



## NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18-25), St. 2022, c. 107, and St. 2023, c. 2, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

**Thursday | January 23, 2025 | 9:30 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 111 860 7669**  
**All meetings are streamed live at [www.massgaming.com](http://www.massgaming.com).**

Please note that the Commission will conduct this public meeting remotely utilizing collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public. If there is any technical problem with the Commission's remote connection, an alternative conference line will be noticed immediately on [www.massgaming.com](http://www.massgaming.com).

All documents and presentations related to this agenda will be available for your review on the morning of the meeting date by visiting our website and clicking on the News header, under the Meeting Archives drop-down.

### **PUBLIC MEETING - #545**

1. Call to Order – Jordan Maynard, Chair

2. Meeting Minutes

- |                       |             |
|-----------------------|-------------|
| a. November 8, 2023   | <b>VOTE</b> |
| b. December 20, 2023  | <b>VOTE</b> |
| c. January 4, 2024    | <b>VOTE</b> |
| d. January 24, 2024   | <b>VOTE</b> |
| e. September 12, 2024 | <b>VOTE</b> |
| f. December 16, 2024  | <b>VOTE</b> |

3. Administrative Update – Dean Serpa, Executive Director

- a. Discussion of Senate Judiciary Committee Hearing on Sports Wagering – Deputy General Counsel Justin Stempeck



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4. Racing – Dr. Alexandra Lightbown, Director of Racing
  - a. Discussion Regarding Michigan Gaming Control Suspension of Twin Spires ADW as it Pertains to Massachusetts- Justin Stempeck, Deputy General Counsel; Michael Buckley, COO, Suffolk Downs; Bruce Barnett, Suffolk Downs Counsel
  - b. Raynham Request for Approval of Global Tote as their Totalizer Provider - Sue Rodrigues, Vice President of Operations, Raynham Park **VOTE**
  - c. Horse Health at Plainridge Racecourse – Steve O’Toole, Director of Racing, Plainridge Park Casino
  
5. Investigations and Enforcement Bureau – Caitlin Monahan, Chief of Investigations and Enforcement Bureau
  - a. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee FBG Enterprises Opco, LLC, d/b/a Fanatics and discussion regarding next steps. Alleged noncompliance relates to wagers on an unauthorized event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i) and the Massachusetts Gaming Commission Sports Wagering Catalog – Nate Kennedy, Enforcement Counsel **VOTE**
  - b. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee BetFair Interactive US, LLC, d/b/a/ FanDuel and discussion regarding next steps. Alleged noncompliance relates to wagers on an unauthorized event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i) and the Massachusetts Gaming Commission Sports Wagering Catalog – Nate Kennedy, Enforcement Counsel **VOTE**
  - c. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee BetFair Interactive US, LLC, d/b/a FanDuel and discussion regarding next steps. Alleged noncompliance relates to wagers on an unauthorized event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i) and the Massachusetts Gaming Commission Sports Wagering Catalog – Nate Kennedy, Enforcement Counsel **VOTE**
  
6. Legal – Todd Grossman, General Counsel
  - a. 205 CMR 243.02: *Sports Wagering Equipment* (Kiosks) - Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to begin the promulgation process by Commission – Ying Wang, Associate General Counsel **VOTE**
  - b. 205 CMR 257: Sports Wagering Data Privacy - Discussion and Review of Regulation Amendments and Small Business Impact Statement for authorization to finalize the promulgation process by Commission – Deputy General Counsel Justin Stempeck **VOTE**



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7. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
  - a. GameSense Quarterly Report – Long Banh, Program Manager
  
8. Sports Wagering Division – Carrie Torrisi, Chief of Sports Wagering Division
  - a. Update to House Rules – Penn Sports Interactive **VOTE**
  - b. Event Petition Request – Professional Women’s Hockey League (PWHL) **VOTE**
  - c. Discussion of Exhibition Matches included within the Event Catalog
  - d. Discussion of Audit of Operators’ Compliance with 205 CMR 254 and 205 CMR 255 – Brittany Costello, Compliance Officer
  - e. FanDuel request to use an alternate method of Know Your Customer (“KYC”) identity authentication at the time of sports wagering account establishment pursuant to 205 CMR 248.04(4) – Carrie Torrisi, Chief of Sports Wagering Division; Andrew Steffen, Sports Wagering Compliance and Operations Manager; Cristian Taveras, Gaming Technical Compliance Manager; Kevin Gauvreau, Information and Network Security Manager **VOTE**
  - I. Executive Session **VOTE**

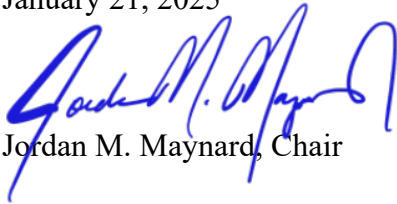
The Commission anticipates that it will convene in an Executive Session in conjunction with its review of FanDuel’s methods of KYC in accordance with G.L. c. 30A, § 21(a)(7) and G. L. c. 4, § 7(26)(n) to review certain materials in connection with the sports wagering operator’s processes and parameters during account creation related to customer verification and authentication, as these matters relate to cyber security within the Commonwealth, and the public discussion or disclosure of which is likely to jeopardize public safety or cyber security.
  
9. Commissioner Updates
  
10. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.



Massachusetts Gaming Commission

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us). Posted to Website: January 21, 2025 | 9:30 a.m. EST

January 21, 2025



Jordan M. Maynard, Chair

*If there are any questions pertaining to accessibility and/or further assistance is needed,  
please email [Grace.Robinson@massgaming.gov](mailto:Grace.Robinson@massgaming.gov).*



Massachusetts Gaming Commission



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** November 8, 2023, 11:15 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 712 2333

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

### **Commissioners Present:**

Chair Cathy Judd-Stein  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard

#### 1. [Call to Order](#) (00:00)

Chair Judd-Stein called to order the 487<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Sports Wagering](#) (00:39)

##### a. Penn Sports Interactive: Update to House Rules

Casino Regulatory Manager & Interim Sports Wagering Operations Manager Andrew Steffen explained that Penn Sports Interactive ("PSI") had submitted a request to change its house rules to remove all reference to Barstool, Barstool Sportsbook, and Barstool Sportsbook and Casino. He stated that the Barstool references would be replaced with the term "operator" or "the operator". He noted that there were also minor grammatical changes throughout the house rules.

Mr. Steffen reported that the Sports Wagering Division confirmed that all requirements of 205 CMR 247.02 had been met and that the Sports Wagering Division had no reservations about

approving these changes. *PSI's updated house rules were included in the meeting packet on pages 2 through 60.*

Commissioner Hill asked about the basketball rule changes mentioned in the memorandum. Mr. Steffen stated there were no changes to any sports rules. He stated that the memorandum for this house rule change should be dated November 8, 2023, and that the memorandum in the Commissioner's materials may be an incorrect version, as it was dated October 25, 2023.

PSI's Senior Director of Compliance, Adam Kates, confirmed that there were no changes to any sports rules. Chair Judd-Stein stated that the changes to the house rules aligned with the statements made by Mr. Steffen despite having the incorrect memorandum in the packet. Commissioner Skinner requested that the November 8, 2023 memorandum be circulated to the Commission. Mr. Steffen confirmed that he would do so.

*Transcriber's Note: Executive Assistant to the Commissioners, Trudy Lartey, distributed the November 8, 2023, memorandum to the Commissioners.*

Commissioner Skinner moved that the Commission approve the updates to Penn Sports Interactive's house rules as included in the memorandum dated November 8, 2023, as will be included in the Commissioner's Packet, and as discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

### 3. [Other Business](#) (08:37)

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner O'Brien moved to adjourn. The motion was seconded by Commissioner Skinner.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

### **List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda](#) dated November 6, 2023
2. [Commissioner's Packet](#) from the November 8, 2023, meeting (posted on massgaming.com)



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** December 20, 2023, 1:45 p.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 292 4007

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

### **Commissioners Present:**

Chair Cathy Judd-Stein  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard

#### 1. [Call to Order](#) (00:06)

Chair Judd-Stein called to order the 493rd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Interim Chief Enforcement Counsel of the Investigations and Enforcement Bureau Contract Discussions](#) (00:38)

##### a. Executive Session

Chair Judd-Stein read the following statement into the record, "the Commission anticipates convening in Executive Session to conduct strategy sessions in preparation for contract negotiations with nonunion personnel pursuant to G.L. c. 30A, § 21(a)(2), specifically the position of the Interim Chief Enforcement Counsel of the Investigations and Enforcement Bureau."



Commissioner O'Brien moved to enter an executive session on the matter, for the reasons articulated by the Chair. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

3. [Other Business](#) (1:56)

Prior to entering the executive session, Chair Judd-Stein stated that there was no other business before the Commission. The Chair also noted that the Commission would not reconvene in the public meeting at the conclusion of the executive session.

*Commissioners entered the executive session.*

*The public portion of the meeting did not reconvene.*

**List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda](#) dated December 18, 2023



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** January 4, 2024, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 203 9875

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission’s deliberations for any interested member of the public.

### **Commissioners Present:**

Chair Cathy Judd-Stein  
Commissioner Eileen O’Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard

#### 1. [Call to Order](#) (00:17)

Chair Judd-Stein called to order the 494<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission (“Commission”). Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Meeting Minutes](#) (00:51)

- a. March 27, 2023
- b. March 30, 2023

Commissioner Maynard moved to approve the minutes from the March 27, 2023 and March 30, 2023 public meetings that are included in the Commissioners’ packet, subject to any necessary corrections for typographical errors, or other non-material matters. Commissioner Skinner seconded the motion.

#### *Roll call vote:*

*Commissioner O’Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*  
*Chair Judd-Stein: Aye.*  
*The motion passed unanimously, 5-0.*

c. April 6, 2023

Commissioner Maynard moved to approve the minutes from the April 6, 2023 public meeting that are included in the Commissioners' packet, subject to any necessary corrections for typographical errors, or other non-material matters. Commissioner O'Brien seconded the motion.

*Roll call vote:*  
*Commissioner O'Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Abstain.*  
*Commissioner Maynard: Aye.*  
*Chair Judd-Stein: Aye.*  
*The motion passed by majority vote, 4-0 with one abstention.*

3. [Administrative Update](#) (03:27)

Interim Executive Director and General Counsel Todd Grossman requested that two items for discussion under the administrative update be postponed: the Item (a) discussion on "Regulatory Development Update on Cashless Wagering" and the Item (c) discussion on "Status of Lease of Boston Office Space at 101 Federal Street."

b. [Responsible Gaming Conference Planning Update](#) (04:36)

Mark Vander Linden, Director of Research and Responsible Gaming, provided an update on the status of the Commission's conference, "Using Research to Rewrite the Playbook: Examining the Social Impacts of Sports Betting and the Changing Landscape," to be held on May 14, 2024 at the AC Marriott in Worcester, Massachusetts. He noted that the conference will cover the topic of sports betting as well as highlight changes in the nature of gambling over the past ten years. He stated that the conference has the support and expertise of the Northeast Council on Problem Gambling and its member states as well as the assistance of GREO, which is helping to advise on the conference's structure in order to engage a new audience.

d. [Directors and Officers Insurance Policy Overview](#) (08:50)

Interim Executive Director & General Counsel Grossman provided an overview and discussed the status of the Commission's Directors and Officers Insurance Policy ("D&O Policy") which is due to be renewed by January 25, 2024. He reviewed the types of matters which are covered by the D&O Policy as well as who is covered and further noted that these protections are in addition to those under the Massachusetts Torts Claims Act. He clarified that the policy is intended to cover employee conduct as long as the employee is working within their scope of work. Mr. Grossman noted that he would keep the Commission apprised on the renewal of the policy.

4. [Legislative Update](#) (17:21)

Chair Judd-Stein asked that, after review and out of an abundance of caution, the legislative update to be provided by Commissioner Hill be postponed and presented at the January 18, 2024 public meeting. Commissioner Hill asked that the letter, which was to be the subject of the legislative update, be further revisited during the January 18, 2024 meeting as well due to Commissioner disagreements which were discussed at the previous meeting.

5. [Sports Wagering Division](#) (21:52)

a. [Request for House Rules Amendments: Fanatics](#) (22:19)

Interim Sports Wagering Operations Manager, Andrew Steffen, presented updates to Fanatics Betting and Gaming's house rules, which included updates for clarification purposes, to add rules to address new market types, to restructure and reorder certain sections, and to add rules to address one of the newly-approved sports. *A memorandum detailing Fanatics' proposed changes was included in the meeting packet on pages 40 through 56.*

Mr. Steffen stated that after a comprehensive review, the Sports Wagering Division confirmed that all of the requirements of 205 CMR 247.02(4) had been met and that the Sports Wagering Division had no reservations about approving the changes.

Commissioner Maynard moved to approve the updates to Fanatics house rules as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

b. [Request for House Rules Amendments: DraftKings](#) (27:24)

Mr. Steffen presented updates to DraftKings' house rules. *A memorandum detailing DraftKings' proposed changes was included in the meeting packet on pages 57 through 63.* The updates included changes for clarification purposes and additional language regarding settlement rules, pre-live same game parlays, and player prop wagers. The updates further added language in the market rules section on progressive parlays. Mr. Steffen noted that the addition of progressive parlays was submitted to Gaming Labs International ("GLI") which recertified DraftKings with regard to the GLI-33 standard specific to Massachusetts. He stated that after a very thorough review of these updates and discussion with DraftKings and GLI, the Sports Wagering Division

confirmed that all of the requirements of 205 CMR 247.02(4) had been met and that the Sports Wagering Division had no reservations about approving the changes.

Jake List, Senior Director of Regulatory Operations, provided examples of progressive parlays. Mr. Steffen confirmed that no other licensees were offering progressive parlay wagers.

Commissioner Maynard moved to approve the updates to DraftKings' house rules as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

*Transcriber's note: Due to technical issues, Item 5(c) was discussed after Item 6(a).*

c. [WynnBET Request for Reducing Customer Service Hours](#) (53:16)

Crystal Beauchemin, Sports Wagering Business Manager, presented a request from WynnBET to amend their phone line customer service hours to 9:00 a.m. to 7:00 p.m. as they are not receiving a high volume of calls or live chats outside those hours. *Information regarding WynnBET's request was included in the meeting packet on pages 64 and 65.* The Commissioners raised concerns about ensuring that those needing help, including those needing support specific to responsible or problem gambling, are able to receive that assistance and asked for further information on the nature of the calls received after 7:00 p.m. Ms. Beauchemin did confirm that individuals were able to call the phone line at any hour to leave a voicemail and would receive a call back when live hours resumed and further that onsite assistance is available at WynnBET's retail location.

The Commissioners also raised questions with respect to what operators included in their applications regarding customer service availability compared to what is actually offered and whether specific requirements should be mandated by regulation.

Chair Judd-Stein applauded the efforts of the Communications and Sports Wagering Divisions to ensure the Commission's website is as robust as possible as a place where individuals can obtain information regarding sports wagering platforms as well as information related to health and welfare.

6. [Investigations and Enforcement Bureau](#) (39:37)

a. [Update on Anticipated Temporary Licensure Process](#) (39:51)

Karalyn O'Brien, Chief of the Licensing Division, reviewed the process for renewal of Sports Wagering Operators' temporary licenses. She explained that once the renewal request and application fee are received from the operator, the temporary license will not expire until after the Commission makes a decision on the renewal request in a public meeting, after which the licensing fee will be due. She noted that the temporary licenses were due to expire on February 23, 2024 with the exception of Plainridge Park Casino's ("PPC") temporary license which was set to expire on January 12, 2024.

Interim IEB Director Caitlin Monahan explained that though PPC had submitted its request for renewal of its temporary license, their durable suitability hearing has been scheduled for February 5, 2024. She explained that if the Commission determines that PPC is fully suitable, PPC will receive its full license, and the request for renewal of its temporary license will be moot. She further suggested that the Commission review all of the temporary license renewal requests in a single meeting as they are all similar.

Upon request from Chair Judd-Stein, Ms. Monahan reviewed the current operating status of all Category 1 and Category 3 Sports Wagering temporary licensees.

b. [Report on Encore Boston Harbor's Petition to Amend Floorplan](#) (1:12:04)

Burke Cain, Chief of the Gaming Agents Division, and Luis Lozano, Casino Regulatory Manager ("CRM") at Encore Boston Harbor ("EBH"), presented EBH's petition to amend their approved casino floor plan. As Chief Cain noted, EBH's petition was preliminarily approved by the IEB pursuant to 205 CMR 138.07(3) in November 2023. *A copy was included in the meeting packet on pages 66 and 67.*

Mr. Lozano reviewed EBH's amendments to their existing casino floor plan, which he noted were given final approval in December 2023 based on surveillance inspection, equipment inspection and review of necessary documentation. *Information regarding the amendments, which included five (5) areas, decreasing the total gaming area by 7,160 square feet and adding 78 slot machines, was included in the meeting packet at pages 68 through 72.* Mr. Lozano further noted that these amendments did not relate to the proposed East of Broadway expansion but that he was notified that EBH should be ready to present their proposal related to the expansion in the next few weeks.

Commissioner O'Brien noted her disappointment that additional poker service was not added in this floor plan amendment and asked that there be more detailed conversations on poker in general. Chief Cain and Mr. Lozano both stated that demand for poker tables has not changed and further that related complaints have decreased.

Chair Judd-Stein noted that a vote was not required as IEB has regulatory authority to approve casino floor plan amendments.

7. [Research & Responsible Gaming](#) (1:24:08)

a. [Voluntary Self-Exclusion \(VSE\) Program: Massachusetts Process and Data](#) (1:24:20)

Director Vander Linden and Long Banh, Responsible Gaming Program Manager, presented an update on the VSE Program, specifically focusing on how and why a reinstatement session is required as part of that program. The presentation, found in the meeting packet at pages 80 through 95, outlined the program requirements, provided study data related to the program, displayed documents in development intended to simplify information provided to enrollees, and reviewed data related to the number of enrollees who either reenroll or violate the terms of their agreement.

Commissioner Skinner requested additional information regarding at what point individuals were intercepted or identified on the gaming floor as being in the VSE program, including the number of patrons who were identified after winning a jackpot.

Chair Judd-Stein and Commissioner Maynard questioned the communications aspect related to the enrollees' knowledge of reinstatement. Director Vander Linden noted that his team was continuing to work to reduce the number of individuals who are caught on the gaming floor without having completed a reinstatement session, including reviewing ways that they can improve communication and exploring different modes of communication. Director Vander Linden and Mr. Banh further emphasized the human aspect of the VSE program and the importance of keeping that in mind when administering this program.

8. [Community Affairs Division](#) (2:07:05)

a. Community Mitigation Fund: 2023 Grant Modification

i. [Springfield Safe Ride Home Project](#) (2:07:33)

Mary Thurlow, Senior Program Manager in the Community Affairs Division, presented the City of Springfield's Department of Health and Human Services' request to reallocate grant funds in their 2023 Safe Ride Home Project originally intended for a Community Health Worker to instead fund additional research to develop public awareness campaigns to increase communication and community outreach about alcohol impaired driving. She noted that the staff recommended approving the reallocation of funding and further allowing Springfield to purchase supplies. *Information regarding the City's request was included in the meeting packet at pages 96 through 99.*

Commissioner Hill moved to approve modification of the 2023 Community Mitigation Fund grant to the Springfield Department of Health and Human Services for the Springfield Safe Ride Home Project by authorizing a reallocation of \$20,115 in funding and a release of \$2,000 as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

Commissioner Hill: Aye.  
Commissioner Skinner: Aye.  
Commissioner Maynard: Aye.  
Chair Judd-Stein: Aye.  
*The motion passed unanimously, 5-0.*

9. [MGC Diversity Audit of Casino Licensees](#) (2:11:25)

Commissioner Skinner and Boniswa Sundai, Senior DEI Project Manager, provided an update on the Workforce and Supplier Diversity Audit of the three licensed casinos. Ms. Sundai reported that a preliminary report on the audit findings and recommendations was expected to be received from RSM by January 19, 2024. *Information regarding the update provided was included in the meeting packet on page 100.*

10. [Executive Director Screening Committee Update](#) (2:14:52)

Commissioners O'Brien and Maynard provided an update from the Executive Director Screening Committee. Commissioner O'Brien stated that the committee had started the first round of interviews and anticipated that they would be completed before the end of the month. She further indicated that they reserved the right to have second round interviews if needed before bringing recommendations to the full Commission. Both Commissioners confirmed that they anticipated at least two candidates would be presented to the full Commission.

11. [IEB Director Screening Committee Update](#) (2:17:06)

Commissioners Skinner and Hill provided an update from the IEB Director Screening Committee. Commissioner Skinner stated that the committee had begun first round interviews and identified a total of fourteen candidates to be interviewed. The Committee planned to meet on January 17, 2024 to identify candidates to recommend to the full Commission. Commissioner Skinner noted that the Committee had not predetermined the number of candidates to advance to the full Commission.

12. [Commissioners Update](#)

a. [The Regulated Market: Exploring Potential for MGC Seal of Licensure](#) (2:19:25)

Chair Judd-Stein and Commissioner O'Brien introduced the idea of creating a seal to be used by Sports Wagering operators in connection with their platforms and mobile applications which would notify consumers that they are on a legal platform. Mr. Grossman stated that this would require a regulation in order to ensure a uniform approach among operators. Deputy General Counsel Justin Stempeck noted that other jurisdictions do require a seal and further, that he has found it to be very helpful in determining where operators are regulated and authorized to do business. Thomas Mills, Chief of Communications, indicated that his team would work with their graphic partners as well as with the operators to determine what requirements they needed in connection with this proposal.



13. [Other Business](#) (2:26:24)

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner Hill moved to adjourn. The motion was seconded by Commissioner Skinner.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

**List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda](#) dated January 2, 2024
2. [Meeting Packet "Commissioner's Packet"](#) from the January 4, 2024 meeting (posted on [massgaming.com](#))



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** January 24, 2024, 11:30 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 752 7037

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission’s deliberations for any interested member of the public.

### **Commissioners Present:**

Chair Cathy Judd-Stein  
Commissioner Eileen O’Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard

#### 1. [Call to Order](#) (00:07)

Chair Judd-Stein called to order the 496<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission (“Commission”). Roll call attendance was conducted, and all five Commissioners were present for the meeting.

#### 2. [IEB Director Screening Committee](#) (00:41)

Chair Judd-Stein introduced Commissioner Skinner to provide a report from the IEB Director Screening Committee.

##### a. [Update and Review of Process](#) (01:05)

Commissioner Skinner, Chairwoman of the IEB Director Screening Committee, provided an update to the Commission regarding the Committee’s efforts. She stated that the screening committee was formed to interview prospective candidates for the IEB Director position and recommend finalists to the Commission. Commissioner Skinner reported that the Committee had

received 45 applications for the position. Of the 15 candidates the Committee had invited to the interview, 2 withdrew before their interview, and one did not respond. Commissioner Skinner reported that the Committee had unanimously voted to advance three candidates for consideration by the full Commission. Commissioner Skinner stated that unfortunately, one of these three candidates had subsequently withdrawn from the process, so the Committee would be making two recommendations today.

b. [Advancement of Finalists](#) (03:21)

Commissioner Hill announced the name of the first candidate advanced by the Screening Committee, Mr. Robert Charrette. Commissioner Skinner announced the name of the second candidate advanced by the Screening Committee, an internal candidate, Deputy General Counsel Caitlin Monahan. Commissioner Skinner clarified that the withdrawal of the third candidate occurred after the candidate had been notified by the Committee that they would be advanced.

Commissioner Skinner added that the resumes of the candidates would be forwarded to the Commissioners during the meeting. She also thanked her colleagues and fellow Committee members for their hard work on this process, and for getting the process completed in relatively short order.

c. [Discussion of Anticipated Next Steps](#) (06:54)

Chair Judd-Stein suggested that the Commission interview the two candidates and make a selection at a public meeting to be held on the same day. She requested that Commissioner Skinner, Commissioner Hill, and Chief People and Diversity Officer, David Muldrew, provide guidance regarding the next steps in the process.

Commissioner O'Brien inquired whether the final interviews would be in-person. Commissioners then discussed their preferences as to whether to conduct the interviews in person or virtually. Commissioner O'Brien noted that the Selection Committee for the Executive Director had been conducting meetings in person, and that was her preference in this case as well. Commissioner Maynard agreed. Commissioners reached consensus on in-person interviews. Chairwoman Judd-Stein noted that holding in-person interviews would also eliminate concerns about whether the second candidate being interviewed had watched the first interview, if the interviews were to be conducted virtually.

Chair Judd-Stein requested that MGC's internal staff identify a date and time when all Commissioners would be available to conduct the interviews and reach a decision. Consensus was reached that the meeting would require three hours: one hour for each interview, and one hour to allow for the Commissioners' discussion and selection of a candidate. Chief of the Communications Division, Tom Mills, confirmed that the Division would figure out the details but stated that there were no concerns on his part at this time.

Chair Judd-Stein asked Commissioners if they preferred to conduct the interviews and selection around a table, or traditional configuration of a public meeting that is held in the Commission’s meeting room, with the candidates sitting at a lower level than the Commissioners.

Commissioners reached consensus on the preference for sitting around a table on the same level with the candidates.

Commissioners then discussed whether the second candidate to be interviewed would have access to the first candidate’s interview. Attorney Mina Makarious, outside counsel from the law firm Anderson and Kreiger, suggested that the Commission ask the second candidate to decline access to the first interview as a courtesy, but noted for the record that the second candidate would have a legal right to access the interview as an open meeting. Chair Judd-Stein stated that the meeting would be open to the public and that the names of the two candidates would be publicly announced. The Chief of the Communications Division, Tom Mills, clarified that the meeting would also be streamed live on the Commission’s website and YouTube channel, in addition to being open to the public.

Chair Judd-Stein thanked the IEB Director Screening Committee for conducting a robust search and thoughtful selection process.

3. [Commissioners’ Update](#) (16:18)

Commissioners had no updates to provide at this meeting.

4. [Other Business](#) (16:35)

Hearing no other business, Chair Judd-Stein requested a motion to adjourn the meeting.

Commissioner O’Brien moved to adjourn the meeting. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0. Meeting adjourned.*

### **List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda](#) dated January 22, 2024



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** September 12, 2024, 12:00 p.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 397 0099

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

### **Commissioners Present:**

Interim Chair Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner

#### 1. [Call to Order](#) (01:25)

Interim Chair Maynard called to order the 531<sup>st</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all four commissioners were present for the meeting.

#### 2. [Meeting Minutes](#) (02:03)

- a. December 20, 2022
- b. January 3, 2023
- c. January 4, 2023

Commissioner Skinner noted that the December 20, 2022 minutes would be held for a vote at the September 26, 2022 public meeting.

Commissioner Skinner moved to approve the minutes from the January 3, 2023 and January 4, 2023 public meetings that are included in the Commissioners' packet, subject to any necessary corrections for typographical errors, or other non-material matters. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously, 4-0.*

3. [Presentation of Final Candidate \(Carrie Torrissi\) for Division Chief, Sports Wagering](#) (03:50)

Executive Director Dean Serpa provided an update to the Commissioners regarding the position of Division Chief, Sports Wagering. Noting the number of applicants, which included a number of internal candidates, ED Serpa reported that the hiring committee had selected Carrie Torrissi, currently serving as a Deputy General Counsel, as the final candidate for the position. The Commissioners expressed their congratulations to Deputy Counsel Torrissi who also thanked the Commissioners for their kind words.

4. [Investigations and Enforcement Bureau](#) (10:14)

- a. [Briefing on Non-Compliance Matter Related to Temporary Category 3 Sports Wagering Licensee Crown MA Gaming, LLC d/b/a DraftKings, and discussion regarding next steps. Alleged Non-Compliance Related to Communications Sent to Members of the Massachusetts Voluntary Self-Exclusion List in violation of 205 CMR 256.07\(1\), 205 CMR 233.06, and 205 CMR 133.06](#) (10:31)

Counsel Mercer provided a briefing on a non-compliance matter which involved Temporary Category 3 Sports Wagering Licensee Crown MA Gaming, LLC d/b/a DraftKings (“DraftKings”) and their transmission of an email communication to members of the Massachusetts Voluntary Self-Exclusion List (“VSE List”). He stated that on August 13, 2024, an email intended for only thirteen recipients pertaining to a specific golf wager was, due to human error, erroneously sent to 1,230,520 Massachusetts registered DraftKings users or Massachusetts residents, including 184 members of the VSE List. If the email was found to constitute advertising, marketing or branding, the transmission would implicate several regulations, including 205 CMR 256.07(1); 205 CMR 233.06; and 205 CMR 133.06. Counsel Mercer stated that due to the nature of these facts, the IEB was seeking guidance on whether the Commission would like to move the matter to an adjudicatory hearing, refer the matter back to the IEB pursuant to 205 CMR 232, or issue a civil administrative penalty under G.L. c. 23N, § 16.

The Commissioners agreed to refer the matter back to the IEB pursuant to 205 CMR 232 and have them act as a party in the matter. Counsel Mercer noted that as part of the investigation, the IEB would review the sources of email addresses to which the communication was sent as well as review whether any individuals under 21 years of age were included in the mailing.

- b. [Executive Session - Security at the Casino Facilities](#) (15:14)

IEB Director Monahan requested an executive session to discuss security at the casino facilities.

*Transcriber's note: The Commission's vote to enter Executive Session occurred after Agenda Item #6 and Agenda Item #5, at which time the Interim Chair returned to this Agenda Item at [23:35](#).*

Interim Chair Maynard stated that the Commission anticipates that it will meet in Executive Session in accordance with G.L. c. 30A, § 21(a)(4); G.L. c. 30A, § 21(a)(7); and G.L. c. 4, § 7(26)(f) to discuss the use and deployment of security personnel or devices, or strategies with respect thereto at Encore Boston Harbor, MGM Springfield and Plainridge Park Casino, specifically with regard to firearms and parking garage security, and to discuss investigatory materials related to MGM parking garage security, necessarily compiled out of the public view by the IEB, the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest and to discuss responses to the Commission's internal control related directive submitted by Encore Boston Harbor, MGM Springfield and Plainridge Park Casino related to the same subject matter outlined herein. The public session of the Commission meeting would not reconvene at the conclusion of the Executive Session.

Commissioner O'Brien moved to go into Executive Session on the matters and for the reasons stated by the Interim Chair. The motion was seconded by Commissioner Skinner.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously, 4-0.*

5. [Commissioner Updates](#) (23:29)

No Commissioner updates were noted.

6. [Other Business](#) (16:06)

*Transcriber's note: Discussion under this Agenda Item occurred after Item #4b was introduced by the Interim Chair and before Agenda Item #5.*

Sports Wagering Operations Manager Andrew Steffen presented information received from US Integrity which came to the Sports Wagering Division's attention after the posting of the meeting's agenda. US Integrity alerted the Division to multiple incidents involving match fixing within the Chinese Football Association ("CFA"), which, as a member of FIFA, is approved for wagering in Massachusetts. Manager Steffen stated that the information from US Integrity indicated that bans and suspensions were levied against several CFA players and officials and that at least 120 matches were fixed involving 41 individual club teams. He noted that US Integrity's investigation is ongoing and updates will be shared as they become available. As

Operators were still offering Chinese Super League matches for wagering, the Sports Wagering Division recommended that the Commission temporarily suspend wagering for any matches overseen by the CFA until further investigation is completed.

The Commissioners agreed with the recommendation put forth by Manager Steffen but noted that they preferred that it be a suspension, rather than a temporary suspension.

Commissioner Hill moved, in accordance with 205 CMR 247.03(8) and 205 CMR 247.04(8), that the Commission suspend its approval of the Chinese Football Association for inclusion in the official catalog of events and wagers until such time as an investigation into the matter outlined in the Commissioners' Packet and discussed here today is completed and the Commission reaches a final determination. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously, 4-0.*

#### **List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda](#) dated September 10, 2024
2. [Commissioner's Packet](#) from the September 12, 2024 meeting (posted on [massgaming.com](http://massgaming.com))





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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** December 16, 2024, 11:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 399 8624

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission’s deliberations for any interested member of the public.

### **Commissioners Present:**

Chair Jordan Maynard  
Commissioner Eileen O’Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Paul Brodeur

#### 1. [Call to Order](#) (00:04)

Chair Maynard called to order the 542<sup>nd</sup> Public Meeting of the Massachusetts Gaming Commission (“Commission”). Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Meeting Minutes](#) (00:46)

Commissioner Skinner moved that the Commission approve the minutes for the November 27, 2023 and January 11, 2023 public meetings that are included in the Commissioners’ Packet, subject to any necessary corrections for typographical errors or any other non-material matters. Commissioner Hill seconded the motion.

#### *Roll call vote:*

<i>Commissioner O’Brien:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner:</i>	<i>Aye.</i>
<i>Commissioner Brodeur:</i>	<i>Abstain.</i>
<i>Chair Maynard:</i>	<i>Aye.</i>

*The motion passed, 4-0 with 1 abstention.*

3. [Administrative Update](#) (2:07)

a. [End of Racing Season Update](#) (13:01)

*Transcriber's note: The discussion on this agenda item occurred after Item #3b due to technological difficulties.*

Dr. Alexandra Lightbown, Director of Racing, provided an update on the 2024 racing season. She explained that the adverse drug findings had decreased from eighteen last year to thirteen this year, noting many of those findings were based on therapeutic medications, which are allowed in racing horses but not at the levels found. Dr. Lightbown discussed how the Racing Judges' rulings were down from 153 last year to 137 this year; however, there was an increase in appeals from the usual 1-2 per year to 7 this year. Lastly, she noted two veterinary assistants were accepted into veterinary school.

b. [Intern and Co-op Program](#) – Divisions of Responsible Gaming and Finance (03:09)

Executive Director Dean Serpa provided an update on the intern and co-op program and the two Northeastern Co-ops working in the Division of Research and Responsible Gaming and the Finance Division. Director Vander Linden commented on the work of Diana Xiao, and the benefit she brought to the Commission as well as the opportunity she had to learn.

Commissioner Hill commented about his positive interactions with Diana and that Camilla Mazon had also been a great addition to the Finance Division and wished both the best in the future.

John Scully, Finance and Budget Office Manager, spoke on behalf of Camilla and explained that she has become an integral part of the finance team and helped with accounts payable, accounts receivable and procurements, as well as pulling and analyzing data related to contracts.

Commissioner O'Brien and Director Vander Linden mentioned that Judi Young was the first intern in this program and later became employed with the Commission.

Chair Maynard added that Diana and Camilla can contact the Commission if they feel it would be helpful in any future endeavors.

Lastly, ED Serpa mentioned that there will be two interns joining the Commission next semester, one who will work with the Community Affairs Division and one who will work with the Executive Office.

4. [Legislative Update](#) (16:19)

Commissioner Hill confirmed he did not have an update today.

5. [Legal Division](#) (16:36)

a. [Discussion of HG Vora status and request for relief concerning intent to nominate board nominees of Penn Entertainment, Inc.](#) (17:00)

Todd Grossman, General Counsel, began the discussion on HG Vora's status and its request for relief which was before the Commission. He explained this matter revolved around the application of Chapter 23K, particularly the "Institutional Investor" section, to HG Vora, a former Institutional Investor of PENN Entertainment ("Penn"), and its proposed action. He highlighted that the specific matter required interpreting whether HG Vora's request to submit advanced notice of nominations to Penn's Board of Directors violated the law in G.L. c. 23K, §14(c). *Information relating to HG Vora's request can be found on pages 25 through 48 of the Commissioners' Packet.* General Counsel Grossman noted that the IEB has taken the position that HG Vora's proposed action should not be permitted under the law, and HG Vora has taken the position that it should be permitted to submit their advance notice and characterized its request as an administrative action to preserve its right to participate at a later date in Penn's board nomination process. General Counsel Grossman noted that Penn is the parent company of the Category 2 gaming license holder operating Plainridge Park Casino ("PPC"), which also holds a sports wagering license.

Attorney Jed Nosal, outside counsel for HG Vora, thanked the Commission for their time and provided an overview of their presentation.

Mandy Lam, HG Vora's General Counsel, introduced the firm and provided a history of their interaction with the Commission. She stated that HG Vora was an investment advisor registered with the SEC, founded in 2009, and managed assets for a variety of investors. Attorney Lam emphasized that HG Vora owns approximately 9.5% of Penn's voting common stock. She explained that the Commission had previously granted HG Vora an Institutional Investor Waiver in 2016 regarding its ownership in Penn, but the waiver was deemed forfeited in mid-January 2024 when it was found by the IEB to no longer be in compliance with that waiver, requiring HG Vora to file for licensure, which it did within the time required. Attorney Lam stated that when its waiver was forfeited, the IEB also instructed HG Vora that they were not permitted to submit advance notice to Penn, meaning HG Vora could not preserve its eligibility to participate in the Penn director nomination process. Lastly, Attorney Lam stated that HG Vora submitted a revised request last month, and she feels that it is a very specific and narrow request, and that their proposed two conditions were reasonable.

Jeff Katz, Partner at Ropes & Gray and corporate counsel to HG Vora, explained the procedural steps involved in Penn's board nomination process. Attorney Katz outlined Penn's requirements for shareholders to nominate director candidates for election: a shareholder must own at least 1% of Penn Entertainment's common stock for 12 consecutive months, complete the advance notice paperwork with biographical information for potential candidates, submit that paperwork by February 4, 2025, and be present at Penn's annual meeting.

Attorney Katz added that some investors who file advance notice paperwork take no further action, suggesting that merely filing the paperwork does not necessarily lead to influencing a company's operations.

Attorney Nosal then discussed G.L. c. 23K, §14(c) and HG Vora's interpretation of the statute. Attorney Nosal advanced his client's position that the conditional nature of the statute only prohibits actions by institutional investors that *may* influence or affect the affairs of the applicant company. He argued that the advanced notice submission was a "preparatory or anticipatory step" and did not impact Penn's affairs or operations. Attorney Nosal emphasized the "uniqueness" of the situation and argued that the requested relief would not create a bad precedent. He also mentioned that the statutory restriction only applied to institutional investors who were required to be licensed and not all institutional investors or applicants, taking a position that there is an issue of equity. General Counsel Lam gave concluding remarks on behalf of HG Vora.

Chris Soriano, representing Penn, emphasized the importance of shareholder rights, particularly in the gaming industry where those rights are subject to a rigorous regulatory framework. Mr. Soriano stated that Penn recognizes the importance of all shareholders having the opportunity to exercise their rights, as conveyed by law and Penn's governing documents. However, he also highlighted the need to respect the regulatory framework governing the industry, especially the standards imposed by statute and regulation. He specifically cited Section 14 of Chapter 23K as outlining the process for addressing situations similar to the one involving HG Vora.

Mr. Soriano introduced Dan Neff, a senior partner from Wachtell, Lipton, Rosen & Katz, to provide further comments and answer any questions the Commission might have.

Attorney Neff presented Penn's perspective on the potential consequences of allowing HG Vora to submit advance notice of board nominations. He argued that HG Vora's request, while presented as narrow and limited, would actually have significant and far-reaching impacts on Penn.

Attorney Neff asserted that submitting advance notice of nominations is typically interpreted by the market as the commencement of a proxy fight and that this action would generate immediate media attention and scrutiny from market analysts, effectively launching a public battle for control of Penn. He also predicted a shift in Penn's shareholder base, with long-term investors potentially selling their shares to event-driven investors who thrive on market volatility and corporate battles. Attorney Neff warned that news of the advanced notice submission would significantly affect Penn's relationships with its employees, lenders, business partners, and other stakeholders. The company's focus would shift to managing the proxy fight, consuming valuable time and resources.

He further asserted that the SEC filing required by submitting advance notice of nominations would trigger a wave of inquiries from existing and potential investors, seeking information about HG Vora's intentions and plans for the company. He further argued that Penn would likely be compelled to disclose information about the potential proxy fight, either due to securities law requirements or to maintain transparency with its stakeholders. This could lead to the premature release of sensitive information that HG Vora intended to keep confidential.

Attorney Neff directly addressed HG Vora's claim that preventing HG Vora from submitting the advance notice was inequitable as he pointed to HG Vora's previous actions, alleging that they had knowingly violated state gaming laws in the past and disrupted the relationship between the

investor and the company. He advanced the position that HG Vora's request would destabilize Penn, trigger a disruptive proxy fight, and ultimately harm the company.

Caitlin Monahan, Director of the Investigations and Enforcement Bureau (IEB), presented the IEB's position regarding HG Vora's request concerning its intent to nominate board members for Penn. Director Monahan began by emphasizing the rationale behind the statutory provision governing institutional investors, which allows them to hold up to 15% of a licensee's stock without being subject to the same level of scrutiny as other qualifiers, as long as they agree not to influence or affect the operator. She explained that this provision is based on trust, and any actions that blur the line between passive investment and active influence could undermine the integrity of the system.

Turning to the specific request, Director Monahan stated that the IEB's position is that making advance notice of recommended board members may influence or affect the affairs of Penn, thereby exceeding the statutory limitations placed on institutional investors.

Director Monahan outlined two primary reasons for the IEB's stance. She stated that nominating board members inherently aims to influence the composition and decision-making of the board, which constitutes an attempt to influence or affect the affairs of the company. She also stated that submitting advance notice typically initiates a process of lobbying, negotiating, and potentially seeking support for the nominees, which could involve settlements with the operator or even a proxy fight. These actions represent active attempts to influence Penn, even if they occur before the formal nomination process.

She concluded by reiterating the IEB's position that HG Vora should be deemed suitable and licensed before being permitted to submit advance notice of recommended board members. She expressed concern that allowing this action while HG Vora is still under review could set a precedent and potentially encourage other institutional investors to engage in similar activities. She urged the Commission to deny HG Vora's request.

Chair Maynard questioned how, under HG Vora's proposal, they would keep the information completely private. Attorney Katz stated that under the proposal, the submission would only go to Penn and there would be no public campaign until HG Vora was licensed.

Commissioner O'Brien asked if there were other mechanisms for disclosure besides only between Penn and HG Vora. Attorney Katz stated that there were none because only those two parties would have access to the submitted information.

