

205 CMR 247: UNIFORM STANDARDS OF SPORTS WAGERING

Section

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247.01: Authorized and Prohibited Sporting Events and Wager Categories

- (1) A Sports Wagering Operator may offer Sports Wagering only for those Sporting Events and Wager Categories authorized by the Commission and posted on the Commission's website.
- (2) An Operator shall not offer Sports Wagering on:
  - (a) Any Collegiate Sport or Athletic Event:
    - 1. With an outcome dependent on the performance of an individual athlete, including, but not limited, to in-game or in-play wagers;
    - 2. Involving any collegiate teams from the Commonwealth, unless the teams are involved in a Collegiate Tournament.
  - (b) Any eSports event that:
    - 1. Is not sanctioned by an approved Sports Governing Body or equivalent as authorized by the Commission; and
    - 2. Has not been endorsed by the Commission pursuant to the procedures set forth in 205 CMR 247.03;
  - (c) Any virtual sports event unless:
    - 1. A Random Number Generator (RNG), certified by an independent testing laboratory, is used to determine the outcome(s);

2. A visualization of the virtual sports event is offered to all patrons which displays an accurate representation of the result(s) of the virtual sports event; and
  3. The virtual sports event is approved pursuant to the procedures set forth in 205 CMR 247.03;
- (d) Any horse or greyhound races;
  - (e) Any injuries, penalties, player discipline, or replay review;
  - (f) Any high school or youth sports or athletic events;
  - (g) Any fantasy contest unless offered pursuant to M.G.L. c. 12, § 11M½ and 940 CMR 34.00: *Daily Fantasy Sports Contest Operators in Massachusetts*;
  - (h) Any Sporting Event or Wager Category in which the outcome has already been determined and is publicly known; or
  - (i) Any other Sporting Event or Wager Category until the Sporting Event or Wager Category has been approved by the Commission in accordance with 205 CMR 247.03.

247.02: House Wagering Rules and Patron Access

- (1) In accordance with M.G.L. c. 23N, § 10(a), the Sports Wagering Operator shall adopt comprehensive House Rules for Sports Wagering. The Sports Wagering Operator shall not conduct Sports Wagering until the Commission has approved the House Rules and the Sports Wagering Operator shall not conduct Sports Wagering in a manner inconsistent with approved House Rules.
- (2) In accordance with M.G.L. c. 23N, § 10(b), the Sports Wagering Operator shall make copies of its House Rules readily available to patrons and shall post the same as required by the Commission, including on a prominent place on the Sports Wagering Operator's public website, mobile application or other digital platform, and where applicable, prominently within the Sports Wagering Facility or Sports Wagering Area. Said copies of the Sports Wagering Operator's House Rules shall state the date on which they became effective. The Sports Wagering Operator shall provide previous versions of its House Rules to any patron upon written request.
- (3) The House Rules must address the following items regarding Sports Wagers, at a minimum:
  - (a) Types of Sports Wagers accepted;
  - (b) Minimum and maximum Sports Wagers;

- (c) Description of the process for handling incorrectly posted events, odds, Sports Wagers, or results;
  - (d) Methods for the calculation and payment of winning Sports Wagers;
  - (e) Effect of schedule changes;
  - (f) Methods of notifying patrons of odds or proposition changes;
  - (g) Whether the Operator accepts Sports Wagers at other than posted terms;
  - (h) Procedures related to pending winning Sports Wagers;
  - (i) Methods of contacting the Sports Wagering Operator for questions and complaints including information explaining how complaints can be filed, how complaints are resolved, and how the patron may submit a complaint to the Commission;
  - (j) Description of prohibited persons pursuant to 205 CMR 238.33, restricted patrons pursuant to 205 CMR 238.32, and Sporting Events and Wager Categories on which Sports Wagers may not be accepted under M.G.L. c. 23N and 205 CMR 247.02;
  - (k) Methods of funding a Sports Wager;
  - (l) Maximum payouts; however, such limits must only be established through limiting the amount of a Sports Wager and cannot be applied to reduce the amount paid to a patron as a result of a winning Sports Wager;
  - (m) Parlay-Wager-related rules;
  - (n) The Operator's policy for canceling or voiding Sports Wagers, ~~including for obvious errors~~ in accordance with 205 CMR 238.35;
  - (o) The Operator's policy for when an event or any component of an event on which Sports Wagers are accepted is canceled or suspended, including the handling of Sports Wagers with multiple selections, such as parlays, where one or more of these selections is canceled; and
  - (p) Any additional content for House Rules outlined in 205 CMR 243.01: *Standards for Sports Wagering Equipment*.
- (4) The Sports Wagering Operator shall not change or modify the House Rules without the prior written approval of the Commission. Failure by an Operator to act in accordance with its House Rules may result in disciplinary action.

