



# Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised August 2023

<b>1. General Information</b>			
a. Agency/Board Name*			
b. Agency/Board Address		c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address			
h. Date of Public Notice		i. Comment Period End Date	
j. Public Comment URL or Email Address:			
k. Program			
Amended Program Name (if applicable):			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
<b>2. Legislative Enactment</b> For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Number and Year Enacted:		Chapter:	Year:
<b>3. Rule Type and Information</b> For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

#### **4. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption.

Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

#### **5. Federal Law Requirements**

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

#### **6. State Statutory Requirements**

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b.  The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_

(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_

(Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

*Printed Name of Authorized Individual*

*Title of Authorized Individual*

*Date of Authorization*



# Wyoming Gaming Commission

**Governor**  
Mark Gordon

Energy II Building, 951 Werner Court, Suite 335  
Casper, WY 82601  
Phone: 307.265.4015 Fax: 307.265.4279

**Executive Director**  
Charles E. Moore

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## Statement of Principal Reasons

During the 2021 legislative session, the Legislature passed the Online Sports Wagering Act, which authorized online sports wagering in Wyoming. In 2023 the Legislature made several amendments to the original Act. In response, the Gaming Commission proposes these amended rules to conform with the amended Act. The authority to promulgate the amended rules is pursuant to Wyo. Stat. Ann. § 9-24-102(b). Pursuant to Wyo. Stat. Ann. § 16-3-103(a)(i)(J), a brief explanation of the substance, basis, and purpose of each amendment is as follows:

### **Chapter 1 - General Provisions.**

The amended rule provides definitions for “critical component” and “key personnel” by referencing the statutory definitions.

### **Chapter 2 - Permits/Permittees.**

The amended rule establishes a new license category for “key personnel” and establishes that the license is valid for five years with \$250 license fee. In addition, the amendment extending the time for considering of applications from sixty (60) days to ninety (90) days, mirroring Wyo. Stat. Ann § 9-24-103, as amended.

### **Chapter 3 - Taxes and Payments.**

The amended rule specifies that an online sports wagering losses are limited to the succeeding month only, and may not carry over that loss beyond that month, in accordance with Wyo. Stat. Ann. § 9-24-104.

### **Chapter 4 - Patron Wagers.**

The amended rule removes a Sports Wagering Vendor as an entity that may request a new event category or wager type to be consistent with industry practice and to simplify the submission process. In response to industry input, the amended rule also revises the time required for submitting the complaints to the Commission, provides a timeline for resolving complaints, and removes redundant language.

### **Chapter 8 - Responsible Gaming and Advertising.**

The amended rule corrects a minor formatting issue in Section 3(b).

## **Chapter 1**

### **General Provisions**

**Section 1. Definitions.** In applying the rules and all amendments, the following definitions, constructions, and interpretations shall apply, except where otherwise indicated in the rules:

- (a) “Affiliate” means a person that, directly or indirectly, through one (1) or more intermediaries, controls or is controlled by a sports wagering operator.
- (b) “Applicant” means a person that applies for a permit.
- (c) “Card” means the list of sporting events from which a patron can make selections for a given pool.
- (d) “Cash equivalent” has the meaning provided in W.S. § 9-24-101(a)(i).
- (e) “Critical component” has the meaning provided in W.S. § 9-24-101(a)(xvi).
- (f) “Director” has the meaning provided in W.S. § 9-24-101(a)(iii).
- (g) “Event category” means a specific type of athletic event or other event governed by a specific sports governing body or other oversight body (for example, professional basketball governed by the National Basketball Association).
- (h) “Event integrity monitoring” means the monitoring of sports wagering to identify unusual or suspicious wagering activities from a match-fixing and sporting corruption standpoint to then report such activities to required parties.
- (i) “Exchange wagering” means a form of wagering in which two (2) or more persons place identically opposing wagers in a given market, allowing patrons to wager on both winning and non-winning outcomes in the same event.
- (j) “Fantasy sports contest” has the meaning provided in W.S. § 9-24-101(a)(iv).
- (k) “Geolocation system” means a process to reasonably detect the geolocation of a patron when said patron is attempting to access the system and place a wager.
- (l) “Indian lands” has the meaning provided in the Indian Gaming Regulatory Act of 1988, 25 USC § 2703(4).
- (m) “In-game wagering” means placing an online sports wager after an athletic event has started.
- (n) “Independent integrity monitoring provider” means an independent person who is registered with the Commission and who receives reports of unusual wagering activity from

the Commission, a sports wagering operator, or a sports wagering vendor for the purpose of assisting in identifying suspicious wagering activity.

(o) “Institutional investor” means a person that is any of the following:

(i) A retirement fund administered by a public agency for the exclusive benefit of federal, state, or local public employees;

(ii) An employee benefit plan or pension fund that is subject to the Employee Retirement Income Security Act of 1974, Public Law 93-406;

(iii) An investment company registered under the Investment Company Act of 1940, 15 USC 80a-1 to 80a-64;

(iv) A collective investment trust organized by a bank under 12 CFR part 9;

(v) A closed-end investment trust;

(vi) A chartered or licensed life insurance company or property and casualty insurance company;

(vii) A chartered or licensed financial institution; or

(viii) An investment advisor registered under the Investment Adviser’s Act of 1940, 15 USC §§ 80b-1 to 80b-21.

(p) “Internet” means the international computer network of interoperable packet-switched data networks, inclusive of additional technological platforms, such as mobile, satellite, and other electronic distribution channels.

(q) “Involuntarily-excluded person” means any individual who has been involuntarily excluded by the director and who is prohibited from establishing a sports wagering account or participating in gambling, gaming or wagering activities under the jurisdiction of the Commission.

(r) “Key personnel” has the meaning provided in W.S. § 9-24-101(a)(xvii).

(s) “Layoff wager” means a wager placed by a sports wagering operator or sports wagering vendor with another sports wagering operator or sports wagering vendor for the purpose of offsetting patron online sports wagers.

(t) “Mobile application” means an application on a mobile phone or other device through which an individual is able to place an online sports wager.

(u) “Occupational permit” means a permit issued by the Commission to a person to perform an occupation that directly affects the integrity of online sports wagering and that the

Commission has identified as requiring a permit to perform the occupation.

(v) “Online sports wager” means the cash, or cash equivalent, including free wagers and bonus or promotional play risked by a patron on sports wagering through the internet.

(w) “Online sports wagering” has the meaning provided in W.S. § 9-24-101(a)(vi).

(x) “Online sports wagering revenue” has the meaning provided in W.S. § 9-24-101(a)(vii).

(y) “Patron” has the meaning provided in W.S. § 9-24-101(a)(viii).

(z) “Person” means an individual, partnership, corporation, association, limited liability company, or other legal entity.

(aa) “Personal identifying information (PII)” means any sensitive information that could potentially be used to identify a particular patron. Examples include a legal name, date of birth, place of birth, social security number (or equivalent government identification number), driver’s license number, passport number, residential address, phone number, email address, debit instrument number, credit card number, bank account number, or other personal information as defined by the Commission.

(bb) “Pool” means an offering where patrons may make selections of outcomes on a set number of sporting events on a card in order to enter for a chance to win all or a portion of the prize pool.

(cc) “Prize pool” means the prizing available for an individual tournament, contest, or pool.

(dd) “Prohibited person” means any involuntarily-excluded person, any voluntarily-excluded person, and all of the following:

(i) Any individual who is under the age of eighteen (18);

(ii) Any individual wagering while not in the authorized geographic boundaries within the State of Wyoming;

(iii) Any individual wagering on behalf of another;

(iv) Any restricted patron wagering in violation of their restrictions;

(v) Any individual wagering in violation of state, local, or federal law; or

(vi) Other prohibited persons as determined by the Commission.

(ee) “Prohibited sports wager” has the meaning provided in W.S. § 9-24-101(a)(ix).

(ff) “Qualified gaming entity” has the meaning provided in W.S. § 9-24-101(a)(x).

(gg) “Restricted patron” means any patron with the following restrictions in place:

(i) Employees of a sports wagering operator or sports wagering vendor, as well as those within the same household, may not wager with the sports wagering operator or sports wagering vendor for which he or she is employed unless using a test account under these rules;

(ii) Occupational permittees and applicants may not wager with the sports wagering operator or sports wagering vendor for which they are employed or for which they had to qualify;

(iii) Professional or collegiate athletes, team employees and owners, coaches, managers, handlers, athletic trainers, league officials and employees, referees, umpires, sports agents, and employees of an athletic or referee union, and anyone with access to non-public/exclusive information or sufficient authority to influence the outcome of an event, as well as those within the same household, may not wager on events in the sport in which they participate, or in which the athlete they represent participates; or

(iv) At the Commission’s discretion, individuals on a list provided by a team or sports governing body may not wager on any event overseen by the relevant sports governing body.

(hh) “Rake” means the fee that is deducted by a sports wagering operator or sports wagering vendor from a wager made for exchange wagering, or entry fees paid by patrons who participate in a tournament, contest, or pool.

(ii) “Rake adjustment” means an adjustment made by a sports wagering operator or sports wagering vendor to account for any shortfall in connection with a tournament, contest, or pool.

(jj) “Self-exclusion list” means a list of individuals who voluntarily excluded themselves from establishing or maintaining a sports wagering account with a sports wagering operator or sports wagering vendor.

(kk) “Sensitive information” means information such as PII, transactional wagering data, authentication credentials (including PINs and passwords), secure seeds and keys used in encryption, and other data that shall be handled in a secure manner.

(ll) “Shared liquidity pool” means a tournament, contest, or pool conducted in Wyoming and at least one other jurisdiction.

(mm) “Sporting event” has the meaning provided W.S. § 9-24-101(a)(xi).

(nn) “Sports governing body” means an organization that prescribes final rules and



enforces codes of conduct for an athletic event and the participants in the athletic event.

(oo) “Sports wagering” has the meaning provided W.S. § 9-24-101(a)(xii).

(pp) “Sports wagering account” has the meaning provided W.S. § 9-24-101(a)(xiii).

(qq) “Sports wagering operator” has the meaning provided W.S. § 9-24-101(a)(xiv).

(rr) “Sports wagering operator permit” means a permit issued by the Commission to a person to operate, conduct, or offer online sports wagering.

(ss) “Sports wagering system” means the hardware, software, firmware, communications technology, other equipment, as well as operator procedures implemented in order to allow patron participation in online sports wagering, and, if supported, the corresponding equipment related to the display of the wager outcomes, and other similar information necessary to facilitate patron participation. The system provides the patron with the means to place and manage online sports wagers. The system provides the sports wagering operator with the means to review sports wagering accounts, suspend events, generate various wagering/financial transaction and account reports, input outcomes for events, and set any configurable parameters.

(tt) “Sports wagering vendor” has the meaning provided W.S. § 9-24-101(a)(xv).

(uu) “Sports wagering vendor permit” means a permit issued by the Commission to a sports wagering vendor.

(vv) “Statutes” means the online sports wagering statutes, W.S. §§ 9-24-101 through -106.

(ww) “Suspended account” means a sports wagering account that has been temporarily disabled from engaging in wagering activity.

(xx) “Suspicious wagering activity” means unusual wagering activity that cannot be explained and is indicative of any of the following:

(i) Match-fixing;

(ii) The manipulation of an event;

(iii) Misuse of inside information;

(iv) A potential breach of a sports governing body’s internal rules or code of conduct pertaining to sports wagering;

(v) Any other conduct that corrupts the outcome of an event; or

(vi) Any other prohibited activity.

(yy) “Targeted mailing” means an advertisement or promotional offer from a sports wagering operator or a sports wagering vendor directed to an individual on the basis of specific criteria, such as being a member or former member of a rewards club or a participant in social games. “Targeted mailing” does not include mass communication, including mailings or e-mailings, made to an entire area or zip code or targeted list, nor does it include an advertisement that arrives in a packet of five (5) or more non-gaming advertisements if the packet of advertisements is addressed to “resident,” “occupant,” or some similar wording and not to a specific individual. “Targeted mailing” further does not include any “pop-up” advertisement that appears on an individual’s computer or mobile device on the basis of his or her IP Address.

(zz) “Unusual wagering activity” means abnormal wagering activity exhibited by one (1) or more patrons and considered by a sports wagering operator or sports wagering vendor as a potential indicator of suspicious wagering activity. Unusual wagering activity may include the size of a patron's online sports wager or increased wagering volume on a particular event or wager type.