Commissioner O'Brien expressed concerns about the low bar set by the statute's use of the word "may" and questioned if submitting advance notice would contradict the requirements of an institutional investor. Attorney Lam responded by highlighting the length of the licensing process and stated that it was difficult to imagine other situations arising that would undermine the IEB's process. Attorney Katz emphasized that HG Vora would agree to "stand down" until they were fully licensed, refraining from any public statements, conversations, or actions that may influence Penn.

Commissioner Brodeur raised concerns that granting HG Vora's request could create a precedent where institutional investors routinely request to change their status. Attorney Lam stated that setting a precedent based on these facts would be unlikely given the amount of time that the licensing process takes, stating that they had a difficult time imagining other situations that could arise which would undermine the IEB's process. Attorney Nosal reiterated that he feels the facts are unique and do not lend themselves to be repeated often and that there were safeguards proposed by HG Vora to ensure it would be a narrow waiver.

Commissioner Skinner asked what kinds of information would be included in the two SEC filings that were previously described. Attorney Katz responded that the proxy statement is a public filing, likely to happen in early April in this case, which would include its nominations for directors and provide information to shareholders. He further stated that when an investor engages in a proxy contest, it files its own proxy statement which makes information public that would have previously been private, such as demographic information about nominees. The other filing referenced is a filing that already exists but would need to be amended with the SEC if HG Vora is allowed to and does submit its intent to nominate board nominees.

Commissioner Skinner inquired as to the mere filing of the amendment, and if it would generate media response. Attorney Katz confirmed that it would.

Commissioner Skinner inquired about the argument of inequity advanced by HG Vora and what triggers the additional restriction on institutional investor status. Director Monahan responded that the difference here is between the statute for institutional investors in G.L. chapter 23K, section 14 and the regulations for qualifiers because there is a distinction between these two different types of actors.

Commissioner Skinner inquired if the additional language HG Vora has proposed that sets forth the restrictions or additional conditions could be included in its filing with the SEC. Attorney Katz confirmed that the proposed language could be included in its filing.

Chair Maynard summarized his position by stating he believed that the IEB would complete their investigation in the first quarter of 2025 and did not believe that the Commission should be used as leverage by HG Vora and Penn in their disagreement. He stated that his interpretation is that HG Vora needs to be licensed to submit their advance notice.

Commissioner Skinner emphasized that the statute is clear, and she is not willing to go against the IEB's position that HG Vora's action in making their intent known may influence the affairs and operations of Penn. Additionally, she acknowledged the equity issue raised by HG Vora and is satisfied that the IEB will complete its investigation in the first quarter of 2025.

Commissioner Brodeur stated that he agreed with Chair Maynard that the licensing of HG Vora would solve the problem but did not want to force an expedited investigation. He stated that he believed the statute was "fairly clear" and questioned if the Commission could carve out an exception for HG Vora.

General Counsel Grossman stated that he did not believe that the Commission could grant a waiver from the statute's requirement. He suggested that the Commission could either find that submitting advanced notice may influence Penn's affairs and deny HG Vora's request or

determine that it does not constitute an attempt to influence Penn's affairs and grant the requested relief.

Commissioner O'Brien agreed with the IEB's assessment and stated her opposition to HG Vora's request. She stated that she believed the statute was clear and did not support HG Vora taking action without being fully licensed.

Commissioner Hill expressed he agrees with Commissioner O'Brien's statements.

Attorney Nosal inquired if there was a pathway to expedite the licensing process, as its completion would resolve the issue. Chair Maynard stated that he would not rush the IEB's investigation but stated that the Commission would be willing to be flexible with their schedules to accommodate an expedited review process.

Commissioner Brodeur moved that the Commission deny HG Vora's request for relief. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Interim Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

## 6. [Racing Division](#) (2:01:40)

Dr. Lightbown began by acknowledging an email received from Paul Umbrello, Executive Director of the New England HBPA, stating that they did not yet have a purse agreement with Suffolk Downs. She explained that this was for informational purposes only and did not require the removal of any agenda items.

### a. [Plainridge Park Casino Requests](#) (2:03:13)

*Information regarding PPC's requests regarding horse racing can be found in the Commissioners' Packet at pages 49 through 86.* Dr. Lightbown noted that Steve O'Toole, Director of Racing at PPC, was available for questions.

#### I. Request for Approval of 2025 Simulcast Export Signals

Dr. Lightbown recommended that the Commission approve PPC's request for simulcast export locations for 2025 as listed in Exhibit 28 of their application.

Commissioner Hill moved that the Commission approve PPC's request for approval of the simulcast export signals for 2025 as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

## II. Request for Approval of 2025 Simulcast Import Locations

Dr. Lightbown recommended approving PPC's request for simulcast import locations as listed in Exhibit 27 of their application.

Commissioner Hill moved that the Commission approve PPC's request for approval of the simulcast import signals for 2025 as included in the Commissioners' Packet and discussed here today. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

## III. Request for 2025 Premium-Free Period

Dr. Lightbown recommended approving PPC's request for a premium-free period from June 15, 2025 to September 6, 2025.

Commissioner Hill moved that the Commission approve PPC's request for approval of their premium-free period for 2025 as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

## IV. Request for Approval of 2025 Account Wagering Provider

Dr. Lightbown recommended approval of Hollywood Races as PPC's account wagering provider for 2025, noting that the Commission had initially approved this provider in 2016.



Commissioner Skinner moved that the Commission approve PPC’s request for approval of the account wagering provider for 2025 as included in the Commissioners’ Packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*  
*Commissioner Brodeur: Aye.*  
*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

V. Request for Promotional Fund Reimbursement for Handicapping Series and Billboard Advertising

Chad Bourque explained that PPC was requesting a reimbursement of \$46,500 for handicapping contests and advertising. Mr. Bourque recommended approving the reimbursement, noting that the trust fund had sufficient funds available.

Commissioner Skinner moved that the Commission approve the expenditure of \$46,500 from the Harness Horse Promotional Trust Fund to PPC in accordance with G.L. c. 128A, § 5(g) as included in the Commissioners’ Packet and discussed here today. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*  
*Commissioner Brodeur: Aye.*  
*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0*

b. [Suffolk Downs Requests](#) (2:11:23)

Dr. Lightbown then transitioned to the requests from Suffolk Downs, noting that since they were not currently conducting live racing, their requests were submitted separately rather than as part of a live racing license application. She noted that Michael Buckley, COO for Suffolk Downs, and Attorney Bruce Barnett were available for questions. *Information regarding Suffolk Down’s requests regarding horse racing can be found in the Commissioners’ Packet on pages 87 through 94.*

I. Request for Approval of 2025 Simulcast Import Signals

Dr. Lightbown recommended approving Suffolk Down’s request for its simulcast import locations. Commissioner O’Brien confirmed with Dr. Lightbown that the request concerned importing simulcast signals for betting, not a physical location.

Commissioner O'Brien moved that the Commission approve Suffolk Downs' request for approval of the simulcast import signals for 2025 as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

## II. Request for 2025 Premium-Free Period

Dr. Lightbown recommended approving Suffolk Downs' request for a premium-free period from October 9, 2025 to December 31, 2025.

Commissioner Hill moved that the Commission approve Suffolk Downs' request for approval of the premium-free period for 2025 as included in the Commissioners' Packet and discussed here today. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

## III. Request for Approval of 2025 Account Wagering Providers

Dr. Lightbown explained that Suffolk Downs was seeking approval of a list of previously approved account wagering companies for 2025, noting that there were no new companies.

Commissioner O'Brien moved that the Commission approve Suffolk Downs' request for approval of the account wagering providers for 2025 as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

c. [Raynham Park Requests](#) (2:16:24)

Dr. Lightbown presented the final set of requests for Raynham Park, which operates under the names Massasoit Greyhound Association and Taunton Dog Track for different parts of the year. *Information regarding Raynham Park's requests regarding horse racing can be found in the Commissioners' Packet on pages 95 through 104.* She noted that Sue Rodrigues, Vice President of Operations at Raynham Park, was present.

I. Request for Approval of 2025 Simulcast Import Signals

Dr. Lightbown recommended approving the simulcast import locations contained in the request submitted by Raynham Park.

Commissioner Hill moved that the Commission approve Raynham Park's request for approval of the simulcast import signals for 2025 as included in the Commissioners Packet and discussed here today. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

II. Request for Approval of 2025 Account Wagering Provider

Dr. Lightbown recommended approving Raynham Park's long-standing account wagering provider, Dial2Bet.

Commissioner O'Brien moved that the Commission approve Raynham Park's request for approval of the account wagering provider for 2025 as included in the Commissioners' Packet and discussed here today. Commissioner Skinner seconded.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

7. [Sports Wagering Division](#) (2:19:41)

a. [Request for Temporary Waiver for FanDuel from identity authentication questions requirement in 205 CMR 248.04\(4\)](#) (2:19:44)

Carrie Torrissi, Chief of the Sports Wagering Division, presented FanDuel’s request for a temporary waiver from the requirements in 205 CMR 248.04(4). She explained that the regulation mandates the use of identity authentication questions at the time of account creation, unless the operator obtains approval from the Commission for an alternate authentication method. She explained that FanDuel utilizes identity authentication questions, but only as a second step in a tiered KYC approach. Because the required questions are not used in every instance, their current method does not technically comply with the regulation. She acknowledged that FanDuel had previously sought approval for their alternate method but was incorrectly informed by the Sports Wagering Division that approval was not required.

Chief Torrissi requested that the Commission grant FanDuel a temporary waiver until February 6, 2025 to allow the operator to come into compliance. She stated that the Sports Wagering Division would bring FanDuel’s alternate method before the Commission in January for approval.

Chair Maynard and Commissioner Hill expressed appreciation for the Sports Wagering Division’s willingness to acknowledge their error and take responsibility for the situation. They both indicated that they were comfortable moving forward with the waiver request.

Commissioner Hill moved, pursuant to 205 CMR 202.03(2), that the Commission issue a temporary waiver to FanDuel from the requirement in 205 CMR 248.04(4) to use identity authentication questions as included in the Commissioners’ Packet and discussed here today, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c. 23N. Commissioner O’Brien seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

b. [Update to House Rules: DraftKings](#) (2:23:24)

Compliance Operations Manager Andrew Steffen noted that this update to DraftKings’ house rules had initially been presented to the Commission at the December 5, 2024 meeting. The proposed revision involved a single change to the soccer section of the house rules, specifically for pre-live, same-game parlays. Manager Steffen explained that this change was needed because DraftKings had transitioned to using in-house technology for same-game parlays. He stated the key change, outlined in the provided documentation, addressed how same-game parlays are handled when one or more selections are settled as void or push, meaning the bet neither wins nor loses. The revised rule states that in such cases, the parlay will be repriced based on the original odds at the time of bet placement. This means the customer would not receive better or worse odds based on the void or push selections. If all selections in the parlay are settled as void or push, the entire bet is voided, and the initial stake is returned to the customer.

Manager Steffen highlighted that this revised rule aligns with customer expectations, industry standards, and how DraftKings settles similar bets in other sports. It would also provide for a better customer experience.

Commissioner Skinner thanked Manager Steffen for sharing the soccer-specific rules for review, expressing satisfaction with the proposed change.

Commissioner Skinner moved that the Commission approve the updates to DraftKings' house rules as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0*

8. [Investigations and Enforcement Bureau](#) (2:26:35)

- a. [Approval of form for Request for Leave to Obtain a Renewed Temporary License \(205 CMR 219.04\) and Approval of form for Request for a Temporary License \(205 CMR 219.02\)](#) (2:26:42)

Kara O'Brien, Chief of the Licensing Division, explained that the process for renewing Temporary Category 3 Sports Wagering Licenses had been revised and would involve two distinct phases, departing from the single-phase process employed the previous year. This change was driven by regulatory amendments that had been implemented earlier in the year.

Chief O'Brien provided an overview of the two phases. *Information regarding the process is contained in the Commissioners' Packet on pages 109 through 112.* She explained that after the Commission grants an operator's request for leave to renew their temporary license, the operator may request and submit an application for a temporary license along with the \$1 million licensing fee. The temporary license will then be renewed once the Commission approves the license request.

Following the discussion of the two-phase process, Chief O'Brien presented the specific form for "Request for Leave to Renew a Temporary License to Conduct Sports Wagering." She noted that a second form, "Request for a Temporary License to Conduct Sports Wagering," was also being presented for approval (and is addressed separately).

Commissioner Skinner requested clarification on the rationale for implementing a two-phase process, particularly questioning the necessity of a separate form to request leave. Chief O'Brien explained that the two-phase approach was intended to function as a "check-in" with the licensee, especially for the third and sixth renewals, which would involve updates and reports from the IEB. Director Monahan also noted that this structure allowed for the separation of fee payments, with the initial application fee being significantly lower than the \$1 million license fee.

Commissioner O'Brien contributed to the discussion, recalling that the two-phase process might also have been intended to allow the Commission to address potential compliance issues that could arise before the full license renewal.

Commissioner Skinner identified a typographical error in the citation referenced within the "Request for Leave" form. After a brief exchange with Chief O'Brien, the correct citation was determined to be 205 CMR 218.07(1)(a), which pertains to preliminary suitability.

*Transcriber's note: To provide the opportunity for Commissioner Skinner to read the above cited regulation, Chair Maynard proposed moving on to the next agenda item, and after no objections, the discussion of this item was suspended and was restarted at (2:56:46).*

Chair Maynard commented that the forms were straight forward.

Commissioner Hill moved that the Commission approve the form for "Request for Leave to Renew a Temporary License to Conduct Sports Wagering" as included in the Commissioners' Packet and discussed here today, and further moved that the Commission approve the form for "Request for a Temporary License to Conduct Sports Wagering" as included in the Commissioners' Packet and discussed here today. Commissioner Brodeur seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

9. [Community Affairs Division](#) (2:37:35)

a. [Community Mitigation Fund – Reassignment of DCR Grant to MassDOT](#) (2:37:35)

Chief of the Community Affairs Division, Joe Delaney, provided a detailed overview of the request to reassign funds from a grant issued to the Department of Conservation and Recreation ("DCR") to the Massachusetts Department of Transportation ("MassDOT") related to the design and permitting of the Mystic River Bicycle/Pedestrian Bridge. He explained that the project had a lengthy history, dating back to the initial approval of the Encore Boston Harbor casino. In

2021, the Commonwealth appropriated \$49 million for the bridge's construction and requested that the Commission contribute funds for the design and permitting. The Commission awarded DCR a \$650,000 grant on October 7, 2021. As DCR progressed with the design, several challenges emerged, including higher than anticipated costs; constructability issues due to the complex design requiring specialized fabrication; and public requests to increase the bridge's width. DCR consulted with MassDOT and determined that a redesign was necessary. Through these discussions, it became clear that MassDOT, with its extensive experience in bridge construction, was better equipped to handle the project.

DCR is currently transferring the \$49 million in state funds to MassDOT and requested that the Commission also transfer the remaining grant funds. Chief Delaney explained that MassDOT is eligible to receive these funds under the G.L. c. 23K, § 61, which allows for grants to regional transportation agencies for projects benefiting communities impacted by casinos. He noted that both Everett and Somerville, the communities connected by the proposed bridge, are impacted by Encore Boston Harbor. Chief Delaney recommended transferring the remaining grant funds, totaling \$473,906.37, to MassDOT. If approved, MassDOT would execute a new Community Mitigation Fund Grant and an Interdepartmental Service Agreement ("ISA") to formalize the arrangement.

Commissioner O'Brien raised a procedural question regarding the grant transfer. She acknowledged that MassDOT was an eligible entity but noted they had not formally applied for the grant. Commissioner O'Brien expressed concern that approving the transfer without a proper application could be perceived as bending the rules, particularly considering the Commission's established deadlines and its position on late applications. Chief Delaney responded that DCR had submitted a timely application for the initial grant, and the current proposal was essentially a transfer of the project management to MassDOT, with the scope of work remaining unchanged. He suggested requesting a simplified application from MassDOT, primarily to document contact information and ensure all necessary administrative details were in place.

Commissioner O'Brien further questioned whether the transfer should be treated as a new grant for 2025 or a repurposing of funds from the past. Chief Delaney confirmed that it would be considered a new 2025 grant, replacing the old grant to DCR. Lily Wallace, Program Manager, contributed to the conversation to confirm that the Commission had previously moved funding between grantees in similar situations, and cited a recent example.

Commissioner Skinner questioned whether the urgency of the transfer stemmed from an expiration of the DCR grant contract. Chief Delaney clarified that the original contract could be extended if needed and emphasized that the transfer instead was driven by DCR's request and the recognition that MassDOT was better suited to manage the project effectively.

Commissioner Brodeur commented that this is akin to DCR hiring MassDOT to execute the project. Ms. Wallace confirmed that it was similar to that concept. John Scully, Finance and

Budget Office Manager, contributed to the discussion by stating that the scope of the project is the same and is a transfer essentially of the ISA.

Commissioner Brodeur recalled that the pedestrian bridge was part of Encore Boston Harbor's initial plans and expressed frustration with the project's delays. He expressed disappointment with the casino's lack of commitment to seeing the project through and acknowledged the frustration felt by the communities and transportation advocates.

Chair Maynard expressed his support for the transfer.

Commissioner Skinner moved that the Commission approve the transfer of funds granted to the Department of Conservation and Recreation in the amount of \$473,906.37 to the Department of Transportation to complete the design and permitting of the Mystic River Bicycle/Pedestrian Bridge project as described in the Commissioners' Packet and discussed here today, and further that Commission staff be authorized to execute all necessary grant instruments commemorating this grant in accordance with 205 CMR 153.04. Commissioner Brodeur seconded.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*

#### 10. [Executive Session Minutes](#) (2:59:29)

The Chair stated that the Commission anticipates that it will meet in executive session to review minutes from previous executive session, as their discussion at an open meeting may frustrate the intended purpose for which the executive session was convened, pursuant to G.L. c. 30A, § 21(a)(4), c. 30A, §21(a)(7), and G.L. c. 4, § 7(26)(f): November 21, 2024; and G.L. c. 30A, § 21(a)(7), G.L. c. 23N, § 6(i) and G. L. c. 4, § 7(26)(n): January 11, 2023.

Commissioner Skinner moved to go into Executive Session on the matters and for the reasons stated by the Chair. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Brodeur: Aye.*

*Chair Maynard: Aye.*

*The motion passed unanimously, 5-0.*



The public session of the Commission meeting will not reconvene at the conclusion of the Executive Session.

11. [Commissioner Updates](#) (2:59:11)

Upon inquiry from Chair Maynard, no Commissioner updates were noted.

12. [Other Business](#) (2:59:16)

Upon inquiry from Chair Maynard, no other business was noted.

*Transcriber's note: The Commission's vote to enter Executive Session occurred after Item #12. The Commission entered an Executive Session and did not reconvene the public meeting at the conclusion of the Executive Session.*

**List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda dated December 16, 2024](#)
2. [Commissioner's Packet from the December 16, 2024 Meeting](#) (posted on massgaming.com)



*Division of Racing*

TO: Jordan Maynard, Chairman  
Eileen O'Brien, Commissioner  
Bradford Hill, Commissioner  
Nakisha Skinner, Commissioner  
Paul Brodeur, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Dean Serpa, Executive Director  
Todd Grossman, General Counsel

DATE: January 23, 2025

RE: Twin Spires ADW and Michigan Gaming Control Board

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Dear Commissioners:

The Michigan Gaming Control Board has issued a summary suspension order against Twin Spires ADW for alleged violations of Michigan's gaming laws and the Horse Racing Law of 1995. The Board had instructed the four ADWs operating in the state to cease doing business in Michigan until track licensing issues were resolved. The other three complied. Twin Spires informed the Board it would continue to offer wagering, which led the Board to suspend them. In response, Twin Spires has filed a lawsuit against the Michigan Gaming Control Board in Federal Court, alleging that the requirement that ADWs be linked to a live race meet and licensed racetrack is unlawful. The Michigan Gaming Control Board press release and Twin Spires complaint are included here.

In Massachusetts, Twin Spires is one of the ADW vendors for Suffolk Downs account wagering. Last December they were part of Suffolk Downs' request for ADW vendors, which was approved by the MGC. When the racing and simulcasting legislation was extended, the wording was as follows (Acts of 2023, Chapter 26, Section 23):

"...the running race horse meeting licensee located in Suffolk county licensed to conduct live racing pursuant to said chapter 128A and simulcast wagering pursuant to said chapter 128C in calendar year 2023 shall remain licensed as a running horse racing meeting licensee and shall remain authorized to conduct simulcast wagering pursuant to said chapter 128C until December 15, 2025; provided, however, that the days between January 1, 2023 and December 31, 2025 shall be dark days pursuant to said chapter 128C and the



Massachusetts Gaming Commission

licensee shall be precluded from conducting live racing during that period unless it applies for and is granted a supplemental live racing license pursuant to said chapter 128A...”

Although Suffolk Downs does not conduct live racing, they remain licensed as a running horse racing meeting. M.G.L. 128A Section 5C authorizes account wagering by those licensed to conduct a running horse racing meeting, etc.



Massachusetts Gaming Commission

# Michigan Gaming Control Board issues suspension order against Churchill Downs Technology Initiatives Company, doing business as TwinSpires, due to noncompliance with wagering laws

January 09, 2025

DETROIT, Jan. 9, 2025 — The Michigan Gaming Control Board (MGCB) has issued a summary suspension order against TwinSpires for violations of Michigan’s gaming laws and the Horse Racing Law of 1995. The suspension order stems from the licensee’s continued operation of advance deposit wagering (ADW) despite being issued a formal order requiring such activity cease for Michigan residents.

Due to statutory requirements and per the state’s Horse Racing Law of 1995, simulcast and ADW wagering must be tied to a live race meet and a licensed track. There are currently no tracks in Michigan licensed to conduct live horse racing. As such, ADW is prohibited. For ADW providers to legally offer these wagers, a track license must first be approved by the MGCB.

Until all licensing issues are resolved, the MGCB has instructed the four licensed ADW providers operating in Michigan—Xpressbet, LLC; Churchill Downs Technology Initiatives Company d/b/a TwinSpires; NYRabets, LLC; and ODS Technologies, L.P. d/b/a TVG Network—to stop conducting business with state residents. While three of the providers have complied, TwinSpires has failed to comply.

On Dec. 23, 2024, the MGCB notified all licensed third-party facilitators to cease all ADW account wagering services for Michigan residents effective Jan. 1, 2025. Despite this directive, on Dec. 31, 2024, TwinSpires informed the Board that it would continue to offer account wagering for Michigan accounts, in violation of state law.

As of Jan. 1, 2025, all licensed third-party ADW facilitators were ordered to stop offering account wagering to Michigan residents because a necessary racetrack license for pari-mutuel wagering has not yet been secured under Michigan state law. TwinSpires’ continued violation of legal regulations prompted the MGCB to intervene and enforce compliance with the established laws governing simulcast racing by issuing the summary suspension order.

A virtual hearing before an Administrative Law Judge has been requested for the above-named licensee to determine whether this summary suspension should continue, or if other fines and penalties should be imposed.

*Gambling in any form is for entertainment purposes only. If you or someone you know may have a gambling problem, contact the National Problem Gambling Helpline at **1-800-GAMBLER**, text 800GAM, or visit [www.1800gamblerchat.org](http://www.1800gamblerchat.org). Help is available 24/7 and is free and confidential. Michigan citizens can also visit the [Responsible Gaming page of the MGCB website](#) for information on self-exclusion programs including the Disassociated Persons List and the Internet Gaming and Sports Betting Responsible Gaming Database, and [DontRegretTheBet.org](http://DontRegretTheBet.org) for additional tools to game responsibly.*

*The Michigan Gaming Control Board shall ensure the conduct of fair and honest gaming to protect the interests of the citizens of the state of Michigan. Learn more at [Michigan.gov/MGCB](http://Michigan.gov/MGCB).*

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHURCHILL DOWNS TECHNOLOGY  
INITIATIVES COMPANY (d/b/a/  
TwinSpires),

Plaintiff,

v.

MICHIGAN GAMING CONTROL BOARD;  
HENRY L. WILLIAMS, JR., in his official  
capacity as Executive Director of the Michigan  
Gaming Control Board; and DANA NESSEL,  
in her official capacity as Attorney General of  
the State of Michigan,

Defendants.

Case No.

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

Plaintiff Churchill Downs Technology Initiatives Company (“TwinSpires”) alleges as follows:

**INTRODUCTION**

1. This lawsuit challenges the state of Michigan’s recent, unlawful efforts to shut down the popular horserace wagering platform that TwinSpires has long offered to Michigan residents. For nearly a half-century, it has been “the policy of the Congress . . . to regulate interstate commerce with respect to wagering on horseracing, in order to further the horseracing and legal off-track betting industries in the United States.” 15 U.S.C. § 3001(b). To that end, Congress enacted the Interstate Horseracing Act of 1978 (“IHA”), which sets forth the *exclusive* conditions for “off-track” betting systems like TwinSpires to accept wagers on horseracing across state lines. Michigan, however, demands that TwinSpires obtain a Michigan-specific license and partner with a separately licensed brick-and-mortar racetrack within Michigan to accept wagers for races

occurring in other states, over and above what the IHA requires. *See* Mich. Comp. Laws § 431.308(1)(d). While TwinSpires voluntarily possessed such a Michigan license for many years—though it has always maintained it does not need one—the state recently (and summarily) suspended that license because of separate issues with the last remaining racetrack in Michigan. Should TwinSpires continue to operate pursuant to the IHA but without a Michigan license, the state has threatened significant penalties and said things will get worse for TwinSpires.

2. But the IHA preempts Michigan’s state-specific licensing requirement. Congress established a uniform federal framework for interstate wagering on horseracing decades ago. It determined in the IHA that “the federal government should prevent interference by one State with the gambling policies of another,” and provided that an off-track betting platform may accept interstate wagers on horseraces if it obtains three, specific consents. TwinSpires has obtained these requisite consents for the interstate horseraces on which Michigan residents can wager, enabling TwinSpires to lawfully accept such wagers pursuant to the IHA. TwinSpires has consent, first, from “the entity that conducts the horserace[s]” (*i.e.*, the out-of-state track where the race will be run); second, from the state that “host[s]” the horserace (*i.e.*, the state, other than Michigan, in which the track is located); and third, from the agency “with jurisdiction to regulate off-track betting” in the state where the wager is *accepted* (*i.e.*, the state agency that licenses TwinSpires to accept interstate wagers, in this case the Oregon Racing Commission). *See* 15 U.S.C. §§ 3002(9)-(11), 3004(a). Michigan, as a state whose residents place interstate wagers, simply has no place within the IHA’s exclusive statutory scheme when there is an out-of-state track and the wager is accepted out of state. By seeking to impose additional state licensing requirements, Michigan is not just attempting to interfere with federally-authorized wagering on interstate horseraces, it has

effectively banned such wagering—unless TwinSpires meets its demands. The Supremacy Clause of the United States Constitution forecloses this result.

3. Michigan’s licensing regime also runs afoul of the Interstate Commerce Clause. Michigan regulations require TwinSpires to partner with an in-state brick-and-mortar racetrack before allowing it to participate in interstate commerce by accepting off-track wagers on out-of-state horseraces. But the Commerce Clause has long been understood to bar states from “‘build[ing] up . . . domestic commerce’ through ‘burdens upon the industry and business of other States.’” *Nat’l Pork Producers Council v. Ross*, 598 U.S. 356, 369 (2023) (quoting *Guy v. Baltimore*, 100 U.S. 434, 443 (1880)). Requiring an in-state partnership to transact interstate commerce is exactly the kind of burden and discrimination the Clause prohibits: the licensing power Michigan claims goes well beyond regulating in-state horseracing within its borders.

4. Michigan residents have long enjoyed wagering on one of this nation’s storied pastimes and have done so with TwinSpires for well over a decade. But given Michigan’s recent conduct in suspending TwinSpires’s (voluntary) Michigan license and threatening fines and other consequences, that relationship is now at risk of being irreparably harmed. TwinSpires seeks a declaration that Michigan’s state-specific licensing requirements for interstate wagers are preempted and unconstitutional and an injunction foreclosing Defendants’ attempts to enforce those requirements against TwinSpires.

#### **PARTIES**

5. Churchill Downs Technology Initiatives Company (“TwinSpires”) is a Delaware corporation. It is a subsidiary of Churchill Downs Incorporated, an industry leader in the horseracing, online wagering, and gaming-entertainment industries anchored by its flagship event, the Kentucky Derby. TwinSpires is licensed by the Oregon Racing Commission to operate a wagering hub based in Oregon, including TwinSpires.com, mobile apps, and a phone service, that



allows individuals to engage in advance pari-mutuel wagering on horseraces occurring outside Michigan and throughout the Nation. TwinSpires accepts wagers at its wagering hub in Oregon from Michigan residents.

6. Defendant Michigan Gaming Control Board (“MGCB”) is the state agency responsible for licensing and regulating the conduct of horseracing and pari-mutuel wagering on the results of horseraces in Michigan. The MGCB maintains an office at 3602 W. Grand Blvd., Detroit, Michigan 48202.

7. Defendant Henry L. Williams, Jr., is sued in his official capacity as the Executive Director of the Michigan Gaming Control Board. The Executive Director is charged under state law with administering the Horse Racing Act of 1995 (the “Racing Act”). Mich. Comp. Laws § 431.302(d) (defining “racing commissioner” as “the executive director of the Michigan gaming control board”). Pursuant to that Act, the Executive Director is charged with issuing all relevant horseracing and pari-mutuel wagering licenses. In addition, the Executive Director may enforce the licensing provisions of the Racing Act through “sanctions including, but not limited to, revocation or suspension of a license, exclusion from racetrack grounds, or a fine of not more than \$25,000.00 for each violation.” Mich. Comp. Laws § 431.307(3).

8. Defendant Dana Nessel is sued in her official capacity as Attorney General for the state of Michigan. The Attorney General is the chief law enforcement officer of the state and the head of the state’s executive branch Department of Attorney General. The Attorney General “shall supervise the work of, consult and advise the prosecuting attorneys, in all matter pertaining to the duties of their offices.” Mich. Comp. Laws § 14.30. In addition, the Attorney General “may, when in [her] own judgment the interests of the state require it, intervene in and appear for the people of [Michigan] . . . in any cause or matter, civil or criminal, in which the people of [Michigan] may be

a party.” The Attorney General serves as the MGCB’s “partne[r]” in the enforcement of gaming regulations and prosecution of alleged violations of Michigan’s gaming laws. *Michigan Gaming Control Board, Department of Attorney General announce guilty pleas in illegal gambling operations case in Flint*, Michigan Gaming Control Board (Nov. 18, 2024), <https://www.michigan.gov/mgcb/news/2024/11/18/guilty-pleas-announced-in-flint-illegal-gambling-operations-case>.

### **JURISDICTION AND VENUE**

9. This civil action arises under the United States Constitution, 15 U.S.C. § 3001 *et seq.*, and 28 U.S.C. § 2201.

10. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343. Because TwinSpires seeks an “injunction[] to protect rights safeguarded by the Constitution,” it has presented a federal question that the federal courts have jurisdiction to resolve. *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 561 U.S. 477, 489, 491 n.2 (2010) (quoting *Bell v. Hood*, 327 U.S. 678, 684 (1946)).

11. Declaratory relief is authorized by 28 U.S.C. §§ 2201 and 2202, as well as Federal Rule of Civil Procedure 57.

12. Injunctive relief is authorized by Federal Rule of Civil Procedure 65.

13. Venue is proper in this District under 28 U.S.C. § 1391(b) because Defendants maintain offices and perform their official statewide duties in Lansing, which is within this District.

## FACTS

**A. TwinSpires operates the premier online wagering platform for horseracing in the United States.**

14. TwinSpires is one of the largest and most successful wagering platforms for horseracing in the United States. It is named for the iconic twin spires on the grandstand at Churchill Downs racetrack, a National Historic Landmark where thoroughbred racing has run continuously for nearly 150 years—since the first Kentucky Derby on May 17, 1875. TwinSpires is one of three distinct business segments (along with Live and Historical Racing and Gaming) operated by the industry-leading racing, online wagering, and gaming entertainment company Churchill Downs Incorporated.

15. TwinSpires is licensed by the Oregon Racing Commission as a multi-jurisdictional simulcasting and interactive wagering hub in the state of Oregon. The TwinSpires platform offers live streaming of horseraces, replays, and an assortment of horseracing-related information. Through its Oregon-licensed hub, TwinSpires also offers advance deposit wagering (“ADW”) in jurisdictions throughout the United States. (ADW is a form of wagering where a customer funds their account first—*i.e.*, in advance—before they wager, rather than operating on credit.)

16. TwinSpires accepts advance-deposit wagers in a history-rich and widespread form of wagering known as “pari-mutuel wagering.” In the United States, pari-mutuel wagering began at Churchill Downs shortly after the first Kentucky Derby in the 1870s and is now the predominant means of wagering on horseracing in the United States. Pari-mutuel wagering differs from sports betting: in pari-mutuel wagering, every dollar wagered is pooled together, and—after a certain percentage is removed as “takeout” (for the host of wagering, the racetrack, taxes, fees, etc.)—the remainder of the pool is distributed equally among all winning wagerers. Instead of trying to beat odds set by a bookmaker, then, a pari-mutuel wagerer is simply betting that his pick will do better

than other wagerers' picks. A host of a pari-mutuel pool does not have a vested interest in any specific outcome of any particular bet. The host simply earns more when there are more wagers from more wagerers, leading to a bigger pool and a bigger takeout.

**B. Federal law provides the exclusive regulatory framework for interstate pari-mutuel wagering on horseraces.**

17. The first time interstate pari-mutuel horse wagering took place in the United States was on May 1, 1971, when New York's Off-Track Betting Corp. offered pari-mutuel wagering pools in New York for the Kentucky Derby. Churchill Downs had declined to sell the rights to the race for New York's "off-track" wagering on its race to occur. (The Governor of Kentucky even sent a letter of protest.) New York proceeded anyway, and, according to reports, New York's off-track betting on the 97th "Run for the Roses" earned so much that a winning wager "paid three times as much" in New York as that exact same wager paid "on track" at Churchill Downs racetrack in Louisville. This test-case success, coupled with the obvious fact that the potential upside of pari-mutuel wagering increases for all constituents as the size of the wagering pool and number of wagerers increase, made plain the vast economic upside for what we would now think of as "remote," or "off-track," betting to individuals across state lines. That economic potential kicked off a near decade-long dispute between racetracks, horsemen associations, and state regulators on whether and how to permit and regulate interstate pari-mutuel wagering.

18. In 1978, Congress enacted and President Jimmy Carter signed the Interstate Horseracing Act of 1978 ("IHA") to settle in one fell swoop the issue of interstate pari-mutuel wagering on horseraces. Congress explained that the federal government needed to step in "to regulate interstate commerce with respect to wagering on horseracing, in order to further the horseracing and legal off-track betting industries in the United States." 15 U.S.C. § 3001(a)(2), (b). Congress found a "need for Federal action to ensure States will continue to cooperate with

one another in the acceptance of legal interstate wagers” on horseraces. *Id.* § 3001(a)(3). And it determined that the “Federal government should prevent interference by one State with the gambling policies of another.” *Id.* § 3001(a)(2). By providing a single federal regulatory framework, Congress enabled the proliferation of interstate pari-mutuel betting nationwide without state interference.

19. Since then, the IHA provides the exclusive conditions for “accept[ing] an interstate off-track wager.” 15 U.S.C. § 3003. As amended, the Act defines an “interstate off-track wager” as “a legal wager placed or accepted in one State with respect to the outcome of a horserace taking place in another State[,] and includes pari-mutuel wagers, where lawful in each State involved, placed or transmitted by an individual in one State via telephone or other electronic media and accepted by an off-track betting system in the same or another State, as well as the combination of any pari-mutuel wagering pools.” *Id.* § 3002(3). “[E]xcept as provided in” the IHA, such wagers are prohibited. *Id.* § 3003.

20. The IHA authorizes “off-track betting systems”—those that accept wagers at places other than the track where the race is run—to accept such interstate pari-mutuel wagers, so long as the off-track betting system acquires consent from three entities. 15 U.S.C. §§ 3002(7), 3004(a). Those entities are: (1) the host racing association, the entity that “conducts the horserace subject to the interstate wager,” *id.* § 3002(9); (2) the host racing commission, the entity “with jurisdiction to regulate the conduct of racing within the host state,” *id.* § 3002(10); and (3) the off-track racing commission, the entity “with jurisdiction to regulate off-track betting in” the state where the off-track betting system is located, *id.* § 3002(11). That is, consent is required from (1) the track where the race is run, (2) the state entity that regulates racing for that track, and (3) the state entity

regulating the off-track betting system which accepts the interstate wagers. Once those consents are received, off-track betting systems may accept interstate wagers nationwide. *Id.* § 3004(a).

21. The IHA contains no provision requiring the consent of the state in which an individual placing the wager happens to reside. This makes sense given the historic understanding that wagering is regulated in the location it is *accepted*, not where the individual placing the bet resides. *State ex rel. Reading v. W.U. Tel. Co.*, 57 N.W.2d 537, 539 (Mich. 1953) (“[A]n offer to bet is telegraphed by a person in this city to another in New York, and the latter accepts by telegraph, the betting is done, not in Richmond, but in New York, because the offer, being accepted there, takes effect ther[e]” (internal quotation marks omitted).); *cf. Att’y Gen. v. PowerPick Club*, 783 N.W.2d 515, 533 (Mich. Ct. App. 2010) (applying traditional rule).

**C. TwinSpires has accepted interstate pari-mutuel wagers, pursuant to federal law, since 2007.**

22. Consistent with the IHA, TwinSpires began operating as an “off-track betting system” licensed by the Oregon Racing Commission in 2007. Since then, TwinSpires has provided interstate pari-mutuel wagering to customers residing in certain states across the country—including Michigan—who establish and fund an account from which they place interstate pari-mutuel wagers on horseraces via telephone; the Internet, at [twinspires.com](http://twinspires.com); or more recently (and popularly), on mobile apps.

23. For example, TwinSpires has long accepted interstate wagers from out-of-state customers in Michigan for horseraces run in Virginia, because it has sought and obtained all relevant consents under the IHA for accepting such wagers. TwinSpires has consent from the Virginia race tracks that “conduct[] the horseraces” for which it accepts wagers, like Colonial Downs; from the Virginia Racing Commission, which has “jurisdiction to regulate the conduct of racing within” Virginia; and, finally, from the Oregon Racing Commission, the entity “with

jurisdiction to regulate off-track betting” in Oregon, where TwinSpires’s hub operates and accepts wagers.

**D. Pari-mutuel wagering on horseracing has a long history in Michigan.**

24. The history of wagering in Michigan is deeply intertwined with horseracing. For much of the state’s early history, Michigan banned all forms of gambling. That changed in 1933 when the state authorized pari-mutuel wagering on horseracing, making it the first form of legal gambling in the state. *See* House Fiscal Agency, *Fiscal Focus: Horse Racing in Michigan—A Primer*, at 2 (June 2017). The very first race meet with pari-mutuel wagering occurred at the State Fairgrounds in Detroit on September 2, 1933. *Id.* For the next forty years pari-mutuel wagering would be the only form of legal gambling in the state. *Id.* at 3.

25. Over time, live horseracing within Michigan declined and attendance at race meets dropped. That led the state to authorize in-state tracks to simulcast out-of-state races and accept pari-mutuel wagers, consistent with the IHA. *See* P.A. 1986, No. 108. (15 U.S.C. § 3004(a)(1). (Because the racetracks in Michigan would be *accepting the wagers in Michigan*, the IHA required those Michigan racetracks to obtain “consent” from the Michigan state regulator for wagers on out-of-state races. *See* 15 U.S.C. § 3004(a)(1).). The state began small at first, allowing its racetracks to accept wagering on only one simulcast race per racing day. But soon enough, Michigan amended its laws to broadly expand its in-state simulcast wagering. It did so “with the intent to provide . . . financial assistance to the ailing horseracing industry in Michigan.” *Fiscal Focus: Horse Racing in Michigan*, at 13.

26. In 1995, Michigan repealed its existing laws regulating horseracing and enacted the Horse Racing Law, which as amended, governed horseracing and pari-mutuel wagering at *in-state* racetracks. *See* P.A. 1995, No. 279. Michigan’s statute provided, for example, that state officials would issue “race meeting licenses . . . to conduct live horse racing, simulcasting, and pari-mutuel

wagering on the results of live and simulcast horse races *in this state.*” Mich. Comp. Laws § 431.308(1)(b) (emphasis added). In addition, “track licenses” would be issued “to maintain or operate a racetrack at which 1 or more race meeting licensees may conduct licensed race meetings.” Mich. Comp. Laws § 431.308(1)(c). And the statute allowed “full card” simulcasting, allowing in-state racetracks to televise and accept pari-mutuel wagers for a full day’s slate of out-of-state races. Mich. Comp. Laws § 431.318(2).

27. Within a year, total wagering in Michigan increased by 50%. And simulcasting by in-state operators became increasingly popular—and an increasing part of the state’s horseracing economy. “[O]n a Saturday in December 2016,” for example, “one of Michigan’s racetracks advertised 26 simulcast races . . . None of the races originated in Michigan.” *Fiscal Focus: Horse Racing in Michigan*, at 3 n.5. As of 2017, simulcast wagering represented over 95% of horserace wagering in Michigan. *Id.* at 9.

28. Any boost to Michigan’s in-state horseracing proved short-lived, however. At its peak in 1975, racetrack attendance reached 3.8 million people, yet by 2007 it had fallen to 1.1 million. *Fiscal Focus: Horse Racing in Michigan*, at 4. In 1989, total pari-mutuel wagering on live horseraces was \$443.1 million. *Id.* By 2016, overall pari-mutuel wagering was \$103.3 million with just \$4.3 million coming from in-state live horseraces. *Id.* The number of tracks declined from eight in 1989, to two in 2016—and the state would be left with only a single racetrack by 2019. *Id.* State tax revenues declined precipitously too. In 1997, Michigan collected \$14.7 million in taxes on horserace wagering. *Id.* at 10. But for each of the next 19 years, tax revenues declined. In 2016, the state wagering tax generated a mere \$3.5 million—the smallest figure since 1949. *Id.*



29. At the same time as Michigan’s in-state horseracing declined, online (and out-of-state) ADW platforms experienced significant growth. For instance, TwinSpires was collecting \$1.5 billion in wagers annually by 2019.