247.03: Petition for a Sporting Event or Wager Category

- (1) Any Person may petition the Commission for approval of a new Sporting Event or Wager Category.
- (2) A proposed new Sporting Event or Wager Category may be a variation of an authorized Sporting Event or Wager Category, a composite of authorized Sporting Events or Wager Categories, or a new Sporting Event or Wager Category.
- (3) A petition for a proposed new Sporting Event or Wager Category shall be in writing and must include, at a minimum, the following information:
  - (a) The name(s) and address(es) of petitioner(s);
  - (b) The name of the Sporting Event or Wager Category;
  - (c) Whether the Sporting Event or Wager Category is a variation of an authorized Sporting Event or Wager Category, a composite of authorized Sporting Events or Wager Categories, or a new Sporting Event or Wager Category;
  - (d) The name of any Sports Wagering Operator sponsoring the petition;
  - (e) A complete and detailed description of the Sporting Event or Wager Category for which approval is sought, including:
    1. A summary of the Sporting Event or Wager Category and the manner in which Sports Wagers would be placed and winning Sports Wagers would be determined;
    2. A draft of the proposed House Rules, including a description of any technology that would be utilized to offer Sports Wagering on the Sporting Event or Wager Category;
    3. Any rules or voting procedures related to the Sporting Event or Wager Category;
    4. Assurance that the Sporting Event or Wager Category meets the requirements of 205 CMR 247.03(4);
    5. Whether and to what extent the outcome of the Sporting Event or Wager Category is determined solely by chance;
  - (f) If the proposed Sporting Event or Wager Category is based on eSports activities, complete information about:
    1. The proposed location(s) of the eSports event(s);
    2. The video game used for the eSports event, including, without limitation, the publisher of the video game;

3. The eSports event operator, whether the eSports event operator is approved to host events by the video game publisher, and whether the eSports event operator has any affiliation with the video game publisher;
  4. The manner in which the eSports event is conducted by the eSports event operator, including, without limitation, eSports event rules and certification from a third party, such as an eSports event operator or the game publisher, that the eSports event meets the Commission's event integrity requirements;
- (g) The name of any Sports Governing Body or equivalent organization, as authorized by the Commission;
  - (h) To the extent known by the petitioner(s), a description of policies and procedures regarding event integrity;
  - (i) Any other information or material requested by the Bureau or Commission.
- (4) The Commission shall not grant the petition and authorize the Sporting Event or Wager Category unless the following minimum criteria are met:
    - (a) The outcome can be verified;
    - (b) The Sporting Event generating the outcome is conducted in a manner that ensures sufficient integrity controls exist so the outcome can be trusted;
    - (c) The outcome is not likely to be affected by any Sports Wager placed; and
    - (d) The Sporting Event is conducted in conformity with all applicable laws.
  - (5) The Commission will consider the request, all provided materials, and any relevant input from the Sports Governing Body ~~or~~, the conductor of the Sporting Event or related Players Associations, prior to authorizing a Sporting Event or Wager Category.
  - (6) In its sole discretion, the Commission may require an appropriate test or experimental period, under such terms and conditions as the Commission may reasonably require, before granting final approval to a Sporting Event or Wager Category.
  - (7) In its sole discretion, the Commission may subject any technology that would be used to offer a Sporting Event or Wager Category to testing, investigation, and approval.