(aaa) “Voluntarily-excluded person” means any individual whose name is included, at his or her own request, in the responsible gaming database or on a self-exclusion list or both.

(bbb) “Winnings” means the total cash value of all property or sums, including currency or instruments of monetary value paid to a patron by a sports wagering operator as a direct result of a winning sports wager.

## Chapter 1 General Provisions

**Section 1. Definitions.** In applying the rules and all amendments, the following definitions, constructions, and interpretations shall apply, except where otherwise indicated in the rules:

(a) “Affiliate” means a person that, directly or indirectly, through one (1) or more intermediaries, controls or is controlled by a sports wagering operator.

(b) “Applicant” means a person that applies for a permit.

(c) “Card” means the list of sporting events from which a patron can make selections for a given pool.

(d) “Cash equivalent” has the meaning provided in W.S. § 9-24-101(a)(i).

(e) “Critical component” has the meaning provided in W.S. § 9-24-101(a)(xvi).

~~(e)~~(f) “Director” has the meaning provided in W.S. § 9-24-101(a)(iii).

~~(f)~~(g) “Event category” means a specific type of athletic event or other event governed by a specific sports governing body or other oversight body (for example, professional basketball governed by the National Basketball Association).

~~(g)~~(h) “Event integrity monitoring” means the monitoring of sports wagering to identify unusual or suspicious wagering activities from a match-fixing and sporting corruption standpoint to then report such activities to required parties.

~~(h)~~(i) “Exchange wagering” means a form of wagering in which two (2) or more persons place identically opposing wagers in a given market, allowing patrons to wager on both winning and non-winning outcomes in the same event.

~~(i)~~(j) “Fantasy sports contest” has the meaning provided in W.S. § 9-24-101(a)(iv).

~~(j)~~(k) “Geolocation system” means a process to reasonably detect the geolocation of a patron when said patron is attempting to access the system and place a wager.

~~(k)~~(l) “Indian lands” has the meaning provided in the Indian Gaming Regulatory Act of 1988, 25 USC § 2703(4).

~~(l)~~(m) “In-game wagering” means placing an online sports wager after an athletic event has started.

~~(m)~~(n) “Independent integrity monitoring provider” means an independent person who is registered with the Commission and who receives reports of unusual wagering activity from

the Commission, a sports wagering operator, or a sports wagering vendor for the purpose of assisting in identifying suspicious wagering activity.

~~(n)~~(o) “Institutional investor” means a person that is any of the following:

- (i) A retirement fund administered by a public agency for the exclusive benefit of federal, state, or local public employees;
- (ii) An employee benefit plan or pension fund that is subject to the Employee Retirement Income Security Act of 1974, Public Law 93-406;
- (iii) An investment company registered under the Investment Company Act of 1940, 15 USC 80a-1 to 80a-64;
- (iv) A collective investment trust organized by a bank under 12 CFR part 9;
- (v) A closed-end investment trust;
- (vi) A chartered or licensed life insurance company or property and casualty insurance company;
- (vii) A chartered or licensed financial institution; or
- (viii) An investment advisor registered under the Investment Adviser’s Act of 1940, 15 USC §§ 80b-1 to 80b-21.

~~(o)~~(p) “Internet” means the international computer network of interoperable packet-switched data networks, inclusive of additional technological platforms, such as mobile, satellite, and other electronic distribution channels.

~~(p)~~(q) “Involuntarily-excluded person” means any individual who has been involuntarily excluded by the director and who is prohibited from establishing a sports wagering account or participating in gambling, gaming or wagering activities under the jurisdiction of the Commission.

~~(q)~~(r) “Key personnel” has the meaning provided in W.S. § 9-24-101(a)(xvii).~~means any of the following:~~

- ~~(i) A director of the applicant;~~
- ~~(ii) A managerial employee of the applicant that performs the function of principal executive officer, principal operations officer, or principal accounting officer;~~
- ~~(iii) A person who holds more than five percent (5%) ownership interest in the applicant;~~
- ~~(iv) An affiliate of the applicant;~~

~~(v)~~ — A director of an affiliate of the applicant;

~~(vi)~~ — A managerial employee of an affiliate of an applicant that performs the function of principal executive officer, principal operations officer, or principal accounting officer; or

~~(vii)~~ — Any individual or business entity so designated by the Commission or director.

~~(r)~~(s) “Layoff wager” means a wager placed by a sports wagering operator or sports wagering vendor with another sports wagering operator or sports wagering vendor for the purpose of offsetting patron online sports wagers.

~~(s)~~(t) “Mobile application” means an application on a mobile phone or other device through which an individual is able to place an online sports wager.

~~(t)~~(u) “Occupational permit” means a permit issued by the Commission to a person to perform an occupation that directly affects the integrity of online sports wagering and that the Commission has identified as requiring a permit to perform the occupation.

~~(u)~~(v) “Online sports wager” means the cash, or cash equivalent, including free wagers and bonus or promotional play risked by a patron on sports wagering through the internet.

~~(v)~~(w) “Online sports wagering” has the meaning provided in W.S. § 9-24-101(a)(vi).

~~(w)~~(x) “Online sports wagering revenue” has the meaning provided in W.S. § 9-24-101(a)(vii).

~~(x)~~(y) “Patron” has the meaning provided in W.S. § 9-24-101(a)(viii).

~~(y)~~(z) “Person” means an individual, partnership, corporation, association, limited liability company, or other legal entity.

~~(z)~~(aa) “Personal identifying information (PII)” means any sensitive information that could potentially be used to identify a particular patron. Examples include a legal name, date of birth, place of birth, social security number (or equivalent government identification number), driver’s license number, passport number, residential address, phone number, email address, debit instrument number, credit card number, bank account number, or other personal information as defined by the Commission.

~~(aa)~~(bb) “Pool” means an offering where patrons may make selections of outcomes on a set number of sporting events on a card in order to enter for a chance to win all or a portion of the prize pool.

~~(bb)~~(cc) “Prize pool” means the prizing available for an individual tournament, contest, or pool.

~~(cc)~~(dd) \_\_\_\_\_ “Prohibited person” means any involuntarily-excluded person, any voluntarily-excluded person, and all of the following:

- (i) Any individual who is under the age of eighteen (18);
- (ii) Any individual wagering while not in the authorized geographic boundaries within the State of Wyoming;
- (iii) Any individual wagering on behalf of another;
- (iv) Any restricted patron wagering in violation of their restrictions;
- (v) Any individual wagering in violation of state, local, or federal law; or
- (vi) Other prohibited persons as determined by the Commission.

~~(dd)~~(ee) \_\_\_\_\_ “Prohibited sports wager” has the meaning provided in W.S. § 9-24-101(a)(ix).

~~(ee)~~(ff) \_\_\_\_\_ “Qualified gaming entity” has the meaning provided in W.S. § 9-24-101(a)(x).

~~(ff)~~(gg) \_\_\_\_\_ “Restricted patron” means any patron with the following restrictions in place:

- (i) Employees of a sports wagering operator or sports wagering vendor, as well as those within the same household, may not wager with the sports wagering operator or sports wagering vendor for which he or she is employed unless using a test account under these rules;
- (ii) Occupational permittees and applicants may not wager with the sports wagering operator or sports wagering vendor for which they are employed or for which they had to qualify;
- (iii) Professional or collegiate athletes, team employees and owners, coaches, managers, handlers, athletic trainers, league officials and employees, referees, umpires, sports agents, and employees of an athletic or referee union, and anyone with access to non-public/exclusive information or sufficient authority to influence the outcome of an event, as well as those within the same household, may not wager on events in the sport in which they participate, or in which the athlete they represent participates; or
- (iv) At the Commission’s discretion, individuals on a list provided by a team or sports governing body may not wager on any event overseen by the relevant sports governing body.

~~(gg)~~(hh) \_\_\_\_\_ “Rake” means the fee that is deducted by a sports wagering operator or

sports wagering vendor from a wager made for exchange wagering, or entry fees paid by patrons who participate in a tournament, contest, or pool.

~~(hh)~~(ii) \_\_\_\_\_ “Rake adjustment” means an adjustment made by a sports wagering operator or sports wagering vendor to account for any shortfall in connection with a tournament, contest, or pool.

~~(ii)~~(jj) \_\_\_\_\_ “Self-exclusion list” means a list of individuals who voluntarily excluded themselves from establishing or maintaining a sports wagering account with a sports wagering operator or sports wagering vendor.

~~(jj)~~(kk) \_\_\_\_\_ “Sensitive information” means information such as PII, transactional wagering data, authentication credentials (including PINs and passwords), secure seeds and keys used in encryption, and other data that shall be handled in a secure manner.

~~(kk)~~(ll) \_\_\_\_\_ “Shared liquidity pool” means a tournament, contest, or pool conducted in Wyoming and at least one other jurisdiction.

~~(ll)~~(mm) \_\_\_\_\_ “Sporting event” has the meaning provided W.S. § 9-24-101(a)(xi).

~~(mm)~~(nn) \_\_\_\_\_ “Sports governing body” means an organization that prescribes final rules and enforces codes of conduct for an athletic event and the participants in the athletic event.

~~(nn)~~(oo) \_\_\_\_\_ “Sports wagering” has the meaning provided W.S. § 9-24-101(a)(xii).

~~(oo)~~(pp) \_\_\_\_\_ “Sports wagering account” has the meaning provided W.S. § 9-24-101(a)(xiii).

~~(pp)~~(qq) \_\_\_\_\_ “Sports wagering operator” has the meaning provided W.S. § 9-24-101(a)(xiv).

~~(qq)~~(rr) \_\_\_\_\_ “Sports wagering operator permit” means a permit issued by the Commission to a person to operate, conduct, or offer online sports wagering.

~~(rr)~~(ss) \_\_\_\_\_ “Sports wagering system” means the hardware, software, firmware, communications technology, other equipment, as well as operator procedures implemented in order to allow patron participation in online sports wagering, and, if supported, the corresponding equipment related to the display of the wager outcomes, and other similar information necessary to facilitate patron participation. The system provides the patron with the means to place and manage online sports wagers. The system provides the sports wagering operator with the means to review sports wagering accounts, suspend events, generate various wagering/financial transaction and account reports, input outcomes for events, and set any configurable parameters.

~~(ss)~~(tt) \_\_\_\_\_ “Sports wagering vendor” has the meaning provided W.S. § 9-24-101(a)(xv).

~~(tt)~~(uu) \_\_\_\_\_ “Sports wagering vendor permit” means a permit issued by the Commission to a sports wagering vendor.

~~(uu)~~(vv) \_\_\_\_\_ “Statutes” means the online sports wagering statutes, W.S. §§ 9-24-101 through -106.

~~(vv)~~(ww) \_\_\_\_\_ “Suspended account” means a sports wagering account that has been temporarily disabled from engaging in wagering activity.

~~(ww)~~(xx) \_\_\_\_\_ “Suspicious wagering activity” means unusual wagering activity that cannot be explained and is indicative of any of the following:

- (i) Match-fixing;
- (ii) The manipulation of an event;
- (iii) Misuse of inside information;
- (iv) A potential breach of a sports governing body’s internal rules or code of conduct pertaining to sports wagering;
- (v) Any other conduct that corrupts the outcome of an event; or
- (vi) Any other prohibited activity.

~~(xx)~~(yy) \_\_\_\_\_ “Targeted mailing” means an advertisement or promotional offer from a sports wagering operator or a sports wagering vendor directed to an individual on the basis of specific criteria, such as being a member or former member of a rewards club or a participant in social games. “Targeted mailing” does not include mass communication, including mailings or e-mailings, made to an entire area or zip code or targeted list, nor does it include an advertisement that arrives in a packet of five (5) or more non-gaming advertisements if the packet of advertisements is addressed to “resident,” “occupant,” or some similar wording and not to a specific individual. “Targeted mailing” further does not include any “pop-up” advertisement that appears on an individual’s computer or mobile device on the basis of his or her IP Address.

~~(yy)~~(zz) \_\_\_\_\_ “Unusual wagering activity” means abnormal wagering activity exhibited by one (1) or more patrons and considered by a sports wagering operator or sports wagering vendor as a potential indicator of suspicious wagering activity. Unusual wagering activity may include the size of a patron's online sports wager or increased wagering volume on a particular event or wager type.

~~(zz)~~(aaa) \_\_\_\_\_ “Voluntarily-excluded person” means any individual whose name is included, at his or her own request, in the responsible gaming database or on a self-exclusion list or both.