30. In 2019, amidst the explosive growth of online ADW platforms, Michigan amended its Horse Racing Law. *See* P.A. 2019, No. 153.

31. For the first time, the state imposed a new licensing requirement for what it called “third-party facilitators” offering ADW to Michiganders, like TwinSpires. The amendments define “third-party facilitators” to be “persons that have contracts with race meeting licensees to facilitate wagering on live and simulcast racing.” Mich. Comp. Laws § 431.308(1)(d). And they purport to ban the acceptance of any pari-mutuel wagers without a third-party facilitator license from Michigan. Mich. Comp. Laws § 431.317(10). The amendments also state that to “solicit[] or accept[] wagers on the results of live or simulcast horse races from individuals in this state” without first securing the new Michigan license is a felony, punishable by up to five years imprisonment or a fine of up to \$10,000, and “[e]ach act of solicitation or wager that is accepted” without a license “is a separate offense.” Mich. Comp. Laws § 431.317(9). (Collectively, this Complaint refers to these provisions (Mich. Comp. Laws § 431.308(1)(d) and 431.317(9)–(10)) as the “Licensing Requirements.”). The Executive Director of MGCB may also pursue a \$25,000 fine for a violation of the Licensing Requirements. Mich. Comp. Laws § 431.307(3).

32. To comply with the Licensing Requirements, Michigan requires a third-party facilitator to meet several conditions. *See* Mich. Comp. Laws § 431.308(1)(d)(i)–(vi). Importantly, a third-party facilitator “must have a joint contract with all race meeting licensees and certified horsemen’s organizations *in this state*.” *Id.* § 431.308(1)(d)(i) (emphasis added). That

is, in order to “solicit[] or accept[] wagers . . . from individuals” in Michigan, the state requires “third-party facilitator” entities to partner with *in-state* brick-and-mortar horserace meet licensees.

**E. Although unnecessary, TwinSpires follows Michigan’s new Licensing Requirements and contracts with mandated in-state partners.**

33. When Michigan amended its laws in 2019, TwinSpires had been accepting pari-mutuel wagers from Michiganders for out-of-state races pursuant to the IHA and its Oregon Racing Commission license for approximately a decade. Indeed, TwinSpires had previously explained to MGCB that it was doing so, and MGCB ultimately did not intervene. Nonetheless, to ensure ADW would be offered to Michigan residents without disruption, and out of a desire to work with state lawmakers and regulators to achieve positive results for the Michigan horseracing industry, TwinSpires promptly sought a third-party facilitator license pursuant to the new Licensing Requirements.

34. TwinSpires partnered with the only existing in-state racetrack remaining in Michigan, Northville Downs, and the relevant certified horsemen’s associations on June 11, 2020. In exchange for serving as TwinSpires’s in-state partner for pari-mutuel wagering, TwinSpires contractually agreed to give a percentage of the total amount of money wagered by Michigan residents on TwinSpires (known in industry terms as “the handle”) to Northville Downs. Based on that agreement, TwinSpires filed its initial third-party facilitator application in the summer of 2020.

35. On September 3, 2020, MGCB granted a “Conditional Temporary Third-Party Facilitator License” to TwinSpires. MGCB would subsequently extend that temporary license until December 2021, when MGCB granted TwinSpires its first annual license for 2022.

36. TwinSpires successfully renewed its license again for 2023 and 2024.

37. Since then, TwinSpires has continued as the leading operator of online horseracing wagering in Michigan. In 2021, it accepted 62.1% of the \$35.8 million wagered in online horseracing bets from residents of the state. And since that time, Michigan residents have trusted their wagers with TwinSpires, leading the company to consistently outperform other horseracing betting platforms.

**F. TwinSpires applies for its 2025 third-party facilitator license.**

38. On August 27, 2024, MGCB staff informed TwinSpires that MGCB would send out a renewal notice for TwinSpires's 2025 third-party facilitator license only after it received the race meeting licensee application from TwinSpires's in-state partner track. As in years past, TwinSpires planned to partner with Northville Downs as the sole racetrack operating in Michigan, which submitted its application to be a race meeting licensee shortly thereafter.

39. On September 24, 2024, MGCB staff advised TwinSpires that "renewal notices will be going out this week, with a due date of November 30th for the third-party facilitator applications." MGCB staff further advised TwinSpires that so long as MGCB received TwinSpires's application by November 30, 2024, its "license w[ould] remain active until a decision is made on the 2024 renewal application," even though TwinSpires's current license would otherwise expire on December 31, 2024. TwinSpires submitted its renewal application on November 26, 2024, to ensure it stayed in "good standing."

40. On October 30, 2024, MGCB determined that Northville Downs met Michigan's standards and requirements to grant a race meeting license. But it conditioned that license, contrary to Michigan law, on approval of yet another license: Northville Downs's separate "track license."

41. Michigan Compiled Laws § 431.308 requires a "track license" for "persons to maintain or operate a racetrack." In early 2024, Northville Downs had shut down operations at

the track's longtime home in Northville—where it had continually operated since 1944—because the track was set to be razed for a new development. (Northville Downs secured a new location, but MGCB has not yet issued a track license to Northville Downs.)

**G. Michigan demands that TwinSpires stop accepting interstate wagers.**

42. On December 23, 2024, MGCB Executive Director Henry L. Williams, Jr. notified TwinSpires that Northville's "track license w[ould] not be approved by January 1, 2025." Based on MGCB's October 30, 2024 order, the Director said Northville Downs's lack of an approved track license also precluded the issuance of a race meeting license to Northville Downs. Accordingly, the Executive Director concluded, TwinSpires could no longer operate as a "third-party facilitator" in Michigan, because it lacked the requisite in-state partner with a valid race meeting license under the Licensing Requirements. The Director summarily informed TwinSpires that "on January 1, 2025 at 12:00am, all account wagering with Michigan account holders must cease."

43. TwinSpires responded on December 31, 2024. It noted that TwinSpires had submitted the required renewal application on November 26, 2024, and therefore, per MGCB's September 24 representations, TwinSpires was "in good standing with" MGCB until a decision issued as to its pending application. TwinSpires further explained that its only purported obligation as a "third-party facilitator" under the Licensing Requirements was to partner with the state's only race meeting licensee, Northville Downs, which it had done. And TwinSpires reiterated its long-held position that TwinSpires's continued ADW operations in Michigan remained lawful because it indisputably complies with the IHA in offering interstate, "off-track" wagering to Michiganders. Indeed, that "off-track" wagering is all TwinSpires can even offer within the state, regardless of Northville Downs's licensing status: there is not a race even scheduled in Michigan until April 2025, and such racing will only occur if Northville Downs is ultimately issued its track license.

44. TwinSpires also explained that, even on the merits of Michigan’s Licensing Requirements, the Executive Director lacked authority under state law to condition a race meeting license on granting a track license as it had purported to do with Northville Downs. Mich. Comp. Laws § 431.314(1) allows the Executive Director to “grant or deny” an application for a race meeting license—not to hinge a grant on numerous future actions. MGCB’s order had stated that it was “granting a 2025 Race Meeting License” to Northville Downs, which was binding on the MGCB. While TwinSpires noted that the Executive Director could revoke or suspend a license that it had granted, it could not do so without following the requisite procedures under the Racing Act. *See* Mich. Comp. Laws § 431.314(4), (5). MGCB had not followed those procedures for Northville Downs’s race meeting license, so, TwinSpires explained, Northville Downs’s race meeting license should remain operative.

45. On January 3, 2025, MGCB staff responded. It stated that because Northville Downs had not obtained a track license, it could not obtain the race meeting license (even though the Board had already issued the race meeting license). According to MGCB, without a partner with a race meeting license, TwinSpires was precluded from operating in Michigan. MGCB stated that TwinSpires does not have “unfettered access to Michigan residents,” but instead its “operations are contingent” upon its in-state partner fulfilling its race meeting licensing requirements. MGCB neither acknowledged nor disputed that TwinSpires met the requirements of the IHA. Instead, the MGCB said that if TwinSpires continued to accept wagers from Michigan residents—as it had at that point done for well over a decade pursuant to the IHA—TwinSpires would be “subjecting [it]self to administrative, civil, and criminal penalties” and “jeopardizing [its] suitability for licensure.”

46. On January 6, 2025, MGCB again demanded that TwinSpires shut off its pari-mutuel wagering platform in Michigan or “things would get worse” for TwinSpires. On January 7, 2025, MGCB notified TwinSpires that it had “summarily suspended” TwinSpires’s third-party facilitator license because TwinSpires had “failed to cease all account wagering with Michigan account holders effective January 1, 2025.” MGCB again made no mention of TwinSpires’s continuous and ongoing compliance with the IHA.

47. TwinSpires informed MGCB that it plans to keep operating and accepting pari-mutuel wagers from Michigan residents, as expressly permitted by the IHA.

**H. TwinSpires will suffer irreparable injury.**

48. MGCB’s actions have subjected TwinSpires to irreparable injury and placed it in a perilous position. If TwinSpires is forced to cease its interstate ADW offering in Michigan, which federal law clearly permits, then it stands to wrongfully lose millions of dollars in revenue for which TwinSpires would never be able to recover damages, because the state is immune from money damages. *See Mumford v. Basinski*, 105 F.3d 264, 267 (6th Cir. 1997). And since interstate pari-mutuel wagering is at the core of TwinSpires’s operations in Michigan, compliance with MGCB’s order would mean the shutdown of effectively its entire in-state “enterprise.” *Performance Unlimited, Inc. v. Questar Publishers, Inc.*, 52 F.3d 1373, 1382 (6th Cir. 1995). That shutdown would result in the loss of substantial customer goodwill and significant damage to TwinSpires’s competitive position. Those injuries are irreparable. *Hall v. Edgewood Partners Ins. Ctr., Inc.*, 878 F.3d 524, 530 (6th Cir. 2017); *see also Performance Unlimited*, 52 F.3d at 1382; *Overstreet v. Lexington-Fayette Urban Cnty. Gov’t*, 305 F.3d 566, 578 (6th Cir. 2002); *Kentucky v. United States ex rel. Hagel*, 759 F.3d 588, 599 (6th Cir. 2014) (finding irreparable harm where plaintiff would never be able to recover damages against the federal government).

49. On the other hand, Michigan has made clear it can and likely will pursue “administrative, civil, and criminal penalties” pursuant to the state’s Licensing Requirements if TwinSpires continues to offer ADW to Michigan consumers under the IHA. That includes potential criminal prosecution or a fine of up to \$10,000, *see* Mich. Comp. Laws §§ 431.307(3), 431.317(9), for engaging in interstate commerce expressly authorized under federal law. This, too, poses irreparable injury to TwinSpires—not only from the threat of impending criminal sanctions, but the corresponding “loss of customer goodwill and competitive position” such sanctions cause. *Hall*, 878 F.3d at 530.

50. These extraordinary threats to TwinSpires’s business, coming for the first time since it began offering its platform to Michigan residents over a decade ago, gives TwinSpires no choice but to ask this Court to protect its legal rights now.

## COUNT I

### (Supremacy Clause)

51. TwinSpires repeats and realleges paragraphs 1 through 50.

52. The Supremacy Clause of the United States Constitution establishes that “[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land.” U.S. Const. art. VI, cl.2. “Under the Supremacy Clause, from which our preemption doctrine is derived, any state law, however clearly within a State’s acknowledged power, which interferes with or is contrary to federal law, must yield.” *Gade v. Nat’l Solid Waste Mgmt. Ass’n*, 505 U.S. 96, 108 (1992) (citation omitted).

53. The IHA occupies the field of interstate wagering on horseraces. Congress emphasized that “the Federal government should prevent interference by one State with the gambling policies of another.” 15 U.S.C. § 3001(a)(2). And the IHA was “Federal action to ensure States will continue to cooperate with one another in the acceptance of legal interstate wagers.”

*Id.* § 3001(a)(3). Congress thus expressly provided that “[n]o person may accept an interstate off-track wager *except as provided in this chapter*” of federal law. *Id.* § 3003 (emphasis added). The IHA is the exclusive source for regulation of interstate horseracing wagers.

54. In addition, Congress provided detailed and comprehensive provisions relating to the consent required before an off-track betting system can accept an interstate off-track wager. Consent needs to be given by the “entity that conducts the horserace,” in other words the track where the race will be run. 15 U.S.C. § 3002(9). Consent must too come from the state which is the “host” of the race subject to the interstate wager. *Id.* § 3002(10). And finally, consent must come from the entity “with jurisdiction to regulate off-track betting” in the state where the wager is *accepted*—not where the individual who is wagering lives or places the wager. *Id.* § 3002(11). These consent provisions “leave no room for supplementation by the State.” *Horseman’s Benevolent & Protective Ass’n, Inc., v. Zonak*, 2008 WL 11453695, at \*5 (S.D. Ohio Sept. 23, 2008).

55. “The logical interpretation of the [IHA’s] plain text is that Congress intend[ed] to preempt the limited field of interstate off-track wagering,” while “leav[ing] regulation of intrastate wagering to the states.” *Zonak*, 2008 WL 11453695, at \*7. Because Michigan’s Licensing Requirements purport to regulate interstate off-track wagering when “Congress intended to occupy the entire field of interstate horserace wagering,” they are preempted. *Id.* at \*5.

56. The Licensing Requirements also conflict with the IHA. A state law is preempted under conflict preemption when a federal law “confers on private entities . . . a federal right to engage in certain conduct subject only to certain (federal) constraints.” *Murphy v. Nat’l Collegiate Athletic Ass’n*, 584 U.S. 453, 478–79 (2018). In fact, given Congress’s explicit statement that it sought to prevent “interference” by states, the IHA “provisions not only impose . . . obligations”



on systems like TwinSpires, “but also confer a federal right to be free from any other . . . requirements.” *Id.* at 479. After all, unless an off-track betting system complies with the IHA, such wagering is generally illegal. It is only permitted “as provided” by the IHA. 15 U.S.C. § 3003. To acquire the federal right to accept interstate wagers, the IHA sets out specific federal conditions. But that right would be rendered meaningless if Michigan could impose its own local conditions (carrying with them the threat of significant civil and criminal penalties), like the Licensing Requirements, to bar what federal law plainly permits.

57. The Supremacy Clause does not permit Michigan to enforce Licensing Requirements that federal law preempts.

## COUNT II

### (Interstate Commerce Clause)

58. TwinSpires repeats and realleges paragraphs 1 through 50.

59. The Commerce Clause gives Congress the power to “regulate Commerce . . . among the several States.” U.S. Const. art. 1, § 8, cl. 3. It addresses “a central concern of the Framers that was an immediate reason for calling the Constitutional Convention: the conviction that in order to succeed, the new Union would have to avoid the tendencies toward economic Balkanization that had plagued relations among the Colonies and later among the States under the Articles of Confederation.” *Granholm v. Heald*, 544 U.S. 460, 472 (2005) (citation omitted).

60. The Supreme Court has held that the Commerce Clause “of its own force prohibits the States from restricting interstate trade even when Congress has not passed a law imposing such a limit on them.” *Truesdell v. Friedlander*, 80 F.4th 762, 768 (6th Cir. 2023). This is known as the “dormant” or “negative” aspect of the Commerce Clause. *Id.* “State laws offend” the dormant “Commerce Clause when they seek to ‘build up . . . domestic commerce’ through ‘burdens upon

the industry and business of other States.” *Nat’l Pork Producers*, 598 U.S. at 369 (quoting *Guy*, 100 U.S. at 443).

61. To determine whether a state law violates the dormant Commerce Clause, courts must conduct two inquiries. *Truesdell*, 80 F.4th at 768. First, a court must evaluate whether a state law “‘discriminates’ against out-of-state economic interests to benefit local economic interests.” *Id.* (quoting *C&A Carbone v. Town of Clarkstown*, 511 U.S. 383, 390 (1994)). A plaintiff can demonstrate that the law is discriminatory “on its face,” has a “discriminatory effect,” or has a “discriminatory purpose.” *Id.* at 769. Where a law does so, the state law cannot survive unless the state “meet[s] a demanding test to save it.” *Id.* Second, even if a law does not discriminate, a court will determine whether the law still causes “substantial harm” to interstate commerce. *Nat’l Pork Producers*, 598 U.S. at 385. A law causes “substantial harm” to interstate commerce when its “interstate burdens clearly exceed its local benefits” under *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970). *Truesdell*, 80 F.4th at 768 (cleaned up).

62. State regulatory regimes that seek to “‘hoard’ commerce ‘for the benefit of’ in-state merchants” are discriminatory. *Nat’l Pork Producers*, 598 U.S. at 372–73. Thus, the Supreme Court has long “held . . . invalid” so-called “local processing requirements” that “bar the import” of a “service” within a state absent engaging with an in-state service—whether it be in-state solid waste processing, shrimp packaging, or milk pasteurizing. *Carbone*, 511 U.S. at 391–92 (collecting cases). The “essential vice” of these state requirements is that they “deprive[]” out-of-state enterprises access to “local demand for their services.” *Id.* at 392. That is, unless those enterprises comply with the state-imposed requirement “for the benefit of local businesses,” they are totally barred from offering their services within the state. *Id.* States cannot regulate interstate commerce in this way. After all, the requirement to economically support a given state’s in-state

businesses is little different from a de facto tariff on interstate commerce. *Cf. W. Lynn Creamery, Inc. v. Healy*, 512 U.S. 186, 193 (1994) (“[C]ases are filled with state laws that aspire to reap some of the benefits of tariffs by other means.”).

63. Michigan’s Licensing Requirements for third-party facilitators cannot survive dormant Commerce Clause scrutiny because they are discriminatory. Like other invalid local processing requirements, Michigan requires all off-track betting systems, like TwinSpires, to partner with an in-state race meeting licensee to offer interstate wagering, even if the bets are for races happening outside Michigan. *See Mich. Comp. Laws* § 431.308(1)(d). This is nothing more than a forced and discriminatory subsidy for local industry. In addition, the law automatically privileges in-state pari-mutuel wagering entities (which can conduct interstate pari-mutuel wagering without an additional in-state partner), while out-of-state entities like TwinSpires must always maintain an in-state partnership. It is no different than if Michigan required any online retailer to partner with an in-state brick-and-mortar store before it could accept orders from individuals in Michigan. States cannot condition access to “local demand” for interstate commerce on economic support for local businesses.

#### **PRAYER FOR RELIEF**

TwinSpires respectfully requests that the Court enter an order and judgement against Defendants:

- a. Declaring that the Licensing Requirements are preempted by the Interstate Horseracing Act of 1978, insofar as Michigan state law purports to regulate the acceptance of interstate pari-mutuel wagers on horseraces outside of Michigan.
- b. Declaring that the Licensing Requirements violate the Interstate Commerce Clause, insofar as Michigan state law purports to regulate the acceptance of interstate pari-mutuel wagers on horseraces outside of Michigan.

- c. Preliminarily and permanently enjoining Defendants, their agents, employees, and successors from enforcing the Licensing Requirements to prevent the acceptance of interstate pari-mutuel wagers on horseraces outside of Michigan.
- d. Granting all other relief that the interests of justice require.

Dated: January 12, 2025

Respectfully submitted,

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Eileen O'Brien, Commissioner  
Bradford Hill, Commissioner  
Nakisha Skinner, Commissioner  
Paul Brodeur, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Dean Serpa, Executive Director  
Todd Grossman, General Counsel

DATE: January 23, 2025

RE: Raynham (Massasoit Greyhound Association and  
Taunton Dog Track) Request for Approval of  
Global Tote US LLC

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Dear Commissioners:

Massasoit Greyhound Association and Taunton Dog Track Vice President of Operations Sue Rodrigues has requested approval to use Global Tote US LLC as their totalizer provider. Global Tote US LLC is the company that Plainridge Park Casino uses and is licensed as a vendor through Gaming Licensing.

**Recommendation: That the Commission approves the Massasoit Greyhound Association and Taunton Dog Track (Raynham) request for approval to use Global Tote US LLC as their totalizer provider.**



Massachusetts Gaming Commission



# RAYNHAM — PARK —

December 30, 2024

Dr. Alexandra Lightbown  
Director of Racing  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Dear Dr. Lightbown:

As Raynham Park prepares to transition, from AmTote totalizator services, to Global Tote US, LLC, please let me know if there is anything required, by the Massachusetts Gaming Commission, to complete this conversion. Our intent is to be fully operational, with Global Tote US, LLC, within 60 days.

If you have any questions, please let me know.

Thank you!

Sincerely,

Susan Rodrigues  
Vice President of Operations  
Raynham Park



*Division of Racing*

TO: Jordan Maynard, Chairman  
Eileen O'Brien, Commissioner  
Bradford Hill, Commissioner  
Nakisha Skinner, Commissioner  
Paul Brodeur, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Dean Serpa, Executive Director  
Todd Grossman, General Counsel

DATE: January 23, 2025

RE: Horse Health at Plainridge Park in 2024

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Dear Commissioners:

Over the course of a three-week period concluding on November 11, 2024, three horses sustained injuries during racing severe enough to necessitate euthanasia. In response, I organized a meeting for November 12, 2024 to discuss the injuries that had occurred at Plainridge during the 2024 meet. Present at the meeting were me, Steve O'Toole, Director of Racing for Plainridge Park Casino; Paul Verette, Racing Secretary for PPC; Charles Eaton, Judge for PPC; Alice Tisbert, Managing Director for HHANE; Jim Hardy, Board Member for HHANE and driver; and MGC Judges Sal Panzera and Chris Miller. Each of the incidents were discussed and appeared to be unique. I also discussed the incidents with Association Veterinarians Drs. Jeremy Murdock and Zach Matzkin, who are both experienced in harness racing. They shared the view that each incident was unique.

Per protocol, blood samples were taken from each horse and sent to our drug testing laboratory. No drugs were found in any of the horses. Necropsies were conducted on the horses that were euthanized at Plainridge. Other than the injuries themselves, there were no other findings to suggest a cause of the breakdowns.

Following the latest incident, Steve O'Toole invited Mike Fagliarone, track Superintendent for Freehold Raceway in New Jersey, to inspect the Plainridge track on November 25, 2024. Following his inspection, I met with Mr. Fagliarone who opined that the track was in excellent condition. Additionally, as is the usual preseason protocol, Mr. O'Toole had the Plainridge track reviewed by another track superintendent who found the track to be in good condition ahead of the April 2024 track opening. The preseason inspection was performed by David Dunn from Maine.



Massachusetts Gaming Commission

While regulation changes would not have necessarily prevented any of the incidents that took place this year, I will be working with our Legal team to review potential regulation modifications that will help strengthen our oversight. The Horse Racing Integrity and Safety Authority has funded two studies to examine exercise-associated sudden death and has formed a working group. We will be interested in any findings from the studies including any policy recommendations that we may adopt.

Regulations of interest include a voided claim rule, which voids claims on horses should there be an on-site incident in which a horse dies. Additionally, the establishment of a mortality review committee to formalize the process that takes place following each incident. This process includes interviews with the trainer, driver, Association veterinarian, and a review of the horse's medical records. Updates to the Commission's medications rules will also be explored.

The table below shows the age of the horses varied from 2-11. The incidents occurred at varying locations on the track.

The number of starts for the season was 8,578. With the six deaths, the racing fatality rate was 0.7/1,000 starts.

<b>Date</b>	<b>Name, Age</b>	<b>Circumstances</b>	<b>Location</b>
5/23/2024	Challenger, 4	Cardiovascular collapse	¾ Pole
9/3/2024	Stihl N, 8	Euthanized at vet clinic	½ Pole
9/24/2024	Silent Warrior, 2	Euthanized at vet clinic	7/8 Pole
10/21/2024	Sidd Finch, 6	Euthanized at Plainridge	1/8 Pole
11/4/2024	Paternity Suit A,11	Euthanized at Plainridge	¼ Pole
11/11/2024	Im Sir Blake A, 9	Euthanized at Plainridge	¾ Pole



Massachusetts Gaming Commission





## **MEMORANDUM**

**TO:** Chair Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Paul Brodeur

**FROM:** Nathaniel Kennedy, Enforcement Counsel, IEB

**CC:** Caitlin Monahan, Director, IEB  
Kathleen Kramer, Chief Enforcement Counsel/ Ass. Director, IEB  
Justin Stempeck, Deputy General Counsel

**DATE:** January 16, 2025

**RE:** Sports Wagering Noncompliance Matter

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At the January 23, 2025 Public Meeting, the IEB will be presenting the following Sports Wagering Noncompliance matter to the Commission:

1. FBG Enterprises Opco, LLC, d/b/a Fanatics Betting and Gaming (“FBG”), Temporary Category 3 Sports Wagering Operator, 2024 SWN 053: This matter relates to FBG offering wagering on Belarusian national soccer teams in contravention of 205 CMR 247.01(1), 205 CMR 247.01(2)(i) and the Massachusetts Gaming Commissions Sports Wagering Catalog. FBG accepted wagers between September 13, 2023 and March 22, 2024. During this timeframe, FBG accepted 127 wagers for a total state of \$968.13.
2. Betfair Interactive US, LLC, d/b/a FanDuel, Temporary Category 3 Sports Wagering Operator, 2024 SWN 055: This matter relates to FanDuel offering wagering on Belarusian national soccer in contravention of 205 CMR 247.01(1), 205 CMR 247.01(2)(i) and the Massachusetts Gaming Commissions Sports Wagering Catalog. FanDuel accepted wagers between March 20, 2023 and March 26, 2024. During this timeframe, FanDuel accepted 3,871 wagers for a total stake of \$11,792.
3. Betfair Interactive US, LLC, d/b/a FanDuel, Temporary Category 3 Sports Wagering Operator, 2024 SWN 061: This matter relates to FanDuel offering wagering on a Belarusian soccer team in contravention of 205 CMR 247.01(1), 205 CMR 247.01(2)(i) and the Massachusetts Gaming Commissions Sports Wagering Catalog. FanDuel accepted wagers on July 16, 2024 through July 18, 2024. During this timeframe, FanDuel discovered 178 wagers were placed for a total stake of \$5,829.



Massachusetts Gaming Commission



TO: Chair Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Paul Brodeur

FROM: Ying Wang, Associate General Counsel

DATE: January 23, 2025

RE: 205 CMR 243.02: Kiosks

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Enclosed for the Commission's review is a proposed regulation, 205 CMR 243.02, which supplements the process that was previously approved for 205 CMR 143.07 pertaining to the use of kiosks. If the Commission is so inclined, this regulation may be promulgated in the normal course.

205 CMR 243.02 provides a necessary cross-reference to 205 CMR 143.07, which directs Sports Wagering Operators and Vendors to comply with the *Gaming Laboratories International, LLC Standard GLI-20: Kiosks*, version 1.5, released September 6, 2011, subject to certain amendments.

This regulation is now being brought forward as a part of regulatory review that encourages regulations to be clearer and allow for ease of reference by Sports Wagering Operators.



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 243: SPORTS WAGERING EQUIPMENT

243.02: Kiosks

A Sports Wagering Operator and a Sports Wagering Vendor making use of a kiosk for Sports Wagering shall comply with 205 CMR 143.07.



## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed adoption of **205 CMR 243.02 KIOSKS**.

This regulation was developed as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and are primarily governed by G.L. c. 23N, §4.

The adoption of 205 CMR 243.02 applies to potential sports wagering operators, sports wagering vendors, and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c. 30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulations:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulations:

There are no projected reporting, recordkeeping or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

There are no design or operational standards within the proposed regulation.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulations:

There are no conflicting regulations in 205 CMR and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulations are likely to deter or encourage the formation of new businesses in the Commonwealth:



Massachusetts Gaming Commission

This regulation is unlikely to have any impact on the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission

By:

/s/ Ying Wang  
Ying Wang, Associate General Counsel

Dated: January 23, 2025



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)



**TO:** Chair Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Brad Hill  
Commissioner Nakisha Skinner  
Commissioner Paul Brodeur

**FROM:** Justin Stempeck, Deputy General Counsel  
Katrina Jagroop- Gomes, Chief Information Officer

**DATE:** January 16, 2025

**RE:** Revisions to 205 CMR 257

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This regulation was previously brought before the Commission on October 31, 2024, to make changes to clarify how data should be protected when in transit and when in storage. The Commission approved the start of the promulgation process at that time.

During the time that the regulation was out for public comment it received one comment from BetMGM which is attached. BetMGM's comment suggests adding the phrase "hashed, encrypted, or other reasonably secured form" to 205 CMR 257.03(4). After review with our ITS department, we believe that this additional language is unnecessary as the ITS department worked extensively on the edits, including consulting with industry experts on best practices. Further, "other reasonably secured form" is quite vague and could lead to interpretation and enforcement problems. We are now seeking approval to finalize the promulgation process with the edited regulation as first presented in October.

205 CMR 257: SPORTS WAGERING DATA PRIVACY

- 257.01: Definitions
- 257.02: Data Use and Retention
- 257.03: Data Sharing
- 257.04: Patron Access
- 257.05: Data Program Responsibilities
- 257.06: Data Breaches

257.01: Definitions

As used in 205 CMR 257.00, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

Data Breach means Breach of Security as that phrase is defined in M.G.L. c. 93H, § 1.

Confidential Information means information related to a Sports Wagering Account, the placing of any Wager or any other sensitive information related to the operation of Sports Wagering including the amount credited to, debited from, withdrawn from, or present in any particular Sports Wagering Account; the amount of money Wagered by a particular patron on any event or series of events; the unique patron ID or username and authentication credentials that identify the patron; the identities of particular Sporting Events on which the patron is Wagering or has Wagered, or the location from which the patron is Wagering, has Wagered, or has accessed their Sports Wagering Account. Confidential Information may also include Personally Identifiable Information.

Personally Identifiable Information means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular patron, individual or household. Personally Identifiable Information includes, but is not limited to, Personal Information as that phrase is defined in M.G.L. c. 93H and 201 CMR 17.00. Personally Identifiable Information may also include Confidential Information.

257.02: Data Use and Retention

- (1) A Sports Wagering Operator shall only use and retain Confidential Information and Personally Identifiable Information for legitimate business purposes necessary to operate or advertise a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed or reasonably anticipated legal claims, and for other reasonable safety and security purposes. In addition, use and retention of a patron's Confidential Information or Personally Identifiable Information may be permissible where necessary to conduct commercially reasonable review of a Sports Wagering Operator's assets in the context of the sale of all or a portion of the Sports Wagering Operator's business.

- (2) If a Sports Wagering Operator seeks to use a patron's Confidential Information or Personally Identifiable Information for purposes beyond those specified in 257.02(1), a Sports Wagering Operator shall obtain the patron's consent, which may be withdrawn at any time.
- (a) Consent may be obtained for categories of uses, rather than specific instances of such uses.
  - (b) Such consent must be clear, conspicuous, and received apart from any other agreement or approval of the patron. Acceptance of general or broad terms of use or similar documents that purport to permit the sharing of Confidential Information or Personally Identifiable Information in the same document shall not constitute adequate consent, nor shall hovering over, muting, pausing, pre-selecting, or closing a given piece of content without affirmative indication of consent.
  - (c) Consent shall not be deemed to be a waiver of any of the patron's other rights.
  - (d) The option to withdraw such consent must be clearly and conspicuously available to the patron on the Sports Wagering Operator's Sports Wagering Platform. A patron shall not be required to confirm withdrawal of consent more than once, and no intervening pages (other than those needed to confirm withdrawal of consent) or offers will be presented to the patron before such confirmation is presented to the patron.
- (3) A Sports Wagering Operator may not use a patron's Personally Identifiable Information or Confidential Information, or any information derived from it, to promote or encourage specific wagers or promotional offers based on:
- (a) a period of dormancy or non-use of a Sports Wagering Platform
  - (b) the wagers made or promotional offers accepted by other patrons with a known or predicted social connection to the patron;
  - (c) the communications of the patron with any third party other than the Operator;
  - (d) the patron's actual or predicted:
    - i. income, debt, net worth, credit history, or status as beneficiary of governmental programs;
    - ii. medical status or conditions; or
    - iii. occupation.



- (e) Any computerized algorithm, automated decision-making, machine learning, artificial intelligence, or similar system that is known or reasonably expected by the Sports Wagering Operator or a vendor to the Sports Wagering Operator to make the gaming platform more addictive;
  - (f) Engagement or utilization of play management options, including type of limit, frequency of engagement or utilization of play management options, and frequency of changing limits;
  - (g) Engagement or utilization of cooling-off options, including duration of cooling-off period, frequency of engagement or utilization of cooling-off options, and frequency of changing cooling-off periods;
  - (h) Engagement or utilization of any measure in addition to those described in 205 CMR 257.02(3)(f)-(g) intended to promote responsible gaming.
- (4) A Sports Wagering Operator shall collect patrons' Confidential Information and Personally Identifiable Information to analyze patron behavior for the purposes of identifying and developing programs and interventions to promote responsible gaming and support problem gamblers, and to monitor and deter Sports Wagering in violation of G.L. c. 23N and 205 CMR. The Sports Wagering Operator shall provide a report to the Commission at least every six months on the Sports Wagering Operator's compliance with this subsection, including the trends observed in this data and the Sports wagering Operator's efforts to mitigate potential addictive behavior, but shall not, in such report provide patrons' Confidential Information or Personally Identifiable Information except if specifically requested by the Commission.

257.03:      Data Sharing

- (1) A Sports Wagering Operator shall not share a patron's Confidential Information or Personally Identifiable Information with any third party except for legitimate business purposes necessary to operate or advertise a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena, or civil investigative demand of a governmental entity, to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity, debug to identify and repair errors, to investigate, respond to and defend against filed or reasonably anticipated legal claims, and for other reasonable safety and security purposes. In addition, sharing of a patron's Confidential Information or Personally Identifiable Information may be permissible where necessary to conduct commercially reasonable review of a Sports Wagering Operator's assets in the context of the sale of all or a portion of the Sports Wagering Operator's business.
- (2) If a Sports Wagering Operator shares a patron's Confidential Information or Personally Identifiable Information pursuant to 257.03(1), the Operator shall take

commercially reasonable measures to ensure the party receiving a patron's Confidential Information or Personally Identifiable Information keeps such data private and confidential, except as required for the authorized use or purpose pursuant to 205 CMR 257.03(1) The party receiving such data shall only use a patron's Confidential Information or Personally Identifiable Information for the purpose(s) for which the data was shared.

- (3) If a Sports Wagering Operator deems it necessary to share a patron's Confidential Information or Personally Identifiable Information with a Sports Wagering Vendor, Sports Wagering Subcontractor, or Sports Wagering Registrant, a Sports Wagering Operator shall enter into a written agreement with the Sports Wagering Vendor, Sports Wagering Subcontractor or Sports Wagering Registrant, which shall include, at a minimum, the following obligations:
  - (a) The protection of all Confidential Information or Personally Identifiable Information that may come into the third party's custody or control against a Data Breach;
  - (b) The implementation and maintenance of a comprehensive data-security program for the protection of Confidential Information and Personally Identifiable Information, which shall include, at a minimum, the following:
    - i. A security policy for employees relating to the storage, access and transportation of Confidential Information or Personally Identifiable Information;
    - ii. Restrictions on access to Personally Identifying Information and Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;
    - iii. A process for reviewing data security policies and measures at least annually; and
    - iv. An active and ongoing employee security awareness program for all employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and potentially applicable civil and criminal penalties for noncompliance pursuant to state and federal law.
  - (c) The implementation, maintenance, and update of security and breach investigation and incident response procedures that are reasonably designed to protect Confidential Information and Personally Identifiable Information from unauthorized access, use, modification, disclosure, manipulation or destruction; and

- (d) A requirement that the maintenance of all Confidential Information and Personally Identifiable Information by a Vendor, Subcontractor or Registrant must meet the standards provided in 257.02.

(4) Sports Wagering Operators shall, using reasonable protection methods, store all Confidential Information and Personally Identifiable Information within their possession, custody or control, in a secure manner, against alteration, tampering, or unauthorized access. --In addition, Personally Identifiable Information as indicated within 205 CMR 248.03(4) shall be stored in encrypted form and protected in accordance with all provisions of 205 CMR 257.00.

(5) Sports Wagering Operators shall encrypt or hash communications over the internet or other public network, and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information within their possession, custody or control. An Operator may request approval by the Commission to protect the communication of Confidential Information and Personally Identifiable Information over the internet or other public network in another manner that is equally protective of the information in question.

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257.04: Patron Access

- (1) Patrons shall be provided with a method to make the requests in 205 CMR 257.04(1)(a)-(e). The request must be clearly and conspicuously available to the patron online through the Sports Wagering Operator's Sports Wagering Platform. A patron shall not be required to confirm their request more than once, and no intervening pages (other than those needed to confirm withdrawal of consent) or offers will be presented to the patron before such confirmation is presented to the patron.
  - (a) A description as to how their Confidential Information or Personally Identifiable Information is being used, including confirmation that such Confidential Information or Personally Identifiable Information is being used in accordance with this Section 205 CMR 257;
  - (b) Access to a copy of their Confidential Information or Personally Identifiable Information maintained by the Operator or a Vendor, Subcontractor, or Registrant of the Operator;
  - (c) Updates to their Confidential Information or Personally Identifiable Information;
  - (d) The imposition of additional restriction on the use of their Confidential Information or Personally Identifiable Information for particular uses; and
  - (e) That their Confidential Information or Personally Identifiable Information be erased or anonymized so it is no longer traceable to the patron when it is

no longer required to be retained by applicable law or Court order. The Sports Wagering Operator may choose to offer either erasure, anonymization, or both as an option pursuant to this subsection.

- (2) A Sports Wagering Operator shall provide a written response to a request submitted pursuant to 257.04(1) that either grants or denies the request.
  - (a) If the Sports Wagering Operator grants the patron's request to access a copy of their Personally Identifiable Information, the Sports Wagering Operator shall provide the patron their Confidential Information or Personally Identifiable Information in a structured, commonly used and machine readable format.
  - (b) If the Sports Wagering Operator denies the request, the Sports Wagering Operator shall provide in its written response specific reason(s) supporting the denial and directions on how the patron may file a complaint regarding the denial with the Commission.
- (3) A Sports Wagering Operator shall grant the patron's request to impose a restriction or erase or anonymize their Confidential Information or Personally Identifiable Information if it is no longer necessary to retain the patron's Confidential Information or Personally Identifiable Information (or to retain the patron's Confidential Information or Personally Identifiable Information without the requested restriction) to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, or for any other purpose authorized pursuant to 205 CMR 257.01; and
  - (a) The patron withdraws their consent to the Sports Wagering Operator's retention of their Confidential Information or Personally Identifiable Information;
  - (b) There is no overriding legal interest to retaining the patron's Confidential Information or Personally Identifiable Information;
  - (c) The patron's Confidential Information or Personally Identifiable Information was used in violation of 205 CMR 257.00; or
  - (d) Restriction, anonymization or erasure is necessary to comply with an order from the Commission or a court.
- (4) If the Sports Wagering Operator grants the patron's request to erase or anonymize their Confidential Information or Personally Identifiable Information, the Sports Wagering Operator shall erase or anonymize the patron's Personally Identifiable Information or Confidential from all storage media it is currently using to operate a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform, including HDD, SDD, flash, mobile, cloud, virtual, RAID, LUN, hard disks, solid state memory, and other devices. The Sports Wagering Operator shall also request commercially reasonable confirmation of deletion or anonymization from any

Vendor, Registrant, or Subcontractor who received the patron's Confidential Information or Personally Identifiable Information from the Sports Wagering Operator. Notwithstanding, the foregoing, the Sports Wagering Operator shall not erase or anonymize a patron's Confidential Information or Personally Identifiable Information on backup or storage media used to ensure the integrity of the Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform from technology failure or to comply with its data retention schedule or to comply with M.G.L. c. 23N, 205 CMR, or any other applicable law, regulation, court order, subpoena or civil investigative demand of a governmental entity.

- (5) An Operator, or a Vendor, Registrant or Subcontractor of an Operator shall not require a Patron to enter into an agreement waiving any of the Patron's rights under this Section 257.

257.05: Data Program Responsibilities

- (1) A Sports Wagering Operator shall develop, implement and maintain comprehensive administrative, technical and physical data privacy and security policies appropriate to the size and scope of business and addressing, at a minimum:
  - (a) Practices to protect the confidentiality, integrity and accessibility of Confidential Information or Personally Identifiable Information;
  - (b) The secure storage, access and transportation of Confidential Information or Personally Identifiable Information in the Sports Wagering Operator's possession, custody or control, including the use of encryption and multi-factor authentication;
  - (c) The secure and timely disposal or anonymization of Confidential Information or Personally Identifiable Information, including data retention policies;
  - (d) Employee training on data privacy and cybersecurity for employees who may have access to Confidential Information or Personally Identifiable Information that, at a minimum, advises such employees of the confidentiality of the data, the safeguards required to protect the data and any applicable civil and criminal penalties for noncompliance pursuant to state and federal law;
  - (e) Restrictions on access to Personally Identifying Information or Confidential Information, including the area where such records are kept, secure passwords for electronically stored records and the use of multi-factor authentication;
  - (f) Reasonable monitoring of systems, for unauthorized use of or access to Confidential Information or Personally Identifying Information;

- (g) Reasonably up-to-date versions of system security agent software which must include malware protection and reasonably up-to-date patches and virus definitions, or a version of such software that can still be supported with up-to-date patches and virus definitions, and is set to receive the most current security updates on a regular basis;
  - (h) Cybersecurity insurance, which shall include, at a minimum, coverage for data compromise response, identity recovery, computer attack, cyber extortion and network security;
  - (i) Data Breach investigation and incident response procedures;
  - (j) Imposing disciplinary measures for violations of Confidential Information and Personally Identifiable Information policies;
  - (k) Active oversight and auditing of compliance by Vendors, Registrants, or Subcontractors with 257.03(3) and with the Operator's Confidential Information and Personally Identifying Information policies.
  - (l) Quarterly information system audits; and
  - (m) A process for reviewing and, if necessary, updating data privacy policies at least annually.
- (2) A Sports Wagering Operator shall maintain on its website and Sports Wagering Platform a readily accessible copy of a written policy explaining to a patron the Confidential Information and Personally Identifiable Information that is required to be collected by the Sports Wagering Operator, the purpose for which Confidential Information or Personally Identifiable Information is being collected, the conditions under which a patron's Confidential Information or Personally Identifiable Information may be disclosed, and the measures implemented to otherwise protect a patron's Confidential Information or Personally Identifiable Information. A Sports Wagering Operator shall require a patron to agree to the policy prior to collecting any Confidential Information or Personally Identifiable Information, and require a patron to agree to any material updates. Agreement to this policy shall not constitute required consent for any additional uses of information. The Sports Wagering Operator shall not be required to include in the publicly available version of such policy any information which might compromise the policy's effectiveness in protecting and safeguarding Confidential Information, Personally Identifiable Information.
- (3) A Sports Wagering Operator, Sports Wagering Vendor, Sports Wagering Subcontractor, Sports Wagering Registrant, or Person to whom an Occupational License is issued shall comply with all applicable state and federal requirements for data security, including M.G.L. c. 93A, M.G.L. c. 93H, 940 CMR 3.00, 940 CMR 6.00 and 201 CMR 17.00.