- (8) The Commission may grant, deny, limit, restrict, or condition a request made pursuant to this rule, and may revoke, suspend, or modify any approval granted under this rule.
- (9) The Commission shall notify all Sports Wagering Operators of any changes to authorized Sporting Events and Wager Categories.
- (10) The Commission may prohibit the acceptance of any Sports Wagers, and may order the cancellation of Sports Wagers and require refunds on any Sporting Event or Wager Category, for which wagering would be contrary to the interests of the Commonwealth.
- (11) If a Sports Wagering Operator offers an unauthorized or prohibited Sporting Event or Wager Category, the Sports Wagering Operator must immediately cancel and refund all Sports Wagers associated with the unauthorized or prohibited Sporting Event or Wager Category: provided, however, that where only a portion of a Sports Wagers with multiple selections, such as a parlay, is unauthorized, the Sports Wagering Operator may cancel only that portion of the Sports Wager in accordance with the provisions of their House Rules if properly disclosed in accordance with 205 CMR 247.02(3)(o). The Sports Wagering Operator must notify the Commission promptly after cancelling ~~and any Sports Wager and again after~~ refunding ~~the any~~ Sports Wagers.
- (12) The Commission may use any information it considers appropriate, including, but not limited to, information received from a Sports Governing Body, in determining whether to authorize or prohibit wagering on a particular Sporting Event or Wager Category.

247.04: Prohibiting Wagers for Good Cause

- (1) Pursuant to M.G.L. c. 23N, § 11(b), a Sports Governing Body, equivalent organization, as authorized by the Commission, or related Players Association may request in writing that the Commission restrict, limit or exclude a certain type, form or category of Sports Wagering with respect to Sporting Events of the Sports Governing Body, if the Sports Governing Body or Players Association believes that such type, form or category of Sports Wagering with respect to Sporting Events of the Sports Governing Body:
  - (a) Is contrary to public policy;
  - (b) Is unfair to patrons;
  - (c) May undermine the perceived integrity of the Sports Governing Body, Sporting Events of the Sports Governing Body, or the athletes participating therein; or

- (d) Affects the integrity of the Sports Governing Body, Sporting Events of the Sports Governing Body, or the integrity health or welfare of the athletes participating therein.
- (2) The request must be submitted in the form and manner prescribed by the Commission and must include, at a minimum, all of the following:
  - (a) The identity of the requestor, and contact information for at least one individual who shall be the primary point of contact for questions related to the request;
  - (b) A description of the Sporting Event or Wager Category that is the subject of the request;
  - (c) Information explaining why the requestor believes the requirements of 205 CMR 247.04(1) are met; and
  - (d) Any other information required by the Commission.
- (3) The Commission shall grant the request upon good cause shown, or deny the request otherwise; provided, however, that if the Commission determines that the requestor is more likely than not to make a showing of good cause, the Commission may provisionally grant the request until the Commission makes a final determination as to whether the requestor has shown good cause.
- (4) If the request concerns a particular Sporting Event, it must be sent to the Commission at least ten days before the event, unless the request involves allegations of match-fixing, the manipulation of an event, misuse of inside information, or other prohibited activity, in which case it must be sent to the Commission as soon as is reasonably practical.
- (5) The Commission shall grant or deny any request concerning a particular Sporting Event, received at least ten days before the event, before the event. Otherwise, the Commission shall grant or deny any request within fourteen days;
- (6) Upon receiving a complete request under 205 CMR 247.04(1), the Commission shall request comment from Sports Wagering Operators on all such requests in writing. The request shall include the date by which any written responses must be submitted to the Commission. All Sports Wagering Operators must be given an opportunity which is reasonable under all the circumstances to respond to the request.
- (7) A Sports Wagering Operator may continue to offer Sports Wagering on any Sporting Event that is the subject of a request until the Commission provisionally grants or grants the request.