~~(aaa)~~(bbb) “Winnings” means the total cash value of all property or sums, including currency or instruments of monetary value paid to a patron by a sports wagering operator as a direct result of a winning sports wager.

## **Chapter 2 Permits/Permittees**

### **Section 1. Permits Generally.**

(a) Key personnel of an applicant, license holder or permit holder who may exercise ultimate decision making authority over online sports wagering operations in Wyoming, and any employee of an applicant, license holder or permit holder who is authorized to change and is capable of changing play or outcome of wagers through the deployment of code to production for any critical component of the mobile application or digital platform in Wyoming shall be licensed by the Wyoming Gaming Commission.

(i) Fees for the initial license, and subsequent renewals will be two hundred fifty (\$250.00) dollars;

(ii) Licenses issued under this section are valid for five (5) years.

(b) The critical components of a sports wagering system will be defined by the technical standards and specifications adopted by the Commission.

(c) It is the responsibility of an employer to facilitate the permitting of its employees. The employment of an individual that does not hold a permit may be cause for suspension or revocation.

(d) A sports wagering operator or sports wagering vendor may provide an explanation, such as a job description, to support an allegation that a position should not require an employee permit.

(e) All applications for a permit shall be filed with the Commission, who shall have the authority to issue the permit or hold the application for further investigation.

(f) The Commission may request additional information not prescribed in the application form. The applicant shall provide all information, documents, materials, and certifications at the applicant's sole expense and cost.

(g) The Commission may grant a permit with special conditions, or for a limited period, or both.

(h) Permits issued pursuant to these rules may not be transferred without prior approval by the Commission. The Commission reserves the right to terminate any permit and revoke the privileges of such permit whenever it finds sufficient evidence that a permittee has engaged in conduct that would result in a finding of failing to qualify for a permit if it were an applicant for a new permit.

(i) All permittees shall report any known irregularities or wrongdoings by any

persons involving sports wagering immediately to the Commission and cooperate in subsequent investigations.

## **Section 2. Permits; Fees; and Application.**

(a) A sports wagering operator shall possess a permit to accept online sports wagers issued by the Commission. No person shall accept online sports wagers without holding a valid permit issued by the Commission.

(b) A qualified gaming entity applying for a sports wagering operator permit shall do so on a uniform application furnished by the Commission. The fee for both an initial application and renewal application shall be two thousand five hundred dollars (\$2,500.00). The application shall require an applicant, at a minimum, to provide:

(i) The full name, current address, and contact information of the applicant;

(ii) Disclosure of each person who has control of the applicant as described in subsection (f) of this section;

(iii) The applicant's fingerprints and the fingerprints of individuals identified in subsection (f) of this section considered to have control of an applicant or permittee;

(iv) Consent to permit the Commission to conduct a criminal history record check of the applicant and each individual disclosed under subsection (f) of this section in accordance with procedures established by the Commission. This subsection shall not require an applicant or individual who has submitted to a criminal background check in this or any other state within the twelve (12) months before submitting the application to resubmit to another criminal background check provided that the applicant or individual submits the results of the previous criminal background check and affirms that there has been no material change in the criminal history since the time of the criminal background check;

(v) For the applicant and each person disclosed under subsection (f) of this section, a record of previous issuances and denials of any gambling-related permit, license or application in Wyoming, or in any other jurisdiction in the United States; and

(vi) Any other additional information or permissions as requested by the Commission.

(c) The Commission shall charge a permit fee of one hundred thousand dollars (\$100,000.00) for an initial sports wagering operator permit. An initial permit and any renewal permit shall each be valid for five (5) years. The Commission shall charge a fee of fifty thousand dollars (\$50,000.00) for a sports wagering operator permit renewal.

(d) A sports wagering vendor shall possess a permit to conduct business in the state issued by the Commission. No person shall provide vendor services to a sports wagering operator without holding a valid permit issued by the Commission.

(e) The Commission shall charge a fee of ten thousand dollars (\$10,000.00) for an initial sports wagering vendor permit. An initial permit and any renewal permit shall each be valid for five (5) years. The Commission shall charge a fee of five thousand dollars (\$5,000.00) for a sports wagering vendor permit renewal.

(f) The following persons are considered to have control of a sports wagering operator permit applicant or permittee:

(i) Each holding company, parent company, or subsidiary company of the applicant or permittee;

(ii) Each person, except for a bank or other licensed lending institution that holds a mortgage or other lien acquired in the ordinary course of business, who owns fifteen percent (15%) or more of a corporate applicant or permittee and has the ability to:

(A) Control the activities of the corporate applicant or permittee; or

(B) Elect a majority of the board of directors of that corporate applicant or permittee.

(iii) Each person associated with a noncorporate applicant or permittee who directly or indirectly holds a beneficial or proprietary interest in the noncorporate applicant's or permittee's business operations or who the Commission otherwise determines has the ability to control the noncorporate applicant or permittee; or

(iv) Key personnel of an applicant or permittee, including any executive, employee, or agent having the power to exercise ultimate decision-making authority over the applicant's or permittee's sports wagering operations in this state.

(g) An applicant for a permit must establish their suitability for a permit by clear and convincing evidence.

(h) The Commission shall, not more than ninety (90) days after the date of receipt of an application for a permit or license, or application for renewal of a permit or license under W.S. § 9-24-103, either:

(i) Issue the permit or license; or

(ii) Deny the application based on the grounds that the applicant failed to qualify as provided by subsection (j) of this section.

(i) The Commission shall deny an application under this section upon finding any of the following:

(i) The applicant, permittee, or licensee has been convicted of, forfeited bail on, or pleaded guilty to:

- (A) A crime involving theft, dishonesty, or fraud;
- (B) Bribery or unlawfully influencing a public official;
- (C) A felony crime involving physical harm to a person; or
- (D) Any other felony or misdemeanor that negatively impacts the applicant's credibility or the security, integrity or fairness of online sports wagering.

(ii) The applicant tampered with submitted documentation or concealed, failed to disclose, or otherwise attempted to mislead the Commission with respect to any material fact contained in the application or contained in any other information required of or submitted by an applicant to the Commission;

(iii) The applicant or permittee failed or refused to cooperate in the investigation of a crime related to gambling, corruption of a public official, or any organized criminal activity;

(iv) The applicant or permittee has intentionally not disclosed the existence or identity of other persons who have control of the applicant or permittee as required by this section;

(v) The applicant or permittee has had a permit revoked by any government authority responsible for the regulation of sports wagering;

(vi) The applicant or permittee has not demonstrated financial responsibility sufficient to adequately meet the requirements of this chapter, as specified by rule of the Commission; or

(vii) The applicant or permittee has not met the requirements of this section, any other provision of this chapter, Commission rules, or any applicable federal laws.

(j) Given a sufficient number of applicants, at any one (1) time, the Commission shall issue not less than five (5) sports wagering operator permits to applicants that satisfy the requirements under this chapter. If an insufficient number of applicants apply for a sports wagering operator permit, this provision shall not be interpreted to direct the Commission to issue a permit to an unqualified applicant.

(k) The Commission shall issue a permit to a sports wagering vendor that is currently operating in good standing in a similar role in at least three (3) jurisdictions in the United States under a state regulatory structure, and that has paid all required fees under subsection (e) of this section.

(l) Permittees under this section shall have an ongoing obligation to disclose in writing any material change in the information provided in the application to the Commission, including:

- (i) Changes to names and contact information;
- (ii) Arrests, convictions, guilty pleas, disciplinary actions or license or permit denials in Wyoming or any other jurisdiction;
- (iii) Any civil or criminal action brought against the permittee; or
- (iv) Any other information specified by rule of the Commission.

(m) If the Commission denies an application or intends to revoke or suspend a permit issued under this section, it shall follow the process as set forth in Chapter 9 of these rules.

(n) An applicant may claim any privilege afforded by the Constitution of the United States or of the State of Wyoming in refusing to answer questions by the Commission. However, a claim of privilege with respect to any testimony or evidence pertaining to an application may constitute sufficient grounds for denial of or revocation of a permit.

(o) Renewal applications for permits may be submitted and renewed upon the filing and approval of an application for renewal. Renewal applications for all sports wagering operator and vendor permits must be received by the Commission one hundred twenty (120) days before the expiration of the current permit. Renewal applications for sports wagering occupational permits must be received by the Commission thirty (30) days before the expiration of the current permit. Renewal applicants who fail to submit their completed applications when due shall not be considered to have made a timely and sufficient application for renewal.

(p) The Commission may require applicants who have applied for, or holders of a sports wagering operator or vendor permit to file information relating to contracts or proposed contracts relating to the operation of sports wagering in Wyoming in a form prescribed by the Commission.

## Chapter 2 Permits/Permittees

### Section 1. Permits Generally.

(a) ~~An individual must have an occupational permit if his or her duties directly impact the integrity of online sports wagering in Wyoming, including:~~ Key personnel of an applicant, license holder or permit holder who may exercise ultimate decision making authority over online sports wagering operations in Wyoming, and any employee of an applicant, license holder or permit holder who is authorized to change and is capable of changing play or outcome of wagers through the deployment of code to production for any critical component of the mobile application or digital platform in Wyoming shall be licensed by the Wyoming Gaming Commission.

~~(i) An individual who has the capability of affecting the outcome of sports wagering through deployment of code to production for any critical components of a sports wagering system.~~ Fees for the initial license, and subsequent renewals will be two hundred fifty (\$250.00) dollars;

~~(ii) An individual who can deploy code to production and directly supervises individuals who have the capability of affecting the outcome of sports wagering in Wyoming through deployment of code to production for other than read only or the equivalent access to any critical components of a sports wagering system;~~ Licenses issued under this section are valid for five (5) years.

~~(iii) An individual who directly manages a sports wagering operation or who directly supervises an individual who directly manages a sports wagering operation; or~~

~~(iv) Any other individual who directly impacts the integrity of sports wagering as determined by the Commission, which shall include but not be limited to, any individual who has the capability to directly affect the outcome of an online sports wager or a payout to a patron.~~

(b) The critical components of a sports wagering system will be defined by the technical standards and specifications adopted by the Commission.

(c) It is the responsibility of an employer to facilitate the permitting of its employees. The employment of an individual that does not hold a permit may be cause for suspension or revocation.

(d) A sports wagering operator or sports wagering vendor may provide an explanation, such as a job description, to support an allegation that a position should not require an employee permit.

(e) All applications for a permit shall be filed with the Commission, who shall have the authority to issue the permit or hold the application for further investigation.

(f) The Commission may request additional information not prescribed in the application form. The applicant shall provide all information, documents, materials, and certifications at the applicant's sole expense and cost.

(g) The Commission may grant a permit with special conditions, or for a limited period, or both.

(h) Permits issued pursuant to these rules may not be transferred without prior approval by the Commission. The Commission reserves the right to terminate any permit and revoke the privileges of such permit whenever it finds sufficient evidence that a permittee has engaged in conduct that would result in a finding of failing to qualify for a permit if it were an applicant for a new permit.

(i) All permittees shall report any known irregularities or wrongdoings by any persons involving sports wagering immediately to the Commission and cooperate in subsequent investigations.

## **Section 2. Permits; Fees; and Application.**

(a) A sports wagering operator shall possess a permit to accept online sports wagers issued by the Commission. No person shall accept online sports wagers without holding a valid permit issued by the Commission.

(b) A qualified gaming entity applying for a sports wagering operator permit shall do so on a uniform application furnished by the Commission. The fee for both an initial application and renewal application shall be two thousand five hundred dollars (\$2,500.00). The application shall require an applicant, at a minimum, to provide:

(i) The full name, current address, and contact information of the applicant;

(ii) Disclosure of each person who has control of the applicant as described in subsection (f) of this section;

(iii) The applicant's fingerprints and the fingerprints of individuals identified in subsection (f) of this section considered to have control of an applicant or permittee;

(iv) Consent to permit the Commission to conduct a criminal history record check of the applicant and each individual disclosed under subsection (f) of this section in accordance with procedures established by the Commission. This subsection shall not require an applicant or individual who has submitted to a criminal background check in this or any other state within the twelve (12) months before submitting the application to resubmit to another criminal background check provided that the applicant or individual submits the results of the previous criminal background check and affirms that there has been no material change



in the criminal history since the time of the criminal background check;

(v) For the applicant and each person disclosed under subsection (f) of this section, a record of previous issuances and denials of any gambling-related permit, license or application in Wyoming, or in any other jurisdiction in the United States; and

(vi) Any other additional information or permissions as requested by the Commission.

