



Legal Division

Notice of Public Hearing

Notice is hereby provided that in accordance with G.L. c. 30A § 2, the Massachusetts Gaming Commission (“Commission”) will convene a public hearing for purposes of gathering comments, ideas, and information relative to the proposed adoption of 205 CMR 211.00, 212.00, 214.00, 215.00, 218.00, 219.00, 220.00, 221.00, and 233.00. The proposal was developed pursuant to G.L. c. 23N § 4, as part of the Commission’s regulation promulgation process, and concerns the following regulations:

205 CMR 212: Additional Information and Cooperation. This regulation requires all applicants for Sports Wagering licenses (as well as applicants for related licenses such as vendor licenses or occupational licenses) to cooperate with the Commission and its staff during license review, and after licensure. Applicants and licensees are required to submit information requested by the Commission or its staff and to provide updates to the Commission regarding changed circumstances affecting suitability. 205 CMR 212 also provides that the Commission can discipline applicants and licensees that fail to meet these obligations.

205 CMR 214: Sports Wagering Application Fees. This regulation describes the applications fee required under G.L. c. 23N, § 7(a). It also requires applicants to cover the Commission’s full costs to review an application as provided under 205 CMR 114. Rather than establish a new schedule of investigative fees, 205 CMR 214 adopts the fees established pursuant to 205 CMR 114.04(3).

205 CMR 215: Applicant & Qualifier Suitability Determination, Standards, and Procedures. This regulation mirrors the RFA-1 suitability process under 205 CMR 115 to 117, with one important exception: like the vendor regulations approved at 205 CMR 234, the regulation contemplates a “preliminary finding of suitability” that (in combination with 205 CMR 218.07) permits an Applicant to seek a temporary license from the Commission in accordance with G.L.c. 23N, § 6(c).

205 CMR 218: General Application Requirements, Standards and Procedures. This regulation governs the application process for Sports Wagering Operators. It is modeled after 205 CMR 118 and 119, with the key distinction being that the sports wagering license process will proceed in one phase, without separating out suitability review into a gating “RFA-1” phase.

205 CMR 219: Temporary Licensing Procedures. This regulation establishes a procedure to issue temporary licenses that function as provisional licenses. It permits applicants already deemed suitable under 205 CMR 215 (either after a full review or based on attestations) to request a temporary license from the Commission. Temporary license requestors must pay the \$1,000,000 temporary license fee and have their request reviewed by the Executive Director or their designee.

205 CMR 220: Sports Wagering License Conditions. 205 CMR 220 provides categories of conditions that may be placed on a licensee, including that the Sports Wagering Operator: comply with G.L. c. 23N and all applicable rules and regulations of the Commission; pay all amounts due to the Commission; maintain its suitability; and comply with its approved system of internal controls and house rules.

205 CMR 221: Sports Wagering License Fees. This provision outlines the licensing fees paid by licensees pursuant to G.L. c. 23N, including: The \$1,000,000 initial licensing fee for temporary licensees,



Massachusetts Gaming Commission

pursuant to G.L. c. 23N, § 6(c); The \$5,000,000 license fee for operator licenses (subject to a credit of \$1,000,000 for entities that paid the initial licensing fee for a temporary license); Annual assessments pursuant to M.G.L. c. 23N, § 15(c), to be determined by the Commission to cover costs of the Commission necessary to maintain control over Sports Wagering; and a \$1,000,000 annual fee for licensees other than Category 1 Licensees (who are exempt from payment pursuant to G.L. c. 23N, § 15(e)).

205 CMR 233: Sports Wagering Voluntary Self-Exclusion. This regulation carries out the Commission's mandate to create and maintain a list of individuals self-excluded from sports wagering. It largely tracks, and where appropriate incorporates by reference, 205 CMR 133, governing individuals self-excluded from gaming establishments.

Scheduled hearing date and time: Tuesday, January 17, 2023, at 9:15 a.m.

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission will conduct this hearing utilizing remote collaboration technology.

CONFERENCE CALL NUMBER: 1-646-741-5293

PARTICIPANT CODE: 111 636 5187

A complete copy of the draft regulations referenced above may be downloaded by visiting www.massgaming.com, clicking on 'Regulations and Compliance' and selecting the '[Proposed Rulemaking](#)' section. Anyone wishing to offer comments on this regulation can email judith.young@massgaming.gov and request the virtual hearing link to appear and speak. Alternatively, written comments may also be submitted to that same email address with 'Regulation Comment' in the subject line. Comments must be received by **9:15 a.m. on Tuesday, January 17, 2023.**



Massachusetts Gaming Commission