- (1) Except as otherwise provided in 205 CMR 247.05, a Sports Wagering Operator may use any licensed data source to determine the results of all tier 1 Sports Wagers and tier 2 Sports Wagers, subject to all of the following conditions:
  - (a) The data source and corresponding data must be complete, accurate, reliable, timely, and available.
  - (b) The data source must be appropriate to settle the types of events and types of wagers for which it is used.
  - (c) The data is not obtained directly or indirectly from live event attendees who collect the data in violation of the terms of admittance to an event, or through automated computer programs that compile data from the Internet in violation of the terms of service of any website or other Internet platform.
  - (d) The proprietor or manager of any data source that provides data directly to a Sports Wagering Operator must be licensed by the Commission as a Sports Wagering Vendor.
  - (e) The data source and corresponding data must meet any other conditions set by the Commission.
- (2) A Sports Wagering Operator shall report to the Commission the data source that it uses to resolve Sports Wagers. The Commission may disapprove of a data source for any reason.
- (3) In accordance with M.G.L. c. 23N, § 4(c)(i), a Sports Wagering Operator shall not purchase or use any personal biometric data.
- (4) A Sports Governing Body headquartered in the United States may notify the Commission that it desires Sports Wagering Operators to use official league data to settle tier 2 Sports Wagers on the Sports Governing Body's Sporting Events. The notification shall be made in the form and manner required by the Commission and must include, at a minimum, all of the following:
  - (a) Identification information for the Sports Governing Body;
  - (b) Identification and contact information for at least one specific individual who will be the primary point of contact for issues related to the provision of official league data and compliance with the act and these rules;
  - (c) Identification and contact information for any designees that are or will be expressly authorized by the Sports Governing Body to provide official league data in Massachusetts;
  - (d) Copies of any contracts relevant to the provision of official league data in Massachusetts, including all of the following:



1. Copies of any contracts between the Sports Governing Body and any designees that are or will be expressly authorized by the Sports Governing Body to provide official league data in Massachusetts; and
  2. Copies of any contracts between the Sports Governing Body or its designees and Sports Wagering Operators in Massachusetts;
  3. A description of the official league data the Sports Governing Body desires to provide; and
- (e) Any other information required by the Commission.
- (5) A Sports Governing Body may not submit a notification under 205 CMR 247.05(4) unless the Commission has authorized Sports Wagering Operators to accept tier 2 wagers on athletic events of the Sports Governing Body.
  - (6) Within 5 days of receipt of the notification, the Commission shall notify each Sports Wagering Operator of the requirement to use official league data to settle tier 2 Sports Wagers. If a Sports Governing Body does not notify the Commission of its desire to supply official league data, a Sports Wagering Operator may use any data source for determining the results of any and all tier 2 Sports Wagers on Sporting Events of the Sports Governing Body.
  - (7) Within 60 days of the Commission issuing a notification pursuant to 205 CMR 247.05(4), or such longer period as may be agreed between the Sports Governing Body and the applicable Sports Wagering Operator, a Sports Wagering Operator shall use only official league data to determine the results of tier 2 Sports Wagers on Sporting Events of that Sports Governing Body, unless:
    - (a) The Sports Governing Body or its designee cannot provide a feed of official league data to determine the results of a particular type of tier 2 Sports Wager, in which case a Sports Wagering Operator may use any data source for determining the results of the applicable tier 2 Sports Wager until such time a data feed becomes available from the Sports Governing Body on commercially reasonable terms and conditions; or
    - (b) A Sports Wagering Operator can demonstrate to the Commission that the Sports Governing Body or its designee will not provide a feed of official league data to the Sports Wagering Operator on commercially reasonable terms and conditions.
  - (8) In evaluating whether official league data is offered on commercially reasonable terms and conditions for purposes of 205 CMR 247.05(7)(a), the Commission may consider:

- (a) The availability of official league data to a Sports Wagering Operator from more than one authorized source and whether it is offered under materially different terms;
  - (b) Market information, including, but not limited to, price and other terms and conditions of Sports Wagering Operators' purchases of comparable data in the Commonwealth and other jurisdictions;
  - (c) The characteristics of the official league data and any alternate data sources, including:
    - 1. The nature, quantity, quality, integrity, completeness, accuracy, reliability, availability, and timeliness of the data;
    - 2. The quality, complexity, integrity, and reliability of the process used to collect the data; and
    - 3. Any other characteristics the Commission deems relevant;
  - (d) The availability and cost of comparable data from other authorized data sources;
  - (e) Whether any terms of the contract or offer sheet are uncompetitive in nature, are economically unfeasible, or otherwise unduly burden the Sports Wagering Operator; and
  - (f) Any other factors the Commission deems relevant.
- (9) Notwithstanding 205 CMR 247.05(7) or any provision of 205 CMR 247.05 to the contrary, during the pendency of the determination of the Commission as to whether a Sports Governing Body or its designee may provide official league data on commercially reasonable terms, a Sports Wagering Operator may use any data source to determine the results of tier 2 Sports Wagers. The determination shall be made within 120 days of the Sports Wagering Operator notifying the Commission that it requests to demonstrate that the Sports Governing Body or its designee will not provide a feed of official league data to the Sports Wagering Operator on commercially reasonable terms.
- (10) The Commission shall maintain, and may publish, a list of all Sports Governing Bodies that provide official league data under 205 CMR 247.05.
- (11) At any time, a Sports Governing Body may give written notification to the Commission and all Sports Wagering Operators to which the Sports Governing Body or its designee provides official league data that the Sports Governing Body intends to stop providing official league data. The written notification shall specify in the date on which the Sports Governing Body shall stop providing official league data. Said date shall be no fewer than seven days later than the date of the written notification. On receipt of the written notification, a Sports Wagering Operator may

use any data source that meets the requirements of 205 CMR 247.05(1) to determine the results of tier 2 Sports Wagers on athletic events of the Sports Governing Body.

- (12) If a Sports Governing Body does not notify the Commission of its desire to supply official league data under 205 CMR 247.05, a Sports Wagering Operator may use any data source that meets the requirements of 205 CMR 247.05(1) for determining the results of any and all tier 2 Sports Wagers on Sporting Events of the Sports Governing Body.
- (13) A Sports Governing Body may enter into commercial agreements with a Sports Wagering Operator or other entity in which such Sports Governing Body may share in the amount wagered or revenues derived from Sports Wagering on Sporting Events of the Sports Governing Body. A Sports Governing Body shall not be required to obtain a license or any other approval from the Commission to lawfully accept such amounts or revenues.

247.06: Sports Wagering Tournaments/Contests/Pool

- (1) No Sports Wagering tournament, contest, or pool shall be conducted unless the Sports Wagering Operator, before the first time a given type of tournament, contest, or pool is offered, files a written request with the Commission to offer that type of tournament, contest, or pool, and the Commission grants the request.
- (2) The request must provide a detailed description of the type of tournament, contest, or pool and must include the rules of the tournament, contest, or pool, the requirements for entry, the entry fees, the rake, and potential payouts. The request must also indicate whether or not the proposed type involves a shared liquidity pool available to patrons in Massachusetts and other jurisdictions with the prize pool comprising entry fees collected from patrons in multiple jurisdictions.
- (3) Once a Sports Wagering Operator receives approval to offer a type of tournament, contest, or pool, the Sports Wagering Operator shall not be required to seek additional approvals from the Commission for each subsequent type that has only variations to the size, number of entries permitted, entry fee, or prize structure, or other minor variations as allowed by the Commission.
- (4) Each Sports Wagering Operator must maintain a record of each tournament, contest, or pool it offers, which must address, at a minimum, all of the following:
  - (a) Name or identification of the tournament, contest, or pool;
  - (b) The date and time the tournament, contest, or pool occurred or will occur (if known);
  - (c) Relevant Sporting Events and Wager Categories;
  - (d) Rules concerning play or participation in the tournament, contest, or pool;