(c) The Commission shall charge a permit fee of one hundred thousand dollars (\$100,000.00) for an initial sports wagering operator permit. An initial permit and any renewal permit shall each be valid for five (5) years. The Commission shall charge a fee of fifty thousand dollars (\$50,000.00) for a sports wagering operator permit renewal.

(d) A sports wagering vendor shall possess a permit to conduct business in the state issued by the Commission. No person shall provide vendor services to a sports wagering operator without holding a valid permit issued by the Commission.

(e) The Commission shall charge a fee of ten thousand dollars (\$10,000.00) for an initial sports wagering vendor permit. An initial permit and any renewal permit shall each be valid for five (5) years. The Commission shall charge a fee of five thousand dollars (\$5,000.00) for a sports wagering vendor permit renewal.

(f) The following persons are considered to have control of a sports wagering operator permit applicant or permittee:

(i) Each holding company, parent company, or subsidiary company of the applicant or permittee;

(ii) Each person, except for a bank or other licensed lending institution that holds a mortgage or other lien acquired in the ordinary course of business, who owns fifteen percent (15%) or more of a corporate applicant or permittee and has the ability to:

(A) Control the activities of the corporate applicant or permittee; or

(B) Elect a majority of the board of directors of that corporate applicant or permittee.

(iii) Each person associated with a noncorporate applicant or permittee who directly or indirectly holds a beneficial or proprietary interest in the noncorporate applicant's or permittee's business operations or who the Commission otherwise determines has the ability to control the noncorporate applicant or permittee; or

(iv) Key personnel of an applicant or permittee, including any executive, employee, or agent having the power to exercise ultimate decision-making authority over the applicant's or permittee's sports wagering operations in this state.

(g) An applicant for a permit must establish their suitability for a permit by clear and convincing evidence.

(h) The Commission shall, not more than ~~sixty (60)~~ ninety (90) days after the date of receipt of an application for a permit or license, or application for renewal of a permit or license under W.S. § 9-24-103, either:

(i) Issue the permit or license; or

(ii) Deny the application based on the grounds that the applicant failed to qualify as provided by subsection (j) of this section.

(i) The Commission shall deny an application under this section upon finding any of the following:

(i) The applicant, ~~or~~ permittee, or licensee has been convicted of, forfeited bail on, or pleaded guilty to:

(A) A crime involving theft, dishonesty, or fraud;

(B) Bribery or unlawfully influencing a public official;

(C) A felony crime involving physical harm to a person; or

(D) Any other felony or misdemeanor that negatively impacts the applicant's credibility or the security, integrity or fairness of online sports wagering.

(ii) The applicant tampered with submitted documentation or concealed, failed to disclose, or otherwise attempted to mislead the Commission with respect to any material fact contained in the application or contained in any other information required of or submitted by an applicant to the Commission;

(iii) The applicant or permittee failed or refused to cooperate in the investigation of a crime related to gambling, corruption of a public official, or any organized criminal activity;

(iv) The applicant or permittee has intentionally not disclosed the existence or identity of other persons who have control of the applicant or permittee as required by this section;

(v) The applicant or permittee has had a permit revoked by any government authority responsible for the regulation of sports wagering;

(vi) The applicant or permittee has not demonstrated financial responsibility sufficient to adequately meet the requirements of this chapter, as specified by rule of the Commission; or

(vii) The applicant or permittee has not met the requirements of this section, any other provision of this chapter, Commission rules, or any applicable federal laws.

(j) Given a sufficient number of applicants, at any one (1) time, the Commission shall issue not less than five (5) sports wagering operator permits to applicants that satisfy the requirements under this chapter. If an insufficient number of applicants apply for a sports wagering operator permit, this provision shall not be interpreted to direct the Commission to issue a permit to an unqualified applicant.

(k) The Commission shall issue a permit to a sports wagering vendor that is currently operating in good standing in a similar role in at least three (3) jurisdictions in the United States under a state regulatory structure, and that has paid all required fees under subsection (e) of this section.

(l) Permittees under this section shall have an ongoing obligation to disclose in writing any material change in the information provided in the application to the Commission, including:

- (i) Changes to names and contact information;
- (ii) Arrests, convictions, guilty pleas, disciplinary actions or license or permit denials in Wyoming or any other jurisdiction;
- (iii) Any civil or criminal action brought against the permittee; or
- (iv) Any other information specified by rule of the Commission.

(m) If the Commission denies an application or intends to revoke or suspend a permit issued under this section, it shall follow the process as set forth in Chapter 9 of these rules.

(n) An applicant may claim any privilege afforded by the Constitution of the United States or of the State of Wyoming in refusing to answer questions by the Commission. However, a claim of privilege with respect to any testimony or evidence pertaining to an application may constitute sufficient grounds for denial of or revocation of a permit.

(o) Renewal applications for permits may be submitted and renewed upon the filing and approval of an application for renewal. Renewal applications for all sports wagering operator and vendor permits must be received by the Commission one hundred twenty (120) days before the expiration of the current permit. Renewal applications for sports wagering occupational permits must be received by the Commission thirty (30) days before the expiration of the current permit. Renewal applicants who fail to submit their completed applications when due shall not be considered to have made a timely and sufficient application for renewal.

(p) The Commission may require applicants who have applied for, or holders of a

sports wagering operator or vendor permit to file information relating to contracts or proposed contracts relating to the operation of sports wagering in Wyoming in a form prescribed by the Commission.

## **Chapter 3 Taxes and Payments**

### **Section 1. Taxes and Payments Generally.**

(a) Not later than the fifteenth (15<sup>th</sup>) day of each month, a sports wagering operator shall remit electronically ten percent (10%) of online sports wagering revenue from the prior month to the Commission.

(b) Prior to commencing operations in Wyoming, each sports wagering operator shall establish and, after that, maintain an operating account at a designated financial institution capable of handling electronic fund transfers. The sports wagering operator must notify the Commission of the financial institution where funds are deposited, and the Commission may reject the proposed financial institution for cause. No change of financial institution may be made without prior Commission approval.

(c) A sports wagering operator must remit the tax or payment imposed, by an electronic transfer of funds. In addition, the sports wagering operator shall electronically transmit to the Commission a tax return in the format provided by the Commission. The return, and tax or payment shall be transmitted no later than the fifteenth (15<sup>th</sup>) day of the month succeeding the calendar month in which the online sports wagering revenue proceeds were received by the sports wagering operator. The tax or payment is timely if it settles to the Commission's bank account by the sixteenth (16<sup>th</sup>) day of the month succeeding the calendar month in which the online sports wagering revenue was received by the sports wagering operator.

(d) If the amount of online sports wagering revenue for a month is a negative figure, the sports wagering operator shall not remit a sports wagering tax or payment for that month. Any negative online sports wagering revenue may be carried over and calculated as a deduction on the tax form or payment form on the immediately succeeding month, provided that no operator shall carry over more than the total amount of loss for that month.

### **Section 2. Write-Offs/Amounts Returned/Disputed Credit or Debit Charges.**

(a) A sports wagering operator shall not receive a deduction from online sports wagering revenue unless written approval is granted by the Commission for the following:

(i) Amounts returned to a patron because of a game, platform, or system malfunction or because the online sports wager must be voided because of concerns regarding integrity of the wager or game that were previously included in the computation of online sports wagering revenue; or

(ii) Uncollectible markers or successfully disputed credit or debit card charges that were previously included in the computation of online sports wagering revenue. Discretionary write-offs by the sports wagering operator do not constitute an uncollectible

marker.

(b) A sports wagering operator must submit for Commission review and approval a written request, including all supporting documentation, for any deductions it would like to take against online sports wagering revenue.

## Chapter 3 Taxes and Payments

### Section 1. Taxes and Payments Generally.

(a) Not later than the fifteenth (15<sup>th</sup>) day of each month, a sports wagering operator shall remit electronically ten percent (10%) of online sports wagering revenue from the prior month to the Commission.

(b) Prior to commencing operations in Wyoming, each sports wagering operator shall establish and, after that, maintain an operating account at a designated financial institution capable of handling electronic fund transfers. The sports wagering operator must notify the Commission of the financial institution where funds are deposited, and the Commission may reject the proposed financial institution for cause. No change of financial institution may be made without prior Commission approval.

(c) A sports wagering operator must remit the tax or payment imposed, by an electronic transfer of funds. In addition, the sports wagering operator shall electronically transmit to the Commission a tax return in the format provided by the Commission. The return, and tax or payment shall be transmitted no later than the fifteenth (15<sup>th</sup>) day of the month succeeding the calendar month in which the online sports wagering revenue proceeds were received by the sports wagering operator. The tax or payment is timely if it settles to the Commission's bank account by the sixteenth (16<sup>th</sup>) day of the month succeeding the calendar month in which the online sports wagering revenue was received by the sports wagering operator.

(d) If the amount of online sports wagering revenue for a month is a negative figure, the sports wagering operator shall not remit a sports wagering tax or payment for that month. Any negative online sports wagering revenue ~~must~~may be carried over and calculated as a deduction on the tax form or payment form on the ~~subsequent months until the negative figure has been brought to a zero balance~~subsequent months until the negative figure immediately succeeding month, provided that no operator shall carry over more than the total amount of loss for that month.

### Section 2. Write-Offs/Amounts Returned/Disputed Credit or Debit Charges.

(a) A sports wagering operator shall not receive a deduction from online sports wagering revenue unless written approval is granted by the Commission for the following:

(i) Amounts returned to a patron because of a game, platform, or system malfunction or because the online sports wager must be voided because of concerns regarding integrity of the wager or game that were previously included in the computation of online sports wagering revenue; or

(ii) Uncollectible markers or successfully disputed credit or debit card charges that were previously included in the computation of online sports wagering revenue.

Discretionary write-offs by the sports wagering operator do not constitute an uncollectible marker.

(b) A sports wagering operator must submit for Commission review and approval a written request, including all supporting documentation, for any deductions it would like to take against online sports wagering revenue.



## **Chapter 4 Patron Wagers**

### **Section 1. Authorized and Prohibited Events and Wager Types.**

(a) Before any sports wagering operator or sports wagering vendor may accept online sports wagers on an event category or online sports wagers of a particular wager type, the event category or wager type must be approved by the Commission.

(b) Unless already approved by the Commission, a request for approval must be submitted by a sports wagering operator in the form and manner prescribed by the Commission, subject to the following:

(i) A request for approval of an event category involving athletic events must include, at a minimum, the name of the sports governing body and, to the extent known by the sports wagering operator, a description of its policies and procedures regarding event integrity; and

(ii) A request for approval of an event category involving events other than athletic events must include:

(A) A full description of the event category and the manner in which online sports wagers would be placed and winning online sports wagers would be determined;

(B) A full description of any technology that would be utilized to offer the event category;

(C) Assurance that the event category meets the requirements of subsection (h);

(D) Any rules or voting procedures related to the event category; and

(E) Any other information the Commission considers necessary.

(c) The Commission may require an appropriate test or experimental period, under such terms and conditions the Commission considers appropriate, before granting final approval to an event category or wager type. The Commission may subject any technology that would be used to offer an event category or wager type to such testing, investigation, and approval as it considers appropriate.

(d) The Commission may grant, deny, limit, restrict, or condition a request made pursuant to this rule for any cause the Commission considers reasonable. The Commission may issue an order revoking, suspending, or modifying any approval of an event category or wager type granted under this rule for any cause the Commission considers reasonable.

(e) The Commission shall notify all sports wagering operators and sports wagering vendors of any additions, deletions, or changes regarding authorized event categories and authorized wager types, which may include publication of a list of authorized event categories and wager types on the Commission's website.

(f) The Commission reserves the right to prohibit the acceptance of any online sports wagers and may order the cancellation of online sports wagers and require refunds on any sporting event or other event category, event, or wager type for which wagering would be contrary to the public policies of the state.

(g) A sports wagering operator or sports wagering vendor may not accept online sports wagers on any of the following:

(i) Any pari-mutuel event as defined in W.S. § 11-25-102;

(ii) Any sporting event or other event where the majority of contestants or athletes in the sporting event are under the age of eighteen (18) years;

(iii) A fantasy sports contest;

(iv) The injury of a participant in an event; or

(v) Any wagering category not authorized by law or Commission rules.

(h) A sports wagering operator or sports wagering vendor must only accept online sports wagers on events and wager types for which:

(i) The event can be effectively supervised by a sports governing body or other oversight body;

(ii) There are integrity safeguards in place;

(iii) The outcome can be documented and verified;

(iv) The outcome can be generated by a reliable and independent process;

(v) The outcome is not affected by any wager placed; and

(vi) The event and acceptance of the wager type are conducted in conformity with all applicable laws.