257.06:      Data Breaches

- (1) In the event of a suspected Data Breach involving a patron's Confidential Information or Personally Identifiable Information, a Sports Wagering Operator shall immediately notify the Commission and commence an investigation of the suspected Data Breach, which shall be commenced no less than five (5) days from the discovery of the suspected breach, and completed as soon as reasonably practicable thereafter.
- (2) Following completion of the investigation specified pursuant to 205 CMR 257.06(1), the Sports Wagering Operator shall submit a written report to the Commission describing the suspected Data Breach and stating whether any patron's Confidential Information or Personally Identifying Information was subjected to unauthorized access. Unless the Sports Wagering Operator shows that unauthorized access did not occur, the Sports Wagering Operator's written report shall also detail the Operator's plan to remediate the Data Breach, mitigate its effects, and prevent Data Breaches of a similar nature from occurring in the future.
- (3) Upon request by the Commission, the Sports Wagering Operator shall provide a report from a qualified third-party forensic examiner, the cost of which shall be borne by the Sports Wagering Operator being examined.
- (4) In addition to the other provisions of this 205 CMR 257.06, the Sports Wagering Operator shall be required to comply with any other legal requirements applicable to such Data Breaches or suspected Data Breaches, including its obligations pursuant to G.L. c. 93H and 201 CMR 17.00.

**From:** [MGC Website](#)  
**To:** [Young, Judith](#)  
**Subject:** Regulations Public Comment Submission  
**Date:** Monday, January 6, 2025 10:55:49 AM

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**Submitted By**

Operator (Applicant or Licensed)

**Business/Entity Name**

BetMGM

**Name**

Jess Panora

**Email**

[jesspanora@betmgm.com](mailto:jesspanora@betmgm.com)

**Regulation**

205 CMR 257 Sports Wagering Data Privacy

**Subsection**

257.03

**Comments**

BetMGM is recommending updating the proposed language to “(4) Sports Wagering Operators shall, using reasonable protection methods, store all Confidential Information and Personally Identifiable Information within their possession, custody or control, in a secure manner, against alteration, tampering, or unauthorized access. In addition, Personally Identifiable Information as indicated within 205 CMR 248.03(4) shall be stored in hashed encrypted, or other reasonably secured form and protected in accordance with all provisions of 205 CMR 257.00.”

This revision is consistent with our discussions with the MGC & MGC staff regarding the protection of Confidential Information and Personally Identifiable Information at BetMGM.





Legal Division

## AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this amended Small Business Impact Statement in accordance with G.L. c. 30A, § 5 relative to the proposed amendment of **205 CMR 257.00: Sports Wagering Data Privacy**, for which a public hearing was held on **January 7, 2025, at 9:30am EST**.

The promulgation of 205 CMR 257.00 was developed within the Commission's regulatory framework, governing the operation of Sports Wagering in the Commonwealth. This regulation is authorized by G.L. c. 23N, §4.

205 CMR 257.00 applies to Sports Wagering Operators, who are not small businesses, and the Commission. It sets forth requirements regarding an operator’s obligations for permissible advertising to patrons, and to protect and secure the *Confidential Information* and *Personally Identifiable Information* of patrons, and the required policies and conduct of operators in the event of a data breach. Accordingly, this regulation is unlikely to impact small businesses.

Pursuant to G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

No small businesses will be negatively impacted by this amendment, as the regulation applies to licensed sports wagering operators and the Commission.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

None of the schedules or deadlines for compliance or reporting requirements established within 205 CMR 257.00 would pertain to small businesses.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

The reporting requirements and compliance requirements within this regulation do not affect small businesses. Accordingly, reporting requirements within 205 CMR 257.00 have not been consolidated as part of the amendment of this regulation.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:



Massachusetts Gaming Commission

This regulation utilizes performance-based standards for sports wagering operators.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

The amendment to 205 CMR 257.00 is unlikely to deter or encourage the formation of new businesses within the Commonwealth, as it is limited in its impact on the larger business community.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

The amended version of 205 CMR 257.00 is not expected to create any adverse impacts upon small businesses.

Massachusetts Gaming Commission  
By:

/s/ Judith A. Young  
Judith A. Young  
Associate General Counsel

Dated: January 23, 2024



Massachusetts Gaming Commission



TO: Chair Maynard, Commissioners O'Brien, Hill, Skinner, and Brodeur

FROM: Mark Vander Linden, Director of Research and Responsible Gaming;  
Long Banh, Responsible Gaming Program Manager

DATE: January 23, 2025

RE: GameSense Fiscal Year 2024-2025 Second Quarter Report

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GameSense, an innovative responsible gaming program that equips casino patrons who chose to gamble with information and tools to adopt positive play behaviors and offers resources to individuals in distress from gambling-related harm. The Commission has a contract with the Massachusetts Council on Gaming and Health (MCGH) to operate the GameSense Information Centers, located on-site at all Massachusetts casinos and staffed 16-24 hours daily by trained GameSense Advisors.

Today, Marlene Warner, Chief Executive Officer; Janine Ruggiero, Chief Marketing Officer; Jodie Neally, Director of Recovery Services; Aisha Shambley, GameSense Manager; and Shekinah Hoffman, Director of Diversity, Equity, Inclusion, and Belonging of Massachusetts Council on Gaming and Health will share with you the GameSense activities and highlights from the second quarter of Fiscal Year 2024-2025.



Massachusetts Gaming Commission

**Q2 FY 2025**

**GameSense Report**

1/23/25





# Agenda

- Staff
  - Funders
  - Q2 Data Highlights
  - Champion Awards
  - Selected Magic Moments
  - GameSense Community of Practice -BCLC
  - Operation Hope
  - We Welcome All
  - RightToBe Recap
  - Upcoming Q3
-

# PRESENTING STAFF



**Marlene Warner**, *CEO*

**Janine Ruggiero**, *CMO*

**Shekinah Hoffman**, *Director of Diversity, Equity,  
Inclusion, and Belonging*

**Ray Fluette**, *Director of GameSense Operations*

**Brian Beard**, *GameSense Advisor*

# Funders/Present Contracts

- Michigan Association on Problem Gambling
  - National Council of Legislators from Gaming States (NCLGS)
  - National Voluntary Self Exclusion Program (NVSEP)/for idPair/Spectrum
  - North American Association State and Provincial Lotteries (NASPL)
  - Playtech for the Gambling Recovery Information Network (GRIN)
  - SharpRank: subcontract for the Arizona Department of Gaming
  - Spectrum Gaming Group: subcontract on MGC Kiosk Feasibility Study and New Hampshire Lottery Study
  - Springfield Health and Human Services (MA); subcontract for MGC Community Mitigation Fund
  - Texas Tech University: subcontract for MGC for community-based research
  - Vermont Department of Mental Health
-

# Q2 Data Highlights

- Interactions, GamLine & Live Chat Statistics
- Magic Moments
- Champion Awards
- VSE
- GameSense Operations Manual & SOPs



# Interaction Analysis

**Total Intensive Interactions** : There were **24,790 intensive interactions** (exchanges and demonstrations) during this period, with October having the highest number (8,572) and December the lowest (7,498).

**Interaction Locations:** Most interactions occurred on the casino floor (63%), followed by phone (35%) and live chat (1%)

**Interaction Time of Day:** Most interactions took place between 5 PM and 10 PM (36%), followed by noon to 5 PM (28%).

## GamLine:

**GamLine Calls** : There were **818 GamLine** calls, with the highest number in December (337) and the lowest in October (229).

# LiveChat Analysis

General	Sportsbook	VSE	Casino	Reinstatement	Resources	GameSense/MACGH	Total
33	123	189	7	41	8	5	406

## Key Insights:

- Total Q2FY25 LiveChats: **406**
- December's volume was the highest at 161 chats
- October: 108 Chats
- November: 137
- 46% of Chats are about VSE

# VSE & Follow -Up Information

## Key Insights:

- Total VSEs serviced: **236**—Highest any quarter since the program started!
- Total Completed Follow-Ups: 33

## Telephone Recovery Support:

Total Engaged: 4

## Magic Moments from TRS and VSE Follow-ups:

- “I am so grateful to talk to someone about my gambling issues and finally feel motivated to start GA.”
- "Thanks so much for calling me. I appreciate all the resources. I'm not feeling so alone now."
- “I’m doing much better than I was a few weeks ago. I’ve been taking it one day at a time and slowly accumulating some “clean time” (no gambling). Finally! Thank you for reaching out.”

# GameSense Operations Manual

## Key Insights:

- Updated processes and expectations regarding service delivery
- Goal is to improve quality assurance and anchor our values through performance

## Standard Operating Procedures:

**17 created** and counting!

Focus on VSE training and measurement of success.



## GameSense Operations Manual

### Table of Contents

#### 1. Welcome to GameSense

- What is GameSense?
- Foundations of GameSense
- Core Values
- Guiding Principles

#### 2. Your Role as a GameSense Advisor

- GameSense Advisor Role and Responsibilities
- Code of Conduct
- Staffing Policies
- Performance Evaluations and Professional Development

#### 3. Core Programs and Tools

- **Voluntary Self-Exclusion (VSE) Program**
  - Overview of VSE
  - Enrollment terms and process
  - Confidentiality and follow-up support
  - Breaches of VSE contracts and enforcement
- **Play My Way (PMW) Pre-Commitment Tool**
  - Functionality and benefits of PMW
  - Enrollment and Unenrollment processes
  - Handling technical issues

# Selected Magic Moments



Our GameSense  
Advisers:

**Jason**  
**Winnie**  
**Anna**



# Champion Award Winners | MGM

Antonio Gonzalez, Slots  
Rafael Martinez, Security  
Jem Diduk, Environmental Services



# Champion Award Winners | PPC

Richard Rendine, Cage Supervisor  
Daniel Giampa, Employee Services  
Lenny Calderone, Racebook



# Champion Award Winners | EBH

Karla Guillen, Wynn Rewards  
Miroslaw Serafin, Table Games  
Reagan Vetree, Beverage Dept.



# Outreach & Engagement

Scantic Valley YMCA  
10/14

A Guide to Fun & Informed  
Gambling



## BCLC Community of Practice

- Dr. Malkin's Report in Practice-Presentation (Oct)
- Visual Branding Updates- ADA Compliance
- Sports Content Focus
- Updated Interaction Materials (December)

# Community of Practice Engagement

## New Horizons: Vancouver

- **Beyond Rainbows:  
Adapting Player Health  
Efforts to Attract and  
Welcome LGBTQI+  
Individuals.**
- **Gambling Recovery  
Information Network**



# Operation Hope & Financial Literacy

- Non-profit organization providing free financial literacy and economic inclusion services
- Focuses on underserved communities
- Offers personalized coaching, webinars, and self-paced options
- Works with individuals, small businesses, and communities
- Services include credit and money management, homeownership guidance, and small business development coaching



# We Welcome All

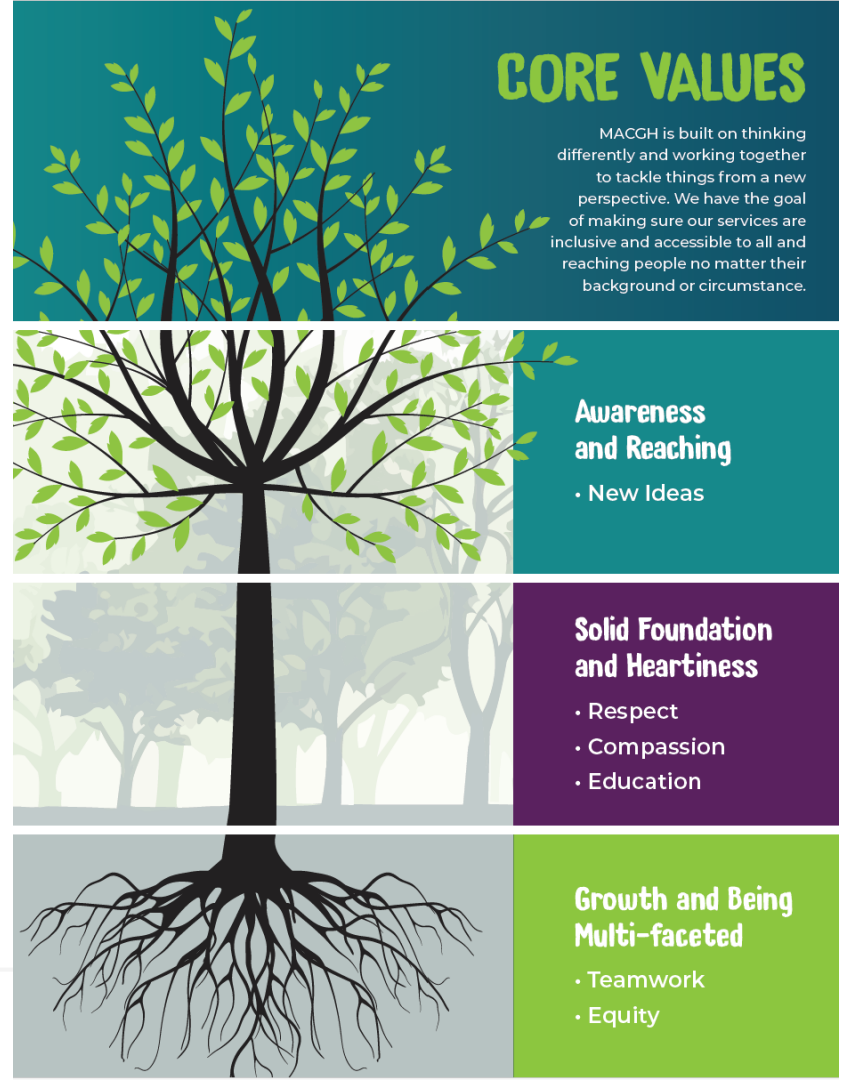
## GameSense as an inclusive resource



# GameSense MA Core Values

**MACGH** is built on thinking differently and working together to tackle things from a new perspective.

We have the goal of making sure our services are inclusive and accessible to all and reaching people no matter their background or circumstance. **Diversity** in our team and approach (roots), **inclusion** is the actions we take (trunk), and **equity in public health services** is the goal (branches).



# RightToBe: Bystander Intervention Training

## December 2024

### Outcomes:

- **Training Focuses:** Covered the "5 Ds" of bystander intervention: Direct, Delegate, Distract, Delay, Document.
- **Retention:** 83% were able to recall the "5Ds"
- **Behavior Change:** 38% more likely to intervene.
- **Real-life Use:** 38% used the "5 Ds" at work recently.
- **Positive Feedback:** Training was well-received and practical.



# Looking Ahead: PGAM



## Objectives for 2025

- Broad Awareness of PGAM and [GameSenseMA.com](http://GameSenseMA.com)
- Visits to the GSIC
- Coffee Campaign & Clinician Visit
- Virtual screening and/or follow-up





## Ahead to Q3

- GameSense Mystery Shopping
- Conflict De-Escalation Training
- Update GameSense Materials



**Thank you!**



The Massachusetts Council on  
**GAMING AND HEALTH**

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## Section B: Sport-Specific Rules

### Baseball

#### Abandonment or postponement

BS.2.1	<p>If a regular season event is suspended, then wagers that have already been determined will be graded as such, while those that are yet to be fully determined will be deemed no action if the event does not resume and complete within 48 hours of its start time. If a regular season event is postponed, all markets are considered void unless the match starts on the scheduled day (local time). If a regular season event is abandoned, cancelled, suspended, or postponed then wagers that have already been determined will be graded as such, while those that are yet to be fully determined will be deemed no action if the event does not resume and complete within 48 hours of its start time.</p>
BS.6.6	<p>Player Prop wagers will be deemed to have participated in an event if: The starting pitcher must throw the first pitch for their team; If a player is a position player or designated hitter, they must be in the official starting line-up and make at least 1 plate appearance. <del>Player Prop wagers will be deemed to have participated in an event if: The starting pitcher must throw the first pitch for their team; The relief pitcher must enter the event and throw at least 1 pitch; If a player is a position player, they must be in the official starting line-up and make at least 1 plate appearance; If a player is a designated hitter, they must register at least 1 plate appearance.</del></p>

### Golf

#### Specific market rules

GF.5.9	<p>Forecast markets: Dead heat rules will apply when players are tied for second place.</p>
GF.6.0	<p>Group Hole Score: Market is settled on sum of the scores from the players in the group.</p>
GF.6.1	<p>Par 3, 4 or 5 Winner: The player with the lowest combined score on a specific par hole will be deemed the winner. Dead heat rules apply. Tournament wagers will be void if the tournament not completed and players who miss the cut will be graded as a loss. Round wagers will be void if the round is not completed. 2/3 ball wagers will be void if any player does not complete the round. Playoff holes do not count towards grading.</p>
GF.6.2	<p>Longest Drive Markets: Drives must finish on the fairway or green to be considered. Drives not finishing on the fairway or green will be graded as a loss if any other listed player finishes on the fairway or green. All bets will be void if none can be considered, unless a 'No Fairway' selection is offered. In such cases 'No Fairway' will be graded as the winning selection. All bets will be void if any player does not Tee Off on the hole.</p>
GF.6.3	<p>Closest to the Pin: Bets are on the ball closest to the pin/hole in regulation shots for the hole being played (1 shot for a par 3, 2 shots for a par 4 etc.). For group betting, if no player hits the green in regulation, then the 'No Green' selection will be deemed the winner. If a 'No Green' selection is not offered and no player hits the green in regulation, then all bets will be void. For individual player pin markets (e.g., Tee shot to</p>

	finish within “X” Feet of the pin) the ball must be on the green to qualify. In cases where the ball lands off the green, Over will be settled as the winner.
GF.6.4	<p>Putting Markets: Putts are counted as all shots after the 1st shot where the lie is green (even if subsequent lie is not on the green). To Make Putt markets will be void if a putt is not hit.</p> <p>In the event of a correction to the lie, all Putt markets for the player on the hole will be void.</p>
GF.6.5	Number Of Greens or Fairways In Regulation In Round: Graded on official tournament statistics. If player does not complete the round, bets will be deemed no action and voided unless the outcome of the market is already determined.
GF.6.6	First Player to be Over/Under Par: Dead Heat rules will apply if more than one player reaches over/under par on the same hole.
GF.6.7	Drive/Tee Shot to Finish: Graded on official tournament statistics. All bets will be void if tee shot not taken.

<b>Futsal</b>	
FU.1.1	All match markets will be settled on regulation time (specific to competition governing body), unless stated otherwise. Regulation time must be completed for bets to stand unless the outcome is already determined.
FU.1.2	Postponed matches are void unless re-arranged and played within 48 hours of the original scheduled game time.
FU.1.3	If a match is interrupted but subsequently resumed (from the point in the match at which it was interrupted) and played to a finish within 48 hours of the original scheduled match time, all bets will stand on the fixture.
FU.1.4	Otherwise, if the match is resumed but not finished within 48 hours of the original scheduled match time, this will be treated as an abandonment and bets on the original fixture will be void, except for those bets the outcome of which had already been determined, prior to the initial interruption in fixture.





*Sports Wagering Division*

Additionally, under 247.03(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.

**DISCUSSION:**

The PWHL inaugural season concluded this past May with the Boston Fleet losing a best-of-five series in the championship round to the Minnesota Frost at the Tsongas Center in Lowell, MA. Overall, the league is comprised of six teams; Montreal, New York, Ottawa, and Toronto as the remaining four. The PWHL is also looking to expand and add more teams in the coming seasons, with more than 25 proposals sent to the league. <sup>[3]</sup> The second season of the PWHL began last year on November 30 with Boston losing on the road to the Toronto Sceptres in front of a near full capacity crowd. <sup>[4]</sup> On January 12, at a neutral site in Denver, the PWHL broke an attendance record with more than 14,000 in the arena to watch Minnesota and the Montreal Victoire. <sup>[5]</sup>

The league front office has significant sports experience, with the Mark Walter Group owning all six teams as well as the league itself. Mark Walter is also the owner of Chelsea FC and Chairman of the Los Angeles Dodgers. The Advisory Board is formed by Billie Jean King, Ilana Kloss, and Stan Kasten. Lastly, the Players Association Executive Director, Brian Burke, has extensive front office experience in the NHL, winning a Stanley Cup in 2007.

Broadcast partners include CBC, Sportsnet, TSN, Prime Video, YouTube TV, and various other streaming outlets.

Hockey offerings in Massachusetts are currently limited to four approved governing bodies/leagues:

Sport	Governing Body	League	Website
Hockey - Ice	American Hockey League (AHL)	AHL	<a href="https://theahl.com/">https://theahl.com/</a>
	National Hockey League (NHL)	NHL	<a href="https://www.nhl.com/">https://www.nhl.com/</a>
	International Ice Hockey Federation (IIHF)	International and domestic events sanctioned by the IIHF or IIHF member federations.	<a href="https://www.iihf.com/">https://www.iihf.com/</a>
	NCAA	NCAA Ice Hockey	<a href="https://www.ncaa.com/">https://www.ncaa.com/</a>

Pursuant to 205 CMR 247.03(4), certain minimum criteria must be met in order for the Commission to authorize the addition of an event. Those criteria are outlined below with the applicable supporting notes from FanDuel provided.

<sup>3</sup> [Per CBC article dated 11/25/24](#)

<sup>4</sup> [Per PWHL article dated 11/30/24](#)

<sup>5</sup> [Per NY Times article dated 1/12/25](#)



*Sports Wagering Division*

**(a) The outcome can be verified;**

*FanDuel states in its petition the results are verified by the [PWHL website](#).*

**(b) The Sporting Event generating the outcome is conducted in a manner that ensures sufficient integrity controls exist so the outcome can be trusted;**

*FanDuel states the PWHL is in the final stages of producing a final integrity policy in conjunction with SportRadar. Until it is finalized, the PWHL are adhering to the International Ice Hockey Federation (IIHF) Integrity Policy. The IIHF is also an approved governing body within the MA Event Catalog.*

**(c) The outcome is not likely to be affected by any Sports Wager placed;**

*FanDuel states that all wagers will be settled via official PWHL box score and not have any effect on actual results.*

**(d) The Sporting Event is conducted in conformity with all applicable laws.**

*In its petition, FanDuel states the PWHL follows all guidelines handed down by the PWHL. The Sporting event does not contravene any gaming legislation in the state and it meets the criteria for a sporting event. There are no current prohibitions on the sport, or any of its players by MGC.*

Lastly, FanDuel has informed the PWHL of their intention to petition the league to gaming jurisdictions. Within its petition, FanDuel confirmed the PWHL was first contacted by FanDuel on April 22<sup>nd</sup>. On April 23<sup>rd</sup>, FanDuel reached out to three individuals representing the PWHL Players Association (contacts were provided by the PWHL) to inform them of the intention to offer the league for wagering. After a wider players association meeting, one of the representatives reached out to FanDuel to inform the Players Association declined to take a position on FanDuel's intention to offer, and neither objected nor endorsed the petition.

FanDuel has confirmed, however, that as of 1/6/25, they have received approval to offer the PWHL in 19 jurisdictions; including states such as New Jersey, Connecticut, Illinois, Kentucky, Tennessee, Virginia, Arizona, Colorado, Pennsylvania, and Maryland.

**CONCLUDING STATEMENT:**

The Sports Wagering Division confirms all requirements have been met pursuant to 205 CMR 247.03 and that FanDuel has reached out to the Players Association in accordance with the condition imposed on Fanatics following their previous request. Although the Players Association declined to take a position on FanDuel's intention to offer PWHL, the Sports Wagering Division recommends approving the PWHL be added to the MA Event Catalog.





## MASSACHUSETTS GAMING COMMISSION

# PETITION FOR A SPORTING EVENT OR WAGER CATEGORY

*In accordance with 205 CMR 247.03*

### **Directions:**

Please fill out and address all areas of the form. If an area does not apply to the request, please place 'NA' in the section. Each section will extend to accommodate large answers. If needed, one may attach additional documents. Please make sure any attachments reference the relevant section and number in their title.

### **SECTION A** **BACKGROUND**

1. NAME OF OPERATOR(S) PETITIONING:
2. REQUESTING A SPORTS WAGERING EVENT OR WAGERING CATEGORY:
3. NAME OF EVENT OR WAGERING CATEGORY:
4. IS THIS A VARIATION OF AN AUTHORIZED SPORTING EVENT OR WAGER CATEGORY?
5. IS THIS A COMPOSITE OF AUTHORIZED SPORTING EVENTS OR WAGER CATEGORIES?
6. IS THIS A NEW SPORTING EVENT OR WAGER CATEGORY?
7. PLEASE INDICATE THE JURISDICTION(S) IN WHICH YOU OPERATE WHERE THIS EVENT/  
WAGER CATEGORY HAS BEEN APPROVED OR HAS BEEN SUBMITTED FOR APPROVAL:

WEBSITE LINK FOR THE EVENT AND/OR GOVERNING BODY:

### **SECTION B** **A COMPLETE AND DETAILED DESCRIPTION OF THE SPORTING EVENT OR WAGER CATEGORY FOR WHICH APPROVAL IS SOUGHT**

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) (*details are required in the minimum criteria section below*).
5. Whether and to what extent the outcome of the Sporting Event or Wager Category is determined solely by chance.



**SECTION C**  
**IF THE PROPOSED SPORTING EVENT OR WAGER CATEGORY IS BASED ON ESPORTS**  
**ACTIVITIES, PLEASE ANSWER THE FOLLOWING QUESTIONS**

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.

**SECTION D**  
**POLICIES AND PROCEDURES REGARDING EVENT INTEGRITY**

*To the extent known by the operator(s), please provide a description of policies and procedures regarding event integrity. What integrity monitoring system is in place for the event? Has the Operator contacted them?*



**SECTION E**  
**MINIMUM CRITERIA**

1. Can the outcome of the Sporting Event or Wager Category be verified? If yes, explain the verification process.
2. Is the Sporting Event generating the outcome conducted in a manner that ensures sufficient integrity controls exist so the outcome can be trusted? Please explain.
3. Is the outcome likely to be affected by any Sports Wager placed? Please explain.
4. Is the Sporting Event conducted in conformity with all applicable laws? Please explain.

**SECTION F**

**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 PRIOR TO AUTHORIZING A SPORTING EVENT OR WAGER CATEGORY.**

1. NAME OF SPORTS GOVERNING BODY:
2. HAS THE SPORTS GOVERNING BODY BEEN INFORMED OF THIS REQUEST?  
*IF 'NO' PLEASE EXPLAIN THE REASON BEHIND IT:*
3. IF THERE IS NO SPORTS GOVERNING BODY, NAME THE ENTITY THAT CONDUCTS THE SPORTING EVENT:
4. HAS THE ENTITY THAT CONDUCTS THE SPORTING EVENT BEEN CONTACTED REGARDING THIS REQUEST?  
*IF 'NO' PLEASE EXPLAIN THE REASON BEHIND IT:*
5. ON BEHALF OF THE OPERATOR I HEREBY CERTIFY THAT THE RELEVANT PLAYER'S ASSOCIATION HAS BEEN CONTACTED REGARDING THIS PETITION:       **YES**



IF ANY OF THE ABOVE ENTITIES HAVE BEEN CONTACTED, PLEASE PROVIDE ADDITIONAL  
DETAIL BELOW, INCLUDING BUT NOT LIMITED TO WHEN THE ENTITIES WERE INITIALLY  
CONTACTED ABOUT THE REQUEST ANY COMMENTS OR INPUT PROVIDED BY THE ENTITIES:

*NOTE: CONTACT WITH THE RELEVANT PLAYER'S ASSOCIATION IS A MINIMUM EXPECTATION OF THE  
COMMISSION FOR SECTION F.*

### **SIGNATURE AND INFORMATION**

*I swear or attest under the pains and penalties of perjury that the information provided as part of this request  
for a hearing is true and accurate to the best of my knowledge and understanding.*

\_\_\_\_\_  
Signature of individual requesting new event/wager

\_\_\_\_\_  
Date

[If this request is submitted via email, it may be signed electronically by typing the petitioner's name on the  
signature line above. In that case, the 'signature' must be preceded by /s/ (e.g.- /s/ John S. Doe). Use of an  
electronic signature permits the Commission to rely upon the signature as if it were handwritten.]

Please submit this request and any attachments to the Massachusetts Gaming Commission via email at:  
[mgcsportswagering@massgaming.gov](mailto:mgcsportswagering@massgaming.gov)





# IIHF INTEGRITY CODE

## **IIHF Integrity Code - Table of contents**

- **General Rules** **p. 3**
  
- **IIHF Ethics Regulations** **p. 13**
  - **Appendix 1: IIHF Gifting Guidelines**
  - **Appendix 2: IIHF Conflicts of Interest Guidelines**
  - **Appendix 3: IIHF Election Conduct Guidelines**
  
- **IIHF Abuse and Harassment Regulations** **p. 33**
  
- **IIHF Competition Manipulation Regulations** **p. 40**
  
- **IIHF Anti-Doping Regulations** **p. 44**

## Integrity Code – General Rules

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### A. PURPOSE, SCOPE AND APPLICATION

#### 1. Introduction

- 1.1. The International Ice Hockey Federation (“IIHF”) has adopted this Integrity Code to establish clear integrity standards for persons involved in the activities of the IIHF, to prohibit conduct that might undermine public confidence in the integrity of Ice Hockey and/or in the uncertainty of the outcome of Events, and to establish effective mechanisms for enforcement of this Integrity Code and sanctions for its breach. This Integrity Code sets out general obligations and anticorruption rules that apply to all Covered Parties (Section 3).
- 1.2. The IIHF is committed to upholding integrity in the governance and administration of Ice Hockey as a basic principle of good governance and as a fundamental precept of its autonomous role as the governing body of the sport worldwide, in the best interests of the sport and its stakeholders as a whole.
- 1.3. The IIHF is also committed to upholding the integrity of Ice Hockey on the ice. The essence of the sport of Ice Hockey is the contest between competing teams as an honest test of skill and ability, the outcome of which is determined by (and only by) the contestants’ relative sporting merits. Any manipulation of sports competitions or other conduct that might undermine public confidence in the integrity of the sporting contest and/or in the uncertainty of its outcome is fundamentally at odds with that essence of the sport and must be eradicated at all costs. Due to the complex nature of this threat, the IIHF recognizes that it cannot tackle the threat to sporting integrity alone, and that cooperation with public authorities, in particular law enforcement and sports betting entities is crucial. The IIHF agrees to respect the Olympic Movement Code on the Prevention of Manipulation of Competitions established by the IOC and requires its Member National Associations (“MNAs”) to do the same within their jurisdictions.
- 1.4. Conduct prohibited under this Integrity Code may also amount to a criminal offence and/or a breach of other applicable laws or regulations, including employment laws, in national jurisdictions. This Integrity Code is intended not to replace such laws and regulations, but to supplement them with further rules of professional conduct for those involved in the governance and administration of Ice Hockey, and/or in the staging and conduct of Events. It operates without prejudice to such laws and regulations, and vice versa.
- 1.5. For the avoidance of doubt, this Integrity Code shall not replace or in any way affect or alter the IIHF's ability to pursue appropriate disciplinary action against an IIHF Staff Member under the terms of any employment or consultancy contract with such IIHF Staff Member, including to any of the IIHF's employment policies in force from time to time. Where conduct prohibited under this Integrity Code also amounts to a breach of the terms of an IIHF Staff Member’s employment or consultancy arrangement with the IIHF, the IIHF shall be entitled, at its absolute discretion, to elect to pursue disciplinary action against such Staff Member pursuant to the applicable employment or consultancy contract in addition to disciplinary action in accordance with this Integrity Code. There shall be no requirement on the IIHF to have first instituted, or to subsequently institute, any action under this Integrity Code.
- 1.6. This Integrity Code will come into full force and effect on 9 October 2023 (Effective Date), and will supersede the previous IIHF Integrity rules as from that date. Its procedural provisions will apply

to matters arising before the Effective Date but its substantive provisions will not, unless they are more favorable to the person(s) involved than the previous IIHF Integrity rules (as applicable). This Integrity Code may be amended from time to time by the IIHF Congress.

## **2. Interpretation and definitions**

- 2.1. Unless otherwise indicated, references to Sections, Articles and Appendices are to sections, articles and appendices of this Integrity Code; references to any one gender include all other genders; and words denoting the singular include the plural and vice versa.
- 2.2. Unless otherwise indicated in this Integrity Code, all words shall have the meaning as defined in the IIHF Statutes and Bylaws.
- 2.3. Any deviation from any provision of this Integrity Code and/or any irregularity, omission, technicality or other defect in the procedures followed hereunder will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.
- 2.4. Any lacuna in this Integrity Code shall be filled, and any unforeseen circumstances arising in relation to the Integrity Code shall be addressed, by reference to, and in a manner consistent with, the objectives underlying this Integrity Code.
- 2.5. For purposes of this Integrity Code, Event(s) shall be defined as follows: any competition, tournament, game or event organized in accordance with the rules of the IIHF or any of its affiliated organizations including any of its MNAs and any national sports federations of National Olympic Committees, or, where appropriate, in accordance with the rules of any other competent sports organization.
- 2.6. This Integrity Code sets out sporting rules and is not intended to be subjected to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. Rather, it reflects a broad consensus of the IIHF and its stakeholders as to what is necessary and proportionate in order to protect the integrity of the sport of Ice Hockey and should be respected accordingly by all outside agencies.

## **3. Covered Parties**

### **3.1. Scope of Application**

- 3.1.1. For the purpose of this Integrity Code, unless the applicable Regulation in this Integrity Code specifically describes the parties to whom it applies, the definition of “Covered Parties” as per Article 3.1 of the IIHF Disciplinary Regulations applies.
- 3.1.2. It shall be the responsibility of every Covered Party to ensure knowledge of the content of this Integrity Code, including, without limitation, what conduct violates its rules.

### **3.2. Attempt or agreement to violation, or other involvement in violation**

- 3.2.1. Unless set out otherwise in the respective Code, a Covered Party who attempts or agrees with any other person to engage in conduct (whether by act or omission) that would constitute a violation of this Integrity Code (unless the Covered Party renounces their attempt or agreement prior to it being discovered by a third party not involved in the attempt or agreement) shall be treated as if a violation had been committed,



whether or not such attempt or agreement in fact resulted in such violation and whether or not the violation was committed deliberately or negligently. However, when the Covered Party immediately and/or promptly discloses, to the IIHF and/or the Directorate Chairman, their attempt or agreement prior to it being discovered by a third party not involved in the attempt or agreement, such action shall be a mitigating factor in establishing the sanction to be assessed.

3.2.2. Unless set out otherwise in the respective Code, a Covered Party who:

- a. solicits, induces, instructs, persuades or encourages any person to engage in conduct (whether by act or omission) that would amount to a breach of this Integrity Code if committed by the Covered Party; and/or
- b. authorizes, causes, or knowingly assists, encourages, aids and abets, covers up, or is otherwise complicit in, any act or omission by any person that would amount to a breach of this Integrity Code if committed by the Covered Party;

shall be treated as if they committed such act or omission, whether or not such an act or omission was committed or in fact resulted in a violation and whether or not the violation was committed deliberately or negligently, and they shall be liable accordingly under this Integrity Code.

#### **4. Conduct in the scope of the IIHF Jurisdiction**

- 4.1. Covered Parties shall be bound by and required to comply with this Integrity Code: (a) whenever their conduct reasonably relates to Ice Hockey; or (b) at any other time where their conduct reflects upon the IIHF or might otherwise undermine the objectives underlying this Integrity Code. Unless indicated otherwise in a respective Regulation, and subject to Article 3.1.2 of the IIHF Disciplinary Regulations, Covered Parties shall cease to be bound by this Integrity Code as of the date that they cease to perform their role and/or to conduct the activities that originally qualified them as such.
- 4.2. A Covered Party will remain subject to this Integrity Code, and to the jurisdiction of the IIHF, the IIHF Ethics Board, the IIHF Disciplinary Board, and the Court of Arbitration for Sport (“CAS”) hereunder, in respect of matters occurring prior to the date that the Covered Party ceases to be bound by this Integrity Code. For the avoidance of doubt, the IIHF’s jurisdiction over a Covered Party under this Integrity Code shall survive any purported retirement or resignation by such Covered Party, whether such retirement or resignation takes place before or after any investigation has been opened in relation to them and/or proceedings have been instituted against them under this Integrity Code. A Covered Party who has retired or resigned may not participate in any Events or take up any IIHF activities or have any dealings with the IIHF, until they have submitted themselves to the investigation, and any consequent proceedings under this Integrity Code have been completed.

## B. PROCEDURAL RULES

### 5. Procedure

#### 5.1. IIHF Office

- 5.1.1. For any allegation or suspicion that a violation of this Integrity Code was committed, whatever its source, except for allegations and/or potential violations by an IIHF Council Member, Life President or Life Member which shall automatically be referred directly to the Ethics Board, the IIHF Office shall promptly conduct an investigation as set forth below.
- 5.1.2. During this investigation, the IIHF Office shall assess whether the IIHF has *prima facie* personal and subject matter jurisdiction, and whether the matter has any reasonable prospect of establishing one or more violations of this Integrity Code.
- 5.1.3. As part of the investigation, the IIHF Office may examine the matter and obtain any additional evidence it deems necessary, including but not limited to, witness statements, interviews, declarations, documents, opinions, recordings, or any other relevant proof.
- 5.1.4. Once the IIHF Office has concluded its investigation, it shall create a case file containing all available evidence.
- 5.1.5. The IIHF Office, in its full discretion, may close a matter as a result of a lack of jurisdiction or when it determines that there is no reasonable prospect of establishing one or more violations of this Integrity Code.
- 5.1.6. The decision to close a matter as a result of a lack of jurisdiction or when the IIHF Office determines that there is no reasonable prospect of establishing one or more violations is final and can only be appealed to CAS.
- 5.1.7. For those violations that are found to be minor in nature, the IIHF Office may offer to resolve the matter by way of a Resolution Agreement, as set out in Article 5.4 of this Integrity Code.
- 5.1.8. The IIHF Office may, upon receipt of new information or evidence, or a change in circumstances, reopen any matter for further investigation.
- 5.1.9. Except for those cases that are frivolous on their face, all matters that are closed by the IIHF Office or resolved by Resolution Agreement will be reported to the Ethics Board within thirty (30) days. Any reporting party that initiated the review will be informed hereof, where appropriate.
- 5.1.10. Unless the IIHF Office asserts at the moment of referral based on the evidence currently in its possession that the IIHF has no jurisdiction to examine the matter or that there is no reasonable prospect of establishing one or more violations of this Integrity Code, the IIHF Office must submit the case file to the IIHF Ethics Board.

## 5.2. IIHF Ethics Board

- 5.2.1. Upon referral of a case from the IIHF Office or in accordance with Article 5.1.1, the Ethics Board shall conduct a full review of the case file.
- 5.2.2. Upon review of a case file, the Ethics Board may request the IIHF Office or other persons to conduct an investigation under its delegated authority.
- 5.2.3. The Ethics Board may initiate a review and/or investigation into any matter without a referral.
- 5.2.4. The Covered Party that is subject to the Ethics Board review/investigation, with its MNA in copy (where appropriate), will be notified of the commencement of such and will be afforded the right to make a written submission as part of the investigation/review. The Ethics Board shall use reasonable efforts to specify any allegation in the notification. This does not apply where such notification is deemed harmful to the review/investigation as determined in the Ethics Board's sole discretion or when any relevant authority prohibits the notification.
- 5.2.5. In addition to the information provided in a case file, the Ethics Board may consider any information that has come to their attention by whatever means to establish whether there is a *prima facie* case of a potential Integrity Code violation.
- 5.2.6. If, once the Ethics Board has concluded its review/investigation, it determines that there is a *prima facie* case of a potential Integrity Code violation, it shall refer the matter to the IIHF Disciplinary Board for adjudication in accordance with the IIHF Disciplinary Regulations.
- 5.2.7. The Ethics Board shall provide all relevant evidence to the IIHF Disciplinary Board.
- 5.2.8. Where deemed appropriate, the Ethics Board shall send a written notice on the referral of the matter to the IIHF Disciplinary Board, to the Covered Party subject to the referral, with a copy to its MNA (where appropriate).
- 5.2.9. Where a case is not referred to the IIHF Disciplinary Board, the Ethics Board must inform the IIHF Office of this decision. The Ethics Board shall send a written notice regarding this decision to the Covered Party subject to the review/investigation. Where appropriate, they shall also inform any reporting party hereof.
- 5.2.10. The IIHF Ethics Board may, upon receipt of new information or evidence, or a change in circumstances, reopen any case for further investigation.

## 5.3. Investigation and Review

- 5.3.1. Any review or investigation may be conducted in conjunction with relevant competent national or international authorities (including criminal, administrative, professional and/or judicial authorities).
- 5.3.2. The IIHF Office and the Ethics Board shall have discretion to: (a) stay its own investigation or review pending the outcome of investigations conducted by other competent authorities; or (b) refer the matter to the relevant MNA for investigation and sanctioning.