- (e) For each registered patron:
  - 1. The patron's unique identifier;
  - 2. The amount of entry fees collected from the patron, including any Promotional Gaming Credits, and the date collected;
  - 3. The patron's scorings/rankings; and
  - 4. Any payouts to the patron, including any Promotional Gaming Credits, and the date paid;
- (f) Total rake, Commission, or fees collected;
- (g) Funding source amount or amounts comprising the prize pool, including buy-ins, re-buys, or add-ons;
- (h) Prize structure of payouts;
- (i) The methodology for determining winner or winners; and
- (j) The current status of the tournament, contest, or pool.
- (5) The Sports Wagering Operator's rake collected from patrons located within the Commonwealth who enter a tournament, contest, or pool (less any rake adjustment, if applicable), is Sports Wagering revenue subject to all taxes and tax requirements outlined in 205 CMR 240: *Sports Wagering Revenue Tax Remittance and Reporting*, and:
  - (a) At no time shall the calculation resulting from a rake or rake adjustment be negative; and
  - (b) For a tournament, contest, or pool which utilizes shared liquidity available to patrons in Massachusetts and other jurisdictions, the rake rate must be the same for all jurisdictions participating.
- (6) All Breaks from each prize pool must be transferred to the Sports Wagering Control Fund in accordance with M.G.L. c. 23N, § 15(a).

247.07: Acceptance of Sports Wagers

- (1) Available Sports Wagers must be displayed to the public. The display must include the odds and a brief description of the Sporting Event and wagering proposition.
- (2) A Sports Wagering Operator may not accept a Sports Wager on a Sporting Event unless the availability of that Wager is posted in accordance with 205 CMR 247.07(1).

- (3) A Sports Wagering Operator may not set lines or odds or offer wagering propositions designed for the purposes of ensuring that a patron will win a Sports Wager or a series of Sports Wagers, unless the lines, odds, or wagering propositions are offered in connection with a promotional offer made in accordance with 205 CMR 247.09.
- (4) Sports Wagers may only be placed from:
  - (a) A sports wagering counter or other counter locations within a Sports Wagering Facility or Sports Wagering Area as approved by the Commission;
  - (b) A Sports Wagering Kiosk, within a Sports Wagering Facility or Sports Wagering Area and in a location approved by the Commission;
  - (c) A designated counter in the cashier's cage within a Sports Wagering Facility or Sports Wagering Area for the redemption of winning sports wagering tickets or vouchers; or
  - (d) A mobile application or digital platform approved by the Commission.
- (5) Sports wagers within a Sports Wagering Facility or Sports Wagering Area may only be conducted with chips, tokens, electronic cards, or:
  - (a) Cash or cash equivalents;
  - (b) Foreign currency and coin converted to US currency;
  - (c) Digital, crypto and virtual currencies converted to cash;
  - (d) Electronic funds transfers (EFTs), including online and mobile payment systems;
  - (e) Debit instruments, including debit cards and prepaid access instruments;
  - (f) Promotional gaming credits;
  - (g) Winning sports wagering tickets or vouchers;
  - (h) Sports Wagering Accounts; or
  - (i) Any other means approved by the Commission or its designee.
- (6) Sports wagering transactions using a mobile application or other digital platform may only be conducted by a patron physically located within the Commonwealth, using their Sports Wagering Account.