(i) If it is determined that a sports wagering operator or sports wagering vendor has offered an unauthorized or prohibited event category, event, or wager type, the sports wagering operator or sports wagering vendor must immediately cancel and refund all online sports wagers associated with the unauthorized or prohibited event category, event, or wager type. The sports wagering operator or sports wagering vendor must notify the Commission

promptly after cancelling and refunding the online sports wagers.

(j) A sports wagering operator or sports wagering vendor must not knowingly accept an online sports wager on an event or wager type whose outcome has already been determined and is publicly known.

(k) The Commission may use any information it considers appropriate, including, but not limited to, information received from a sports governing body, to determine whether to authorize or prohibit wagering on a particular event or a particular wager type.

(l) Prior to offering exchange wagering a sports wagering operator or sports wagering vendor must obtain approval from the Commission. The rake taken on such wagers shall be considered online sports wagering revenue and is subject to all taxes and tax requirements outlined in W.S. § 9-24-104.

## **Section 2. Prohibiting Wagers for Good Cause.**

(a) A sports governing body may request online sports wagering information or may request the Commission to restrict, limit, or exclude online sports wagering on a particular event or a particular wager type.

(b) The request must be submitted in the form and manner prescribed by the Commission and must include all of the following:

(i) The identity of the sports governing body and contact information for at least one specific individual who will be the primary point of contact for questions related to the request;

(ii) A description of the online sports wagering information, event, or wager type that is the subject of the request;

(iii) Information explaining why granting the request is necessary to protect the integrity of the event, or public confidence in the integrity of the event, that is the subject of the request. This may include information regarding any credible threat to the integrity of the event that is beyond the control of the sports governing body to preemptively remedy or mitigate; and

(iv) Any other information required by the Commission.

(c) To ensure proper consideration, the request should be sent to the Commission at least ten (10) days before the particular event. At any time, however, a sports governing body should report information to the Commission if it involves allegations of match-fixing, the manipulation of an event, misuse of inside information, or other prohibited activity.

(d) On receipt of a complete request from a sports governing body under subsection (b), the Commission shall notify all sports wagering operators in writing. All sports wagering

operators must be given an opportunity to respond to the request. The notification must include the date by which written responses must be submitted to the Commission.

(e) The Commission shall promptly review the request, any responses, and any other available information and shall decide on the request before the start of the event, if feasible, or as expeditiously as possible. In making its determination, the Commission may consult with independent integrity monitoring providers and any other jurisdictions it considers appropriate. The Commission may grant the request, in its sole discretion, if it determines that granting the request is necessary to protect the integrity of the event, or public confidence in the integrity of the event, that is the subject of the request. The Commission shall notify, in writing, the sports governing body and all sports wagering operators of its decision.

(f) On request of a sports governing body or sports wagering operator, the Commission may reconsider its decision if there is a material change in the circumstances related to the original request.

### **Section 3. Wagering Rules.**

(a) A sports wagering operator or sports wagering vendor must adopt comprehensive wagering rules, which must be approved by the Commission.

(b) The wagering rules, together with any other information the Commission considers appropriate, must be conspicuously displayed on the sports wagering operator's or its sports wagering vendor's digital platform or mobile application, included in the terms and conditions of sports wagering accounts, and copies must be made readily available to individuals and patrons.

(c) The wagering rules must address the following items regarding online sports wagers, at a minimum:

- (i) Types of online sports wagers accepted;
- (ii) Minimum and maximum online sports wagers;
- (iii) Description of the process for handling incorrectly posted events, odds, online sports wagers, or results;
- (iv) Method for calculation and payment of winning online sports wagers;
- (v) Effect of schedule changes;
- (vi) Method of notifying patrons of odds or proposition changes;
- (vii) Acceptance of online sports wagers at other than posted terms;
- (viii) Procedures related to pending winning online sports wagers;

(ix) Method of contacting the sports wagering operator or sports wagering vendor for questions and complaints;

(x) Description of prohibited persons, restricted patrons, and events and wager types on which online sports wagers may not be accepted under the statutes and these rules;

(xi) Methods of funding a wager;

(xii) Maximum payouts; however, such limits must only be established through limiting the amount of an online sports wager and cannot be applied to reduce the amount paid to a patron as a result of a winning online sports wager;

(xiii) A policy by which the sports wagering operator or sports wagering vendor can cancel online sports wagers for obvious errors pursuant to the sports wagering operator's or sports wagering vendor's internal controls, which must include a definition and procedures for obvious errors;

(xiv) Parlay wager related rules;

(xv) Rules and procedures for wagering communications;

(xvi) What is to occur when an event or any component of an event on which online sports wagers are accepted is canceled, including the handling of online sports wagers with multiple selections, such as parlays, where one or more of these selections is canceled; and

(xvii) Any other wagering rule and related information the Commission determines necessary.

(d) The sports wagering operator shall not implement any changes or modifications of the practices, procedures, or representations upon which the approval was based without the prior written approval of the Commission. Failure by an applicant to act in accordance with the wagering rules may result in disciplinary action.

#### **Section 4. Acceptance of Wagers.**

(a) Available wagers must be displayed to patrons on the sports wagering system. The display must include the odds and a brief description of the event and wagering proposition.

(b) The sports wagering operator or sports wagering vendor shall debit the amount wagered by a patron. Wagers shall not be accepted in an amount in excess of an account balance.

(c) A sports wagering operator or sports wagering vendor may not accept an online

sports wager on an event unless a wagering proposition is posted on the sports wagering system.

(d) A sports wagering operator or sports wagering vendor may not set lines or odds or offer wagering propositions designed for the purposes of ensuring that a patron will win an online sports wager or a series of online sports wagers, unless the lines, odds, or wagering propositions are offered in connection with a bonus or promotional offer conducted in accordance with Section 8 of these rules.

(e) A sports wagering operator or sports wagering vendor may, in its discretion, cancel an accepted online sports wager for an obvious error. An obvious error must be defined in the sports wagering operator's or sports wagering vendor's internal controls.

(f) A sports wagering operator or sports wagering vendor must cancel an online sports wager made by a prohibited person or by a restricted patron in violation of their restrictions and confiscate the funds. A sports wagering operator or online sports wagering vendor must cancel a wager under this subsection when the sports wagering operator or sports wagering vendor becomes aware that the individual who made the online sports wager is a prohibited person or a restricted patron in violation of their restrictions.

(g) Except as otherwise provided in this chapter, a sports wagering operator or sports wagering vendor may not unilaterally cancel an accepted online sports wager without prior written approval of the Commission.

#### **Section 5. Prohibited Persons.**

(a) A sports wagering operator and a sports wagering vendor must make reasonable efforts to prevent a prohibited person from placing an online sports wager.

(b) If a sports wagering operator or sports wagering vendor detects, or is notified of, an individual suspected of being a prohibited person who had engaged or is engaging in prohibited online sports wagering, the sports wagering operator or sports wagering vendor, or both, must use reasonable measures to verify whether the individual is prohibited or not.

(c) If the sports wagering operator or sports wagering vendor cannot establish, by reasonable measures that the individual is prohibited, then the individual is presumed to not be a prohibited person for the purposes of this rule.

**Section 6. Layoff Wagers.** The sports wagering operator or sports wagering vendor is permitted to place and accept layoff wagers. When placing a layoff wager the sports wagering operator or sports wagering vendor must disclose its identity to the sports wagering operator or sports wagering vendor accepting the layoff wager. A sports wagering operator or sports wagering vendor may decline to accept a layoff wager in its sole discretion. Layoff wagers must be reported to the Commission.

**Section 7. Tournaments/Contests/Pool.** A sports wagering operator or sports wagering vendor may conduct an online sports wagering tournament, contest, or pool, subject to all of the following:

(a) No online sports wagering tournament, contest, or pool shall be conducted unless the sports wagering operator or sports wagering vendor, before the first time a tournament, contest, or pool type is offered, files written notice with the Commission of its intent to offer that tournament, contest, or pool type and obtains approval from the Commission. The sports wagering operator or sports wagering vendor may file a master list with the Commission to satisfy this requirement;

(b) The request must provide a detailed description of the tournament, contest, or pool type and must include the rules of the tournament, contest, or pool, the requirements for entry, the entry fees, the rake, and potential payouts. The request must also indicate whether or not the proposed type involves a shared liquidity pool available to patrons in Wyoming and other jurisdictions with the prize pool being comprised of entry fees collected from patrons in multiple jurisdictions;

(c) Once a sports wagering operator or sports wagering vendor receives approval to offer a tournament, contest, or pool type the sports wagering operator or sports wagering vendor shall not be required to seek additional approvals from the Commission for each subsequent type that is substantially similar;

(d) Each sports wagering operator or sports wagering vendor must maintain a record of each tournament, contest, or pool it offers, which must address, at a minimum, all of the following:

- (i) Name or identification of the tournament, contest, or pool;
  - (ii) The date and time the tournament, contest, or pool occurred or will occur (if known);
  - (iii) Events and wager types;
  - (iv) Rules concerning tournament, contest, or pool play and participation;
- and
- (v) For each registered patron:
    - (A) Unique patron ID and username (if different);
    - (B) Amount of entry fee collected, including any bonus or promotional credits, and the date collected;
    - (C) Patron scorings/rankings; and

(D) Amount of winnings paid, including any bonus or promotional credits, and the date paid;

(vi) Total amount of entry fees collected, including any bonus or promotional credits;

(vii) Total amount of winnings paid to patrons, including any bonus or promotional credits;

(viii) Total rake, commission, or fees collected;

(ix) Funding source amount or amounts comprising the prize pool (for example, buy-ins, re-buys, or add-ons);

(x) Prize structure on payout;

(xi) Methodology for determining winner or winners; and

(xii) The current status of the tournament, contest, or pool (in progress, complete, interrupted, cancelled, etc.).

(e) The sports wagering operator or sports wagering vendor shall be responsible for the rake. The sports wagering operator's or sports wagering vendor's rake collected from patrons that enter a contest, tournament, or pool while located in the state of Wyoming less any rake adjustment, if applicable, shall be considered online sports wagering revenue and are subject to all taxes and tax requirements outlined in W.S. § 9-24-104, and:

(i) At no time shall the calculation resulting from a rake or rake adjustment be negative; and

(ii) For a contest, tournament, or pool which utilize shared liquidity available to patrons in Wyoming and other jurisdictions, the rake rate must be the same for all jurisdictions participating.

**Section 8. Bonus or Promotional Wagering.** A sports wagering operator or sports wagering vendor may conduct online sports wagering bonus or promotional offers subject to all of the following:

(a) A sports wagering operator or sports wagering vendor must maintain a record of all bonus or promotional offers related to online sports wagering to facilitate the Commission's tracking of bonus or promotional activity, which must address, at a minimum, all of the following:

(i) Unique bonus or promotional offer ID for each offer;

(ii) The date and time the bonus or promotional offer was or is scheduled to



be available;

- (iii) Current balance for bonus or promotional awards;
- (iv) Total amount of bonus or promotional awards issued;
- (v) Total amount of bonus or promotional awards redeemed;
- (vi) Total amount of bonus or promotional awards expired;
- (vii) Total amount of bonus or promotional award adjustments;
- (viii) The current status of the bonus or promotional offer (active, disabled, decommissioned, etc.); and
- (ix) The date and time the bonus or promotional offer was or is scheduled to be decommissioned.

(b) All bonus or promotional offers must be stated in clear and unambiguous terms and must be accessible by the patron after the offer is accepted and before completion. Offer terms and the record of all offers must include all of the following at a minimum:

- (i) The date and time presented;
- (ii) The date and time the offer is active and expires;
- (iii) Patron eligibility, including any limitations on participation;
- (iv) Any restriction on withdrawals of funds;
- (v) Wagering requirements and limitations on events or wager types;
- (vi) How the patron is notified when they have received an award;
- (vii) The order in which funds are used for wagers;
- (viii) Eligible events or wager types; and
- (ix) Rules regarding cancellation.

(c) A sports wagering operator or sports wagering vendor must provide a clear and conspicuous method for a patron to cancel his or her participation in a bonus or promotional offer that utilizes restricted wagering credits that cannot be cashed out until a wagering requirement or other restrictions associated with the credits is met:

- (i) Upon request for cancellation, the sports wagering operator or sports wagering vendor shall inform the patron of the amount of unrestricted funds that will be

returned upon cancellation and the value of restricted wagering credits that will be removed from the sports wagering account; and

(ii) If a patron elects to proceed with cancellation, unrestricted funds remaining in a patron's sports wagering account must be returned according to the terms of a bonus or promotional offer.