- 5.3.3. The IIHF Office or Ethics Board may require at any time, by way of a written demand to any Covered Party (“Demand”), the Covered Party to provide any information record, article or object in their possession or control that the IIHF Office or Ethics Board reasonably believes may constitute evidence or lead to the discovery of evidence of a violation of this Integrity Code. This includes, but is not limited to, requiring Covered Parties to, as specified in the Demand:
- a. participate in an interview, which may be recorded and/or transcribed, at a time and place determined by the IIHF Office or Ethics Board. The Covered Party shall be entitled to have legal representation and an interpreter present at its own cost;
  - b. answer any question, or to provide a written statement setting out their knowledge of any relevant facts and circumstances;
  - c. allow the IIHF, or any other person acting under its delegated authority, or procure to the best of their ability the provision by any third party of access to any computers, phone or electronic media/storage (such as cloud-based servers, computers, hard drives, tapes, disks, mobile telephones, laptop computers, tablets and other mobile storage devices) for the purpose of inspection, copying and/or downloading any records or files in hardcopy or electronic format, that may contain relevant information (such as itemized telephone records, bank statements, ledgers, notes, files, correspondence, emails, messages, servers);
  - d. provide reasonable access to their premises for the purpose of securing information, records, articles or objects the subject of a Demand; and
  - e. provide passwords, login credentials and other identifying information required to access electronically stored records that are the subject of a Demand.
- 5.3.4. A Covered Party must comply fully with a Demand in such reasonable period of time as set out in the Demand. Each Covered Party waives and forfeits any rights, defences and privileges provided by any law in any jurisdiction to withhold any information, record, article or object requested in a Demand.
- 5.3.5. For the avoidance of doubt, the IIHF Office or Ethics Board shall be entitled to issue a Demand whenever it considers necessary.
- 5.3.6. If a Covered Party fails or refuses to comply with a Demand issued by the IIHF Office or Ethics Board, then the case may go forward without the Covered Party’s cooperation and an adverse inference may be drawn against the Covered Party for failure to cooperate.
- 5.3.7. Without limiting the foregoing, a refusal or failure by a Covered Party to fully cooperate with a review or investigation, comply immediately and entirely with a Demand, and/or any attempted or actual damage, alteration, destruction or hiding of such information, record, article or object upon receipt of or after a Demand, shall constitute an independent violation of the IIHF Integrity Code. Any violation of this provision shall be referred directly to the IIHF Disciplinary Board. Any violation of this provision shall be sanctioned by the Disciplinary Board with a suspension of a minimum of one (1) year from taking part in any Ice Hockey-related activities. In addition, a fine may be

implemented at the discretion of the Disciplinary Board.

#### 5.4. Resolution Agreement

- 5.4.1. Where the IIHF Office concludes that it is more likely than not that a violation of the IIHF Integrity Code has occurred, the violation is minor in nature, and the violation and proposed sanction are not contested by the Covered Party in question, the IIHF Office, at its sole discretion, may resolve the matter by way of a Resolution Agreement. The Resolution Agreement may be made public at the discretion of the IIHF Office.
- 5.4.2. The IIHF Office, by way of a Resolution Agreement, will have the power to impose one or more of the sanctions indicated in Article 7.1 of the IIHF Disciplinary Regulations.

#### 5.5. Data protection

- 5.5.1. All Covered Parties shall be deemed to have agreed, for the purposes of applicable data protection laws and other laws, for the purposes of a waiver or rights to confidentiality and/or privacy, and for all other purposes, to have consented to the collection, processing, disclosure or any other use authorized under this Integrity Code of information relating to their activities (such as telephone records, bank statements, ledgers, notes, files, correspondence, emails, messages, servers and other personal information).

### **6. Provisional Suspension**

- 6.1. During the initial review, the IIHF Office may, in circumstances where it considers that the Covered Party's continued participation could cause harm to another individual or the integrity of the sport could be seriously undermined, Provisionally Suspend any Covered Party pending the IIHF Office's, Ethics Board's and/or Disciplinary Board's determination.
- 6.2. Where a Provisional Suspension is imposed, the Covered Party shall be given the opportunity to contest such Provisional Suspension in a Provisional Hearing taking place before a Panel of one (1) member of the Disciplinary Board (the "Provisional Suspension Judge"). The Provisional Suspension Judge may not be part of the Panel if the case on the merits is referred to the IIHF Disciplinary Board. At any such Provisional Hearing, the only grounds of challenge (which the Covered Party shall bear the burden of establishing) will be the following:
  - a. the charge(s) has/have no reasonable prospect of being upheld, e.g. because of a patent flaw in the case against the Covered Party; or
  - b. some other facts exist that make it clearly unfair, given the circumstances, to impose a Provisional Suspension prior to the full judicial process on the merits of the charge(s) against the Covered Party. This ground is to be construed narrowly and applied only in exceptional circumstances.
- 6.3. The Provisional Suspension Judge shall have the discretion to determine the appropriate procedure to be followed at any such Provisional Hearing, provided that the Covered Party is afforded a fair and reasonable opportunity to present evidence, address the Provisional Suspension Judge and present the case.
- 6.4. During the period of any Provisional Suspension, a Covered Party may not carry out any Ice Hockey-related activities.

- 6.5. The imposition of a Provisional Suspension, may be appealed in an expedited process in accordance with Article 12.6.2 of the IIHF Disciplinary Regulations.

## **7. Sanctions**

- 7.1. For violations of this Integrity Code, sanctions may be imposed in accordance with the IIHF Disciplinary Regulations.
- 7.2. Where more than one violation has been committed, the sanction will be based on the most serious breach and increased as appropriate depending on the specific circumstances.
- 7.3. This Integrity Code shall continue to apply to any ineligible Covered Party during any period of ineligibility or Provisional Suspension, and separate proceedings may be brought against the Covered Party under this Integrity Code and the IIHF Disciplinary Regulations for any breach committed during the period of ineligibility or Provisional Suspension.

## **8. Anti-Doping**

- 8.1. The provisions set out under this section B of the General Rules of the Integrity Code, are not applicable to anti-doping matters. Those matters shall be resolved in accordance with the IIHF Anti-Doping Regulations. However, the IIHF Office may conduct an investigation in accordance with Article 5.3 above into any allegation or suspicion that a violation of the IIHF Anti-Doping Regulations was committed.

## **C. DUTY TO REPORT**

### **9. Reporting of violations**

- 9.1. Covered Parties shall report to the IIHF (by email at [integrity@iihfoffice.com](mailto:integrity@iihfoffice.com) or through another forum designated by the IIHF) without delay in the strictest confidentiality and by using the appropriate mechanisms:
  - a. All information concerning any approach or invitation received by them to engage in conduct that would amount to a violation of this Integrity Code; and
  - b. All information concerning any incident, fact or matter that comes to their attention that might evidence a potential breach of this Integrity Code by another person.
- 9.2. Any disclosure of information must not be for personal gain or benefit, nor be undertaken maliciously to damage the reputation of any person or entity.
- 9.3. A failure to report in accordance with Article 9.1, or any report violating Article 9.2 may be treated as a breach of this Integrity Code and shall be sanctioned by the IIHF Disciplinary Board.

## **D. IIHF ETHICS BOARD**

### **10. Role and responsibilities**

- 10.1. The IIHF establishes an Ethics Board which shall protect the integrity of the sport of Ice Hockey.
- 10.2. The Ethics Board members shall operate independently from the IIHF Council. Without prejudice thereto, the IIHF may reimburse the Ethics Board members' reasonable expenses related to their services as members of the Ethics Board.

### **11. Composition**

- 11.1. The MNAs may submit applications for Ethics Board candidates meeting the criteria required under IIHF Statute 18.3. In addition, the IIHF Office may recruit Ethics Board members. As part of the recruitment process, vacancies can be publicly advertised (with role descriptions) on the IIHF website and/or other recruitment websites.
- 11.2. Subject to Article 11.3, an IIHF Ethics Board member may not be removed until the end of their term. In the event of death, resignation or inability of a member to perform their functions, the IIHF Congress shall elect a new Ethic Board member at the first Congress which occurs after the death, resignation or inability of a member to perform his/her function. This person shall be elected for the remaining period of the Ethics Board current mandate.
- 11.3. The IIHF Council may remove an Ethics Board member only where it determines that the member's conduct has brought the IIHF, Ice Hockey or sport generally into disrepute.

### **12. Duties of Ethics Board members**

- 12.1. Ethics Board members agree to be bound by and to comply with this Integrity Code, and any other applicable IIHF Governing Documents.
- 12.2. IIHF Ethics Board members must disclose without delay any conflicts of interest that they might have in relation to any matter being considered by the Ethics Board. Unless and until the conflict of interest is cleared, the Ethics Board member concerned must not be involved in any discussions, voting or deliberations relating to that matter, and must not receive any information related to that matter. The other Ethics Board members are collectively responsible for determining whether the Ethics Board member has a conflict of interest. Unless the other Ethics Board members unanimously determine that there is no conflict of interest, the person concerned will not be permitted to sit on the Ethics Board for the resolution of that matter.

### **13. Ethics Board meetings**

- 13.1. Upon request to the IIHF, the Ethics Board will hold a general meeting at least once every year to discuss any matters relevant to its responsibilities. Additional meetings may be called at any time by any two Ethics Board members.
- 13.2. If necessary and/or appropriate, the Ethics Board may invite the IIHF President and/or General Secretary, other IIHF Committee members and/or IIHF staff to attend a meeting, or parts thereof.
- 13.3. Each Ethics Board member shall be entitled to one vote on each resolution of the Ethics Board. All resolutions of the Ethics Board shall be carried by simple majority.

- 13.4. Any one or more members of the Ethics Board may participate in meetings without being physically present. Such meetings may be held by telephone or video conference, provided that members participating remotely may be heard effectively.
- 13.5. Minutes of any meetings of the Ethics Board shall be prepared. At a minimum, the minutes shall include the names of attendees and any decisions agreed. Unless determined otherwise by the Ethics Board, the minutes of any such meetings shall remain confidential.

#### **14. Executive assistance**

- 14.1. The IIHF Office will be responsible for the administrative organization of the Ethics Board, as well as providing administrative support to the Ethics Board, as necessary. This includes forwarding relevant emails to the Ethics Board members.





# IIHF ETHICS REGULATIONS

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These Regulations come into effect on October 9<sup>th</sup>, 2023

## A. ETHICS

### 1. Fundamental Principles

- 1.1. IIHF Covered Parties are subject to the IIHF Statutes and Bylaws, Regulations/Codes, Decisions and Directives of the IIHF and the relevant IIHF Bodies, and must strictly follow their terms and provisions.
- 1.2. IIHF Covered Parties violating these Ethics Regulations are subject to disciplinary sanctions imposed by the IIHF Disciplinary Board.
- 1.3. Under no circumstances will it be a valid defence to a violation of these Ethics Regulations for an IIHF Covered Party to claim they ignored or made a mistake as to the provisions of these Ethics Regulations.
- 1.4. The obligations described in these Ethics Regulations are personal in nature. Individuals are responsible for their own conduct. While MNAs are encouraged to promote the values and ideals described in these Ethics Regulations to their membership and representatives, no MNA shall bear responsibility for any breach of these Ethics Regulations by an IIHF Covered Party.
- 1.5. Notwithstanding Article 1.4, prior knowledge of an IIHF Covered Party's future or continuing violation of these Ethics Regulations, and failure to take any action to stop or report such violation, may constitute a violation by an IIHF Covered Party, including MNAs, with such knowledge.

### 2. Attitude and Behavior

- 2.1. IIHF Covered Parties must conduct themselves in accordance with the principles of dignity, integrity, loyalty and responsibility in all relations of a competitive, economic, social (including social media) and moral nature. For on-ice activity, IIHF Covered Parties must adhere to the standard level of conduct for on-ice activity specifically detailed in the IIHF Official Rule Book.
- 2.2. In order to ensure the respect of the above-mentioned principles, IIHF Covered Parties are expected to base their attitude and behavior on the following criteria:
  - 2.2.1. **Dignity:** means behaving in a respectful manner including the proper respect of the rights of the individual and the property of others. To this end:
    - a. There shall be no abuse or discrimination against the human dignity of a person or group of persons by whatever means, including on grounds of race, skin color, gender, ethnic, national or social origin, religion, philosophical or political opinion, marital status, sexual orientation, gender orientation or other grounds.
    - b. Each IIHF Covered Party shall at all times respect all facilities and objects used in connection to the organization and the operation of an IIHF Competition, including but not limited to, accommodation, locker rooms, transportation vehicles and player benches.
  - 2.2.2. **Integrity:** means being upright in character, refraining from all incorrect behavior that might give rise to the appearance or suspicion of improper conduct and facing life's circumstances with moral strength, honesty and incorruptibility. To this end:

- a. All relevant Covered Parties as detailed in the IIHF Gifting Guidelines, within the scope of their IIHF duties, may not, directly or indirectly, offer any remuneration, or accept or request any commission, benefit or service, other than those established in the IIHF Financial Regulations, for (i) the commission or omission of an act or (ii) services rendered or due for the benefit of the IIHF.
- b. IIHF Covered Parties shall not disclose any information about the IIHF that is not generally known by third parties, entrusted to them by virtue of their function, and shall not use this confidential information except in the performance of their IIHF duties. In addition, the disclosure of non-confidential information must not be made for personal gain or benefit, nor be undertaken maliciously to damage the reputation of any IIHF Covered Party.
- c. IIHF Covered Parties shall not use any documents that are forged, fraudulent, altered from the original, obtained under false pretenses, or otherwise deceptive. Further, IIHF Covered Parties shall not furnish or permit the making or furnishing of any false or misleading information or statement.

2.2.3. **Loyalty:** means to show continuous allegiance to the IIHF. To this end:

- a. IIHF Covered Parties shall always abide strictly by the IIHF Statutes and Bylaws, Regulation/Codes, Decisions and Directives, including the sports and ethics principles upheld by the IIHF.
- b. IIHF Covered Parties shall have a fiduciary duty to the IIHF, MNAs, leagues and clubs.
- c. IIHF Covered Parties performing an IIHF duty must use the resources of the IIHF only for lawful and ethical purposes authorised by IIHF, and not for any unauthorised purpose. An IIHF Covered Party may only claim reimbursement from the IIHF for expenses properly and reasonably incurred in relation to and during their IIHF activities.

2.2.4. **Responsibility:** means the performance by an individual without supervision of the tasks and functions held with care, in the best interest and full respect of Ice Hockey and of the IIHF Statutes, Bylaws and regulations/codes. To this end:

- a. IIHF Covered Parties shall not act in a manner likely to damage the IIHF's reputation or bring Ice Hockey into disrepute.
- b. IIHF Covered Parties shall not give, make, issue, authorize or endorse any statements and/or declarations (including through, print, broadcast, internet and/or any social media) that violate any provision of these Ethics Regulations specifically including, but not limited to, any statements that have or are designed to have an effect prejudicial to the welfare of the IIHF, any IIHF Covered party or Ice Hockey, or bring Ice Hockey into disrepute.

2.2.5. **Neutrality:** means that IIHF Covered Parties must remain politically neutral in their dealings on behalf of the IIHF with government institutions and national/international organizations.

## **B. CONFLICTS OF INTEREST**

### **3. Definitions**

- 3.1. For the purposes of these Ethics Regulations, “Conflict of interest” means a situation:
- a. Where a reasonable person might think that the relevant Covered Party might be influenced to put their (or any other person's) personal or business interests before the interests of the IIHF;
  - b. Where a relevant Covered Party may have, or appear to have, private or personal interests that detract from their ability to perform their duties to the IIHF with integrity in an independent, impartial and purposeful manner. Private or personal interests include gaining any possible advantage for the persons bound by these Ethics Regulations themselves, their families, relatives, friends and acquaintances;
  - c. Where a reasonable person might think that the relevant Covered Party may draw personal and/or professional gain or advantage directly or indirectly from a third party due to their own decisions taken in the fulfillment of their official functions or due to a decision of an IIHF body; or
  - d. Where a relevant Covered Party may not be free to express their opinion or act objectively due to their personal/professional concern, involvement or implication with (an) other physical or legal party(s), which may be reasonably considered as influencing their own free will, judgment or decision and it is unclear as to which interest they are acting for in a particular case.

### **4. Prohibition**

- 4.1. Acting in a situation while a relevant IIHF Covered Party, as defined in the IIHF Conflict of Interest Guidelines, has a conflict of interest is prohibited, unless declared and managed in accordance with the IIHF Conflict of Interest Guidelines.
- 4.2. Not declaring a Conflict of Interest as defined in the IIHF Conflict of Interest Guidelines is prohibited.

### **5. Specific Provisions**

- 5.1. When performing an activity for the IIHF or before being elected or appointed, all IIHF Covered Parties bound by these Ethics Regulations shall declare in accordance with IIHF Conflict of Interest Guidelines, any personal, professional or financial interests that could raise an actual, potential or perceived conflict of interest with their prospective IIHF duties.
- 5.2. The procedures for identifying and managing actual, potential or perceived conflicts of interest, are set out in the IIHF Conflicts of Interest Guidelines.

## **C. FAN BEHAVIOR**

### **6. MNA Responsibility for fans behavior**

- 6.1. MNAs shall use best efforts to ensure that its national team's or club's fans do not engage in the behavior set out under Article 2.2.1 of these Ethics Regulations, failure of which may result in a violation of these Regulations.

## **D. CANDIDATURES**

### **7. Bidding for IIHF Competitions**

- 7.1. MNAs, candidate countries and other entities wishing to host IIHF Competitions (as well as any representatives acting or entitled to act on their behalf) must conduct their candidacies in accordance with the principles set out under Article 2.2 of the Integrity Code.
- 7.2. MNAs, candidate countries and other entities wishing to host IIHF Competitions shall, inter alia, refrain from approaching another party, or a third authority, with a view to obtaining any financial or political support inconsistent with these Ethics Regulations.

### **8. Candidacies for elected positions**

- 8.1. Candidates for elected IIHF positions must (and must ensure that persons assisting with their candidacies):
  - a. Act in accordance with applicable law and any applicable IIHF regulations and guidelines, including these Ethics Regulations;
  - b. Promote their candidature with dignity, integrity and moderation, respecting at all times and at all levels the IIHF, the other candidates and the voters;
  - c. Not enter into any form of undertaking with any natural or legal person likely to affect their freedom of decision or action after taking office;
  - d. Not produce any defamatory spoken word, written text or representation of any nature likely to harm the image of another candidate or cause him/her prejudice; and
  - e. Not, directly or indirectly, solicit, accept or offer any form of remuneration or commission, nor any concealed benefit or service of any nature for the direct or indirect benefit of another party and/or the voters.
- 8.2. Candidates running for IIHF Council positions must follow the IIHF Election Conduct Guidelines.



# IIHF GIFTING GUIDELINES

## **1. Introduction**

- 1.1. The IIHF recognizes that MNAs, service providers and other stakeholders might from time to time offer gifts and other benefits to IIHF Covered Parties. This document sets out the IIHF policy on giving and accepting gifts and details the procedures and responsibilities which come into play in this regard.
- 1.2. For purposes of these Gifting Guidelines, Gifts shall be defined as follows: any item or service of value that is received or given by a person or organization, for which something of equal or greater value is not exchanged.

## **2. Application**

- 2.1. These Gifting Guidelines are applicable to the following persons (hereinafter referred to as "IIHF Officials"):
  - a. Each person serving as a member of the IIHF governing bodies, including (without limitation) the IIHF President, IIHF General secretary, IIHF Council Members, and any candidates for election to the IIHF Council.
  - b. Each person serving as an IIHF Auditor or as a member of a Committee, Board, Panel, Tribunal or Working Group of the IIHF and each person appointed to represent the IIHF on any Committee, Board or Working Group or in any similar role, including Life Presidents, Life Members and Honorary Members.
  - c. Each person employed (whether full-time, part-time, permanently, for a fixed-term or temporarily) or engaged as an agent, consultant or contractor for, or otherwise functioning as an IIHF Staff Member ("IIHF Staff Member").
  - d. Each person appointed or assigned by the IIHF or an Event organizer to work/volunteer at an Event and/or attend an Event on behalf of the IIHF or the Event organizer, including (without limitation) any on-ice officials, off-ice officials, officiating coaches, result managers, medical supervisors, medical personnel, Event chairmen/chairwomen, delegates, technical officials or any other officials, and any other person who receives accreditation to an Event as a representative of the IIHF.
  - e. Any person who agrees in writing to be bound by this policy.

## **3. Responsibilities**

- 3.1. An IIHF Official may give and accept reasonable and proportionate Gifts of nominal value, in accordance with prevailing local customs, solely as a mark of respect or friendship.
- 3.2. In order to assess whether it is reasonable and proportionate to accept a Gift, an IIHF Official must determine whether the offered or accepted Gifts:
  - a. have merely symbolic or trivial value;
  - b. do not place any obligation or perceived obligation on the recipient;
  - c. are not frequent, lavish or prolonged;

- d. have no (potential) danger of influencing the execution or omission of an act that is related to the Official's activities or falls within their discretion;
  - e. do not create any conflict of interest;
  - f. are contrary to the duties of the individual concerned;
  - g. can be justified; and
  - h. provide benefits to the IIHF that outweigh the risk of possible misperception of the hospitality.
- 3.3. Accepting or giving any Gifts that contravene any of these criteria is prohibited.
- 3.4. An IIHF Official may never accept or give any cash Gift.

#### **4. Declaration and Approval procedure**

- 4.1. In all circumstances, any Gifts that are (individually or in aggregate) worth more than CHF 300, must be declared to, and approved by the IIHF Integrity Division. If it is not approved, it must be withdrawn or returned.
- 4.2. In the event that a Gift worth more than CHF 300 (individually or aggregated) was accepted by an IIHF Official, they must declare such Gift without delay by submitting the Gift Declaration Form (included as Annex I to this policy) to the IIHF Integrity Division at [integrity@iihfoffice.com](mailto:integrity@iihfoffice.com).
- 4.3. Any uncertainty as to whether the acceptance of a Gift must be declared in accordance with the present Guidelines, should be resolved in favor of the declaration of the Gift in question.
- 4.4. In the event that a Gift worth more than CHF 300 (individually or aggregated) was offered to an IIHF Official, but has been declined, no further action is required.
- 4.5. The IIHF Integrity Division will make a determination with respect to the declared Gift based on the submitted Gift Declaration Form. If the Gift is approved, there is no further action required. If the Gift is deemed to breach these Guidelines, the IIHF Integrity Division decides, based on the circumstances of each case, whether the Gift must be returned or kept in the premises of the IIHF.
- 4.6. The IIHF Integrity Division's decision, together with the reasons for the decision, will be communicated in writing to the IIHF Official who declared the Gift.
- 4.7. Based on the received Gift Declaration Forms, the IIHF Integrity Division will establish a registry of declared Gifts. This registry may be made available for review per justified request.



## IIHF GIFT DECLARATION FORM

<b>Name of recipient</b>	First name:  Last name:
<b>Description of the Gift</b>	
<b>Gift's value in CHF (estimated or known)</b>	
<b>Date and place of receipt</b>	
<b>Name of person offering the Gift</b>	First name:  Last name:
<b>Relation to person offering the Gift</b>	
<b>Reason(s) for offering the Gift</b>	

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 Place, Date

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 Signature Recipient

*This Form shall be submitted to [integrity@iihoffice.com](mailto:integrity@iihoffice.com)*



# IIHF CONFLICT OF INTEREST GUIDELINES

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These Guidelines come into effect on 9<sup>th</sup> October 2023

## **1. Introduction**

This document sets out a guideline for identifying and managing conflicts and potential or perceived conflicts of interests for all persons involved in IIHF activities.

## **2. Application**

- 2.1. This Conflict of Interest Policy is applicable to the following persons (hereinafter referred to as "IIHF Officials"):
- a. Each person serving as a member of the IIHF governing bodies, including (without limitation) the IIHF President, IIHF General Secretary, IIHF Council Members, and any candidates for election to the IIHF Council.
  - b. Each person serving as a member of a Committee, Board, Panel, Tribunal or Working Group of the IIHF and each person appointed to represent the IIHF on any Committee, Board or Working Group or in any similar role, including Life Presidents, Life Members and Honorary Members.
  - c. Each person employed (whether full-time, part-time, permanently, for a fixed-term or temporarily) or engaged as an agent, consultant or contractor for, or otherwise functioning as or applying to become an IIHF Staff Member ("IIHF Staff Member").
  - d. Each person appointed or assigned by the IIHF or an Event organizer to work/volunteer at an Event and/or attend an Event on behalf of the IIHF or the Event organizer, including (without limitation) any on-ice officials, off-ice officials, officiating coaches, result managers, medical supervisors, medical personnel, Event chairmen/chairwomen, delegates, technical officials or any other officials, and any other person who receives accreditation to an Event as a representative of the IIHF.
  - e. Any person who agrees in writing to be bound by this policy.

## **3. Conflicts of interest**

- 3.1. In assessing whether a situation of conflict of interest exists, direct as well as indirect interests must be taken into account. This includes the interests of a third person or entity, such as:
- a. any parent, grandparent, child, stepchild, grandchild, brother, sister or spouse of an IIHF Official or any person living with the IIHF Official as their partner;
  - b. a firm, company or association in which the IIHF Official is a partner, officer, employee, consultant, director, member or shareholder (unless the IIHF Official owns no more than 1% of the issued shares on a recognized stock exchange);
  - c. a firm or company in which an individual listed in Article 3.1.a. above is connected in the ways set out in Article 3.1.b.

## **4. Duty to avoid conflicts of interest**

- 4.1. Each IIHF Official must avoid any situation involving or that could lead to actual, potential or

perceived<sup>1</sup>, present or future conflicts between personal interests and official duty or work-related activities.

- 4.2. If a conflict of interest or, a potential or perceived conflict of interest exists, it must be declared by the IIHF Official.
- 4.3. Any doubt as to whether certain facts or circumstances may give rise to a conflict of interest should be resolved in favor of declaring those facts or circumstances.

## 5. Declarations of interests

- 5.1. Upon appointment, and upon any change of circumstance that makes a prior declaration untrue or misleading, each IIHF Official shall declare in writing all personal interests of any kind that might result in an actual, potential or perceived conflict of interest, when performing its IIHF duty. In particular, this declaration must include:
  - a. directorships, partnerships, employments or ownership/financial interests with MNAs, leagues, clubs or businesses that are engaged in the sport of Ice Hockey or derive any substantial portion of their revenue from Ice Hockey;
  - b. any office held with a MNA and any other national or international Ice Hockey or sporting bodies;
  - c. trusteeships or board positions with MNAs, or institutions or charities that are engaged in the sport of Ice Hockey or derive any substantial portion of their revenue from Ice Hockey;
  - d. any other material interests arising from relationships with another IIHF Official, such as financial, professional, political, business or personal/family interests.
- 5.2. Any actual, potential or perceived conflict of interest shall be declared by making use of the IIHF Declaration of Interest Form included as Annex I to these Guidelines. Unless otherwise indicated, this form shall be submitted to [integrity@iihfoffice.com](mailto:integrity@iihfoffice.com).
- 5.3. Each IIHF Official shall submit a supplementary declaration, in the event that any material change in the information contained in their declaration occurs. This supplementary declaration shall detail the change in information and shall be submitted as soon as reasonably practicable following the change of circumstances which requires the submission of the supplementary declaration.
- 5.4. At IIHF Council, committee or board meetings, an IIHF Official is required to declare at the beginning of the meeting or proceeding to the IIHF President, Chairman, General Secretary or the relevant IIHF Staff Member, the nature and extent of any potential, perceived or actual conflicts of interest they may have with respect to the matters being discussed during the meeting or proceeding. If an IIHF Official realizes at a later point in the meeting or proceeding that they may need to declare a conflict of interest, this must be done promptly. Any declaration of a conflict of

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<sup>1</sup> • Real conflict of interest: "An IIHF team member fails to disclose that they are related to a job candidate the IIHF is considering hiring."

• Potential conflict of interest: "An IIHF team member would potentially be involved in the decision process for a job offering for which a relative or a close friend may be interested in applying."

• Perceived conflict of interest: "A significant supplier contract was awarded to a company for which a Council member is consulting, leading to the perception from the outside world that favouritism occurred."

interest will be minuted.

- 5.5 In accordance with the relevant data protection principles, a registry of the personal interests declared by all IIHF Officials will be established and updated as necessary. The register will be made available at the IIHF headquarters for inspection by any member of the IIHF Council or any other person authorized by the IIHF President or General Secretary.
- 5.6 Failure by an IIHF Official to declare an actual, potential or perceived conflict of interest will constitute a violation of the IIHF Integrity Code.

## **6. Managing conflicts of interest**

- 6.1 The relevant authority set out below will make a decision on how to manage the conflict of interest declared by an IIHF Official, after consultation with the IIHF Integrity Division:
  - a. IIHF President – for conflicts of interest relevant to IIHF Council members, the IIHF General Secretary or a Committee/Board Chairperson.
  - b. IIHF Ethics Board – for conflicts of interest relevant to the IIHF President.
  - c. Committee/Board Chairperson – for conflicts of interest relevant to Committee/Board members.
  - d. IIHF General Secretary – for conflicts of interest relevant to IIHF Staff Members.
  - e. Meeting/proceeding Chairperson – for conflicts of interest which become relevant during a meeting or proceeding.
- 6.2 The deciding authority may decide that the IIHF Official:
  - a. Can continue to perform their IIHF activities and/or participate in the normal way in a relevant meeting or proceeding with the interest being minuted;
  - b. Shall not participate in the meeting or proceeding and is to abstain in any vote or decision making (but the body in question may ask the IIHF Official to provide any relevant information concerning the matter);
  - c. Is to withdraw for the whole or part of the affected meeting or proceeding;
  - d. Any other action and/or measure as directed by the deciding authority with respect to the Conflict of Interest.
- 6.3 This decision shall be final and binding on the IIHF and the IIHF Official concerned, without any possibility to appeal this decision.

## IIHF DECLARATION OF INTERESTS FORM

To the best of my knowledge, I, the undersigned, declare that the following information is complete and correct:

- I have read, understand and agree to be bound by and comply with the IIHF Integrity Code.
- I do not have nor do I presently anticipate having any conflict of interest, actual or potential, other than as set out in this Declaration Form.
- I undertake to make an immediate supplementary disclosure as necessary if any actual or potential conflict of interest arises after the date of this declaration, and to review the accuracy of the information provided on a regular basis.
- I agree to be bound by any decisions taken by relevant authorities in accordance with the IIHF Integrity Code and the IIHF Conflicts of Interest Policy.
- I give my consent for the information in this Form to be used for the purposes described in the IIHF Conflicts of Interest policy and for no other purpose.

<b>Name</b>	First name:  Last name:
<b>Position</b>	
<b>Details of conflict of interest (actual, perceived or potential).</b>  Please indicate "no conflict of interest" in the event that you have no conflict of interest.	

\_\_\_\_\_  
Place, Date

\_\_\_\_\_  
Signature

**Note:** the IIHF can update this form at any time, in its sole discretion, without an official amendment to the Integrity Code.



# IIHF ELECTION CONDUCT GUIDELINES

## **1. Preamble**

Fourteen Council Members including a President, a Senior Vice-President and three Regional Vice-Presidents will be elected at the 2021 IIHF Semi-Annual Congress in Saint Petersburg, Russia (“Election Congress”).

As required by Statute 15.2.6, the IIHF Legal Committee and IIHF Finance Committee have created, and Council has approved, these IIHF Election Conduct Guidelines to direct the conduct of Candidates during the pre-election and election process.

All persons who put themselves forward for election (each such process, a “Candidacy”, and each person, a “Candidate”), regardless of whether they have officially declared their Candidacy, and their nominating IIHF Member National Association (“MNA”) must follow the election practices outlined in these Guidelines when informing the IIHF Membership of their position with respect to the IIHF, its future and its policies. Candidates and their nominating MNAs are responsible for the conduct of their active supporters during the election period.

## **2. General Conduct**

- 2.1. Election campaigns must be run with dignity and in moderation, with all Candidates showing respect for other Candidates. A Candidate shall not, by spoken or written word or other representation, harm or do anything likely to harm the image of another Candidate or cause any prejudice to them.
- 2.2. No campaign should bring the IIHF, the sport of Ice Hockey or an IIHF Member National Federation into disrepute.
- 2.3. Respect for the democratic voting and/or election process shall be shown by all Candidates and their supporters.
- 2.4. The content and presentation of all materials produced by or on behalf of a Candidate to promote their Candidacy must be fair, honest and respectful of other Candidates and the IIHF, and must comply with these Election Conduct Guidelines.
- 2.5. All Candidates and their supporters shall comply with these Guidelines at all times during the election process.

## **3. Nominations**

- 3.1. Only Full MNAs in Good Standing may nominate a Candidate to Council.
- 3.2. An MNA, in conjunction with the candidate, must (a) submit a Council Nomination Package, or (b) re-confirm a Council Nomination Package that was submitted to the IIHF in 2020, to the IIHF General Secretary by 30 June 2021 before 23.59h Zurich time. The Council Nomination Package shall contain:
  - A complete IIHF Council Nomination Form which must be signed by the President, General Secretary and/or vice-president(s) of the MNA (authorized MNA representative with signature power/authority); and
  - All necessary documents establishing how the Candidate meets the requirements for the respective position for which he/she is a candidate, and establishing the experience, skills and



qualities he/she will bring to the Council.

- 3.3. For transparency purposes, all Nomination Packages submitted to the IIHF will be made available to all MNAs.

#### **4. Eligibility**

- 4.1. Incumbency of a Council Member shall not render him/her ineligible or eligible, except as provided in these Election Conduct Guidelines and the IIHF Statutes regarding such.
- 4.2. All Candidates must meet the pre-requisites as outlined in IIHF Statute 15.2 (for Council).
- 4.3. Within two business days of receiving a Nomination Package, the IIHF General Secretary will conduct an initial review of the Nomination Package to ensure all necessary documents have been submitted. If the Nomination Package is complete, the IIHF General Secretary will submit the Nomination Package to the IIHF External Nomination Auditor. If the Nomination Package is incomplete, the IIHF will send one email explaining the deficiency (note: IIHF recommends the deficiency is corrected as soon as possible, but not later than two months prior to the election). As of 20 July 2021, if a deficiency in the Nomination Package is not corrected, the IIHF General Secretary will submit the Nomination Package, as received, to the External Nomination Auditor for review.
- 4.4. All Candidates must sign the IIHF Code of Conduct for IIHF Council Members agreeing to all requirements found therein for the full duration of his/her Council position and submit such with his/her Council Nomination Form.

#### **5. Presentation of the Candidate**

- 5.1. Each Candidate will be introduced and provided an opportunity to present on his/her Candidacy immediately before the elections take place during the Election Congress based on a draw performed by a Legal Committee Representative at the beginning of the Semi-Annual Congress.
- 5.2. The presentation should focus on the credentials of the Candidate and the vision and objectives for his/her term if elected. The presentations shall last no longer than five minutes and may include video presentations and multi-media.

#### **6. Communication / Media**

- 6.1. All communications undertaken by a Candidate shall strictly respect the other Candidates and shall in no way be prejudicial to any other Candidate. A Candidate shall refrain from referring to other Candidates. Disparagement of a Candidate is expressly prohibited.
- 6.2. Candidates may grant interviews to the media as long as such interviews follow these Election Conduct Guidelines.
- 6.3. Candidates may not make payments or offer other benefit, directly or indirectly, to journalists or other persons affiliated to the media in order to prompt them to promote their Candidacies or put the other Candidates in a bad light.

## **7. Communication / Media**

- 7.1. Except following written notice to Ashley Ehlert at [ehlert@iihf.com](mailto:ehlert@iihf.com), no forum, debate or public meeting of any kind may be organized, held or participated in, by a Candidate or any person on their behalf, for the sole purpose of promoting a Candidacy.
- 7.2. Any Candidate who is an existing IIHF Council Member shall continue to carry out official duties during their Candidacy, including scheduling meetings with MNAs on a basis consistent with the ordinary course of their business as an IIHF Council Member, during which the Candidate may refer to their Candidacy in a purely factual manner. However, the promotion of the Candidacy of an existing IIHF Council Member by organizing or participating in meetings or events with MNAs or other events, at IIHF's cost, solely or mainly for the purpose of promoting a Candidacy is not permitted.

## **8. Finances / Gifts / Benefits**

- 8.1. Candidates may not give or receive any form of gift or financial benefit, other than novelties, likely to influence the outcome of the election or the freedom of decision or action in the future of the IIHF Council Member.
- 8.2. No IIHF funds shall be used to support or oppose the election of a Candidate.
- 8.3. Only the candidate, the candidate's nominating MNA or the candidate's respective NOC/sports government body can bear any expenses related to the candidate's campaign, including but not limited to the creation, production and distribution of a website and materials or literature to be used for the promotion of the Candidate.
- 8.4. Candidates shall not offer/accept travel, expenses, air tickets or accommodation to/from other Candidates or their representatives or MNAs (except their nominating MNA) to attend meetings and activities directly related to a Candidate's election.
- 8.5. No Candidate shall seek or accept gifts or gratuities for him/herself, his/her family or friends from any outside organization or person having or seeking to have an involvement with the IIHF.
- 8.6. Candidates shall not directly or indirectly solicit or accept any benefits of whatever nature intended to influence decisions within their authority once elected, or which may reasonably be perceived as intending to have this effect.

## **9. Promises / Collusion**

- 9.1. Candidates shall not enter into any promise or undertaking to act, either as a representative of the IIHF or personally (whether as a Candidate or after the Election Congress in any capacity), for the direct or indirect benefit of an MNA, a group of MNAs, an affiliate of an IIHF MNA, or an IIHF sponsor or competitor of an IIHF sponsor that is likely to influence the outcome of the election.
- 9.2. Candidates shall not enter into any form of undertaking with, nor give any guarantee to, any natural or legal person that is likely to affect the Candidate's freedom of decision or action, or otherwise bind the Candidate, if elected.
- 9.3. Candidates shall not engage in any act, collaboration or collusion by or between Candidates with the intent to defraud or manipulate the result of the vote.

## **10. Promises / Collusion**

- 10.1. The IIHF Staff, including IIHF General Secretary, shall maintain a strict duty of neutrality at all times.
- 10.2. IIHF Staff shall limit their relations and communications with Candidates strictly to the performance of their duties as an IIHF Staff member.
- 10.3. Unless in the ordinary course of business with an existing IIHF Council member, IIHF Staff shall not provide any additional support or service to a Candidate, or person proposing to be a Candidate, beyond ordinary and customary administrative support and services provided to all Candidates for election.

## **11. External Nomination Auditor**

- 11.1. The External Nomination Auditor(s) will be appointed by the IIHF Council no later than 1 May 2021, and communicated to the IIHF MNAs thereafter.
- 11.2. The External Nomination Auditor(s) shall be completely independent of the IIHF, MNAs, IIHF sponsors and IIHF sponsors' competitors, and shall act in good faith and in the best interest of the IIHF.
- 11.3. The External Nomination Auditor(s) shall review all Nomination Packages to determine if a Candidate meets the requirements for a Council Member as indicated in IIHF Statute 15.2.1.

## **12. Potential Breach of these Guidelines**

- 12.1. All MNAs, MNA representatives, existing IIHF Council Members and IIHF Staff must immediately report all alleged wrongdoing and alleged breaches of these Guidelines to the IIHF Disciplinary Board at [elections@iihfoffice.com](mailto:elections@iihfoffice.com) (email sent directly to the independent IIHF Disciplinary Board Secretary for alleged breaches of the IIHF Election Conduct Guidelines). Failure to report can be considered a violation of these Election Conduct Guidelines.
- 12.2. The IIHF Disciplinary Board shall keep all reports strictly confidential, unless required by national law to disclose the report.
- 12.3. The Disciplinary Board may consider any information that comes to its attention by whatever means to consider whether there has been an alleged breach of these Guidelines.
- 12.4. The Disciplinary Board will promptly review any alleged breach of these Guidelines of which it becomes aware, and if the Disciplinary Board determines a prima facie violation exists, it will open and manage a disciplinary case in accordance with Article 12.3 of the IIHF Disciplinary Regulations.
- 12.5. Prior to opening a disciplinary case, the IIHF Disciplinary Board Chairman has the power to:
  - Issue general directives to all Candidates addressing the subject matter of the alleged breach.
  - Issue written observations to the Candidate, which may be made public if the Disciplinary Board considers such necessary and appropriate.
  - Issue a warning to the Candidate, which may be made public if the Disciplinary Board considers such necessary and appropriate.

12.6. If the Disciplinary Board opens a disciplinary case, it has the power to issue any sanction in accordance with IIHF Disciplinary Regulations Article 5 and 6, in addition to provisionally suspending the Candidate from all campaign activities during the disciplinary procedure. The burden of proof for all disciplinary cases is to the comfortable satisfaction of the Disciplinary Board.

12.7. The IIHF Disciplinary Board for alleged breaches of the IIHF Election Conduct Guidelines consists of:

- Secretary: tbc prior to election
- Chairperson: Nancy Orr
- Member(s): Disciplinary Board Members (without a conflict of interest)

# IIHF ABUSE & HARASSMENT REGULATIONS

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These Regulations come into effect on October 9<sup>th</sup>, 2023

## 1. Preamble

It is a strong belief of the International Ice Hockey Federation (hereinafter referred to as “the IIHF”) that everyone engaged in and around Ice Hockey has the right to participate in a respectful environment free of Abuse and Harassment in order to strengthen and promote the game of Ice Hockey around the world. Thus, consistent with the objectives and principles of the IIHF, the IIHF adopts and commits to the following Abuse and Harassment Regulations in reference to Article 2.2.1 (a) and (b) of the IIHF Ethics Regulations. The IIHF recognizes the importance of various international legislation with regard to human rights and equitability such as Article 10.1 UN International Charter of Physical Education, Physical Activity and Sport or Article 19 UN Convention on the Rights of a Child. By means of these Regulations, the IIHF emphasizes that all forms of Abuse and Harassment, regardless of cultural setting, contradict the IIHF’s vision to safeguard children and adults in Ice Hockey.

## 2. Jurisdiction

### 2.1. Personal and Subject Matter Scope of Application

- 2.1.1. These Regulations apply to all violations as defined in Article 3.1 of these Regulations and shall cover all violations within the jurisdiction of the IIHF, as set forth in Article 3 of the IIHF Disciplinary Regulations.

