

205 CMR 250: PROTECTION OF MINORS AND UNDERAGE YOUTH FROM SPORTS WAGERING

Section

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250.01: Preventing Sports Wagering by Underage Persons

- (1) Each Sports Wagering Operator shall implement policies, procedures and practices designed to prevent Persons younger than 21 years old, except for an employee 18 years of age or older acting in the performance of the employee’s duties, from:
  - a. Entering a Sports Wagering Area or Sports Wagering Facility; or
  - b. Holding a Sports Wagering Account.
- (2) Each Sports Wagering Operator shall submit a written policy that includes the policies, procedures and practices described in 205 CMR 250.01(1) and (5) for Commission approval at least 30 days before the Sports Wagering Operator begins accepting bets from individuals participating in Sports Wagering from Massachusetts. The Commission shall review the plan, and if approved, the plan shall be implemented and followed by the Sports Wagering Operator. If the plan is not approved, the Commission may withhold issuance of an Operations Certificate until the Sports Wagering Operator has submitted a new policy that is approved by the Commission.
- (3) The Commission shall review each Sports Wagering Operator’s written policy at least once a year.
- (4) If a Sports Wagering Operator amends its written policy prior to the Commission’s annual review, the Sports Wagering Operator shall submit an amended written policy for Commission approval within 30 days of amending the written policy. The Sports Wagering Operator shall not implement the amended written policy until the Commission approves the amended written policy. While the Commission reviews the amended written policy, the Sports Wagering Operator shall continue to implement the written policy most recently approved by the Commission.
- (5) The policies, procedures and practices shall include but not be limited to an ongoing program of training for personnel at the gaming establishment or Sports Wagering Facility, or for personnel who are responsible for regulating access to a Sports Wagering Platform, that emphasizes the responsibility of those personnel for identifying and preventing Sports Wagering by persons younger than 21 years old.
- (6) In cooperation with the Commission, and where reasonably possible, the Sports Wagering Operator shall determine the amount wagered and lost by a Person younger than 21 years old.

The monetary value of the losses shall be paid to the Commission for deposit into the Sports Wagering Fund within 45 days established in M.G.L. c. 23N, § 17.

250.02: Monitoring the Premises for Unattended Minors

Sports Wagering Operators shall be subject to the same responsibilities regarding the monitoring of parking areas and the safety of minors on the premises of a gaming establishment or Sports Wagering Facility as gaming licensees as set forth in 205 CMR 150.02.

250.03: Preventing the Service of Alcohol to Underage Persons

Each Sports Wagering Operator shall implement policies, procedures and practices in accordance with 205 CMR 138.12 to prevent the service of alcoholic beverages to underage Persons upon the premises of the gaming establishment or Sports Wagering Facility.

250.04: Reporting Requirements Related to Minors and Underage Persons

Each Sports Wagering Operator shall submit an underage Person report to the bureau by the tenth day of each month reporting the following information for the previous month:

- (1) The number of Persons younger than 21 years old found in the Sports Wagering Facility;
- (2) The number of Persons younger than 21 years old found Sports Wagering or attempting to Sports Wager in the Sports Wagering Area, including but not limited to, wagering on a Sports Wagering Kiosk;
- (3) The number of Persons younger than 21 years old found Sports Wagering or attempting to Sports Wager on a Sports Wagering Platform;
- (4) The number of Persons younger than 21 years old found consuming or attempting to consume alcohol in the Sports Wagering Area or Sports Wagering Facility;
- (5) The number of Persons younger than 21 years old turned over to the proper law enforcement authority by the Sports Wagering Operator; and
- (6) The number of Persons younger than 21 years old escorted from the Sports Wagering Area.

250.05: Sanctions Against a Sports Wagering Operator

- (1) Grounds for Action. A Sports Wagering Operator license may be conditioned, suspended, or revoked, or a Sports Wagering Operator assessed a civil administrative penalty if it is determined that a Sports Wagering Operator has:
  - (a) knowingly or recklessly failed to reject or block a sports wager placed by any Person younger than 21 years old. Provided, it shall not be deemed a knowing or reckless failure if a Person younger than 21 years old shielded their age or otherwise attempted to avoid age verification while present at a Sports Wagering Area, Sports Wagering Facility, or on a Sports Wagering Platform; or

- (b) failed to abide by any provision of 205 CMR 250.00, M.G.L. c. 23N, §§ 12(a)(x) or 13(d)(i), a Sports Wagering Operator's approved written policy for compliance with the protection of minors and underage youth from sports wagering program pursuant to 205 CMR 250.00, or any law related to the protection of minors and underage youth from sports wagering in a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform. Provided, a Sports Wagering Operator shall be deemed to have marketed to a minor or underage youth only if marketing materials are sent directly to an address, email address, telephone number, or other contact identified by the individual on their application.
- (2) Finding and Decision. If the bureau finds that a Sports Wagering Operator has violated a provision of 205 CMR 250.05(1), it may issue a written notice of decision recommending that the Commission suspend, revoke, or condition said Sports Wagering Operator license. Either in conjunction with or in *lieu* of such a recommendation, the bureau may issue a written notice assessing a civil administrative penalty upon said Sports Wagering Operator. Such notices shall be provided in writing and contain a factual basis and the reasoning in support of the decision, including citation to the applicable statute(s) or regulation(s).
- (3) Civil Administrative Penalties. The Commission may assess a civil administrative penalty on a Sports Wagering Operator in accordance with M.G.L. c. 23N, § 16 for a violation of 205 CMR 250.05(1).
- (4) Review of Decision. A recommendation made by the bureau to the Commission that a Sports Wagering Operator license be suspended or revoked shall proceed directly to the Commission for review in accordance with 205 CMR 101.01. If the Sports Wagering Operator license is aggrieved by a decision made by the bureau in accordance with 205 CMR 250.05(2) and (3), it may request review of said decision in accordance with 205 CMR 101.00.