(d) Once a patron has met the terms of a bonus or promotional offer, a sports wagering operator or sports wagering vendor must not limit winnings earned while participating in the offer.

**Section 9. Taxation Requirements.** Each sports wagering operator or sports wagering vendor shall, at all times, comply with Internal Revenue Service (IRS) requirements for reporting and withholding proceeds from online sports wagers by patrons and shall send to patrons subject to IRS reporting or withholding a Form W2-G summarizing the information for tax purposes following a winning wager being deposited into an account. Upon written request, the sports wagering operator or sports wagering vendor shall provide patrons with summarized tax information on sports wagering activities.

**Section 10. Bank Secrecy Act Compliance.**

(a) A sports wagering operator or sports wagering vendor must comply with all provisions of The Bank Secrecy Act of 1970, 31 USC §§ 5311 to 5332, applicable to the sports wagering operator's or sports wagering vendor's online sports wagering operation.

(b) A sports wagering operator or sports wagering vendor must, with regard to its online sports wagering operation, maintain records related to its compliance with The Bank Secrecy Act of 1970, 31 USC §§ 5311 to 5332, including all currency transaction reports, suspicious activity reports, and any supporting documentation, for a minimum of five (5) years. The sports wagering operator or sports wagering vendor must provide the records to the Commission and any appropriate law enforcement agencies on request consistent with the authorization prescribed in The Bank Secrecy Act of 1970, 31 USC §§ 5311 to 5332, and applicable regulations.

(c) A sports wagering operator or sports wagering vendor must provide written notice to the Commission as soon as the sports wagering operator or sports wagering vendor becomes aware of a compliance review that is conducted by the Internal Revenue Service under The Bank Secrecy Act of 1970, 31 USC §§ 5311 to 5332, and involves or impacts the sports wagering operator's or sports wagering vendor's online sports wagering operation. The sports wagering operator or sports wagering vendor must provide a copy of the compliance review report or the equivalent to the Commission within ten (10) days after the receipt of the report by the sports wagering operator or sports wagering vendor.

**Section 11. Integrity Monitoring/Suspicious Behavior.**

(a) A sports wagering operator or sports wagering vendor must have internal controls in place to identify and report unusual wagering activity to the Commission. As part of these internal controls a sports wagering operator may contract with an independent integrity monitoring provider.

(b) A sports wagering operator or sports wagering vendor receiving a report of suspicious wagering activity must be permitted to suspend wagering on events or wager types related to the report but may only cancel online sports wagers related to the report after receiving approval from the Commission.

(c) The Commission may require a sports wagering operator or sports wagering vendor to provide any hardware or software necessary to the Commission, or to an independent gaming laboratory approved by the Commission, for evaluation of its online sports wagering offering or to conduct further monitoring of data provided by its sports wagering system.

(d) A sports wagering operator or sports wagering vendor must maintain records of all event integrity monitoring services and activities, including all reports of unusual or suspicious wagering activity and any supporting documentation, for a minimum of five (5) years and must provide such records to the Commission on request.

(e) An independent integrity monitoring provider must register as a vendor with the Commission before providing event integrity monitoring services to a sports wagering operator or sports wagering vendor under the statutes and these rules.

(f) A sports wagering operator or sports wagering vendor must maintain the confidentiality of information provided by a sports governing body to the sports wagering operator or sports wagering vendor related to unusual wagering activity, suspicious wagering activity, or the integrity of an event, unless disclosure is required by the Commission, any applicable law, or a lawful order of a court of competent jurisdiction.

(g) A sports wagering operator or sports wagering vendor must employ personnel responsible for ensuring the operation and integrity of online sports wagering and reviewing all reports of suspicious behavior. Unless otherwise directed by the Commission, a sports wagering operator or sports wagering vendor must promptly notify the Commission upon detecting or becoming aware of any of the following:

(i) Any person participating in online sports wagering who is engaging in or attempting to engage in, or who is reasonably suspected of, cheating, theft, embezzlement, collusion, use of funds derived from illegal activity, money laundering, or any other illegal activities;

(ii) Any person who is reasonably suspected of misrepresenting their identity

or using false identification to establish or attempt to establish a sports wagering account;

(iii) Suspected criminal activity related to any aspect of online sports wagering;

(iv) Any criminal or disciplinary proceedings commenced against the sports wagering operator or sports wagering vendor in connection with its online sports wagering operations; or

(v) Any online sports wagers that violate any applicable state or federal law.

(h) A sports wagering vendor must promptly notify any affected sports wagering operators on behalf of which it accepts online sports wagers of any issues impacting the integrity of online sports wagering.

#### **Section 12. Reserve Requirement.**

(a) A sports wagering operator or sports wagering vendor must submit a plan to maintain a reserve in the amount necessary to ensure the security of funds held in sports wagering accounts and the ability to cover the outstanding online sports wagering liability. All plans require Commission approval.

(b) The reserve must be in the form of:

(i) Cash or cash equivalents maintained in a Wyoming bank account segregated from the sports wagering operator's or sports wagering vendor's operational funds;

(ii) An irrevocable letter of credit from a bank located either in the State of Wyoming or at a minimum chartered in the State of Wyoming;

(iii) A bond;

(iv) Payment processor reserves and receivables;

(v) Any other form acceptable to the Commission; or

(vi) Any combination of the allowable forms described in paragraphs (i) to (v).

(c) The reserve must be not less than the greater of twenty-five thousand dollars (\$25,000.00) or the sum of the following amounts:

(i) The daily ending cashable balance of all patrons' sports wagering accounts;

(ii) Pending withdrawals;

(iii) Amounts accepted by the sports wagering operator or sports wagering vendor on online sports wagers whose outcomes have not been determined; and

(iv) Amounts owed but unpaid on winning online sports wagers through the period established by the sports wagering operator or sports wagering vendor for honoring winning online sports wagers.

(d) Funds held in sports wagering accounts must not be automatically transferred by a sports wagering operator or sports wagering vendor. A sports wagering operator or sports wagering vendor must not require a patron to transfer funds from his or her sports wagering account, in order to circumvent this rule.

(e) Amounts available to patrons for play that are not redeemable for cash may be excluded from the reserve computation.

(f) A sports wagering operator or sports wagering vendor must have access to all sports wagering account and transaction data to ensure the amount of its reserve is sufficient. Unless otherwise directed by the Commission, a sports wagering operator or sports wagering vendor must file a monthly attestation with the Commission, in the form and manner prescribed by the Commission, that funds have been safeguarded under this rule.

(g) The Commission may audit a sports wagering operator's or sports wagering vendor's reserve at any time and may direct a sports wagering operator or sports wagering vendor to take any action necessary to ensure the purposes of this rule are achieved, including but not limited to requiring the sports wagering operator or sports wagering vendor to modify the form of its reserve or increase the amount of its reserve.

### **Section 13. Patron Complaints.**

(a) A sports wagering operator or sports wagering vendor must include on its sports wagering system a clear mechanism to advise patrons of their right to make a complaint against the sports wagering operator or sports wagering vendor, including information explaining how complaints can be filed, how complaints are resolved, and how the patron may submit a complaint to the Commission.

(b) When a patron makes a complaint, the sports wagering operator or sports wagering vendor shall immediately issue a complaint report, setting out:

- (i) The name of the complainant;
- (ii) The nature of the complaint;
- (iii) The name of the persons, if any against whom the complaint was made;
- (iv) The date of the complaint; and

(v) The action taken or proposed to be taken, if any, by the sports wagering operator or sports wagering vendor.

(c) The sports wagering operator or sports wagering vendor shall maintain every complaint report for a minimum of five (5) years, which shall be made available to the Commission for inspection upon request.

(d) A sports wagering operator or sports wagering vendor must attempt to resolve all complaints with the patron.

(e) Upon receipt of a written complaint, a sports wagering operator or sports wagering vendor must investigate and provide a written response to the patron within ten (10) business days. If a sports wagering operator or sports wagering vendor needs additional time to investigate or resolve a complaint beyond ten (10) business days, the patron must be notified of the need for additional time and be given an expected time frame in which the complaint may be resolved.

(f) On receipt of a complaint from a patron, the Commission may conduct any investigation the Commission considers necessary and may direct a sports wagering operator or sports wagering vendor to take any corrective action the Commission considers appropriate.

## Chapter 4 Patron Wagers

### Section 1. Authorized and Prohibited Events and Wager Types.

(a) Before any sports wagering operator or sports wagering vendor may accept online sports wagers on an event category or online sports wagers of a particular wager type, the event category or wager type must be approved by the Commission.

(b) Unless already approved by the Commission, a request for approval must be submitted by a sports wagering operator ~~or sports wagering vendor~~ in the form and manner prescribed by the Commission, subject to the following:

(i) A request for approval of an event category involving athletic events must include, at a minimum, the name of the sports governing body and, to the extent known by the sports wagering operator ~~or sports wagering vendor~~, a description of its policies and procedures regarding event integrity; and

(ii) A request for approval of an event category involving events other than athletic events must include:

(A) A full description of the event category and the manner in which online sports wagers would be placed and winning online sports wagers would be determined;

(B) A full description of any technology that would be utilized to offer the event category;

(C) Assurance that the event category meets the requirements of subsection (h);

(D) Any rules or voting procedures related to the event category; and

(E) Any other information the Commission considers necessary.

(c) The Commission may require an appropriate test or experimental period, under such terms and conditions the Commission considers appropriate, before granting final approval to an event category or wager type. The Commission may subject any technology that would be used to offer an event category or wager type to such testing, investigation, and approval as it considers appropriate.

(d) The Commission may grant, deny, limit, restrict, or condition a request made pursuant to this rule for any cause the Commission considers reasonable. The Commission may issue an order revoking, suspending, or modifying any approval of an event category or wager type granted under this rule for any cause the Commission considers reasonable.

(e) The Commission shall notify all sports wagering operators and sports wagering vendors of any additions, deletions, or changes regarding authorized event categories and authorized wager types, which may include publication of a list of authorized event categories and wager types on the Commission's website.

(f) The Commission reserves the right to prohibit the acceptance of any online sports wagers and may order the cancellation of online sports wagers and require refunds on any sporting event or other event category, event, or wager type for which wagering would be contrary to the public policies of the state.

(g) A sports wagering operator or sports wagering vendor may not accept online sports wagers on any of the following:

(i) Any pari-mutuel event as defined in W.S. § 11-25-102;

(ii) Any sporting event or other event where the majority of contestants or athletes in the sporting event are under the age of eighteen (18) years;

(iii) A fantasy sports contest;

(iv) The injury of a participant in an event; or

(v) Any wagering category not authorized by law or Commission rules.

(h) A sports wagering operator or sports wagering vendor must only accept online sports wagers on events and wager types for which:

(i) The event can be effectively supervised by a sports governing body or other oversight body;

(ii) There are integrity safeguards in place;

(iii) The outcome can be documented and verified;

(iv) The outcome can be generated by a reliable and independent process;

(v) The outcome is not affected by any wager placed; and

(vi) The event and acceptance of the wager type are conducted in conformity with all applicable laws.

(i) If it is determined that a sports wagering operator or sports wagering vendor has offered an unauthorized or prohibited event category, event, or wager type, the sports wagering operator or sports wagering vendor must immediately cancel and refund all online sports wagers associated with the unauthorized or prohibited event category, event, or wager type. The sports wagering operator or sports wagering vendor must notify the Commission



promptly after cancelling and refunding the online sports wagers.

(j) A sports wagering operator or sports wagering vendor must not knowingly accept an online sports wager on an event or wager type whose outcome has already been determined and is publicly known.

(k) The Commission may use any information it considers appropriate, including, but not limited to, information received from a sports governing body, to determine whether to authorize or prohibit wagering on a particular event or a particular wager type.

(l) Prior to offering exchange wagering a sports wagering operator or sports wagering vendor must obtain approval from the Commission. The rake taken on such wagers shall be considered online sports wagering revenue and is subject to all taxes and tax requirements outlined in W.S. § 9-24-104.

## **Section 2. Prohibiting Wagers for Good Cause.**

(a) A sports governing body may request online sports wagering information or may request the Commission to restrict, limit, or exclude online sports wagering on a particular event or a particular wager type.