## 3. Violations

### 3.1. Abuse and Harassment

- 3.1.1. The following types of abuse, harassment and misconduct shall constitute a violation of these Regulations (“Abuse and Harassment”):
  - a. **Bullying** – (including cyber-bullying if conducted online or electronically) means unwanted, repeated and/or intentional, aggressive behavior, usually among peers, which can involve a real or perceived power imbalance. Bullying can include actions such as making threats, spreading rumors or falsehoods, attacking someone physically or verbally and deliberately excluding someone.<sup>2</sup>
  - b. **Hazing** – means an organized, usually group or team-based, degrading or hazardous initiation of new team members by veteran team members.<sup>3</sup>
  - c. **Neglect** – means the failure of any person with a direct or indirect duty of care towards the player, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm.<sup>4</sup>
  - d. **Emotional abuse** – means any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, grooming or any other

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<sup>2</sup> Examples of Bullying can include but are not limited to: using rumors or false statements about someone to diminish that person’s reputation; as well as ridiculing, taunting, name-calling, intimidating or threatening someone.

<sup>3</sup> Examples of Hazing can include but are not limited to: excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; and restrictions on personal hygiene.

<sup>4</sup> Examples of Neglect can include but are not limited to: not considering the welfare of the player when prescribing dieting or other weight control methods; failing to ensure safety of equipment or environment; and not allowing a player adequate recovery time and/or treatment for a sport injury.

treatment which may diminish the sense of identity, dignity, and self-worth.<sup>5</sup>

- e. **Physical abuse** – means any deliberate and unwelcome act – such as for example punching, beating, boundary transgression, kicking, biting and burning – that causes or threatens to cause physical trauma or injury.<sup>6</sup>
- f. **Racism and discrimination** – means any action or attitude, that subordinates or prejudices an individual or group based on race, skin color, age, gender and gender identity, language, disability, ethnic, national or social origin, religion, philosophical or political opinion, marital status or sexual orientation, physical attributes, mental or physical disability, athletic abilities or other status.<sup>7</sup>
- g. **Sexual misconduct** – means any conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given. It includes sexual harassment, meaning any unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal or physical.<sup>8</sup>

3.1.2. These forms of Abuse and Harassment may occur in combination or in isolation, in-person, remotely or online and may consist of a one-off incident or a series of incidents.

#### 4. Fundamental Principles

##### 4.1. Ethics Regulations

When in the context of Ice Hockey-related activities, all Covered Parties shall base their attitude and behavior on the criteria defined under Article 2.2 of the Ethics Regulations.

##### 4.2. Collective responsibility to respond

It is the responsibility of all Covered Parties to recognize and immediately report any behavior they are aware of that may fall within the scope of these Regulations according to the IIHF procedure set out in Article 10 of the Integrity Code.

##### 4.3. Principle of confidentiality

All information obtained through cases arising under these Regulations shall be dealt with in strict confidence, except to the extent deemed necessary by the IIHF and permitted by law. Information can only be shared without consent of a Covered Party where the duty to protect the reporting individual from harm supersedes the Covered Party's right to privacy as highlighted in Article 2.2.1 of the IIHF Ethics Code or else if required by law. Confidentiality must be respected by any Covered Party affected by the procedure.

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<sup>5</sup> Examples of Emotional Abuse can include but are not limited to: repeated and unnecessary weigh-ins or setting unreasonable weigh-in goals; and ignoring or isolating a player for extended periods of time.

<sup>6</sup> Examples of Physical Abuse can include but are not limited to: providing a purported therapeutic or medical intervention with no specific medical aim; encouraging or permitting a player to return to play after any injury; and forcing a player to assume a painful stance or position for no athletic purpose.

<sup>7</sup> Examples of Racism and Discrimination can include but are not limited to: communicating unwelcome remarks or jokes; and denying access to facilities, services or opportunities.

<sup>8</sup> Examples of Sexual Misconduct can include but are not limited to: testing of boundaries; seemingly accidental touching; spreading sexual rumors about someone; and intentionally exposing someone to content or imagery of a sexual nature, including but not limited to pornography, sexual comment(s), sexual gestures, and/or sexual situation(s).

## **5. Rights and Obligations of the IIHF, MNAs and Organizing Committees**

### **5.1. Local safeguarding**

The IIHF is fully aware of and respects the autonomy of its MNAs. Therefore, MNAs shall adopt their own Abuse and Harassment rules and regulations in order to address Abuse and Harassment within their organizations and events taking place under their own jurisdiction. The MNAs shall implement similar rules and regulations or incorporate the present Regulations into their rules, as modified appropriately for national-level application, unless their national law dictates otherwise.

### **5.2. Duty to inform**

The IIHF and MNAs shall have a mutual obligation to promptly inform each other when they become aware of allegations of a violation of these Regulations as defined under Article 3.1.1, which:

- a. Have an international dimension;
- b. Occurred during IIHF Championships;
- c. Are cases of national significance; or
- d. Concern any involvement of the MNA.

## **6. Disclosure and Reporting Procedure**

### **6.1. Reporting mechanism**

6.1.1. MNAs shall ensure that concerns regarding Abuse and Harassment are received in the way that is most comfortable for the person submitting the report including anonymous, in-person, verbal, or written report. The reporting individual shall be provided with a confidential email-address, telephone hotline, reporting platform as well as an Incident Report Form (See e.g. Appendix 1).

6.1.2. The receipt of a report will be carried out:

- a. by the IIHF Office;
- b. during an IIHF Competition, by the IIHF Safeguarding Officer or IIHF Safeguarding Facilitator on site who can be contacted and with whom a report can be taken in person;
- c. by the responsible body designated by the MNA's Abuse and Harassment Regulations in cases subject to the jurisdiction of an MNA. To this end, all MNAs shall implement a reporting mechanism.

6.1.3. The body receiving the report must provide the reporting individual with a confirmation of receipt.



## 6.2. Reporting to the IIHF

6.2.1. All concerns regarding Abuse and Harassment can at all times be reported to the IIHF via [integrity@iihfoffice.com](mailto:integrity@iihfoffice.com) and the IIHF reporting platform.

## 6.3. Gender of person receiving the report

6.3.1. Upon request by the reporting party and if possible, the best effort shall be used to have communications carried out by a person of the same gender as the reporting party.

## 6.4. Cooperation with the Organizing Committee/MNA

6.4.1. At each IIHF Competition, and in each Host city (if applicable), the Organizing Committee/MNA shall provide the IIHF with the contact details of the person responsible for Abuse and Harassment matters during the Event, (the “Event Integrity Officer”), if this position is not already covered by the MNA Integrity Officer. The appointed person should speak the official language(s) of the hosting country and English and shall have received adequate training on Abuse and Harassment policies and procedures. This designated person will assist the IIHF in executing its obligations under the IIHF Abuse and Harassment Regulations for the IIHF Competitions and, when necessary, connecting the IIHF with relevant local authorities.

6.4.2. The Organizing Committee/MNA shall maintain the strict principle of confidentiality as set forth in Article 4.4 of these Regulations.

6.4.3. The Organizing Committee/MNA shall maintain the strict principle of confidentiality as set forth in Article 4.4 of these Regulations.

## 7. **Conflict of Law and Transitional Provision**

### 7.1. Conflict of Law

7.1.1. All MNAs are free to develop their own Abuse and Harassment policy. However, unless specifically prevented otherwise in an MNA’s national law, these Regulations take precedence over all other Abuse and Harassment policies of an MNA, if they are in direct conflict with it.

### 7.2. Transitional Provision

7.2.1. As long as an MNA has not implemented Abuse and Harassment Regulations, the IIHF Abuse and Harassment Regulations are applicable.

## Appendix 1: Incident Report Form

### **CONFIDENTIAL - IIHF Incident Report Form**

**Remarks:** You do not need to fully complete this form for the IIHF to open an investigation. However, the more information You provide, the easier it is for the IIHF to pursue the Incident.

You should return this Form to the IIHF at: [integrity@iihfoffice.com](mailto:integrity@iihfoffice.com).

<b>Your name</b>	
<b>Your email address</b>	
<b>Your phone number</b>	
<b>Your relationship to person(s) involved in the integrity incident (if not personally involved)</b>	

<b>Nature of Integrity Incident</b>			
<input type="checkbox"/> Doping	<input type="checkbox"/> Competition Manipulation	<input type="checkbox"/> Abuse / Harassment	<input type="checkbox"/> Corruption (anything outside of Doping, Competition Manipulation or Abuse/Harassment)

<b>Subject of Incident</b>
Name(s) of any person(s) alleged to have been involved with the concern, include contact details if possible (e.g. phone number, email address, etc.). <sup>9</sup>
<i>Please give as many details as possible about the person(s) or organization involved in the Integrity Incident, e.g. job title, federation, role in Ice Hockey etc.</i>

<sup>9</sup> For example, for a concern of Abuse / Harassment, indicate the name/contact details of the victim(s) (if not person reporting) and the name of the person(s) accused of the abuse or harassment.

<b>Description of Integrity Incident</b>
<i>Please give as many details as possible about what happened / your concerns. E.g. match-fixing attempt, knowledge about doping practices, abuse of athletes, etc.</i>
<b>Additional material / evidence</b>
<i>If available, please add any document, picture or video which may support your report.</i>

<b>Action taken</b>
<i>What has already been done about the Integrity Incident? Who has already been contacted (police; medical help; other local authorities; people close to the victim etc.)? Please also include contact details of contacted parties.</i>
<i>Other relevant comments</i>

<b>To be completed by the IIHF</b>	
Confirm and specify the action that has been taken to respond to the report	
Name of person to receive the report including signature	
Date of case closing	



# IIHF COMPETITION MANIPULATION REGULATIONS

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These Regulations come into effect on 9<sup>th</sup> October 2023

## 1. Preamble

- 1.1. These Regulations are adopted to safeguard the integrity of Ice Hockey by (i) prohibiting any conduct that may improperly impact the outcome of Ice Hockey events and competitions and (ii) establishing a mechanism of enforcement and sanctioning for those who, through their prohibited conduct, place the integrity of Ice Hockey at risk. While the IIHF will respect all national decisions with respect to Competition Manipulation in Ice Hockey, it reserves the right to conduct an investigation and implement disciplinary measures in accordance with the IIHF Disciplinary Regulations, for all Violations which would result in a breach of these Regulations if such incident occurred in an IIHF Competition as long as the national decision has or could have an international dimension.
- 1.2. The IIHF declares their commitment to support the integrity of sport and fight against the manipulation of competitions by adhering to the standards set out in the Olympic Movement Code on the Prevention of the Manipulation of Competitions, these Regulations and by requiring their members to do likewise.
- 1.3. For purposes of these Regulations, the following definitions shall be applicable:
  - a. **Benefit:** means the direct or indirect receipt or provision of money or an equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a wager. The foregoing shall not include official prize money, appearance fees or payments to be made under sponsorship or other contracts.
  - b. **Betting:** means any wager of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to an Event.
  - c. **Eligibility manipulation:** means the deliberate misrepresentation of age, identity or playing history with an intent to participate in an IIHF Competition.
  - d. **Inside Information:** means information relating to any competition, that a person possesses by virtue of their position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interest members of the public or disclosed in accordance with the rules and regulations governing the relevant competition.
  - e. **Player Support Personnel:** means any coach, trainer, manager, agent, team staff, team official, medical or paramedical personnel working with or treating players participating in or preparing for an Event.

## 2. Betting Violations

- 2.1. The following behavior shall be considered Betting, and is strictly prohibited:
  - a. Direct or indirect participation in any form of Betting, gambling, lotteries or transactions related to (a) any Event, including IIHF Competitions; or (b) any event of a multisport Competition which sees Ice Hockey as one of its disciplines.
  - b. Inducing, instructing, encouraging or facilitating any other party to engage in conduct described in Article 2.1 of these Regulations.

### **3. Manipulation of Events**

3.1. The following behavior shall constitute a Manipulation of an Event, and is strictly prohibited:

- a. An intentional arrangement, act or omission aimed at an improper alteration of the result, progress, outcome, conduct or any other aspect of an Event in order to remove all or part of the unpredictable nature of the event with a view to obtaining a sporting advantage or an undue Benefit for oneself or for others.
- b. Providing, requesting, receiving, seeking or accepting a Benefit related to the manipulation of an Event or any other form of corruption.
- c. Inducing, instructing, encouraging or facilitating a Covered Party to engage in conduct described in Article 3 of these Regulations.

### **4. Inside Information**

4.1. The following behavior shall constitute an improper use of Inside Information, and is strictly prohibited:

- a. Using Inside Information for the purpose of Betting, any form of manipulation of an Event or any other corrupt purpose by a Covered Party;
- b. Disclosing Inside Information to any person and/or entity, with or without Benefit, where the Covered Party knew or should have known that such disclosure might lead to the information being used for the purposes of Betting, any form of manipulation of an Event or any other corrupt purpose; and
- c. Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.

### **5. Eligibility Manipulation**

5.1. The following behavior by any Covered Party shall be considered Eligibility Manipulation, and is strictly prohibited:

- a. Producing false, wrong or misleading documentation or information regarding age, gender, identity and/or playing history in relation to participation in IIHF Competitions.
- b. Withholding truthful documentation or information regarding age, gender, identity and/or playing history in relation to participation in IIHF Competitions.
- c. Participating in an IIHF Competition on the basis of false, wrong or misleading documentation or information regarding age, gender, identity and/or playing history.
- d. Knowingly allowing anyone to participate in an IIHF Competition on the basis of false, wrong or misleading documentation or information regarding age, gender, identity and/or playing history.

## **6. Sentencing Considerations**

- 6.1. In addition to personal responsibility of Covered Parties, MNAs are vicariously and strictly liable, and may be sanctioned accordingly, for the conduct of their players, staff members and officials.
- 6.2. The following are not relevant to the determination of whether a Violation of these Regulations has occurred:
  - a. Whether or not the Covered Party is participating in the Event concerned;
  - b. The nature or outcome of any Betting issue;
  - c. The outcome of the Event in which the Competition Manipulation occurred;
  - d. Whether or not the Covered Party's efforts or performance (if any) in the Event in issue were (or could be expected to be) affected by the acts or omissions in question;
  - e. Whether or not the manipulation included a violation of any other IIHF rule.

# IIHF ANTI-DOPING REGULATIONS

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These Regulations come into effect on 9<sup>th</sup> October 2023



## Anti-Doping Regulations

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### Preface

These Anti-Doping Regulations is adopted and implemented in accordance with the IIHF's responsibilities under the WADA Code, and in furtherance of the IIHF's continuing efforts to eradicate doping in sport.

These Anti-Doping Regulations are an integral part of the IIHF Regulations and is intended to apply to the conduct of Doping Control within the IIHF and its Member National Associations. These Anti-Doping Regulations, in conjunction with the IIHF Disciplinary Regulations, provides standardized Doping Control and Results Management procedures as well as information to all those involved directly or indirectly in the Doping Control process.

As provided in the WADA Code, the IIHF is responsible for conducting all aspects of Doping Control. The IIHF may delegate any aspect of Doping Control or anti-doping Education to a Delegated Third Party, however, the IIHF shall require the Delegated Third Party to perform such aspects in compliance with the WADA Code, International Standards, and Anti-Doping Regulations.

When the IIHF has delegated its responsibilities to implement part or all of Doping Control to a Delegated Third Party, any reference to the IIHF in these Anti-Doping Regulations should be intended as a reference to the Delegated Third Party, within the context of the aforementioned delegation. The IIHF shall always remain fully responsible for ensuring that any delegated aspects are performed in compliance with the WADA Code.

### Scope of this Anti-Doping Regulations

These Anti-Doping Regulations shall apply to:

- a) The IIHF, including its board members, directors, officers and specified employees, and Delegated Third Parties and their employees, who are involved in any aspect of Doping Control
- b) Each of the Member National Associations, including their board members, directors, officers and specified employees, and Delegated Third Parties and their employees, who are involved in any aspect of Doping Control;
- c) The following Players, Player Support Personnel and other Persons:
  - (i) all Players and Player Support Personnel who are members of the IIHF, or of any Member National Association, or of any member or affiliate organization of any Member National Association (including any clubs, teams, associations, or leagues);
  - (ii) all Players and Player Support Personnel who participate in such capacity in Events, Competitions and other activities organized, convened, authorized or recognized by the IIHF, or any Member National Association, or by any member or affiliate organization of any Member National Association (including any clubs, teams, associations, or leagues), wherever held; and
  - (iii) any other Player or Player Support Personnel or other Person who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the authority of the IIHF, or of any Member National Association, or of any member

or affiliate organization of any Member National Association (including any clubs, teams, associations, or leagues), for purposes of anti-doping.

Each of the abovementioned Persons is deemed, as a condition of their participation or involvement in the sport, to have agreed to and be bound by these Anti-Doping Regulations, and to have submitted to the authority of the IIHF to enforce these Anti-Doping Regulations, including any Consequences for the breach thereof, and to the jurisdiction of the hearing panels specified in the IIHF Disciplinary Regulations to hear and determine cases and appeals brought under these Anti-Doping Regulations.

Within the overall pool of Players set out above, the following Players are considered International-Level Players for the purposes of these Anti-Doping Regulations, and, therefore, the specific provisions in these Anti-Doping Regulations applicable to International-Level Players (e.g., Testing, TUEs, whereabouts, and Results Management) shall apply to such Players:

- a) All Players who are participating in any capacity in any IIHF Competition specified in IIHF Bylaw 1, until a date 12 months following their last participation in any IIHF Competition;
- b) Any other Player who, by virtue of an IIHF Competition Accreditation or other contractual arrangement, or otherwise as specifically specified by the IIHF, is subject to IIHF jurisdiction.

Any provision not specifically addressed in these Anti-Doping Regulations shall be governed and controlled in accordance with the 2021 WADA Code and the relevant and applicable WADA International Standards.

For anti-doping related matters, should there be a conflict between any IIHF Statute, Bylaw or Regulation and the WADA Code or International Standard, the WADA Code or International Standard shall, as appropriate, prevail and apply.

Additional relevant anti-doping materials can be found on the IIHF website [www.iihf.com](http://www.iihf.com) and the WADA website at [www.wada-ama.org](http://www.wada-ama.org).

## 1. DEFINITION OF DOPING

- 1.1. Doping is forbidden.
- 1.2. Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.11 of these Anti-Doping Regulations and the WADA Code to which the IIHF is a Signatory.

## 2. ANTI-DOPING RULE VIOLATIONS

The circumstances and conduct described in this Article shall constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

Players and other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List.

The following constitute anti-doping rule violations:

### 2.1 Presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample

- 2.1.1. It is the Players' personal duty to ensure that no Prohibited Substance enters their bodies. Players are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping violation under Article 2.1.
- 2.1.2. Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Player's A Sample where the Player waives analysis of the B Sample and the B Sample is not analyzed; or, where the Player's B Sample is analyzed and the analysis of the Player's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Player's A Sample; or where the Player's A or B Sample is split into two (2) parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample or the Player waives analysis of the confirmation part of the split Sample.
- 2.1.3. Excepting those substances for which a Decision Limit is specifically identified in the Prohibited List or a Technical Document, the presence of any reported quantity of a Prohibited Substance or its Metabolites or Markers in a Player's Sample shall constitute an anti-doping rule violation.
- 2.1.4. As an exception to the general rule of Article 2.1, the Prohibited List, Technical Documents or International Standards may establish special criteria for reporting or the evaluation of certain Prohibited Substances.

### 2.2 Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method

- 2.2.1. It is each Players' personal duty to ensure that no Prohibited Substance enters

their bodies and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping violation for Use of a Prohibited Substance or a Prohibited Method.

- 2.2.2. The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.
- 2.3 Evading, Refusing, or Failing to Submit to Sample Collection by a Player  
Evading Sample collection; or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorized Person.
- 2.4 Whereabouts Failures by a Player  
Any combination of three missed tests and/or filing failures, as defined in the International Standard for Results Management, within a twelve (12) month period by a Player in a Registered Testing Pool.
- 2.5 Tampering or Attempted Tampering with any part of Doping Control by a Player or Other Person
- 2.6 Possession of a Prohibited Substance or a Prohibited Method by a Player or Player Support Person
  - 2.6.1. Possession by a Player In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Player Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Player establishes that the Possession is consistent with a Therapeutic Use Exemption ("TUE") granted in accordance with Article 4 or other acceptable justification.
  - 2.6.2. Possession by a Player Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Player Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with a Player, Competition or training, unless the Player Support Person establishes that the Possession is consistent with a TUE granted to a Player in accordance with Article 4 or other acceptable justification.
- 2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by a Player or Other Person
- 2.8 Administration or Attempted Administration by a Player or Other Person to any Player In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Player Out-of-Competition of any Prohibited Substance or any Prohibited Method that is Prohibited Out-of-Competition
- 2.9 Complicity or Attempted Complicity by a Player or Other Person  
Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or Attempted complicity involving an anti-doping rule violation, Attempted anti-doping rule violation or violation of Article 10.13.1 by another Person.

## 2.10 Prohibited Association by a Player or Other Person

2.10.1. Association by a Player or Other Person subject to the authority of an Anti-Doping Organization in a professional or sport-related capacity with any Player Support Person who:

2.10.1.1 If subject to the authority of an Anti-Doping Organization, is serving a period of Ineligibility;

2.10.1.2 If not subject to the authority of an Anti-Doping Organization and where Ineligibility has not been addressed in a Results Management process pursuant to the WADA Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if WADA Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

2.10.1.3 Is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

2.10.2. To establish a violation of Article 2.10, an Anti-Doping Organization must establish that the Player or Other Person knew of the Player Support Person's disqualifying status.

The burden shall be on the Player or Other Person to establish that any association with a Player Support Person described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

Anti-Doping Organizations that are aware of Player Support Personnel who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to WADA.

## 2.11 Acts by a Player or Other Person to Discourage or Retaliate Against Reporting to Authorities

Where such conduct does not otherwise constitute a violation of Article 2.5:

2.11.1. Any act which threatens or seeks to intimidate another Person with the intent of discouraging the Person from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the WADA Code to WADA, an Anti-Doping Organization, law enforcement, regulatory or professional disciplinary body, hearing body or Person conducting an investigation for WADA or an Anti-Doping Organization.

2.11.2. Retaliation against a Person who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the WADA Code to WADA, an Anti-Doping Organization, law enforcement, regulatory or professional disciplinary body, hearing body or Person conducting an investigation for WADA or an Anti-Doping Organization.

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such Person either because the act lacks a good faith basis or is a disproportionate response.

### **3. PROOF OF DOPING**

3.1. The IIHF shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the IIHF has established an anti-doping rule violation to the comfortable satisfaction of the IIHF Disciplinary Board bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Regulations place the burden of proof upon the Player or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3 of the WADA Code, the standard of proof shall be by a balance of probability.

3.2. Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

3.2.1. Analytical methods or Decision Limits approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any Player or other Person seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The IIHF Disciplinary Board, or CAS, on its own initiative, may also inform WADA of any such challenge. Within ten (10) days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.

3.2.2. WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Player or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding.

If the Player or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then the IIHF shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

3.2.3. Departures from any other International Standard or other anti-doping rule or policy set forth in the WADA Code or the IIHF Anti-Doping Regulations shall not invalidate analytical results or other evidence of an anti-doping rule violation,

and shall not constitute a defense to an anti-doping rule violation; provided, however, if the Player or other Person establishes that a departure from one of the specific International Standard provisions listed below could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or whereabouts failure, then the IIHF shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the whereabouts failure:

- (i) a departure from the International Standard for Testing and Investigations related to Sample collection or Sample handling which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case the IIHF shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;
- (ii) a departure from the International Standard for Results Management or International Standard for Testing and Investigations related to an Adverse Passport Finding which could reasonably have caused an anti-doping rule violation, in which case the IIHF shall have the burden to establish that such departure did not cause the anti-doping rule violation;
- (iii) a departure from the International Standard for Results Management related to the requirement to provide notice to the Player of the B Sample opening which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case the IIHF shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;
- (iv) a departure from the International Standard for Results Management related to Player notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the IIHF shall have the burden to establish that such departure did not cause the whereabouts failure.

3.2.4. The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the Player or other Person to whom the decision pertained of those facts unless the Player or other Person establishes that the decision violated principles of natural justice.

3.2.5. The IIHF Disciplinary Board in a hearing on an anti-doping rule violation may draw an inference adverse to the Player or other Person who is asserted to have committed an anti-doping rule violation based on the Player's or other Person's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or the IIHF.

## 4. PROHIBITED LIST

### 4.1. Incorporation of the Prohibited List

These IIHF Anti-Doping Regulations incorporate the Prohibited List, which is published and revised by WADA as described in Article 4.1 of the WADA Code.

Unless provided otherwise in the Prohibited List or a revision, the Prohibited List and revisions shall go into effect under the IIHF Anti-Doping Regulations three (3) months after publication by WADA, without requiring any further action by the IIHF or its Member National Associations. All Players and other Persons shall be bound by the Prohibited List, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all Players and other Persons to familiarize themselves with the most up-to-date version of the Prohibited List and all revisions thereto.

The IIHF shall publish the most recent version of the Prohibited List on [www.iihf.com](http://www.iihf.com). Each Member National Association shall take appropriate steps to distribute the Prohibited List to its members, and the constituents of its members.

### 4.2. Prohibited Substances and Prohibited Methods Identified on the Prohibited List

#### 4.2.1. *Prohibited Substances and Prohibited Methods*

The Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) because of their potential to enhance performance in future Competitions or their masking potential, and those substances and methods which are prohibited In-Competition only. The Prohibited List may be expanded by WADA for a particular sport. Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.

#### 4.2.2. *Specified Substances or Specified Methods*

For purposes of the application of Article 10, all Prohibited Substances shall be Specified Substances except as identified on the Prohibited List. No Prohibited Method shall be a Specified Method unless it is specifically identified as a Specified Method on the Prohibited List.

#### 4.2.3. *Substances of Abuse*

For purposes of applying Article 10, Substances of Abuse shall include those Prohibited Substances which are specifically identified as Substances of Abuse on the Prohibited List because they are frequently abused in society outside of the context of sport.

### 4.3. WADA's Determination of the Prohibited List

WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List, the classification of substances into categories on the Prohibited List, the classification of a substance as prohibited at all times or In-Competition only, the classification of a substance or method as a Specified Substance,



Specified Method or Substance of Abuse is final and shall not be subject to any challenge by a Player or other Person including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

#### 4.4. Therapeutic Use Exemptions (“TUEs”)

##### 4.4.1. *International Standard for Therapeutic Use Exemptions*

The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method, shall not be considered an anti-doping rule violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.

##### 4.4.2. *TUE Applications*

4.4.2.1 Players who are not International-Level Players shall apply to their National Anti-Doping Organization for a TUE. If the National Anti-Doping Organization denies the application, the Player may appeal exclusively to the national-level appeal body described in Article 13.2.2 of the WADA Code.

4.4.2.2 Players who are International-Level Players shall apply to the IIHF.

4.4.2.3 A Player may be granted a TUE if (and only if) they can show, on the balance of probabilities, that each of the following conditions is met:

- a) The Prohibited Substance or Prohibited Method in question is needed to treat a diagnosed medical condition supported by relevant clinical evidence;
- b) The Therapeutic Use of the Prohibited Substance or Prohibited Method will not, on the balance of probabilities, produce any additional enhancement of performance beyond what might be anticipated by a return to the Player’s normal state of health following the treatment of the medical condition;
- c) The Prohibited Substance or Prohibited Method is an indicated treatment for the medical condition, and there is no reasonable permitted Therapeutic alternative; and
- d) The necessity for the Use of the Prohibited Substance or Prohibited Method is not a consequence, wholly or in part, of the prior Use (without a TUE) of a substance or method which was prohibited at the time of such Use.

##### 4.4.3. *TUE Recognition*

4.4.3.1 Where the Player already has a TUE granted by their National Anti-Doping Organization pursuant to Article 4.4 of the WADA Code by the

National Anti-Doping Organizations listed on the IIHF website, and provided that such TUE has been reported in accordance with Article 5.5 of the International Standard for Therapeutic Use Exemptions, the IIHF will recognize it.

4.4.3.2 If the IIHF chooses to test a Player who is not an International-Level Player, the IIHF must recognize a TUE granted to that Player by their National Anti-Doping Organization unless the Player is required to apply for recognition of the TUE pursuant to Articles 5.8 and 7.0 of the International Standard for Therapeutic Use Exemptions without the need to review the relevant clinical information.

#### 4.4.4. TUE Application Process

4.4.4.1 If the Player does not already have a TUE granted by their National Anti-Doping Organization for the substance or method in question, the Player must apply directly to the IIHF.

4.4.4.2 An application to the IIHF for grant or recognition of a TUE must be made as soon as possible, save where Articles 4.1 or 4.3 of the International Standard for Therapeutic Use Exemptions apply. The application shall be made in accordance with Article 6 of the International Standard for Therapeutic Use Exemptions by submitting the TUE application form which is available on the [www.iihf.com](http://www.iihf.com) or which can be requested by contacting [integrity@iihfoffice.com](mailto:integrity@iihfoffice.com).

4.4.4.3 The IIHF establishes a panel (the “Therapeutic Use Exemption Committee” (“TUEC”)) to consider applications for the grant or recognition of TUEs in accordance with Article 4.4.3(a)-(d) below:

- a) The TUEC consists of a minimum of four (4) members with experience in the care and treatment of Players and sound knowledge of clinical, sports and exercise medicine. Each appointed member serves a term of four (4) years which is renewable.
- b) Before serving as a member of the TUEC, each member signs a conflict of interest and confidentiality declaration. The appointed members are not employees of the IIHF.
- c) When an application to the IIHF for the grant or recognition of a TUE is made, the Chair of the TUEC or the IIHF appoints three (3) members (which may include the Chair) to consider the application.
- d) Before considering a TUE application, each member discloses any circumstances likely to affect their impartiality with respect to the Player making the application. If a member is unwilling or unable to assess the Player’s TUE application, for any reason, the Chair or the IIHF TUEC may appoint a replacement from the pool of members appointed under point (a) above. The Chair will not serve as a member of the TUEC if there are any circumstances which are likely to affect the impartiality of the TUE decision.

4.4.4.4 The TUEC will promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application. Where the application is made in a reasonable time prior to an Event, the TUEC will use its best endeavors to issue its decision before the start of the Event.

4.4.4.5 The TUEC decision is the final decision of the IIHF and may be appealed in accordance with Article 4.4.7. The IIHF TUEC decision will be notified in writing to the Player, and to WADA and other Anti-Doping Organizations in accordance with the International Standard for Therapeutic Use Exemptions. It will also promptly be reported into ADAMS.

4.4.4.6 If the IIHF (or the National Anti-Doping Organization, where it has agreed to consider the application on behalf of the IIHF) denies the Player's application, it will notify the Player promptly, with reasons. If the IIHF grants the Player's application, it will notify not only the Player but also its National Anti-Doping Organization. If the National Anti-Doping Organization considers that the TUE granted by the IIHF does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has twenty-one (21) days from such notification to refer the matter to WADA for review in accordance with Article 4.4.7.

If the National Anti-Doping Organization refers the matter to WADA for review, the TUE granted by the IIHF remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If the National Anti-Doping Organization does not refer the matter to WADA for review, the TUE granted by the IIHF becomes valid for national-level Competition as well when the twenty-one (21) day review deadline expires.

#### 4.4.5. *Retroactive TUE Applications*

4.4.5.1 A Player who needs to Use a Prohibited Substance or Prohibited Method for Therapeutic reasons must apply for and obtain a TUE under Article 4.4.2 prior to Using or Possessing the substance or method in question.

However, a Player may apply retroactively for a TUE (but must still meet the conditions in Article 4.4.2.3) if one of any of the following exceptions applies:

- a) Emergency or urgent treatment of a medical condition was necessary;
- b) There was insufficient time, opportunity or other exceptional circumstances that prevented the Player from submitting (or the

TUEC to consider) an application for the TUE prior to Sample collection;

- c) Due to national level prioritization of certain sports, the Player's National Anti-Doping Organization did not permit or require the Player to apply for a prospective TUE;
- d) If the IIHF chooses to collect a Sample from a Player who is not an International-Level Player or National-Level Player, and that Player is Using a Prohibited Substance or Prohibited Method for Therapeutic reasons, the IIHF must permit the Player to apply for a retroactive TUE; or
- e) The Player Used Out-of-Competition, for Therapeutic reasons, a Prohibited Substance that is only prohibited In-Competition.

#### 4.4.6. *Expiration, Withdrawal or Reversal of a TUE*

4.4.6.1 A TUE granted pursuant to these Anti-Doping Regulations: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) will be withdrawn if the Player does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the TUE; (c) may be withdrawn by the TUEC if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or (d) may be reversed on review by WADA or on appeal.

4.4.6.2 In such event, the Player shall not be subject to any Consequences based on their Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, withdrawal, or reversal of the TUE. The review pursuant to Article 5.1.1.1 of the International Standard for Results Management of an Adverse Analytical Finding, reported shortly after the TUE expiry, withdrawal or reversal, shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

#### 4.4.7. *Reviews and Appeals of TUE Decisions*

4.4.7.1 WADA must review the IIHF's decision not to recognize a TUE granted by the National Anti-Doping Organization that is referred to WADA by the Player or the Player's National Anti-Doping Organization. In addition, WADA must review the IIHF's decision to grant a TUE that is referred to WADA by the Player's National Anti-Doping Organization. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.

4.4.7.2 Any TUE decision by the IIHF (or by a National Anti-Doping Organization

where it has agreed to consider the application on behalf of the IIHF) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Player and/or the Player's National Anti-Doping Organization, exclusively to CAS.

5.4.7.3 A decision by WADA to reverse a TUE decision may be appealed by the Player, the National Anti-Doping Organization and/or the IIHF, exclusively to CAS.

6.4.7.4 A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a TUE or for review of a TUE decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

## **5. TESTING AND INVESTIGATION REQUIREMENTS**

### **5.1. Purpose of Testing and Investigations**

5.1.1. IIHF's testing and investigations – test distribution planning, post-testing activity and related activities – shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations and the IIHF Bylaws, Regulations and Guidelines.

5.1.2. Testing shall be undertaken to obtain analytical evidence as to whether the Player has violated Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample) or Article 2.2 (Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method).

### **5.2. Authority to Test**

5.2.1. Subject to the jurisdictional limitations for Event Testing set out in Article 5.3, the IIHF shall have In-Competition and Out-of-Competition Testing authority over all Players specified in the Introduction to these Anti-Doping Regulations (Section "Scope of these Anti-Doping Regulations").

5.2.2. The IIHF may require any Player over whom it has Testing authority (including any Player serving a period of Ineligibility) to provide a Sample at any time and at any place.

5.2.3. WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.7.10 of the WADA Code.

### **5.3. Event Testing**

5.3.1. Except as otherwise provided below, only a single organization shall be responsible for initiating and directing Testing at Event Venues during an Event Period. At International Events, the IIHF (or other international organization which is the ruling body for an Event) shall have authority to conduct Testing. At National Events, the National Anti-Doping Organization of that country shall have authority to conduct Testing. At the request of the IIHF (or other international organization which is the ruling body for an Event), any Testing

during the Event Period outside of the Event Venues shall be coordinated with that ruling body.

- 5.3.2. If an Anti-Doping Organization which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an IIHF Competition, desires to conduct Testing of Players at the Event Venues during the Event Period, the Anti-Doping Organization shall first confer with the IIHF to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organization is not satisfied with the response from the IIHF, the Anti-Doping Organization may, in accordance with procedures described in the International Standard for Testing and Investigations, ask WADA for permission to conduct Testing and to determine how to coordinate such Testing. WADA shall not grant approval for such Testing before consulting with and informing the IIHF. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct Testing, such tests shall be considered Out-of-Competition tests. Results Management for any such test shall be the responsibility of the Anti-Doping Organization initiating the test unless provided otherwise in the rules of the ruling body of the Event.

#### 5.4. Testing Requirements

- 5.4.1. The IIHF shall conduct test distribution planning and Testing as required by the International Standard for Testing and Investigations.
- 5.4.2. Where reasonably feasible, Testing shall be coordinated through ADAMS in order to maximize the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.

#### 5.5. Retired Players Returning to Competition

- 5.5.1. If an International-Level Player or National-Level Player in IIHF's Registered Testing Pool retires and then wishes to return to active participation in sport, the Player shall not compete in International Events or National Events until the Player has made themselves available for Testing, by giving six (6) months prior written notice to the IIHF and their National Anti-Doping Organization.

WADA, in consultation with the IIHF and the Player's National Anti-Doping Organization, may grant an exemption to the six (6) month written notice rule where the strict application of that rule would be unfair to the Player. This decision may be appealed under Article 13.

Any competitive results obtained in violation of this Article 5.5.1 shall be Disqualified unless the Player can establish that they could not have reasonably known that this was an International Event or a National Event.

- 5.5.2. If a Player retires from sport while subject to a period of Ineligibility, the Player must notify the Anti-Doping Organization that imposed the period of Ineligibility in writing of such retirement. If the Player then wishes to return to active competition in sport, the Player shall not compete in International Events or National Events until the Player has made themselves available for Testing by giving six (6) months prior written notice (or notice equivalent to the period of

Ineligibility remaining as of the date the Player retired, if that period was longer than six (6) months) to the IIHF and to their National Anti-Doping Organization.

## 5.6. Doping Control During IIHF Competitions (In-Competition Testing)

### 5.6.1. *Operations and Facilities*

5.6.1.1 For the operation of Doping Controls to be carried out at all IIHF Competitions in accordance with IIHF Bylaw 23.2, the host Member National Association or the Organizing Committee must provide adequate personnel from a National Anti-Doping Organization (“NADO”) or a Delegated Third Party recognized by the IIHF, facilities, and equipment to successfully operate the Doping Control for the IIHF Competition. The Doping Control Station shall be set up and organized in accordance with the specifications established in the IIHF Medical Care Guide.

5.6.1.2 The IIHF shall have an agreement with a WADA-accredited laboratory to perform the analysis of the Doping Control urine Samples according to these Anti-Doping Regulations and the International Standard for Laboratories.

5.6.1.3 Each venue where an IIHF Competition is played and Doping Control is carried out, shall be equipped with adequate anti-doping facilities in accordance with the IIHF Medical Care Guide and the International Standard for Testing and Investigations. This shall include secure and lockable rooms to be used for the Doping Control Station, a waiting room, and a Doping Control Station office. These should be located on the same floor and in the immediate vicinity of the Player locker rooms.

5.6.1.4 It is the responsibility of the Organizing Committee to ensure that the Doping Control Station is set up at least two (2) days prior to the start of the IIHF Competition and that the Sample collection vessels and Sample bottles are placed in a secure locked cabinet in the Doping Control Station office.

### 5.6.2. *Selection of Players*

5.6.2.1 The IIHF Office shall determine the number of Players to be tested during an IIHF Competition according to the IIHF Test Distribution Plan.

5.6.2.2 The IIHF Office shall select all Players for Doping Control. The IIHF Office shall prioritize Target Testing in order to ensure that all of the appropriate Players are tested. However, the IIHF Office may also conduct random Testing.

5.6.2.3 A Player may be tested at any time on more than one occasion during an IIHF Competition.

5.6.2.4 If it is documented that the Player that was selected for Doping Control suffered a serious injury or was ill and left the Event Venue, the IIHF

Office, ensures that another Player from the team for Doping Control in accordance with the above noted procedure.

5.6.2.5 Should the injured or sick Player recover and play in a later game during this same IIHF Competition, the Player may be obligated to undergo the Doping Control after participating in the first game following the injury.

### 5.6.3. *Doping Control Procedures*

5.6.3.1 The In-Competition Testing period shall commence twelve (12) hours prior to the start of the Competition (the starting time of the first game of the Event) and end twelve (12) hours after the end of the Competition (the ending time of the last game of the Event).

5.6.3.2 The arena(s), the practice facilities and the hotels used for the Championship are the Event Venues for In-Competition Testing during the Event Period mentioned under Article 5.6.3.1.

5.6.3.3 The NADO or an IIHF recognized Delegated Third Party provider shall conduct Doping Control in accordance with the International Standard for Testing and Investigations. The IIHF Medical Supervisor, on behalf of the IIHF Office, shall supervise the In-Competition Doping Control procedures.

## 5.7. Out-Of-Competition Testing

### 5.7.1. *General Provisions*

The IIHF Out-of-Competition testing Program is based on two pillars, namely the IIHF Registered Testing Pool (“RTP”) and the IIHF Team Whereabouts Program. The Anti-Doping Regulations include the rules that are applicable to the IIHF Registered Testing Pool and the IIHF Team Whereabouts Guidelines include the rules that are applicable to the IIHF Team Whereabouts Program.

It is the responsibility of each Player and each Member National Association to ensure compliance with the Registered Testing Pool and the IIHF Team Whereabouts Program. Any Member National Association or Player who fails to submit valid whereabouts information will be subject to sanctions as specified in the IIHF Anti-Doping Regulations or the IIHF Team Whereabouts Guidelines.

5.7.1.1 All Out-of-Competition Sample collection procedures shall follow the protocol set out in the WADA Code and the International Standards for Testing and Investigations in force at the time of the Testing.

5.7.1.2 Except in exceptional circumstances, all Out-of-Competition Testing shall be without advance notice.

5.7.1.3 All Players shall be subject to Out-of-Competition Doping Control carried out by the IIHF or any third party authorized or appointed by the IIHF to do so.



5.7.2. *IIHF Out-of-Competition Testing Program and its criteria*

The IIHF shall establish an Out-of-Competition Testing Program according to the International Standard for Testing and Investigation.

The IIHF Out-of-Competition Testing Program shall include Players and teams under the IIHF jurisdiction and comply with the IIHF whereabouts requirements. The respective criteria on which Players or teams are selected are outlined in a separate document, which could change from season to season based on the most current findings and risk regarding doping.

5.7.2.1 The IIHF Registered Testing Pool shall be a pool of Players whose entry into the Pool is chosen by the IIHF Office. Players entered into the IIHF RTP will be required to provide up to date whereabouts information to the IIHF for each quarter period via ADAMS for the purpose of No Advance Notice Out-Of-Competition Testing. Such whereabouts information shall include one specific 60-minute time slot between 5:00 – 23:00 (5 am - 11 pm) each day where the Player will be available and accessible for Testing at a specific location.