- (7) A Sports Wagering Operator shall prohibit any use of credit cards, either directly or indirectly, including without limitation through an account funded by credit card, in placing Sports Wagers.
- (8) A Sports Wagering Operator shall record the personally identifiable information required to register for a Sports Wagering Account under 205 CMR 248.03(1) before accepting anonymous Sports Wagers in excess of \$10,000 or issuing payouts on anonymous Sports Wagers in excess of \$10,000.
  - (a) The Sports Wagering Operator shall not knowingly allow, and shall take reasonable steps to prevent, the circumvention of reporting requirements through a patron making a structured transaction, including multiple Sports Wagers or a series of Sports Wagers that are designed to accomplish indirectly that which could not be accomplished directly. A Sports Wager or wagers need not exceed the dollar thresholds at any single Sports Wagering Operator in any single day in order to constitute prohibited structuring.
  - (b) The Sports Wagering Operator shall not knowingly assist, encourage or instruct a player in structuring or attempting to structure Sports Wagers.
  - (c) 205 CMR 247.07(8) does not prohibit a Sports Wagering Operator from informing a player of the regulatory requirements imposed upon the Sports Wagering Operator, including the definition of structured Sports Wagers.
- (9) A Sports Wagering Operator must provide for the patron's review and finalization of a Sports Wager before the Sports Wagering Operator accepts it. The Sports Wagering Operator shall not change a Sports Wager after the patron has reviewed and finalized the wager. To the extent permitted by approved House Rules, a patron may change a Sports Wager after the patron has reviewed and finalized the wager.
- (10) A Sports Wagering Operator may, ~~in its discretion,~~ cancel an accepted Sports Wager ~~for an obvious error. An obvious error must be defined in the system of internal controls submitted by a Sports Wagering Operator only~~ in accordance with 205 CMR ~~238.02-35.~~
- (11) Except as otherwise provided in 205 CMR 238.35: *Cancelled or Void Wagers*, a Sports Wagering Operator may not unilaterally cancel an accepted Sports Wager without prior written approval of the Commission. A Ticket Writer, as defined in 205 CMR 238.01, may not cancel a Sports Wager for which the Ticket Writer assisted the patron for wager placement and must instead call a supervisor to cancel the Sports Wager.
- (12) A Sports Wagering Operator shall have no obligation to accept a Sports Wager if unable to do so due to equipment failure.

- (1) Unless otherwise directed by the Commission, there is no limitation as to the minimum or maximum wager a Sports Wagering Operator may accept. This rule does not preclude a Sports Wagering Operator from establishing its own minimum or maximum wagers or limiting a patron's Sports Wager for reasons considered necessary or appropriate by the Sports Wagering Operator.
- (2) A Sports Wagering Operator shall provide notice of the minimum and maximum wagers in effect for each Sporting Event or Wager Category and any changes thereto in accordance with 205 CMR 247.03(3).
- (3) Notwithstanding 205 CMR 247.08(2), a Sports Wagering Operator may, in its discretion, permit a player to wager below the established minimum wager or above the established maximum wager unless otherwise directed by the Commission.
- (4) Nothing in 205 CMR 247.08 shall preclude a Sports Wagering Operator from establishing additional wagering requirements that are consistent with the House Rules, provided that the Sports Wagering Operator satisfies the notice requirements of 205 CMR 247.03(3).

247.09: Promotional Offers

- (1) A Sports Wagering Operator must maintain a record of all promotional offers related to Sports Wagering. For each promotional offer, the Operator must document, at a minimum, the following:
  - (a) The name or identification of the promotional offer;
  - (b) The terms of the promotional offer, as specified in 205 CMR 247.09(2);
  - (c) The date(s) and time(s) the promotional offer was or is scheduled to be available;
  - (d) The date and time the promotional offer was or is scheduled to become discontinued; ~~and~~
  - (e) The current status of the Promotional offer-; and
  - (f) The conditions or circumstances under which the promotion is displayed to a patron.