(b) The request must be submitted in the form and manner prescribed by the Commission and must include all of the following:

(i) The identity of the sports governing body and contact information for at least one specific individual who will be the primary point of contact for questions related to the request;

(ii) A description of the online sports wagering information, event, or wager type that is the subject of the request;

(iii) Information explaining why granting the request is necessary to protect the integrity of the event, or public confidence in the integrity of the event, that is the subject of the request. This may include information regarding any credible threat to the integrity of the event that is beyond the control of the sports governing body to preemptively remedy or mitigate; and

(iv) Any other information required by the Commission.

(c) To ensure proper consideration, the request should be sent to the Commission at least ten (10) days before the particular event. At any time, however, a sports governing body should report information to the Commission if it involves allegations of match-fixing, the manipulation of an event, misuse of inside information, or other prohibited activity.

(d) On receipt of a complete request from a sports governing body under subsection (b), the Commission shall notify all sports wagering operators in writing. All sports wagering

operators must be given an opportunity to respond to the request. The notification must include the date by which written responses must be submitted to the Commission.

(e) The Commission shall promptly review the request, any responses, and any other available information and shall decide on the request before the start of the event, if feasible, or as expeditiously as possible. In making its determination, the Commission may consult with independent integrity monitoring providers and any other jurisdictions it considers appropriate. The Commission may grant the request, in its sole discretion, if it determines that granting the request is necessary to protect the integrity of the event, or public confidence in the integrity of the event, that is the subject of the request. The Commission shall notify, in writing, the sports governing body and all sports wagering operators of its decision.

(f) On request of a sports governing body or sports wagering operator, the Commission may reconsider its decision if there is a material change in the circumstances related to the original request.

### **Section 3. Wagering Rules.**

(a) A sports wagering operator or sports wagering vendor must adopt comprehensive wagering rules, which must be approved by the Commission.

(b) The wagering rules, together with any other information the Commission considers appropriate, must be conspicuously displayed on the sports wagering operator's or its sports wagering vendor's digital platform or mobile application, included in the terms and conditions of sports wagering accounts, and copies must be made readily available to individuals and patrons.

(c) The wagering rules must address the following items regarding online sports wagers, at a minimum:

- (i) Types of online sports wagers accepted;
- (ii) Minimum and maximum online sports wagers;
- (iii) Description of the process for handling incorrectly posted events, odds, online sports wagers, or results;
- (iv) Method for calculation and payment of winning online sports wagers;
- (v) Effect of schedule changes;
- (vi) Method of notifying patrons of odds or proposition changes;
- (vii) Acceptance of online sports wagers at other than posted terms;
- (viii) Procedures related to pending winning online sports wagers;

(ix) Method of contacting the sports wagering operator or sports wagering vendor for questions and complaints;

(x) Description of prohibited persons, restricted patrons, and events and wager types on which online sports wagers may not be accepted under the statutes and these rules;

(xi) Methods of funding a wager;

(xii) Maximum payouts; however, such limits must only be established through limiting the amount of an online sports wager and cannot be applied to reduce the amount paid to a patron as a result of a winning online sports wager;

(xiii) A policy by which the sports wagering operator or sports wagering vendor can cancel online sports wagers for obvious errors pursuant to the sports wagering operator's or sports wagering vendor's internal controls, which must include a definition and procedures for obvious errors;

(xiv) Parlay wager related rules;

(xv) Rules and procedures for wagering communications;

(xvi) What is to occur when an event or any component of an event on which online sports wagers are accepted is canceled, including the handling of online sports wagers with multiple selections, such as parlays, where one or more of these selections is canceled; and

(xvii) Any other wagering rule and related information the Commission determines necessary.

(d) The sports wagering operator shall not implement any changes or modifications of the practices, procedures, or representations upon which the approval was based without the prior written approval of the Commission. Failure by an applicant to act in accordance with the wagering rules may result in disciplinary action.

#### **Section 4. Acceptance of Wagers.**

(a) Available wagers must be displayed to patrons on the sports wagering system. The display must include the odds and a brief description of the event and wagering proposition.

(b) The sports wagering operator or sports wagering vendor shall debit the amount wagered by a patron. Wagers shall not be accepted in an amount in excess of an account balance.

(c) A sports wagering operator or sports wagering vendor may not accept an online

sports wager on an event unless a wagering proposition is posted on the sports wagering system.

(d) A sports wagering operator or sports wagering vendor may not set lines or odds or offer wagering propositions designed for the purposes of ensuring that a patron will win an online sports wager or a series of online sports wagers, unless the lines, odds, or wagering propositions are offered in connection with a bonus or promotional offer conducted in accordance with Section 8 of these rules.

(e) A sports wagering operator or sports wagering vendor may, in its discretion, cancel an accepted online sports wager for an obvious error. An obvious error must be defined in the sports wagering operator's or sports wagering vendor's internal controls.

(f) A sports wagering operator or sports wagering vendor must cancel an online sports wager made by a prohibited person or by a restricted patron in violation of their restrictions and confiscate the funds. A sports wagering operator or online sports wagering vendor must cancel a wager under this subsection when the sports wagering operator or sports wagering vendor becomes aware that the individual who made the online sports wager is a prohibited person or a restricted patron in violation of their restrictions.

(g) Except as otherwise provided in this chapter, a sports wagering operator or sports wagering vendor may not unilaterally cancel an accepted online sports wager without prior written approval of the Commission.

#### **Section 5. Prohibited Persons.**

(a) A sports wagering operator and a sports wagering vendor must make reasonable efforts to prevent a prohibited person from placing an online sports wager.

(b) If a sports wagering operator or sports wagering vendor detects, or is notified of, an individual suspected of being a prohibited person who had engaged or is engaging in prohibited online sports wagering, the sports wagering operator or sports wagering vendor, or both, must use reasonable measures to verify whether the individual is prohibited or not.

(c) If the sports wagering operator or sports wagering vendor cannot establish, by reasonable measures that the individual is prohibited, then the individual is presumed to not be a prohibited person for the purposes of this rule.

**Section 6. Layoff Wagers.** The sports wagering operator or sports wagering vendor is permitted to place and accept layoff wagers. When placing a layoff wager the sports wagering operator or sports wagering vendor must disclose its identity to the sports wagering operator or sports wagering vendor accepting the layoff wager. A sports wagering operator or sports wagering vendor may decline to accept a layoff wager in its sole discretion. Layoff wagers must be reported to the Commission.

**Section 7. Tournaments/Contests/Pool.** A sports wagering operator or sports wagering vendor may conduct an online sports wagering tournament, contest, or pool, subject to all of the following:

(a) No online sports wagering tournament, contest, or pool shall be conducted unless the sports wagering operator or sports wagering vendor, before the first time a tournament, contest, or pool type is offered, files written notice with the Commission of its intent to offer that tournament, contest, or pool type and obtains approval from the Commission. The sports wagering operator or sports wagering vendor may file a master list with the Commission to satisfy this requirement;

(b) The request must provide a detailed description of the tournament, contest, or pool type and must include the rules of the tournament, contest, or pool, the requirements for entry, the entry fees, the rake, and potential payouts. The request must also indicate whether or not the proposed type involves a shared liquidity pool available to patrons in Wyoming and other jurisdictions with the prize pool being comprised of entry fees collected from patrons in multiple jurisdictions;

(c) Once a sports wagering operator or sports wagering vendor receives approval to offer a tournament, contest, or pool type the sports wagering operator or sports wagering vendor shall not be required to seek additional approvals from the Commission for each subsequent type that is substantially similar;

(d) Each sports wagering operator or sports wagering vendor must maintain a record of each tournament, contest, or pool it offers, which must address, at a minimum, all of the following:

- (i) Name or identification of the tournament, contest, or pool;
  - (ii) The date and time the tournament, contest, or pool occurred or will occur (if known);
  - (iii) Events and wager types;
  - (iv) Rules concerning tournament, contest, or pool play and participation;
- and
- (v) For each registered patron:
    - (A) Unique patron ID and username (if different);
    - (B) Amount of entry fee collected, including any bonus or promotional credits, and the date collected;
    - (C) Patron scorings/rankings; and

(D) Amount of winnings paid, including any bonus or promotional credits, and the date paid;

(vi) Total amount of entry fees collected, including any bonus or promotional credits;

(vii) Total amount of winnings paid to patrons, including any bonus or promotional credits;

(viii) Total rake, commission, or fees collected;

(ix) Funding source amount or amounts comprising the prize pool (for example, buy-ins, re-buys, or add-ons);

(x) Prize structure on payout;

(xi) Methodology for determining winner or winners; and

(xii) The current status of the tournament, contest, or pool (in progress, complete, interrupted, cancelled, etc.).

(e) The sports wagering operator or sports wagering vendor shall be responsible for the rake. The sports wagering operator's or sports wagering vendor's rake collected from patrons that enter a contest, tournament, or pool while located in the state of Wyoming less any rake adjustment, if applicable, shall be considered online sports wagering revenue and are subject to all taxes and tax requirements outlined in W.S. § 9-24-104, and:

(i) At no time shall the calculation resulting from a rake or rake adjustment be negative; and

(ii) For a contest, tournament, or pool which utilize shared liquidity available to patrons in Wyoming and other jurisdictions, the rake rate must be the same for all jurisdictions participating.

**Section 8. Bonus or Promotional Wagering.** A sports wagering operator or sports wagering vendor may conduct online sports wagering bonus or promotional offers subject to all of the following:

(a) A sports wagering operator or sports wagering vendor must maintain a record of all bonus or promotional offers related to online sports wagering to facilitate the Commission's tracking of bonus or promotional activity, which must address, at a minimum, all of the following:

(i) Unique bonus or promotional offer ID for each offer;

(ii) The date and time the bonus or promotional offer was or is scheduled to

be available;

- (iii) Current balance for bonus or promotional awards;
- (iv) Total amount of bonus or promotional awards issued;
- (v) Total amount of bonus or promotional awards redeemed;
- (vi) Total amount of bonus or promotional awards expired;
- (vii) Total amount of bonus or promotional award adjustments;
- (viii) The current status of the bonus or promotional offer (active, disabled, decommissioned, etc.); and
- (ix) The date and time the bonus or promotional offer was or is scheduled to be decommissioned.

(b) All bonus or promotional offers must be stated in clear and unambiguous terms and must be accessible by the patron after the offer is accepted and before completion. Offer terms and the record of all offers must include all of the following at a minimum:

- (i) The date and time presented;
- (ii) The date and time the offer is active and expires;
- (iii) Patron eligibility, including any limitations on participation;
- (iv) Any restriction on withdrawals of funds;
- (v) Wagering requirements and limitations on events or wager types;
- (vi) How the patron is notified when they have received an award;
- (vii) The order in which funds are used for wagers;
- (viii) Eligible events or wager types; and
- (ix) Rules regarding cancellation.

(c) A sports wagering operator or sports wagering vendor must provide a clear and conspicuous method for a patron to cancel his or her participation in a bonus or promotional offer that utilizes restricted wagering credits that cannot be cashed out until a wagering requirement or other restrictions associated with the credits is met:

- (i) Upon request for cancellation, the sports wagering operator or sports wagering vendor shall inform the patron of the amount of unrestricted funds that will be

returned upon cancellation and the value of restricted wagering credits that will be removed from the sports wagering account; and

(ii) If a patron elects to proceed with cancellation, unrestricted funds remaining in a patron's sports wagering account must be returned according to the terms of a bonus or promotional offer.

(d) Once a patron has met the terms of a bonus or promotional offer, a sports wagering operator or sports wagering vendor must not limit winnings earned while participating in the offer.

**Section 9. Taxation Requirements.** Each sports wagering operator or sports wagering vendor shall, at all times, comply with Internal Revenue Service (IRS) requirements for reporting and withholding proceeds from online sports wagers by patrons and shall send to patrons subject to IRS reporting or withholding a Form W2-G summarizing the information for tax purposes following a winning wager being deposited into an account. Upon written request, the sports wagering operator or sports wagering vendor shall provide patrons with summarized tax information on sports wagering activities.

**Section 10. Bank Secrecy Act Compliance.**

(a) A sports wagering operator or sports wagering vendor must comply with all provisions of The Bank Secrecy Act of 1970, 31 USC §§ 5311 to 5332, applicable to the sports wagering operator's or sports wagering vendor's online sports wagering operation.