Players chosen to become part of the IIHF RTP who are also members of the RTP of their National Anti-Doping Organization (“NADO”) shall remain part of both the IIHF RTP and the NADO RTP. The IIHF and the Player’s NADO shall agree between themselves to whom the Player shall provide their Whereabouts Filings and that Anti-Doping Organization shall be the Player’s whereabouts custodian.

5.7.2.2 The IIHF shall make available through ADAMS a list that identifies those Players that have been included in its Registered Testing Pool by name.

5.7.2.3 The IIHF Team Whereabouts Program includes a set of teams which will be required to submit up-to-date team whereabouts information to the IIHF in accordance with the IIHF Team Whereabouts Guidelines.

5.8. Removal from the IIHF RTP

5.8.1. Once nominated to become part of the IIHF RTP, a Player shall remain part of the IIHF RTP and be subject to whereabouts requirements as set out in these Anti-Doping Regulations unless and until:

- a) The Player is given written notice from the IIHF that they are no longer designated for inclusion into the IIHF RTP; or
- b) The Player retires from Competition and provides written notice to the IIHF regarding such.

5.8.2. Once a Player is removed from the IIHF RTP, their whereabouts information shall be destroyed once no longer relevant for the purposes of Article 5.5 of the WADA Code in accordance with the International Standard for the Protection of Privacy and Personal Information.

- 5.8.3. Teams nominated to become part of the IIHF Team Whereabouts Program shall remain part of the IIHF Team Whereabouts Program and subject to the whereabouts requirements set forth in the IIHF Team Whereabouts Guidelines until the team is given a written notice from the IIHF on the team's release from the program.

5.9. Provisions of Whereabouts

- 5.9.1. Players entered into the IIHF RTP shall provide the IIHF with accurate and complete Player whereabouts information every quarter via ADAMS. A failure by a Player designated for inclusion into the IIHF RTP to submit their Player whereabouts by the deadline may amount to a Filing Failure and consequently a Whereabouts Failure.
- 5.9.2. Players shall also update the IIHF via ADAMS as soon as possible with any changes to his/her whereabouts information and/or with any additional information that is necessary to his/her whereabouts that occur within the specific quarter period.
- 5.9.3. Each Team included in the IIHF Team Whereabouts Program shall provide the Team Whereabouts in accordance with the IIHF Team Whereabouts Guidelines.
- 5.9.4. Whereabouts information provided by a Player shall be maintained in strict confidence at all times by the IIHF; shall be used exclusively for purposes of planning, coordinating or conducting Doping Control, providing information relevant to the Athlete Biological Passport or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation.

5.10. Whereabouts Filing Requirements

- 5.10.1. Before the last day of each quarter and prior to the first day of the following quarter (i.e. 1 October, 1 January, 1 April, and 1 July) a Player in the IIHF RTP must file a Whereabouts Filing with the IIHF via ADAMS that contains the following information:
- a) A complete mailing address and personal email address where correspondence may be sent to the Player for formal notice purposes. Any notice or other items shall be deemed received by the Player seven (7) days after it was deposited in the mail and immediately when notification of a sent email receipt is generated/obtained (subject to applicable law);
  - b) Specific confirmation that the Player understands that their Whereabouts Filing will be shared with other Anti-Doping Organizations that have authority to conduct Testing on them;
  - c) For each day during the following quarter, the full address of the place where the Player will be staying overnight (e.g. home, temporary lodgings, hotel, etc.);
  - d) For each day during the following quarter, the name and address of each location where the Player will (i) train individually or as part of a team

activity including both his/her club and national team schedules and (ii) will work or conduct any regular activity (university, study, etc.), as well as the usual time frames for such regular activity (and/or similarly relevant information for off-season quarters);

- e) The Player's competition schedule for the following quarter, including the name and address of each location where the Player is scheduled to compete during the quarter and the date(s) on which they are scheduled to compete at such location(s) (club and national team schedules) (no competition schedule is required for off-season quarters); and
- f) For each day during the following quarter, one specific 60-minute slot between 5:00 and 23:00 (11 pm) each day where the Player will be available and accessible for Testing at a specific location.

(Note: A Player in the IIHF RTP who suffers an injury and/or illness during the season which results in him/her not being present at scheduled team and/or individual activities shall be required to be available and accessible for Testing at his/her nominated residence.)

- 5.10.2. When making Whereabouts Filings, Players are responsible for ensuring that they provide all the required information accurately and in sufficient detail to enable the IIHF (or the Delegated Third Party to which the IIHF delegates Testing responsibility) or NADO to locate the Player for Testing on any given day in the quarter.
- 5.10.3. Providing fraudulent information from a Player in his/her whereabouts filing may amount to an anti-doping rule violation under Article 2.3 or Article 2.5.
- 5.10.4. The Player has the ultimate responsibility to provide whereabouts information and be available for Testing at all times in accordance with his/her whereabouts information declared on their Whereabouts Filing. However, each Member National Association shall use its best efforts to assist the IIHF in the implementation of its Out-Of-Competition Testing Program when requested to do so by the IIHF.
- 5.10.5. Each team included in the IIHF Team Whereabouts Program shall adhere to the filing requirements set out in the IIHF Team Whereabouts Guidelines.

#### 5.11. Filing Failure Pre-Conditions

A Player will only be declared to have committed a Filing Failure where the IIHF can establish:

- a) That the Player was duly notified that they were designated for inclusion in the IIHF RTP and that they must make and update accurate whereabouts filings;
- b) That the Player was informed of the consequences of any failure to comply with whereabouts filing requirements;
- c) That the Player failed to comply with any or all of the requirements to make or update accurate Whereabouts Filings by the applicable deadline;

- d) That in the case of a second and/or third Filing Failure, the Player was given notice of the previous Filing Failure and (if that Filing Failure revealed deficiencies in the Whereabouts Filing that would lead to further Filing Failures if not rectified) was advised in the notice that in order to avoid a further Filing Failure he/she must file the required Whereabouts Filing (or update) by the deadline specified in the notice (which must be within 48 hours after receipt of the notice) and yet failed to rectify that Filing Failure by the deadline specified in the notice; and
- e) That the Player's failure to comply was at least negligent (a Player will be presumed to have committed the failure negligently upon proof that they were notified of the filing requirement yet failed to comply. This presumption may be rebutted by the Player if they establish that no negligent behavior on their part caused or contributed to the failure).

5.12. Results Management for Filing Failures

Results Management for Filing Failures shall be conducted in accordance with the International Standards for Results Management Annex B.3

5.13. Availability for Testing

A Player in the IIHF RTP must specifically be present and available for Testing on any given day in the relevant quarter for the 60-minute time slot specified for that day in their Whereabouts Filing, at the location that the Player has specified for that time slot in such filing. Where this requirement is not met by the Player, it shall be pursued as an apparent Missed Test. If the Player is tested during such a time slot, the Player must remain with the Doping Control Officer until the Sample collection has been completed, even if this takes longer than the 60-minute time slot. A failure to do so shall be pursued as an apparent violation of Article 2.3 (refusal or failure to submit to Sample collection).

5.14. Missed Test

A Player in the IIHF RTP may only be declared to have committed a Missed Test where the IIHF can establish:

- a) That the Player was duly notified that they were designated for inclusion in the IIHF RTP and that they were advised of his/her liability for a Missed Test if they were unavailable for Testing during the 60-minute time slot specified in their Whereabouts Filing at the location specified for that time slot;
- b) That the IIHF attempted to test the Player in the IIHF RTP on a given day in the quarter during the 60-minute time slot at the location specified by the Player in their Whereabouts Filing;
- c) That during the specified 60-minute time slot, the Doping Control Officer did what was reasonable in the circumstances (i.e., given the nature of the specified location) to try to locate the Player, short of giving the Player any advance notice of the test;
- d) That if the attempted Testing would result in the Player's second Missed Test, the IIHF gave proper notice to the Player concerning the Player's first missed test; and
- e) That the Player's failure to be available for Testing at the specified location during the specified 60-minute time slot was at least negligent (a Player will be presumed to be negligent upon proof that a) through d) of this Article are met. This presumption may only be rebutted by the Player establishing that no negligent behavior on their part

caused or contributed to his/her failure to be available for Testing at such location during such time slot and to update his/her most recent Whereabouts Filing to give notice of a different location where he/she would instead be available for Testing during a specified 60-minute time slot on the relevant day).

5.15. Results Management for Missed Tests

Results management for missed tests shall be conducted in accordance with the International Standards for Results Management Annex B.3.

5.16. Member National Association Non-Compliance

Any Member National Association who fails to assist the IIHF in the implementation of its Out-Of-Competition Testing Program may be subject to disciplinary action in accordance with the IIHF Disciplinary Regulations.

5.17. Confidentiality

5.17.1. When the IIHF receives notice of a Whereabouts Failure with respect to a Player it shall not disclose that information beyond those Persons who need to know, unless and until that Player is found to have committed an anti-doping rule violation (the IIHF shall ensure that such Persons who need to know also maintain the same level of confidentiality).

5.17.2. Whereabouts information provided pursuant to Article 5.10 shall be shared with WADA and other Anti-Doping Organizations having jurisdiction to test Players in accordance with the International Standard for Testing and Investigations, including the strict condition that the whereabouts information is only used for Doping Control purposes.

## **6. SAMPLE ANALYSIS**

Doping Control Samples collected under these Anti-Doping Regulations shall be analyzed in accordance with the following principles:

6.1. Use of Approved Laboratories: for the purposes of Article 2.1, the IIHF shall send Doping Control Samples for analysis only to WADA-accredited laboratories or to laboratories as otherwise approved by WADA. The IIHF shall have the sole choice of the WADA-accredited laboratory (or other laboratory approved by WADA) used for the Sample Analysis.

As provided in Article 3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

6.2. Purpose of Analysis of Samples and Data: Samples and related analytical data or Doping Control information shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to the Monitoring Program described in Article 4.5 of the WADA Code, or to assist the IIHF in profiling relevant parameters in a Player's urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purposes.

6.3. Research on Samples: Samples, related analytical data and Doping Control information

may be used for anti-doping research purposes, although no Sample may be used for research without the Player's written consent. Samples and related analytical data or Doping Control information used for research purposes shall first be processed in such a manner as to prevent Samples and related analytical data or Doping Control information being traced back to a particular Player. Any research involving Samples and related analytical data or Doping Control information shall adhere to the principles set out in Article 19 of the WADA Code.

- 6.4. Standards for Sample Analysis and Reporting: In accordance with Article 6.4 of the WADA Code, the IIHF shall ask laboratories to analyze Samples in conformity with the International Standard for Laboratories and Article 4.7 of the International Standard for Testing and Investigations and to report results in ADAMS.

Laboratories at their own initiative and expense may analyze Samples for Prohibited Substances or Prohibited Methods not included on the standard Sample analysis menu, or as requested by the IIHF. Results from any such analysis shall be reported to the IIHF and have the same validity and Consequences as any other analytical result.

- 6.5. Further Analysis of Samples prior to or during Results Management: There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a Sample prior to the time the IIHF notifies a Player that the Sample is the basis for an Article 2.1 Anti-Doping Rule Violation charge. If after such notification the IIHF wishes to conduct additional analysis on that Sample, it may do so with the consent of the Player or approval from a hearing body.
- 6.6. Further Analysis of a Sample After it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge: After a laboratory has reported a Sample as negative, or the Sample has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 8.2 at any time exclusively at the direction of either the Anti-Doping Organization that initiated and directed Sample collection or WADA. Any other Anti-Doping Organization with authority to test the Player that wishes to conduct further analysis on a stored Sample may do so with the permission of the Anti-Doping Organization that initiated and directed Sample collection or WADA, and shall be responsible for any follow-up Results Management. Any Sample storage or further analysis initiated by WADA or another Anti-Doping Organization shall be at WADA's or that organization's expense. Further analysis of Samples shall conform with the requirements of the International Standard for Laboratories.
- 6.7. Split of A or B Sample: Where WADA, an Anti-Doping Organization with Results Management authority, and/or a WADA-accredited laboratory (with approval from WADA or the Anti-Doping Organization with Results Management authority) wishes to split an A or B Sample for the purpose of using the first part of the split Sample for an A Sample analysis and the second part of the split Sample for confirmation, then the procedures set forth in the International Standard for Laboratories shall be followed.
- 6.8. WADA's Right to Take Possession of Samples and Data: WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any Sample and related analytical data or information in the possession of a laboratory or Anti-Doping Organization. Upon request by WADA, the laboratory or Anti-Doping Organization in possession of the Sample or data shall immediately grant access to and enable WADA to take physical possession of the Sample or data. If WADA has not provided prior notice to

the laboratory or Anti-Doping Organization before taking possession of a Sample or data, it shall provide such notice to the laboratory and each Anti-Doping Organization whose Samples or data have been taken by WADA within a reasonable time after taking possession. After analysis and any investigation of a seized Sample or data, WADA may direct another Anti-Doping Organization with authority to test the Athlete to assume Results Management responsibility for the Sample or data if a potential anti-doping rule violation is discovered.

## **7. IIHF RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS**

Results Management under these Anti-Doping Regulations establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

### **7.1. Responsibility for Conducting Results Management**

- 7.1.1. Except as otherwise provided in Articles 6.6, 6.8 and Article 7.1.3 through 7.1.5 of the WADA Code, Results Management shall be the responsibility of, and shall be governed by, the procedural rules of the Anti-Doping Organization that initiated and directed Sample collection (or, if no Sample collection is involved, the Anti-Doping Organization which first provides notice to a Player or other Person of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation).
- 7.1.2. In circumstances where the rules of a National Anti-Doping Organization do not give the National Anti-Doping Organization authority over a Player or other Person who is not a national, resident, license holder, or member of a sport organization of that country, or the National Anti-Doping Organization declines to exercise such authority, Results Management shall be conducted by the applicable International Federation or by a third party with authority over the Player or other Person as directed by the rules of the applicable International Federation.
- 7.1.3. In the event the Major Event Organization assumes only limited Results Management responsibility relating to a Sample initiated and taken during an Event conducted by a Major Event Organization, or an anti-doping rule violation occurring during such Event, the case shall be referred by the Major Event Organization to the applicable International Federation for completion of Results Management.
- 7.1.4. Results Management in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by the IIHF or the National Anti-Doping Organization with whom the Player in question files whereabouts information, as provided in the International Standard for Results Management. If the IIHF determines a filing failure or a missed test, it shall submit that information to WADA through ADAMS, where it will be made available to other relevant Anti-Doping Organizations.
- 7.1.5. Other circumstances in which the IIHF shall take responsibility for conducting Results Management in respect of anti-doping rule violations involving Players and other Persons under its authority shall be determined by reference to and in accordance with Article 7 of the WADA Code.

7.1.6. WADA may direct the IIHF to conduct Results Management in particular circumstances. If the IIHF refuses to conduct Results Management within a reasonable deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another Anti-Doping Organization with authority over the Athlete or other Person, that is willing to do so, to take Results Management responsibility in place of the IIHF or, if there is no such Anti-Doping Organization, any other Anti-Doping Organization that is willing to do so. In such case, the IIHF shall reimburse the costs and attorney's fees of conducting Results Management to the other Anti-Doping Organization designated by WADA, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

7.2. Review and Notification Regarding Potential Anti-Doping Rule Violations

The IIHF shall carry out the review and notification with respect to any potential anti-doping rule violation in accordance with the International Standard for Results Management.

7.3. Identification of Prior Anti-Doping Rule Violations

Before giving an Athlete or other Person notice of a potential anti-doping rule violation as provided above, the IIHF shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists.

7.4. Provisional Suspensions

7.4.1. *Mandatory Provisional Suspension*

If the IIHF receives an Adverse Analytical Finding or an Adverse Passport Finding (upon completion of the Adverse Passport Finding review process) for a Prohibited Substance or a Prohibited Method that is not a Specified Substance or for a Specified Method, the IIHF shall impose a Provisional Suspension on the Player promptly upon or after the review and notification required by Article 7.2 of the WADA Code.

A mandatory Provisional Suspension may be eliminated if: (i) the Player demonstrates to the IIHF that the violation is likely to have involved a Contaminated Product, or (ii) the violation involves a Substance of Abuse and the Player establishes entitlement to a reduced period of Ineligibility under Article 10.2.4.1.

IIHF's decision not to eliminate a mandatory Provisional Suspension on account of the Player's assertion regarding a Contaminated Product shall not be appealable.

7.4.2. *Optional Provisional Suspension*

The IIHF may impose a Provisional Suspension for anti-doping rule violations not covered by Article 7.4.1 prior to the analysis of the Player's B Sample or final hearing as described in Article 8.



An optional Provisional Suspension may be lifted at the discretion of the IIHF at any time prior to IIHF Disciplinary Board's decision under Article 8, unless provided otherwise in the International Standard for Results Management.

**7.4.3. *Opportunity for Hearing or Appeal***

Notwithstanding Articles 7.4.1 and 7.4.2, a Provisional Suspension may not be imposed unless the Player or other Person is given: a) an opportunity for a Provisional Hearing, either before or on a timely basis after the imposition of the Provisional Suspension, or b) an opportunity for an expedited hearing in accordance with Article 8 of the WADA Code on a timely basis after imposition of the Provisional Suspension.

The imposition of a Provisional Suspension, or decision not to impose a Provisional Suspension, may be appealed in an expedited process in accordance with Article 13.

**7.4.4. *Voluntary Acceptance of Provisional Suspension***

Players on their own initiative may voluntarily accept a Provisional Suspension if done so prior to the later of: (i) the expiration of ten (10) days from the report of the B Sample (or waiver of the B Sample) or ten (10) days from the notice of any other anti-doping rule violation, or (ii) the date on which the Player first competes after such report or notice.

Other Persons on their own initiative may voluntarily accept a Provisional Suspension if done so within ten (10) days from the notice of the anti-doping rule violation.

Upon such voluntary acceptance, the Provisional Suspension shall have the full effect and be treated in the same manner as if the Provisional Suspension had been imposed under Article 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a Provisional Suspension, the Player or other Person may withdraw such acceptance, in which event the Player or other Person shall not receive any credit for time previously served during the Provisional Suspension.

**7.4.5.** If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Player or the IIHF) does not confirm the A Sample analysis, then the Player shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1. In circumstances where the Player (or the Player's team) has been removed from an Event based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, then, if it is still possible for the Player or team to be reinserted, without otherwise affecting the Event, the Player or team may continue to take part in the Event.

**7.5. Results Management Decisions**

Results Management decisions or adjudications by the IIHF must not purport to be limited to a particular geographic area or the IIHF's sport and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation was committed or a Provisional Suspension should be imposed, the factual basis for such

determination, and the specific Articles that have been violated, and (ii) all Consequences flowing from the anti-doping rule violation(s), including applicable Disqualifications under Articles 9 and 10.10, any forfeiture of medals or prizes, any period of Ineligibility (and the date it begins to run) and any Financial Consequences.

7.6. Notification of Results Management Decisions

The IIHF shall notify Players, other Persons, Signatories and WADA of Results Management decisions as provided in Article 15 and in the International Standard for Results Management.

7.7. Retirement from Sport

If a Player or other Person retires while the IIHF's Results Management process is underway, the IIHF retains authority to complete its Results Management process. If a Player or other Person retires before any Results Management process has begun, and the IIHF would have had Results Management authority over the Player or other Person at the time the Player or other Person committed an anti-doping rule violation, the IIHF has authority to conduct Results Management.

## **8. IIHF RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION**

The Disciplinary Board shall act in compliance with the IIHF Anti-Doping Regulations, the WADA Code and the International Standard for Results Management. All mandatory WADA Code provisions detailed in WADA Code Article 23.2.2 are incorporated by reference into these Anti-Doping Regulations and shall be treated as if set out in full herein.

8.1. Right to a Fair Hearing

The Disciplinary Board shall conduct a timely hearing process to determine whether an anti-doping violation was committed. The right to a hearing may be waived either expressly or by the failure of the incriminated party to challenge the assertion that an anti-doping rule violation has occurred within twenty-one (21) days after having been notified by the Disciplinary Board Secretary of the Disciplinary Board's jurisdiction.

8.2. Limitation Period

No anti-doping rule violation proceeding may be commenced against the Player or other Person accused of an anti-doping rule violation unless they have been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

8.3. Single Hearing Before the CAS

Anti-doping rule violations asserted against International-Level Athlete, National-Level Athletes or other Persons may, with the consent of the Athlete or other Person, the IIHF, and WADA, be heard in a single hearing directly at CAS.

## **9. MEMBER NATIONAL ASSOCIATION EDUCATION**

Member National Associations shall conduct Education in coordination with the applicable National Anti-Doping Organization. When the IIHF so requests, the Member National Association must show proof of the Education conducted in coordination with the applicable National Anti-Doping Organization.

## 10. SANCTIONS ON INDIVIDUALS

### 10.1. Disqualification of Results in the Event during which an Anti-Doping Rule Violation Occurs

An anti-doping rule violation occurring during or in connection with an IIHF Event may, upon the decision of the relevant IIHF Disciplinary Body, lead to Disqualification of the Player's individual results obtained in the IIHF Event with all Consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the seriousness of the Player's anti-doping rule violation and whether the Player tested negative in the other Competitions.

10.1.1. If the Player establishes that they bear no Fault or negligence for the violation, the Player's individual results in the other Competitions shall not be Disqualified, unless the Player's results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Player's anti-doping rule violation.

### 10.2. Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method

The period of Ineligibility for a violation of Article 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:

10.2.1. The period of Ineligibility, subject to Article 10.2.4, shall be four (4) years where:

10.2.1.1 The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Player or other Person can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a Specified Substance or a Specified Method and the IIHF can establish that the anti-doping rule violation was intentional.

10.2.2. If Article 10.2.1 does not apply, subject to Article 10.2.4.1, the period of Ineligibility shall be two (2) years.

10.2.3. As used in Article 10.2, the term "intentional" is meant to identify those Players or other Persons who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not "intentional" if the substance is a Specified Substance and the Player can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered "intentional" if the substance is not a Specified Substance and the Player can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

10.2.4. Notwithstanding any other provision in Article 10.2, where the anti-doping rule

violation involves a Substance of Abuse:

10.2.4.1 If the Player can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, then the period of Ineligibility shall be three (3) months Ineligibility.

In addition, the period of Ineligibility calculated under this Article may be reduced to one (1) month if the Player or other Person satisfactorily completes a Substance of Abuse treatment program approved by the IIHF. The period of Ineligibility established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.

10.2.4.2 If the ingestion, Use or Possession occurred In-Competition, and the Player can establish that the context of the ingestion, Use or Possession was unrelated to sport performance, then the ingestion, Use or Possession shall not be considered intentional for purposes of Article 10.2.1 and shall not provide a basis for a finding of Aggravating Circumstances under Article 10.4.

### 10.3. Ineligibility for Other Anti-Doping Rule Violations

The period of Ineligibility for anti-doping rule violations other than as provided in Article 10.2, shall be as follows, unless Articles 10.6 and 10.7 are applicable:

10.3.1. For violations of IIHF Anti-Doping Regulations Articles 2.3 or 2.5, the period of Ineligibility shall be four (4) years except: (i) in the case of failing to submit to Sample collection, if the Player can establish that the commission of the anti-doping rule violation was not intentional, the period of Ineligibility shall be two (2) years; (ii) in all other cases, if the Player or other person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility shall be in a range from two (2) years to four (4) years depending on the Player or other Person's degree of Fault; or (iii) in a case involving a Protected Person or Recreational Player, the period of Ineligibility shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person or Recreational Player's degree of Fault.

10.3.2. For violations of IIHF Anti-Doping Regulations Article 2.4, the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Player's degree of Fault. The flexibility between two (2) years and one (1) year of Ineligibility in this Article is not available to Players where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Player was trying to avoid being available for Testing.

10.3.3. For violations of IIHF Anti-Doping Regulations Articles 2.7 or 2.8, the period of Ineligibility shall be a minimum of four (4) years up to lifetime Ineligibility, depending on the seriousness of the violation. IIHF Anti-Doping Regulations Articles 2.7 or 2.8 violations involving a Protected Person shall be considered a particularly serious violation and, if committed by Player Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for the Player Support Personnel. In addition, significant violations of IIHF Anti-

Doping Regulations Articles 2.7 and 2.8 which may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.

10.3.4. For violations of IIHF Anti-Doping Regulations Article 2.9, the period of Ineligibility imposed shall be a minimum of two (2) years, up to a lifetime of Ineligibility, depending on the seriousness of the violations.

10.3.5. For violations of IIHF Anti-Doping Regulations Article 2.10, the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Player's or other Person's degree of Fault and other circumstances of the case.

10.3.6. For violations of IIHF Anti-Doping Regulations Article 2.11, the period of Ineligibility shall be a minimum of two (2) years, up to lifetime Ineligibility, depending on the seriousness of the violation by the Player or other Person.

10.4. Aggravating Circumstances which may Increase the Period of Ineligibility

If the IIHF establishes in an individual case involving an anti-doping rule violation other than violations under IIHF Anti-Doping Regulations Articles 2.7, 2.8, 2.9 or 2.11 that Aggravating Circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Player or other Person can establish that they did not knowingly commit the anti-doping rule violation.

10.5. Elimination of the Period of Ineligibility where there is No Fault or Negligence

If a Player or other Person establishes in an individual case that they bear no fault or negligence, then the otherwise applicable period of Ineligibility shall be eliminated.

10.6. Reduction of the Period of Ineligibility based on No Significant Fault or Negligence

10.6.1. *Reduction of Sanctions in Particular Circumstances for Violations of IIHF Anti-Doping Regulations Articles 2.1, 2.2 or 2.6*

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

10.6.1.1 Specified Substances or Specified Methods

Where the anti-doping rule violation involves a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Player or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years of Ineligibility, depending on the Player's or other Person's degree of Fault.

10.6.1.2 Contaminated Products

In cases where the Player or other Person can establish both No Significant Fault or Negligence and that the detected Prohibited

Substance (other than a Substance of Abuse) came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Player or other Person's degree of Fault.

#### 10.6.1.3 Protected Persons or Recreational Players

Where the anti-doping rule violation not involving a Substance of Abuse is committed by a Protected Person or Recreational Player, and the Protected Person or Recreational Player can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Protected Person or Recreational Player's degree of Fault.

#### 10.6.2. *Application of No Significant Fault or Negligence beyond the Application of Article 10.6.1*

If a Player or other Person establishes in an individual case where Article 10.6.1 is not applicable that they bear no significant fault or negligence, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of Ineligibility may be reduced based on the Player or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight (8) years.

#### 10.7. Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons other than Fault

Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons other than Fault shall be handled in accordance with Article 10.7 of the WADA Code, namely:

- a) Substantial Assistance in Discovering or Establishing Code Violations (WADA Code Article 10.7.1);
- b) Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence (WADA Code Article 10.7.2);
- c) Application of Multiple Grounds for Reduction of a Sanction (WADA Code Article 10.7.3).

#### 10.8. Results Management Agreements

##### 10.8.1. *One (1) Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction*

Where a Player or other Person, after being notified by the IIHF of a potential anti-doping rule violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), admits the violation and accepts the asserted period of Ineligibility no

later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the Player or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by the IIHF. Where the Player or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Article, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.

#### 10.8.2. *Case Resolution Agreement*

Where the Player or other Person admits an anti-doping rule violation after being confronted with the anti-doping rule violation by the IIHF and agrees to Consequences acceptable to the IIHF and WADA, at their sole discretion, then: (a) the Player or other Person may receive a reduction in the period of Ineligibility based on an assessment by the IIHF and WADA of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the Player or other Person's degree of Fault and how promptly the Player or other Person admitted the violation; and (b) the period of Ineligibility may start as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the Player or other Person shall serve at least one-half of the agreed-upon period of Ineligibility going forward from the earlier of the date the Player or other Person accepted the imposition of a sanction or a Provisional Suspension which was subsequently respected by the Player or other Person. The decision by WADA and the IIHF to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of, the period of Ineligibility are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by a Player or other Person who seeks to enter into a case resolution agreement under this Article, the IIHF shall allow the Player or other Person to discuss an admission of the anti-doping rule violation with it subject to a Without Prejudice Agreement.

#### 10.9. Multiple Violations

Sanctions for Multiple anti-doping rule violations shall be imposed in accordance with Article 10.9 of the WADA Code.

#### 10.10. Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9 of the WADA Code, all other competitive results of the Player obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.

#### 10.11. Financial Consequences

Where a Player or other Person commits an anti-doping rule violation, the IIHF may, in its discretion and subject to the principle of proportionality, elect to (a) recover from the Player or other Person costs associated with the anti-doping rule violation, regardless of

the period of Ineligibility imposed and/or (b) fine the Player or other Person in an amount up to 100,000 CHF, only in cases where the maximum period of Ineligibility otherwise applicable has already been imposed.

The imposition of a financial sanction or the IIHF's recovery of costs shall not be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under these Regulations.

#### 10.12. Commencement of Ineligibility Period

Where a Player is already serving a period of Ineligibility for an anti-doping rule violation, any new period of Ineligibility shall commence on the first day after the current period of Ineligibility has been served. Otherwise, except as provided in WADA Code Articles 10.13.1 and 10.13.2, the period of Ineligibility shall start on the date of the hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed.

#### 10.13. Status During Ineligibility or Provisional Suspension

##### 10.13.1. *Prohibition against Participation during Ineligibility*

No Player or other Person who has been declared Ineligible or is subject to a Provisional Suspension may, during a period of Ineligibility or Provisional Suspension, participate in any capacity in a Competition or activity (other than authorized anti-doping Education or rehabilitation programs) authorized or organized by any WADA Code Signatory, WADA Code Signatory's member organization, or a club or other member organization of a WADA Code Signatory's member organization, or in Competitions authorized or organized by any professional league or any international- or national-level Event organization or any elite or national-level sporting activity funded by a governmental agency.

A Player or other Person subject to a period of Ineligibility longer than four (4) years may, after completing four (4) years of the period of Ineligibility, participate as a Player in local sport events not sanctioned or otherwise under the authority of a WADA Code Signatory or member of a WADA Code Signatory, but only so long as the local sport event is not at a level that could otherwise qualify such Player or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event, and does not involve the Player or other Person working in any capacity with Protected Persons.

A Player or other Person subject to a period of Ineligibility shall remain subject to Testing and any requirement by the IIHF to provide whereabouts information.

##### 10.13.2. *Return to Training*

As an exception to Article 10.13.1 above, a Player may return to train with a team or to use the facilities of a club or other member organization of the IIHF's member organizations during the shorter of: (a) the last two (2) months of the Player's period of Ineligibility, or (b) the last one-quarter of the period of



Ineligibility imposed.

*10.13.3. Violation of the Prohibition of Participation during Ineligibility or Provisional Suspension*

Where a Player or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Article 10.13.1, the results of such participation shall be Disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility, including a reprimand and no period of Ineligibility, may be adjusted based on the Player or other Person's degree of Fault and other circumstances of the case. The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the Anti-Doping Organization whose Results Management led to the imposition of the initial period of Ineligibility. This decision may be appealed under Article 13.

A Player or other Person who violates the prohibition against participation during a Provisional Suspension described in Article 10.13.1 shall receive no credit for any period of Provisional Suspension served and the results of such participation shall be Disqualified.

Where a Player Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility or a Provisional Suspension, the IIHF shall impose sanctions for a violation of Article 2.9 for such assistance.

*10.13.4. Withholding of Financial Support during Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by the IIHF and its Member National Associations.

*10.13.5. Automatic Publication of Sanction*

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3 of the WADA Code.

## **11. SANCTIONS ON TEAMS**

### **11.1. Testing of Teams**

Where more than one (1) member of a team has been notified of an anti-doping rule violation under Article 7 in connection with an IIHF Event, the IIHF shall conduct appropriate Target Testing of the team during the Event Period.

### **11.2. Consequences for Teams and Team Officials**

If more than two (2) members of a team are found to have committed an anti-doping rule violation during an Event Period, the IIHF shall impose an appropriate sanction on the team (e.g., loss of points, Disqualification from a Competition or Event, or other sanction) in addition to any Consequences imposed upon the individual Players

committing the anti-doping rule violation.

A team official or Member National Association official who has been involved in or committed an anti-doping rule violation shall be sanctioned in accordance with Article 10. The Member National Association will be subject to a fine.

Member National Associations or clubs who fail to submit to the IIHF valid up-to-date whereabouts information for their team upon request prior to any IIHF Event will be subject to a warning or a fine.

## **12. SANCTIONS AGAINST OTHER SPORTING BODIES**

### **12.1. Consequences for Member National Associations**

When the IIHF becomes aware that a Member National Association or any other sporting body over which it has authority has failed to comply with, implement, uphold, and enforce the IIHF anti-doping rules, contained in the IIHF Anti-Doping Regulations, within that organization's or body's area of competence, the IIHF has the authority and may exclude all, or some group of, members of that organization or body from specified future IIHF Competitions or all IIHF Competitions Events conducted within a specified period of time.

## **13. RESULTS MANAGEMENT: APPEALS**

### **13.1. Decisions Subject to Appeal**

All decisions made as indicated in WADA Code Article 13.2 (Appeals from Decision Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Implementation of Decisions and Authority) may be appealed exclusively to the Court of Arbitration for Sport (CAS) and as set forth in Article 13 of the WADA Code. Such decisions shall remain in effect while under appeal unless the CAS orders otherwise.

### **13.2. Scope of Review**

CAS' scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

In making its decision, CAS shall not give deference to the discretion exercised by the IIHF or the IIHF Disciplinary Board.

### **13.3. Time for Filing Appeals**

The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- a) Within fifteen (15) days from the notice of the decision, if not already provided by the IIHF, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the Anti-Doping Organization that had Results Management authority; and
- b) Such party/ies shall have the right to file an appeal to the CAS within twenty-one

(21) days from receipt of the full case file.

The above notwithstanding, the filing deadline for an appeal filed by WADA shall be the later of:

- a) Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or
- b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

13.4. Persons Entitled to Appeal

The following parties shall have the right to appeal to CAS: (a) the Player or other Person who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the IIHF; (d) the National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.

13.5. Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the WADA Code are specifically permitted. Any party with a right to appeal under Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

13.6. Duty to Notify

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

13.7. Appeal from Imposition of Provisional Suspension

Notwithstanding any other provision herein, the only Person who may appeal from the imposition of a Provisional Suspension is the Player or other Person upon whom the Provisional Suspension is imposed.

13.8. Failure to Render a Timely Decision by the IIHF

Where, in a particular case, the IIHF fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if the IIHF had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by the Anti-Doping Organization.

13.9. Notification of Appeal Decisions

The IIHF shall promptly provide the appeal decision to the Player or other Person and to the other Anti-Doping Organizations that would have been entitled to appeal under Article 13.4 as provided under Article 15.

13.10. Interpretation of the 2021 WADA Code

For purposes of assessing the period of Ineligibility for a second violation under Article

10.9.1 of the WADA Code, where the sanction for the first violation was determined based on pre-2021 Code rules, the period of Ineligibility which would have been assessed for that first violation had 2021 Code rules been applicable, shall be applied.

#### **14. EXPENSES FOR DOPING CONTROL**

##### **14.1 IIHF World Championship**

All expenses including doping control sampling materials, the Sample collection procedure, the Sample Analysis and transport of Samples, will be at the expense of the organizing Member National Association.

##### **14.2 Other IIHF Competitions**

The IIHF is responsible for all costs for Sample analysis at the selected laboratory. All other expenses including Doping Control personnel, Sample collection, courier of the Samples to the WADA-accredited laboratory, local travel, meals and accommodation will be at the expense of the organizing Member National Association.

##### **14.3 Out-of-Competition or Out-of-Season Testing**

All expenses not attributed to In-Competition or Pre-Competition Testing will be paid by the IIHF. For the purposes of this Article, Pre-Competition Testing shall cover all Testing taking place three (3) days in advance of the Competition.

Should additional Testing be required because of a Player's previous adverse findings, the costs of this additional testing will be at the expense of the Player's Member National Association.

#### **15. CONFIDENTIALITY AND REPORTING**

##### **15.1. Information Concerning Adverse Analytical Findings, Atypical Findings, and Other Asserted Anti-Doping Rule Violations**

###### **15.1.1 *Notice of Anti-Doping Rule Violations to Players and other Persons***

Notice to Players or other Persons of anti-doping rule violations asserted against them shall occur as provided under Articles 7 and 14 of the WADA Code. Notice to a Player or other Person who is a member of a Member National Association may be accomplished by delivery of the notice to the Member National Association.

If at any point during Results Management up until the anti-doping rule violation charge, the IIHF decides not to move forward with a matter, it must notify the Player or other Person, (provided that the Player or other Person has already been informed of the ongoing Results Management).

###### **15.1.2 *Notice of Anti-Doping Rule Violations to National Anti-Doping Organizations and WADA***

Notice of the assertion of an anti-doping rule violation to the Player's or other Person's National Anti-Doping Organization and WADA shall occur as provided under Articles 7 and 14 of the WADA Code, simultaneously with the notice to the Player or other Person.

If at any point during Results Management up until the anti-doping rule violation charge, the IIHF decides not to move forward with a matter, it will give notice (with reasons) to the Anti-Doping Organizations with a right of appeal under Article 13.4.

*15.1.3 Content of an Anti-Doping Rule Violation Notice*

Notice of anti-doping rule violations other than under Article 2.1 shall include the rule violated and the basis of the asserted violation.

*15.1.4 Status Reports*

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to Article 15.1.1, the Player's or other Person's National Anti-Doping Organization and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 of the WADA Code and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

*15.1.5 Confidentiality*

The recipient organizations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee, National Federation and team) until the IIHF has made Public Disclosure as Article 14.3 of the WADA Code requires.

*15.1.6 Protection of Confidential Information by an Employee or Agent of the IIHF*

The IIHF shall ensure that information concerning Adverse Analytical Findings, Atypical Findings, and other asserted anti-doping rule violations remains confidential until such information is Publicly Disclosed in accordance with Article 14.3 of the WADA Code. The IIHF shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and Delegated Third Parties are subject to fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

**15.2. Notice of Anti-Doping Rule Violation or violations of Ineligibility or Provisional Suspension Decisions and Request for Files**

15.2.1 Anti-doping rule violation decisions or decisions related to violations of Ineligibility or Provisional Suspension rendered pursuant to Article 7.6, 8.2, 10.5, 10.6, 10.7, 10.14.3 or 13.5 of the WADA Code shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, the IIHF shall provide an English or French summary of the decision and the supporting reasons.

15.2.2 An Anti-Doping Organization having a right to appeal a decision received pursuant to Article 15.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

15.3. Public Disclosures

The IIHF shall only make Public Disclosures regarding a Player or other Person who is asserted by the IIHF to have committed an anti-doping rule violation after the Player or other Person has been duly notified by the IIHF. The IIHF shall make Public Disclosure of final IIHF disciplinary decisions in accordance with Article 14.3 of the WADA Code.

15.4. Statistical Reporting

IIHF shall publish at least annually a general statistical report of its Doping Control activities, with a copy provided to WADA. IIHF may also publish reports showing the name of each Player tested and the date of each Testing.

15.5. Doping Control Information Database and Monitoring of Compliance

To enable WADA to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable Doping Control information among Anti-Doping Organizations, the IIHF shall report to WADA through ADAMS Doping Control-related information, including, in particular:

- a) Athlete Biological Passport data for International-Level Players and National-Level Players;
- b) Whereabouts information for Players including those in Registered Testing Pools;
- c) TUE decisions; and
- d) Results Management decisions.

as required under the applicable International Standard(s) and in accordance with Article 14.5 of the WADA Code.

15.6. Data Privacy

15.6.1 The IIHF may collect, store, process or disclose personal information relating to Players and other Persons where necessary and appropriate to conduct their Anti-Doping Activities under the WADA Code, the International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information), these Anti-Doping Regulations and in compliance with applicable law.

15.6.2 Without limiting the foregoing, the IIHF shall:

- a) Only process personal information in accordance with a valid legal ground;
- b) Notify any Participant or Person subject to these Anti-Doping Regulations, in a manner and form that complies with applicable laws and the International Standard for the Protection of Privacy and Personal Information, that their personal information may be processed by the IIHF and other Persons for the purpose of the implementation of these Anti-

Doping Rules; and

- c) Ensure that any third-party agents (including any Delegated Third Party) with whom the IIHF shares the personal information of any Participant or Person is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

## 16. IMPLEMENTATION OF DECISIONS

### 16.1. Automatic Binding Effect of Decisions by Signatory Anti-Doping Organizations

16.1.1 A decision of an anti-doping rule violation made by a Signatory Anti-Doping Organization, an appellate body (Article 13.2.2 of the WADA Code) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon the IIHF and its Member National Associations, as well as every Signatory of the WADA Code in every sport with the effects described below:

- a) A decision by any of the above-described bodies imposing a Provisional Suspension (after a Provisional Hearing has occurred or the Player or other Person has either accepted the Provisional Suspension or has waived the right to a Provisional Hearing, expedited hearing or expedited appeal offered in accordance with WADA Code Article 7.4.3) automatically prohibits the Player or other Person from participation (as described in Article 10.13.1) in all sports within the authority of any WADA Code Signatory during the Provisional Suspension.
- b) A decision by any of the above-described bodies imposing a period of Ineligibility (after a hearing has occurred or been waived) automatically prohibits the Player or other Person from participation (as described in Article 10.13.1) in all sports within the authority of any Signatory of the WADA Code for the period of Ineligibility.
- c) A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all WADA Code Signatories.
- d) A decision by any of the above-described bodies to Disqualify results under Article 10.10 for a specified period automatically Disqualifies all results obtained within the authority of any WADA Code Signatory during the specified period.

16.1.2 The IIHF and its Member National Associations shall recognize and implement a decision and its effects as required by Article 16.1.1, without any further action required, on the earlier of the date the IIHF receives actual notice of the decision or the date the decision is placed into ADAMS.

16.1.3 A decision by an Anti-Doping Organization, a national appellate body or CAS to suspend, or lift, Consequences shall be binding upon the IIHF and its Member National Associations without any further action required, on the earlier of the date the IIHF receives actual notice of the decision or the date the decision is placed into ADAMS.

- 16.1.4 Notwithstanding any provision in Article 16.1.1, however, a decision of an anti-doping rule violation by a Major Event Organization made in an expedited process during an Event shall not be binding on the IIHF or its Member National Associations unless the rules of the Major Event Organization provide the Player or other Person with an opportunity to an appeal under non-expedited procedures.

