



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 regulations. The regulations were promulgated pursuant to G.L. chs. 23N, § 4, 23K, §7, and 128A § 9, as part of the Commission’s regulatory process, and concern the following regulations:

205 CMR 3.12: Judges

This regulation is being amended to address the timing of qualifying mile requirements of race horses; and to provide Racing Judges with broader discretion to impose financial and suspension penalties – generally in non-medication instances, consistent with the recommendations of the Association of Racing Commissioners International (ARCI).

205 CMR 3.29: Medications and Prohibited Substances

This regulation is being amended to clarify the discretion of racing stewards in crafting penalties for medication violations, and their ability to consider United States Trotting Association (USTA) records in addition to ARCI records.

205 CMR 6.24: Deposits

This regulation is being amended to mirror the statutory language more closely within G.L. c. 128A, § 5C and eliminate any inconsistencies where a previous version of the regulation stated that deposits to Advance Deposit Wagering accounts could not be made by credit or debit cards.

205 CMR 257: Data Privacy

Sections within this regulation are being amended to provide clarity surrounding Sports Wagering Operators’ ability to utilize Personally Identifiable Information and Confidential Information for legitimate business purposes including permissible advertising to patrons. Amendments include: clarifications surrounding patron consent for *categories* of permissible uses; the use of algorithms; the use of individuated data to address responsible gaming issues; and clarifying language that an Operator’s data privacy policy should not include information that may make the Operator’s data privacy program vulnerable to attack.

Scheduled hearing date and time:

Tuesday, May 21, 2024, at 9:30 AM EST

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: 1-646-741-5292

PARTICIPANT CODE: 112 314 5180 PASSCODE: 417383



Massachusetts Gaming Commission

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 these regulations can email Judith.Young@massgaming.gov and request the virtual hearing link to appear and speak. Alternatively, written comments may also be submitted to the same email address with 'Regulation Comment' in the subject line.

Comments must be received by 5:00 PM EST on May 20, 2024.



Massachusetts Gaming Commission