(2) Disclosure of terms

- (a) Sports Wagering Operators shall fully and accurately, clearly and conspicuously disclose the material terms of all promotional offers at the time such offers are advertised, ~~and provide full disclosures of the terms of and limitations on the offer before the patron provides anything of value in exchange for the offer.~~ If the material terms of a promotional offer cannot be fully and accurately disclosed within the constraints of a particular

advertising medium, the promotional offer may not be advertised in that medium.

~~(f)~~(b) Sports Wagering Operators shall provide full disclosures of the terms of and limitations on the offer before the patron provides anything of value in exchange for the offer. The terms disclosed according to this 205 CMR 247.09(2)(b) must include, at a minimum, all of the following:

1. The date and time advertisements for the offer are being presented;
2. The date(s) and time(s) the offer is available;
3. The date and time the offer becomes discontinued;
4. Any requirements for a patron to be eligible;
5. Any associated restriction on withdrawals of funds;
6. Wagering requirements and limitations on Sporting Events or Wager Categories;
7. How the patron will be notified when they have received an award;
8. The order in which funds are used for wagers;
9. Eligible Sporting Events or Wager Categories; and
10. Rules regarding cancellation.

~~(2)~~(3) No promotional offer available to new patrons may contain terms that delay its full implementation by the Sports Wagering Operator for a period of longer than ninety (90) days, regardless of the amount of Sports Wagering in that period by the patron.

**[FOR DISCUSSION: SHOULD TIME PERIOD BE SHORTENED?]**

~~(4)~~ No promotional offer may reward, be contingent upon, or otherwise relate to a patron's referral of other patrons to the Operator.

~~(5)~~ Promotional offers must comply with all applicable provisions of G.L. c. 23N, 205 CMR and all other applicable laws, including 940 CMR 3.00: *Consumer Protection, General Regulations* and 949 CMR 6.00: *Retail Advertising*, provided that 940 CMR 6.08(3)(b), 3(c), 5(b), 5(c) and (6) shall not apply.

~~(3)~~(6) A Sports Wagering Operator must provide a clear and conspicuous method for a patron to cancel their participation in a bonus or promotional offer that utilizes restricted wagering credits that cannot be cashed out until a wagering requirement or other restrictions associated with the credits is met:



- (a) Upon request for cancellation, the Sports Wagering Operator shall inform the patron of the amount of unrestricted funds that will be returned upon cancellation and the value of restricted wagering credits that will be removed from the Sports Wagering Account; and
- (b) If a patron elects to proceed with cancellation, unrestricted funds remaining in a patron's Sports Wagering Account must be returned according to the terms of a promotional offer.

~~(4)~~(7) Once a patron has met the terms of a promotional offer, a Sports Wagering Operator must not limit payouts earned while participating in the offer.

247.10: Exchange Wagering and Other Peer-to-Peer Wagering

- (1) Prior to offering exchange wagering or other peer-to-peer wagering, a Sports Wagering Operator must obtain approval from the Commission. The rake taken on such wagers shall be considered Sports Wagering revenue and is subject to all taxes and tax requirements outlined in 205 CMR 240: *Sports Wagering Revenue Tax Remittance and Reporting*.
- (2) One or more Sports Wagering Operators may, with prior approval of the Commission, participate in a sports wagering network in accordance with a written agreement that has been executed by each Sports Wagering Operator. The agreement shall:
  - (a) Designate the party responsible for the operation and administration of the network;
  - (b) Identify and describe the role, authority, and responsibilities of each participating Sports Wagering Operator and, if applicable, any Sports Wagering Vendor;
  - (c) Include a description of the process by which significant decisions that affect the operation of the network are approved and implemented by each Sports Wagering Operator; and
  - (d) Allocate the gross sports wagering receipts and tax liability between the participating Sports Wagering Operators to ensure the accurate reporting thereof.
- (3) Each party to an agreement to participate in a sports wagering network shall be jointly and severally liable for any acts or omissions in violation of M.G.L. c. 23N, 205 CMR, or the policies of the Commission.