## **17. FINAL PROVISIONS**

- 17.1 The official text of the WADA Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 17.2 Where the term “days” is used in these Anti-Doping Regulations, it shall mean calendar days unless otherwise specified.
- 17.3 These Anti-Doping Regulations shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 17.4 These Anti-Doping Regulations has been adopted pursuant to the applicable provisions of the WADA Code and the International Standards and shall be interpreted in a manner that is consistent with applicable provisions of the WADA Code and the International Standards. The WADA Code and the International Standards shall be considered integral parts of these Anti-Doping Regulations and shall prevail in case of conflict.
- 17.5 The Introduction and Appendix 1 shall be considered integral parts of these Anti-Doping Regulations.
- 17.6 The comments annotating various provisions of the WADA Code are incorporated by reference into these Anti-Doping Regulations, shall be treated as if set out fully herein, and shall be used to interpret these Anti-Doping Regulations.



## APPENDIX 1

## DEFINITIONS TO THE IIHF ANTI-DOPING REGULATIONS

**ADAMS:** The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

**Administration:** Providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use by another Person of a Prohibited Substance or Prohibited Method. However, this definition shall not include the actions of bona fide medical personnel involving a Prohibited Substance or Prohibited Method used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Adverse Analytical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories, establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method.

**Adverse Passport Finding:** A report identified as an Adverse Passport Finding as described in the applicable International Standards.

**Aggravating Circumstances:** Circumstances involving, or actions by, a Player or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Player or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Player or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Player or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility.

**Anti-Doping Activities:** Anti-doping Education and information, test distribution planning, maintenance of a Registered Testing Pool, managing Athlete Biological Passports, conducting Testing, organizing analysis of Samples, gathering of intelligence and conduct of investigations, processing of TUE applications, Results Management, monitoring and enforcing compliance with any Consequences imposed, and all other activities related to anti-doping to be carried out by or on behalf of an Anti-Doping Organization, as set out in the WADA Code and/or the International Standards.

**Anti-Doping Organization:** WADA or a WADA Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other Major Event Organizations that conduct Testing at their Events, International Federations, and National Anti-Doping Organizations.

**Athlete Biological Passport:** The program and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories.

**Attempt:** Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an Attempt to commit a violation if the Person renounces the Attempt prior to

it being discovered by a third party not involved in the Attempt.

**Atypical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding.

**Atypical Passport Finding:** A report described as an Atypical Passport Finding as described in the applicable International Standards.

**CAS:** The Court of Arbitration for Sport.

**Competition:** A single match, game or singular sport contest.

**Consequences of Anti-Doping Rule Violations (“Consequences”):** A Player’s or other Person's violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the Player’s results in an particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the Player or other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in WADA Code Article 10.14; (c) Provisional Suspension means the Player or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with WADA Code Article 14. Teams may also be subject to Consequences as provided in Article 11.

**Contaminated Product:** A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search.

**Decision Limit:** The value of the result for a threshold substance in a Sample, above which an Adverse Analytical Finding shall be reported, as defined in the International Standard for Laboratories.

**Delegated Third Party:** Any Person to which the IIHF delegates any aspect of Doping Control or anti-doping Education programs including, but not limited to, third parties or other Anti-Doping Organizations that conduct Sample collection or other Doping Control services or anti-doping Educational programs for the IIHF, or individuals serving as independent contractors who perform Doping Control services for the IIHF (e.g., non-employee Doping Control officers or chaperones). This definition does not include CAS.

**Disqualification:** See Consequences of Anti-Doping Rule Violations above.

**Doping Control:** All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of Consequences, including all steps and processes in between, including but not limited to Testing, investigations, whereabouts, TUEs, Sample collection and handling, laboratory analysis, Results Management, and investigations or proceedings relating to violations of Article 10.13 (Status During Ineligibility or Provisional Suspension).

**Education:** The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

**Event:** A series of individual Competitions conducted together under one ruling body (e.g., the Olympic Games, World Championships of an International Federation, or Pan American Games).

Event Period: The time between the beginning and end of an Event, as established by the ruling body of the Event.

Event Venues: Those venues so designated by the ruling body for the Event.

Fault: Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a Player's or other Person's degree of Fault include, for example, the Player's or other Person's experience, whether the Player or other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Player and the level of care and investigation exercised by the Player in relation to what should have been the perceived level of risk. In assessing the Player's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Player's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that a Player would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Player only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.6.1 or 10.6.2.

Financial Consequences: See Consequences of Anti-Doping Rule Violations above.

IIHF Competition/Event: See IIHF Bylaw 1.

IIHF Medical Supervisor: A medically qualified person that performs the on-site medical and anti-doping duties during IIHF Competitions on behalf of the IIHF Office.

In-Competition: The period commencing at 11:59 p.m. on the day before a *Competition* in which the Player is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

Individual Sport: Any sport that is not a Team Sport.

Ineligibility: See Consequences of Anti-Doping Rule Violations above.

Institutional Independence: Hearing panels on appeal shall be fully independent institutionally from the Anti-Doping Organization responsible for Results Management. They must therefore not in any way be administered by, connected or subject to the Anti-Doping Organization responsible for Results Management.

International Event: An Event or Competition where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organization, or another international sport organization is the ruling body for the Event or appoints the technical officials for the Event.

International-Level Player: Players who compete in sport at the international level, as defined by the International Federation, consistent with the International Standard for Testing and Investigations. For the sport of Ice Hockey, International-Level Player are defined as set out in the Scope section of the Introduction to these Anti-Doping Regulations.

International Standard: A standard adopted by WADA in support of the WADA Code. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly. International Standards shall include any Technical Documents issued pursuant to the International Standard.

**Major Event Organizations:** The continental associations of National Olympic Committees and other international multi-sport organizations that function as the ruling body for any continental, regional or other International Event.

**Marker:** A compound, group of compounds or biological variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

**Member National Association:** A national or regional entity which is a member of or is recognized by the IIHF as the entity governing Ice Hockey in that nation or region.

**Metabolite:** Any substance produced by a biotransformation process.

**Minimum Reporting Level:** The estimated concentration of a Prohibited Substance or its Metabolite(s) or Marker(s) in a Sample below which WADA-accredited laboratories should not report that Sample as an Adverse Analytical Finding.

**Minor:** A natural Person who has not reached the age of eighteen (18) years.

**National Anti-Doping Organization:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of Samples, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Olympic Committee or its designee.

**National Event:** A sport Event or Competition involving International- or National-Level Players that is not an International Event.

**National-Level Player:** Players who compete in sport at the national level, as defined by each National Anti-Doping Organization, consistent with the International Standard for Testing and Investigations.

**National Olympic Committee:** The organization recognized by the International Olympic Committee. The term National Olympic Committee shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical National Olympic Committee responsibilities in the anti-doping area.

**No Fault or Negligence:** The Player or other Person's establishing that they did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that they had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Protected Person or Recreational Player, for any violation of Article 2.1, the Player must also establish how the Prohibited Substance entered the Player's system.

**No Significant Fault or Negligence:** The Player or other Person's establishing that any Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Protected Person or Recreational Player, for any violation of Article 2.1, the Player must also establish how the Prohibited Substance entered the Player's system.

**Operational Independence:** This means that (1) board members, staff members, commission members, consultants and officials of the Anti-Doping Organization with responsibility for Results Management or its affiliates (e.g., member association), as well as any Person involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the

deliberation process and/or drafting of any decision) of hearing panels of that Anti-Doping Organization with responsibility for Results Management and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the Anti-Doping Organization or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

Out-of-Competition: Any period which is not In-Competition.

Participant: Any Player or Player Support Person.

Person: A natural Person or an organization or other entity.

Possession: The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an anti-doping rule violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organization. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the Person who makes the purchase.

Player: Any Person who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each National Anti-Doping Organization). An Anti-Doping Organization has discretion to apply anti-doping rules to a Player who is neither an International-Level Player nor a National-Level Player, and thus to bring them within the definition of "Player". In relation to Players who are neither International-Level nor National-Level Players, an Anti-Doping Organization may elect to: conduct limited Testing or no Testing at all; analyze Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any Player over whom an Anti-Doping Organization has elected to exercise its authority to test and who competes below the international or national level, then the Consequences set forth in the WADA Code must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and Education, any Person who participates in sport under the authority of any Signatory, government, or other sports organization accepting the WADA Code is a Player.

Player Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting a Player participating in or preparing for sports competition.

Prohibited List: The List identifying the Prohibited Substances and Prohibited Methods.

Prohibited Method: Any method so described on the Prohibited List.

Prohibited Substance: Any substance, or class of substances, so described on the Prohibited List.

Protected Person: A Player or other natural Person who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included

in any Registered Testing Pool and has never competed in any IIHF Event in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.

**Provisional Hearing:** For purposes of Article 7.4.3, an expedited abbreviated hearing occurring prior to a hearing under WADA Code Article 8 that provides the Player with notice and an opportunity to be heard in either written or oral form.

**Provisional Suspension:** See Consequences of Anti-Doping Rule Violations above.

**Publicly Disclose:** See Consequences of Anti-Doping Rule Violations above.

**Recreational Player:** A natural Person who is so defined by the relevant National Anti-Doping Organization; provided, however, the term shall not include any Person who, within the five (5) years prior to committing any anti-doping rule violation, has been an International-Level Player (as defined by the IIHF consistent with the International Standard for Testing and Investigations) or National-Level Player (as defined by each National Anti-Doping Organization consistent with the International Standard for Testing and Investigations), has represented any country in an International Event in an open category or has been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation or National Anti-Doping Organization. Notwithstanding IIHF's definition of an International-Level Player and/or a Player's participation in an International Event, for anti-doping rule violations committed during or in connection with an IIHF Championships as defined in IIHF Bylaw 1, at IIHF's discretion and provided that they satisfy all of the criteria to be a Recreational Player pursuant to this definition, a Recreational Player can be any natural Person that:

- participates in an IIHF Senior Men Ice Hockey World Championship Division II or lower; or
- participates in an IIHF Senior Women Ice Hockey World Championship Division I Group B or lower; and
- the expenses he/she directly incurs from playing Ice Hockey exceeds the compensation the player may receive for his/her Ice Hockey activity.

**Registered Testing Pool:** The pool of highest-priority Players established separately at the international level by International Federations and at the national level by National Anti-Doping Organizations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that IIHF's or National Anti-Doping Organization's test distribution plan and therefore are required to provide whereabouts information as provided in 7.4 and the International Standard for Testing and Investigations.

**Results Management:** The process encompassing the timeframe between notification as per Article 5 of the International Standard for Results Management, or in certain cases (e.g., Atypical Finding, Athlete Biological Passport, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the International Standard for Results Management, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

**Sample or Specimen:** Any biological material collected for the purposes of Doping Control.

**Signatories:** Those entities accepting the WADA Code and agreeing to implement the WADA Code, as provided in Article 23 of the WADA Code.

**Specified Method:** See Article 3.2.2.

**Specified Substance:** See Article 3.2.2.

**Strict Liability:** The rule which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, Fault, Negligence, or knowing Use on the Player's part be demonstrated by the Anti-Doping Organization in

order to establish an anti-doping rule violation.

Substance of Abuse: See Article 3.2.3.

Substantial Assistance: For purposes of WADA Code Article 10.7.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement or recorded interview all information they possess in relation to anti-doping rule violations or other proceeding described in WADA Code Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an Anti-Doping Organization or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

Tampering: Intentional conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organization or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organization or hearing body to affect Results Management or the imposition of Consequences, and any other similar intentional interference or Attempted interference with any aspect of Doping Control.

Target Testing: Selection of specific Players for Testing based on criteria set forth in the International Standard for Testing and Investigations.

Technical Document: A document adopted and published by WADA from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an International Standard.

Testing: The parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory.

Testing Pool: The tier below the Registered Testing Pool which includes Players from whom some whereabouts information is required in order to locate and Test the Player Out-of-Competition.

Therapeutic Use Exemption (TUE): A Therapeutic Use Exemption allows a Player with a medical condition to Use a Prohibited Substance or Prohibited Method, but only if the conditions set out in WADA Code Article 4.4 and the International Standard for Therapeutic Use Exemptions are met.

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by a Player, Player Support Person or any other Person subject to the authority of an Anti-Doping Organization to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

Use: The utilization, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.

WADA: The World Anti-Doping Agency.

WADA Code: The World Anti-Doping Code.

Without Prejudice Agreement: For purposes of Articles 10.7.1.1 and 10.8.2 of the WADA Code, a written agreement between an Anti-Doping Organization and a Player or other Person that allows the Player or other Person to provide information to the Anti-Doping Organization in a defined time-limited setting with the understanding that, if an agreement for Substantial Assistance or a case resolution agreement is not finalized, the information provided by the Player or other Person in this particular setting may not be used by the Anti-Doping Organization against the Player or other Person in any Results Management proceeding under the WADA Code, and that the information provided by the Anti-Doping Organization in this particular setting may not be used by the Player or other Person against the Anti-Doping Organization in any Results Management proceeding under the WADA Code. Such an agreement shall not preclude the Anti-Doping Organization, Player or other Person from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.







*Sports Wagering Division*

Current catalog language:

- 1 Exhibition, pre-season, regular season, all-star games, all-star contest, and post-season betting **is permitted** provided the league and corresponding bet types are approved. Leagues and events include all genders (Omnigender), and all qualifying rounds.

An exhibition match may be defined as a sporting event which takes place outside of the preseason, regular season, post-season or tournament play with no impact on team or individual standings or rankings. Further, exhibition matches may be classified as non-competitive games or events where there may be a focus on entertainment, practice, or charity, rather than on winning or advancing.

Examples of exhibition matches may include, but are not limited to, the following:

- Basketball
  - Globetrotters Games: Harlem Globetrotters' matches are exhibition events focused on entertainment rather than competition. <sup>[1]</sup>
- Combat Sports
  - Floyd Mayweather vs. Logan Paul: In 2021 retired boxer Mayweather fought YouTuber Logan Paul in an exhibition bout where no winner was declared. <sup>[2]</sup>
- Golf
  - Events like The Match or The Showdown Series <sup>[3]</sup> are not official PGA events and do not count towards season standings for the playoffs.
- Soccer
  - International Friendlies: matches between two national teams outside of competitive tournaments such as the World Cup or UEFA Euros.
  - Club Friendlies: Teams will often play club friendlies before the season or during their winter break.
- Tennis
  - World Tennis League: A non-ATP/WTA-affiliated exhibition mixed-gender team tennis tournament. <sup>[4]</sup>

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<sup>1</sup> Is not approved for wagering in MA

<sup>2</sup> Per CBS Sports article data 4/27/21: <https://www.cbssports.com/boxing/news/floyd-mayweather-vs-logan-paul-exhibition-boxing-match-set-for-june-in-miami-on-showtime-ppv/>

<sup>3</sup> Is not approved for wagering in MA

<sup>4</sup> Is not approved for wagering in MA



*Sports Wagering Division*

How exhibition matches are managed in other jurisdictions vary from state to state. For convenience, three states with similar language have been highlighted below.

The [Nebraska Event Catalog](#) explicitly states, *“Exhibition matches and unsanctioned events are excluded from the wagering catalog, unless specifically approved by the Commission.”* Additionally, within their sport specific sections of Boxing and Combat Sports, it also states the following: *“The Nebraska Racing and Gaming Commission will NOT approve exhibition fights related to MMA and Boxing matches. Requests of any exhibition matches will be rejected. Please verify your request is a Pro Ranked, Sanctioned and Governed by an approved authority before submitting your request.”*

The [Maryland Event Catalog](#) states similar language on their sport specific sections of Boxing and MMA with the following language posted: *“The MLGCA will NOT be approving exhibition fights related to MMA and Boxing matches. Requests of any exhibition matches will be rejected. Please verify your request is a Pro Ranked, Sanctioned and Governed by an approved authority before submitting your request.”*

The [Colorado Event Catalog](#) takes a similar stance with language stating: *“The Colorado Division of Gaming will NOT be approving exhibition fights related to MMA and Boxing matches. Requests of any exhibition matches will be rejected. Please verify your request is a Pro Ranked, Sanctioned and Governed by an approved authority before submitting your request.”*

The Sports Wagering Division found through research that a total of nine jurisdictions have similar language related to how they handle exhibition matches. Additionally, we found these jurisdictions have a history of approving exhibition matches through their respective event petition process.

However, it was generally found most states do not have a defined or specified process with regards to restrictions on exhibition matches, regardless of sport or league. Massachusetts can be categorized in this group as well.

Lastly, research uncovered some unique findings as well. For example, Indiana has an additional article related to Exhibition matches for Combat Sports, including glove weight, headgear, how the bout will be an exhibition and that no decision shall be rendered, and how their commission may issue medial suspensions for an exhibition bout. <sup>[5]</sup>

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<sup>5</sup> Per [Indiana Administrative Rules and Policies](#)



*Sports Wagering Division*

## **OPTIONS:**

The Sports Wagering Division has outlined several options for Commissioner consideration.

- 1) Make no changes to the event catalog and continue to allow wagers to be placed on all exhibition matches for all approved leagues with no restrictions.
- 2) Restrict exhibition matches for Combat Sports only (i.e., Boxing, MMA), however allowing sports wagering operators the opportunity to petition for the exhibition match they wish to offer, provided the operator identifies the match to be governed by an approved league **AND** the match take place between two professionally ranked participants.
- 3) Restrict exhibition matches outright for all approved leagues, however allowing sports wagering operators the opportunity to petition for the exhibition matches they wish to offer, provided the operator follows the guidelines of the event petition process.
- 4) Restrict exhibition matches outright for all approved leagues, however allowing sports wagering operators the opportunity to petition for the exhibition matches they wish to offer, provided the operator follows the guidelines of the event petition process. However, any petition for Combat Sport (i.e., Boxing, MMA) exhibition matches will not be approved.
- 5) Restrict exhibition matches outright for all approved leagues and not allow sports wagering operators the opportunity to petition for any exhibition matches. All exhibition matches would therefore be deemed prohibited.



**TO:** Chairman Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Brad Hill  
Commissioner Nakisha Skinner  
Commissioner Paul Brodeur

**CC.** Dean Serpa, Executive Director  
Mark Vander Linden, Director of Research and Responsible Gaming

**FROM:** Brittany Costello, David Harrison, Griffin Miniutti, and Hitomi Wedell,  
Compliance Officers  
Carrie Torrisi, Sports Wagering Division Chief  
Andrew Steffen, Sports Wagering Compliance and Operations Manager

**DATE:** January 17, 2025

**MEMO:** SW Play Management and Temporary Prohibition Compliance Review

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**BACKGROUND/OVERVIEW:**

The Sports Wagering Division (“SWD” or “the Division”) recently undertook a fulsome review of each Operator’s compliance in relation to 205 CMR 254 – Temporary Prohibition from Sports Wagering and 205 CMR 255 – Play Management. Since launch, the Division has addressed compliance issues related to these regulations, however, this review was intended not only to be a proactive, comprehensive compliance review, but also an opportunity to assess how various regulations were being implemented in practice.

The overall review involved:

- 1) Review and testing of responsible gaming limit tools and temporary prohibition (aka “time-out” or “cooling-off period”) on Category 3 mobile applications through use of test accounts;<sup>1</sup>
- 2) Review for compliance with regulations pertaining to visibility/accessibility of limit settings;

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<sup>1</sup> Some Operators also offer desktop versions of their platforms which could not be included in this review for technical reasons. With these technical issues recently resolved, the desktop versions will be included in future audits.

- 3) Review for compliance with required language regarding the effect of setting limits; and
- 4) Review of Certified Independent Test Lab (CITL)'s compliance review for portions of 254 and 255 which could not be tested by Compliance Officers due to limitations of test accounts.<sup>2</sup>

### **Category 3 Test Accounts:**

Much of this review involved the use of Sports Wagering “test accounts.” By way of background, the SWD staff have a “test account” with each Category 3 (mobile) Operator in the Commonwealth. These accounts were created by the Operator and turned over to the SWD for use. In many ways, these test accounts accurately reflect the MA patron’s user experience – the general interface, the wagering offerings, and responsible gaming tools available to the test account are the same as those offered to any MA Patron. However, there are some elements of the user experience that the test accounts cannot be used to replicate. First, because the test accounts were created by the Operator and access was provided to the SWD staff after the accounts were funded and functional, the SWD staff did not go through the account creation and KYC process themselves.<sup>3</sup> Further, since the funds in the test accounts were provided by the Operator (rather than being deposited by the SWD staff), SWD staff cannot test any functionality related to deposits, including deposit limits, or withdrawals, as the funds are not withdrawable. Therefore, the Sports Wagering Division relied upon the CITL to affirm compliance with certain portions of 205 CMR 254 and 255 which were not able to be audited using the test accounts.

### **Compliance Officers’ Review Process**

The SWD Compliance Officers worked collaboratively to complete this audit. First, the sub-sections of 205 CMR 254 and 255 to be tested/reviewed were identified and a worksheet for recording results was created; this worksheet also included general guidelines for how to perform each test to ensure uniformity between Officers. Then, each Compliance Officer conducted the testing/review for their assigned Operators. Where the regulations required certain options be “prominently” displayed on the Operator’s platform (see, 255.03(3)<sup>4</sup> and 254.02(5)<sup>5</sup>), the Compliance Officers compared their findings across Operators to identify outliers.

Generally, the testing process included: using a test account to verify required limits were offered, setting the limit, attempting to wager in violation of the limit, modifying the limit to be less restrictive, attempting to wager over the less-restrictive limit prior to the expiration of the

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<sup>2</sup> For more information, see “Category 3 Test Accounts” section below.

<sup>3</sup> The test accounts are registered to fictional persons created by the Operator and noted as Test Accounts on the Operator’s platform. It is necessary for test accounts to be labeled as such on the Operator’s platforms so that the wins/losses incurred by these accounts can be appropriately sequestered from the Operator’s Daily Wagering Receipts and GGR calculations.

<sup>4</sup> 205 CMR 255.03(3): “Sports Wagering Operators shall maintain at all times a link prominently placed on the Sports Wagering Platform on which individuals may designate themselves as subject to limitations regarding Sports Wagering.”

<sup>5</sup> 205 CMR 254.02(5): “Sports Wagering Operators shall maintain at all times a link prominently placed on the Sports Wagering Operator's Sports Wagering Platform on which individuals may designate themselves as temporarily prohibited from Sports Wagering.”

waiting period per 255.03(5)<sup>6</sup>, and ensuring that a re-affirmation of the less restrictive limit was prompted at the expiration of the waiting period. Elements of 205 CMR 254 and 255 that did not require testing were reviewed for compliance, this included descriptions of limits and the effects of limits.

The Compliance Officers filled out the reporting worksheet with their findings. For items which raised compliance concerns, the Compliance Officers created reports in Incident Tracker and alerted Division Management for further review and necessary next steps. The Sports Wagering Division has consulted with the Research and Responsible Gaming Division regarding various elements of this review, including identifying compliance issues and appropriate mitigation of compliance issues.

### **SUMMARY/FINDINGS OVERVIEW:**

The review found that Operators were compliant with having the required responsible gaming tools and limits as defined in 205 CMR 255.02(1)(a-c)<sup>7</sup>, with one exception. The one noncompliant operator offered a “loss limit” rather than a “spend limit” per 255.02(1)(b), and this deficiency was not appropriately identified during the CITL’s pre-launch testing. That operator is in the process of adding the required spend limit and will be in compliance by February 1, 2025.

All Operators were compliant with offering the Temporary Prohibition (aka “Time-Out” or “Cooling Off”) tool as provided in 205 CMR 254.<sup>8</sup> Testing of this functionality found it to be working as provided in the regulations.

We found that Operators were also generally compliant with 255.03(3): “Sports Wagering Operators shall maintain at all times a link prominently placed on the Sports Wagering Platform

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<sup>6</sup> 205 CMR 255.03(5): “Individuals shall be permitted to modify or unenroll from their selected limitations regarding Sports Wagering. If individuals modify the limitations to be more restrictive, the limitations shall become immediately effective. If individuals modify the wager limitation described in 205 CMR 255.02(1)(a) to be less restrictive or unenroll from the limitation, the new limitation or unenrollment shall not take effect until the next business day and the individual reaffirms the modification or unenrollment. If individuals modify the limitations described in 205 CMR 255.02(1)(b) and (c) to be less restrictive or unenroll from the limitations, the new limitation or unenrollment shall not take effect until the next business day after the time period specified pursuant to 205 CMR 255.02(1)(b) and (c) has expired and the individual reaffirms the modification or unenrollment.”

<sup>7</sup> 205 CMR 255.02(1): “Individuals who designate themselves as subject to limitations regarding Sports Wagering shall select one or more of the following specific activities subject to the limitations:

(a) placing a Wager over a specified dollar amount;

(b) placing a Wager once an individual has, during a day, week or month, Wagered a specified cumulative dollar amount; and

(c) depositing an amount into the individual's Sports Wagering Account once the individual has, during a day, week or month, deposited a specified cumulative amount into the individual's Sports Wagering Account.”

<sup>8</sup> See, 205 CMR 254.01: “As an alternative to voluntary self-exclusion as described in 205 CMR 233.00: *Sports Wagering Voluntary Self-exclusion*, Sports Wagering Operators shall allow individuals to designate themselves as temporarily prohibited from Sports Wagering. 205 CMR 254.00 shall govern the procedures and protocols relative to individuals' designation of themselves as temporarily prohibited from Sports Wagering. Designation is intended to offer individuals one means to help address potential problem gambling behavior, where individuals have not yet determined whether they may benefit from voluntary self-exclusion as described in 205 CMR 233.00.”

on which individuals may designate themselves as subject to limitations regarding Sports Wagering.” A few Operators were given guidance on improvements in this area which was quickly implemented. Operators were also compliant with the requirements to offer limit setting at account creation (per the CITL’s review), and on a monthly basis as provided in 255.03(2).<sup>9</sup>

We found that some Operators were not in compliance with 254.02(3)(b) and (c)<sup>10</sup> and 255.04(4)<sup>11</sup>. These regulations require that specific information as to the effect of limits or a temporary prohibition be provided to patrons prior to setting these limits. The noncompliant Operators have made changes and are now compliant with the current regulations.

## FINDINGS DETAILS AND NEXT STEPS:

- A) 205 CMR 255.03(2), the “monthly limit reminders” regulation, was a point of discussion between our team, the Research and Responsible Gaming Division, and our Operators during this review. As written, the regulation states that these reminders should appear monthly “as measured from the time of enrollment onto the Sports Wagering Platform.” However, we learned from our Operators that using the account’s creation date as the basis for these reminders could be problematic from a technology standpoint. For example, not all months have a 31<sup>st</sup>, so any accounts created on the 31<sup>st</sup> would need to be considered when creating the calendaring algorithm. To account for these kinds of issues, Operators have come up with a few different alternatives, most often using the 1<sup>st</sup> of a calendar month as the timer for the reminder. The SWD and RRG teams reviewed the Operators’ systems for these reminders and have found that they ensure that all eligible patrons are provided with the reminder at least monthly.

**Next Steps:** After reviewing the reasoning behind the Operators’ methods in determining the reminder’s cadence and through discussions with the Research and Responsible

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<sup>9</sup> 205 CMR 255.03(2): “On a monthly basis as measured from the time of enrollment onto the Sports Wagering Platform, if an individual has not designated themselves as subject to limitations regarding Sports Wagering, the Sports Wagering Operator shall conspicuously display a message offering individuals the opportunity to designate themselves as subject to limitations regarding Sports Wagering. In the event the individual chooses to decline that opportunity, the individual shall be required to affirmatively state that choice to the Sports Wagering Operator.”

<sup>10</sup> 205 CMR 254.02(3)(b) and (c): “Upon an individual’s initial enrollment onto a Sports Wagering Platform, a Sports Wagering Operator shall conspicuously display a message notifying an individual of the opportunity to designate themselves as temporarily prohibited from Sports Wagering. A Sports Wagering Operator shall require an individual to acknowledge the following prior to being designated as temporarily prohibited from Sports Wagering: (b) That the individual shall not collect any winnings or recover any losses resulting from Sports Wagering in violation of the temporary prohibition in accordance with 205 CMR 254.02(2);

(c) That once the individual is designated as temporarily prohibited from Sports Wagering, an individual’s attempted Sports Wager shall be rejected or, if placed, shall be voided or cancelled by the Sports Wagering Operator.”

<sup>11</sup> 205 CMR 255.04(4): “A Sports Wagering Operator shall require an individual to acknowledge the following prior to being designated as subject to limitations regarding Sports Wagering:

(a) That the individual shall not collect any winnings or recover any losses resulting from Sports Wagering in violation of the limitation in accordance with 205 CMR 255.02(1); and

(b) That once the individual is designated as subject to limitations regarding Sports Wagering, an individual’s attempted Sports Wager or deposit into the individual’s Sports Wagering Account may be rejected or, if placed, may be voided or cancelled by the Sports Wagering Operator.”



Gaming team, it was determined that the intention of the regulation was met so long as the reminder appeared every 30 days. The SWD affirmed all “alternative” cadences meet this requirement and continues to monitor to ensure these reminders continue to appear monthly. The Commission may consider amending this regulation to accommodate for alternative cadences.

- B) We also discussed the use of the phrase “business day” as used in 255.03(5) with the RRG team. The RRG team determined that any day where sports wagering operators occur can be considered a business day for the purposes of 255.03(5).

**Next Steps:** The Commission may consider amending the regulation to clarify use of the term “business day.”

- C) The review also drew the Division’s attention to 254.02(3)(b) and (c) and 255.04(4). These regulations require that patrons acknowledge certain effects of setting limits or enacting a temporary prohibition prior to setting these limits or enacting a temporary prohibition. For some Operators, such language appeared in their General Terms and Conditions (which must be accepted by a patron prior to using their account), rather than appearing immediately before the patron sets the applicable limit. After discussions with the RRG team, it was determined that the best practice would be for this language to appear immediately before setting an applicable limit or enacting the temporary prohibition, as opposed to in the Terms and Conditions, though the current regulation language does not strictly require this language appear “immediately” prior to setting an applicable limit or temporary prohibition period.

**Next Steps:** The Commission may consider whether it is necessary to revise the regulation to specify that the warnings must appear at the time of limit setting.

- D) Another regulation we closely reviewed was 205 CMR 254.03(2)<sup>12</sup>, which relates to extending a temporary prohibition period before the originally selected period has expired. Currently, a patron must go through customer service to extend their temporary prohibition period once it has already begun. The RRG team expressed concerns over whether this would be an unnecessary burden for patrons.

**Next Steps:** The SWD and RRG teams will continue these discussions, including soliciting feedback from Operators, and determine if action is necessary.

- E) The SW team also identified an opportunity for discussion and clarity around the terms “prominently displayed” or “conspicuously displayed” which appears through the regulations in relation to how accessible certain tools, information, or features must be on Operators’ platforms.

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<sup>12</sup> 205 CMR 254.03(2): “An individual may elect to renew the temporary prohibition at any time by informing the Sports Wagering Operator of the individual's desire to renew the temporary prohibition period. There shall be no limitations regarding the number of times an individual is permitted to renew the temporary prohibition period.”

**Next Steps:** Provide additional guidance to Operators as necessary as to what is meant by “prominently” or “conspicuously.”

- F) This review focused on the use of responsible gaming tools on the Category 3 licensees’ platforms, however, discussion is needed as to the applicability of certain portions of 254 and 255 for those Category 3 Operators who have connections to Category 1 Operators.

**Next Steps:** The SWD will conduct a regulation review with a focus on Category 1 operators.

## CONCLUSION:

While the SWD has consistently reviewed and remedied issues and incidents which had been reported or uncovered related to responsible gaming since launch, this review served as a tool for proactive and holistic review across all Operators and resulted in the identification of certain regulations which may need more clarity or policy guidance.

Beyond the general themes and recommendations identified above, the SWD and RRG teams have had several discussions over the course of this review. As a result, the RRG team is also reviewing any additional limits and or responsible gaming features offered by the Operators to ensure that the RRG team provides explicit approvals of each in accordance with 255.06.<sup>13</sup> In addition, the RRG team and SWD will be developing a template for the annual plan required to be submitted by Operators.

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<sup>13</sup> 205 CMR 255.06: “Nothing in 205 CMR 255.02 shall be construed to prevent a Sports Wagering Operator from offering additional limitations or limitations that differ, either in whole or in part, from those described in 205 CMR 255.02(1). If a Sports Wagering Operator wishes to offer a limitation not described in 205 CMR 255.02(1) or a limitation different, either in whole or in part, from the limitations described in 205 CMR 255.02(1), the Sports Wagering Operator shall submit a written request to the Sports Wagering Division describing the additional or different limitation and the reasons supporting the additional or different limitation. The Sports Wagering Operator may also include in its request a description of any requirement set forth in 205 CMR 255 from which the Sports Wagering Operator seeks relief, either in whole or in part, and the reasons supporting relief. The Sports Wagering and Responsible Gaming Divisions shall review the request, and if approved, the additional or different limitation shall be implemented and relief from the requirements of 205 CMR 255.02(1) granted, and the Sports Wagering Operator shall record and preserve data sufficient to evaluate the effectiveness of the additional or different limitation. The Commission shall retain final authority over the decision to approve or deny an Operator's request to implement an additional or different limitation pursuant to this section. Nothing in 205 CMR 255.06 shall be construed to permit an Operator to implement a less restrictive limitation from the limitations described in 205 CR 255.02(1).

# 205 CMR 254 and 255 Compliance Audit for Category 3 Operators

Conducted by the Sports Wagering Division Q3-4 2024

Brittany Costello, David Harrison, Griffin Miniutti, and Hitomi Wedell, Compliance Officers

Carrie Torrisi, Sports Wagering Division Chief

Andrew Steffen, Compliance and Operations Manager

January 23, 2025

# 205 CMR 254 and 255: General Overview

- ▶ 205 CMR 254, subtitled “Temporary Prohibition” requires that Operators offer patrons the option to exclude themselves from that platform for a period of time (aka a “cooling off period” or “time-out”). This is different from the statewide Voluntary Self-Exclusion option described in 205 CMR 233. Importantly, the Temporary Prohibition only applies to the specific Operator’s platform (vs. all gaming in MA), and the maximum duration is 1 year (though it can be renewed/extended). In contrast the *minimum* time for a VSE is 1 year.
- ▶ 205 CMR 255, subtitled “Play Management” describes the responsible gaming tools which must be made available to patrons and how those must function. There are 3 required limits:
  - ▶ Single-wager limit per 255.02(1)(a);
  - ▶ Daily/weekly/monthly spend limits per 255.02(1)(b); and
  - ▶ Daily/weekly/monthly deposit limits per 255.02(1)(c).
- ▶ The regulation also permits additional limits and describes the criteria for the MGC’s approval of these additional limits.

# Sports Wagering Test Accounts

- ▶ Each member of the Sports Wagering Division has a “test account” on each SW platform. These accounts were key tools in our audit.
- ▶ The test accounts are similar to user accounts that any patron would have, but there are a few limitations which impacted this audit;
  - ▶ Cannot deposit funds;
  - ▶ Cannot withdraw funds;
  - ▶ SWD staff did not go through account creation/KYC processes.
- ▶ This is because the accounts were created and funded by the Operators and then turned over to the SWD for use.
- ▶ We relied on the testing conducted by the Certified Independent Test Lab prior to the Operator’s launch for any element which we could not test using our test accounts.

# Review process, generally

- ▶ 1. Review and testing of responsible gaming tools and temporary prohibition on Category 3 mobile applications through the use of test accounts;
- ▶ 2. Review for compliance with regulations pertaining to visibility/accessibility of limit settings;
- ▶ 3. Review for compliance with required language regarding the effect of setting limits; and
- ▶ 4. Review of Certified Independent Test Lab's compliance review for portions of 254 and 255 which could not be tested by Compliance Officers due to limitations of test accounts.

# Example of the Testing Process

- ▶ For example, in testing for the single-wager limit as described in 255.02(1)(a), we:
  - ▶ Identified whether the limit was easily accessible and “prominently displayed” on the platform;
  - ▶ Set the limit;
  - ▶ Immediately attempted to wager over the limit to ensure effectiveness;
  - ▶ Edited the limit to be less-restrictive;
  - ▶ Immediately attempted to wager over the limit to ensure the edit was not yet applied (the regulation requires that any less-restrictive limits are not immediately effective);
  - ▶ Ensured that the less-restrictive limit required an additional approval upon becoming eligible for activation;
  - ▶ Made the limit more restrictive again; and
  - ▶ Attempted to wager over the more restrictive limit to ensure immediate efficacy of the more restrictive limit.

# Key Findings

- ▶ All Operators offered the Temporary Prohibition option as required by 205 CMR 254, and this feature was functioning as described by the regulation.
- ▶ All but one Operator had the responsible gaming tools and limits as required by 255.02(1)(a-c) and these tools were functioning as described by the regulation.
  - ▶ The Operator which did not have one of the required limits is currently remedying the issue. This issue was not identified during the Operator's pre-launch testing with the CITL, as a similar limit was in place and was mistakenly believed to be compliant with the regulation by the CITL and Operator.
- ▶ Operators were also generally compliant with having the links to RG tools/temporary prohibition "prominently displayed" on the app; a few Operators were given notes for improvement and quickly implemented changes.
- ▶ Incident Tracker Reports were created for any findings that would require further review by division management.



# Points of Discussion and Further Review

- ▶ The SWD worked closely with the Research and Responsible Gaming Division regarding the interpretation and implementation of various regulations during this process. The following regulations were among those discussed:
  - ▶ 205 CMR 255.03(2): “On a monthly basis as measured from the time of enrollment onto the Sports Wagering Platform, if an individual has not designated themselves as subject to limitations regarding Sports Wagering, the Sports Wagering Operator shall conspicuously display a message offering individuals the opportunity to designate themselves as subject to limitations regarding Sports Wagering. In the event the individual chooses to decline that opportunity, the individual shall be required to affirmatively state that choice to the Sports Wagering Operator.” (*emphasis added*)
    - ▶ After discussion with the RRG and our Operators, we determined that alternative cadences for this reminder meet the spirit of the regulation and address complications which can arise from using the account’s creation date as the set point for the reminders (not all months have a 31<sup>st</sup>, for example).
    - ▶ At a later date, the SWD may bring forward an amendment to this regulation to accommodate these alternative cadences.
    - ▶ The SWD continues to monitor these reminders and ensures they are appearing at least every 30 days.

# Points of Discussion and Further Review

- ▶ Once a temporary prohibition is initiated, a patron must contact customer support to extend the prohibition. The SWD and RRG are reviewing this policy to determine if any action is necessary on this matter.
- ▶ Per 254.02(3)(b) and (c) and 255.04(4)(a), a patron must acknowledge certain information about the effects of limits/temporary prohibition before enabling a limit or temporary prohibition. While the regulation does not specify that the information be provided “immediately” before a limit is set, it was the RRG’s preference that it would be. RRG and SWD will continue to review and determine if a future regulation amendment is appropriate.

# Points of Discussion and Further Review

- ▶ We also discussed the use of the phrase “business day” as used in 255.03(5) “...the new limitation or unenrollment shall not take effect until the next business day and the individual reaffirms the modification or unenrollment.”
  - ▶ After consultation with RRG, it appears that the phrase “gaming day” may be more appropriate in this regulation. At a later date, the SWD may propose an amendment to this regulation to clarify this language.
- ▶ Additionally, the phrase “prominently displayed” or “conspicuously displayed” appears in various regulations. For the purposes of this review, we compared the visibility of certain information or tools across platforms to determine if there were outliers. We also considered whether the information or tool was available in the permanent header or footer on the platform.
  - ▶ The SWD will consult with the Commission as needed and continue to provide guidance to Operators on meeting criteria for “prominent” or “conspicuous” items.

# Points of Discussion and Further Review

- ▶ This audit focused on the Category 3 Operators platforms, however, future review is needed as to the applicability of certain elements of 254 and 255 for those Category 3 Operators who have connections to Category 1 Operators.
  - ▶ The SWD will conduct a regulation review with a focus on Category 1 Operators.

# Conclusions

- ▶ The SWD will continue to monitor Operators' compliance with 205 CMR 254 and 255, including a review for how these regulations may be applicable to Category 1 Sports Wagering Operators.
- ▶ This review found that Operators were generally compliant with offering the Responsible Gaming Tools and these tools were functioning as directed.
- ▶ This review identified a few opportunities to clarify regulation language which will be addressed at a later date.

Thank you



To: Jordan Maynard, Chair  
Eileen O'Brien, Commissioner  
Brad Hill, Commissioner  
Nakisha Skinner, Commissioner  
Paul Brodeur, Commissioner

From: Carrie Torrisi, Chief of Sports Wagering Division  
Andrew Steffen, Sports Wagering Compliance and Operations Manager  
Cristian Taveras, Gaming Technical Compliance Manager  
Kevin Gauvreau, Information and Network Security Manager

Date: January 23, 2025

Re: FanDuel Request to Approve Alternate Methods of KYC Pursuant to 205 CMR 248.04(4)

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The Commission's regulation 205 CMR 248.04(4) requires that "[t]he Sports Wagering Operator shall at the time of account establishment, utilize identity authentication questions that require a patron to provide information known only to the patron through security questions, unless an alternate method of authentication is approved by the Commission."<sup>1</sup>

FanDuel uses a tiered approach for its account establishment KYC process, which includes the use of identity authentication questions as a second step that may be, but is not always, reached by the patron. As such, FanDuel does not meet the current regulatory requirement. The first step of FanDuel's KYC process, referred to as "Device Authentication," must be approved by the Commission as an alternate method pursuant to 205 CMR 248.04(4) given that a patron who successfully passes Device Authentication is not required to move on to the second step of FanDuel's KYC process, identity authentication questions. A patron will only reach this second step if they are not successful in passing the Device Authentication. This method will be more fully explained to the Commission in Executive Session.

FanDuel currently has a waiver from 205 CMR 248.04(4) in place through January 31, 2025. The Sports Wagering and IT teams recommend that the Commission approve FanDuel's use of alternate methods of KYC pursuant to 205 CMR 248.04(4).

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<sup>1</sup> These types of questions are commonly referred to as knowledge-based authentication (KBA) questions.