suspending such individual's Sports Wagering Account and banning such individual from further Sports Wagering, terminates any existing promotional agreements with such individual and refuses to make any new promotional agreements that compensate such individual.

(4) The Sports Wagering Operator shall prevent persons from placing Sports Wagers as agents or proxies for others.

238.33 : Prohibited Persons

A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall include commercially reasonable methods to prevent a prohibited person from placing a Sports Wager.

(1) For the purposes of 205 CMR 238.33, a prohibited person refers to:

- (a) Any individual prohibited from Sports Wagering pursuant to 205 CMR 152.00: *Individuals Excluded from a Gaming Establishment*;
- (b) Any individual prohibited from Sports Wagering pursuant to 205 CMR 250.00: *Protection of Minors and Underage Youth from Sports Wagering*;
- (c) Any individual who is self-excluded from Sports Wagering pursuant to 205 CMR 233.00: *Sports Wagering Voluntary Self-exclusion*;
- (d) Any individual who is prohibited from or subject to limitations regarding Sports Wagering pursuant to 205 CMR 254.00: *Temporary Prohibition from Sports Wagering*, and regulations pertaining to play management and limit setting;
- (e) Any individual Wagering while not in the authorized geographic boundaries within the Commonwealth;
- (f) Any individual placing Sports Wagers as agents or proxies for others;
- (g) Any restricted patron Wagering in violation of their restrictions established in 205 CMR 238.32;
- (h) Any individual Wagering in violation of state, local or federal law; or
- (i) Other prohibited Persons as determined by the Commission.

(2) If a Sports Wagering Operator detects, or is notified of, an individual suspected of being a prohibited Person who has engaged or is engaging in prohibited Sports Wagering, the Sports Wagering Operator, shall use reasonable measures to verify whether the individual is prohibited or not.

(3) If the Sports Wagering Operator establishes, by reasonable measures, that the individual is prohibited, the Sports Wagering Operator shall cancel the individual's Sports Wager and confiscate any resulting funds.

(4) If the Sports Wagering Operator is unable to establish, by reasonable measures, that the individual is prohibited, then the individual is presumed to not be a prohibited Person for the purposes of 205 CMR 238.33.

238.34 : Layoff Wagers

A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall include procedures for a Sports Wagering Operator to accept layoff Wagers placed by other Sports Wagering Operators and place layoff Wagers with other Sports Wagering Operators for the purpose of offsetting patron Sports Wagers.

(1) The Sports Wagering Operator placing a layoff Wager shall inform the Sports Wagering Operator accepting the Wager that the Wager is being placed by a Sports Wagering Operator and shall disclose the Operator's identity pursuant to M.G.L. c. 23N, § 13(c).