(b) A sports wagering operator or sports wagering vendor must, with regard to its online sports wagering operation, maintain records related to its compliance with The Bank Secrecy Act of 1970, 31 USC §§ 5311 to 5332, including all currency transaction reports, suspicious activity reports, and any supporting documentation, for a minimum of five (5) years. The sports wagering operator or sports wagering vendor must provide the records to the Commission and any appropriate law enforcement agencies on request consistent with the authorization prescribed in The Bank Secrecy Act of 1970, 31 USC §§ 5311 to 5332, and applicable regulations.

(c) A sports wagering operator or sports wagering vendor must provide written notice to the Commission as soon as the sports wagering operator or sports wagering vendor becomes aware of a compliance review that is conducted by the Internal Revenue Service under The Bank Secrecy Act of 1970, 31 USC §§ 5311 to 5332, and involves or impacts the sports wagering operator's or sports wagering vendor's online sports wagering operation. The sports wagering operator or sports wagering vendor must provide a copy of the compliance review report or the equivalent to the Commission within ten (10) days after the receipt of the report by the sports wagering operator or sports wagering vendor.



## **Section 11. Integrity Monitoring/Suspicious Behavior.**

(a) A sports wagering operator or sports wagering vendor must have internal controls in place to identify and report unusual wagering activity to the Commission. As part of these internal controls a sports wagering operator may contract with an independent integrity monitoring provider.

(b) A sports wagering operator or sports wagering vendor receiving a report of suspicious wagering activity must be permitted to suspend wagering on events or wager types related to the report but may only cancel online sports wagers related to the report after receiving approval from the Commission.

(c) The Commission may require a sports wagering operator or sports wagering vendor to provide any hardware or software necessary to the Commission, or to an independent gaming laboratory approved by the Commission, for evaluation of its online sports wagering offering or to conduct further monitoring of data provided by its sports wagering system.

(d) A sports wagering operator or sports wagering vendor must maintain records of all event integrity monitoring services and activities, including all reports of unusual or suspicious wagering activity and any supporting documentation, for a minimum of five (5) years and must provide such records to the Commission on request.

(e) An independent integrity monitoring provider must register as a vendor with the Commission before providing event integrity monitoring services to a sports wagering operator or sports wagering vendor under the statutes and these rules.

(f) A sports wagering operator or sports wagering vendor must maintain the confidentiality of information provided by a sports governing body to the sports wagering operator or sports wagering vendor related to unusual wagering activity, suspicious wagering activity, or the integrity of an event, unless disclosure is required by the Commission, any applicable law, or a lawful order of a court of competent jurisdiction.

(g) A sports wagering operator or sports wagering vendor must employ personnel responsible for ensuring the operation and integrity of online sports wagering and reviewing all reports of suspicious behavior. Unless otherwise directed by the Commission, a sports wagering operator or sports wagering vendor must promptly notify the Commission upon detecting or becoming aware of any of the following:

(i) Any person participating in online sports wagering who is engaging in or attempting to engage in, or who is reasonably suspected of, cheating, theft, embezzlement, collusion, use of funds derived from illegal activity, money laundering, or any other illegal activities;

(ii) Any person who is reasonably suspected of misrepresenting their identity

or using false identification to establish or attempt to establish a sports wagering account;

(iii) Suspected criminal activity related to any aspect of online sports wagering;

(iv) Any criminal or disciplinary proceedings commenced against the sports wagering operator or sports wagering vendor in connection with its online sports wagering operations; or

(v) Any online sports wagers that violate any applicable state or federal law.

(h) A sports wagering vendor must promptly notify any affected sports wagering operators on behalf of which it accepts online sports wagers of any issues impacting the integrity of online sports wagering.

#### **Section 12. Reserve Requirement.**

(a) A sports wagering operator or sports wagering vendor must submit a plan to maintain a reserve in the amount necessary to ensure the security of funds held in sports wagering accounts and the ability to cover the outstanding online sports wagering liability. All plans require Commission approval.

(b) The reserve must be in the form of:

(i) Cash or cash equivalents maintained in a Wyoming bank account segregated from the sports wagering operator's or sports wagering vendor's operational funds;

(ii) An irrevocable letter of credit from a bank located either in the State of Wyoming or at a minimum chartered in the State of Wyoming;

(iii) A bond;

(iv) Payment processor reserves and receivables;

(v) Any other form acceptable to the Commission; or

(vi) Any combination of the allowable forms described in paragraphs (i) to (v).

(c) The reserve must be not less than the greater of twenty-five thousand dollars (\$25,000.00) or the sum of the following amounts:

(i) The daily ending cashable balance of all patrons' sports wagering accounts;

(ii) Pending withdrawals;

(iii) Amounts accepted by the sports wagering operator or sports wagering vendor on online sports wagers whose outcomes have not been determined; and

(iv) Amounts owed but unpaid on winning online sports wagers through the period established by the sports wagering operator or sports wagering vendor for honoring winning online sports wagers.

(d) Funds held in sports wagering accounts must not be automatically transferred by a sports wagering operator or sports wagering vendor. A sports wagering operator or sports wagering vendor must not require a patron to transfer funds from his or her sports wagering account, in order to circumvent this rule.

(e) Amounts available to patrons for play that are not redeemable for cash may be excluded from the reserve computation.

(f) A sports wagering operator or sports wagering vendor must have access to all sports wagering account and transaction data to ensure the amount of its reserve is sufficient. Unless otherwise directed by the Commission, a sports wagering operator or sports wagering vendor must file a monthly attestation with the Commission, in the form and manner prescribed by the Commission, that funds have been safeguarded under this rule.

(g) The Commission may audit a sports wagering operator's or sports wagering vendor's reserve at any time and may direct a sports wagering operator or sports wagering vendor to take any action necessary to ensure the purposes of this rule are achieved, including but not limited to requiring the sports wagering operator or sports wagering vendor to modify the form of its reserve or increase the amount of its reserve.

### **Section 13. Patron Complaints.**

(a) A sports wagering operator or sports wagering vendor must include on its sports wagering system a clear mechanism to advise patrons of their right to make a complaint against the sports wagering operator or sports wagering vendor, including information explaining how complaints can be filed, how complaints are resolved, and how the patron may submit a complaint to the Commission.

(b) When a patron makes a complaint, the sports wagering operator or sports wagering vendor shall immediately issue a complaint report, setting out:

- (i) The name of the complainant;
- (ii) The nature of the complaint;
- (iii) The name of the persons, if any against whom the complaint was made;
- (iv) The date of the complaint; and

(v) The action taken or proposed to be taken, if any, by the sports wagering operator or sports wagering vendor.

(c) The sports wagering operator or sports wagering vendor shall maintain every complaint report for a minimum of five (5) years, which shall be made available to the Commission for inspection upon request.

(d) A sports wagering operator or sports wagering vendor must attempt to resolve all complaints with the patron.

(e) Upon receipt of a written complaint, a sports wagering operator or sports wagering vendor must investigate each complaint and provide a written response to the patron within fourteen (14) calendar ten (10) business days after receipt of the complaint. If a sports wagering operator or sports wagering vendor needs additional time to investigate or resolve a complaint beyond ten (10) business days, the patron must be notified of the need for additional time and be given an expected time frame in which the complaint may be resolved.

~~(f) In its response, the sports wagering operator or sports wagering vendor must advise the patron of his or her right to submit the complaint to the Commission in the form and manner prescribed by the Commission.~~

~~(g) The complaint and the sports wagering operator's or sports wagering vendor's response must be made in writing.~~

~~(h) Unless otherwise directed by the Commission, for complaints related to sports wagering accounts, settlement of online sports wagers, or illegal activity related to online sports wagering that cannot be resolved to the satisfaction of the patron, the sports wagering operator or sports wagering vendor must promptly notify the Commission of the complaint and the sports wagering operator's or sports wagering vendor's response.~~

~~(i)(f)~~ On receipt of a complaint from a patron or notification of an unresolved complaint from a sports wagering operator or sports wagering vendor, the Commission may conduct any investigation the Commission considers necessary and may direct a sports wagering operator or sports wagering vendor to take any corrective action the Commission considers appropriate.

## **Chapter 8**

### **Responsible Gaming and Advertising**

**Section 1. Responsible Gaming Plan.** Applicants for a sports wagering operator permit shall submit a Responsible Gaming Plan to the Commission at the time of first application, within ten (10) business days of any changes to the plan, and at permit renewal. The plan must be approved by the Commission prior to commencing operations in Wyoming. The plan shall include, at a minimum, the following:

- (a) The goals of the plan, procedures and deadlines for implementation of the plan;
- (b) The identification of the individual(s) who will be responsible for the implementation and maintenance of the plan;
- (c) The applicant's plan for creating and disseminating promotional material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families. The applicant shall provide examples of the materials to be used as part of its plan and a description of how the material will be disseminated;
- (d) Details of the applicant's plan for responsible gaming training for its employees;
- (e) The duties and responsibilities of the key employees and gaming employees designated to implement or participate in the plan;
- (f) Procedures to prevent underage gambling; and
- (g) Other policies and procedures as determined by the Commission to prevent problem gambling and encourage responsible gambling.

#### **Section 2. Self-Exclusion Program.**

(a) The Self-Exclusion Program is established for the purpose of allowing persons who wish to refrain from sports wagering and other types of gambling offered by the Commission, to notify the Commission that they will accept responsibility for refraining from engaging in sports wagering and other gambling activities offered by the Commission and its Permittees. Each person seeking placement in the Self-Exclusion Program acknowledges that it is his or her responsibility to refrain from engaging in sports wagering and other gambling activities under the jurisdiction of the Commission.

(b) An individual may request to have their name placed on the Self-Exclusion List by completing the application.

(c) Upon the filing of an application for placement in the Self-Exclusion Program, the Commission may file a Notice of Placement in the Self-Exclusion Program and such application

and notice may be disclosed to sports wagering permittees and their agents and employees, as approved by the Commission.

**Section 3. Involuntary Exclusion List.** The Commission shall maintain an Involuntary Exclusion List that consists of the names of people who the director determines meet any of the following criteria:

(a) Any person whose presence in a gaming facility would be inimical to sports wagering in the State of Wyoming, including the following:

- (i) Any person who cheats;
- (ii) Any person who poses a threat to the safety of the patrons or employees;
- (iii) Persons who pose a threat to themselves;
- (iv) Persons with a documented history of conduct involving the disruption of a facility or website conducting activities under the jurisdiction of the Commission;
- (v) Persons included on another jurisdiction's exclusion list;
- (vi) Persons subject to a Court order excluding those persons from a facility or website conducting activities under the jurisdiction of the Commission;
- (vii) Any felon or person who has been convicted of any crime gambling or offense involving gambling and whose presence in a facility under the jurisdiction of the Commission or whose participation in activities under the jurisdiction of the Commission would be harmful to or negatively affect the reputation of the State of Wyoming; or
- (viii) Any person who enhances a risk of unfair or illegal practices in the conduct of activities under the jurisdiction of the Commission.

(b) The director's determination of the basis for placing a person on the involuntary exclusion list may be based upon any of the following:

- (i) The nature and notoriety of the person to be excluded from all wagering and gaming activities under the jurisdiction of the Commission;
- (ii) The history and nature of the involvement of the person's wagering, gaming, or gambling activity in Wyoming or any other jurisdiction;
- (iii) The nature and frequency of any contacts or associations of the person with any permittee; or
- (iv) Any other factor reasonably related to the maintenance of public confidence in the regulatory process or the integrity of sports wagering in the State of

Wyoming.

(c) The Involuntary Exclusion List shall contain the following information, if known, for each excluded person:

- (i) The full name and all known aliases and the date of birth;
- (ii) A physical description or photograph, if available;
- (iii) The date the person's name was placed on the Involuntary Exclusion List;
- (iv) Social Security Number, if available;
- (v) The person's occupation and current home and business addresses; and
- (vi) Any other relevant information as deemed necessary by the Commission.

(d) The Commission shall distribute the Involuntary Exclusion List to permittees involved in the operation of wagering, gaming or gambling under the jurisdiction of the Commission.

(e) The Commission shall attempt to provide notice to any person who is placed on the Involuntary Exclusion List.

(f) Each excluded person who has been listed on the Involuntary Exclusion List and wishes to contest being placed on the Involuntary Exclusion List may request an administrative hearing.

#### **Section 4. Sports Wagering Operator or Sports Wagering Vendor Responsibilities.**

(a) The sports wagering operator or sports wagering vendor shall receive the Self-Exclusion List and Involuntary Exclusion List from the Commission.

(b) The Self-Exclusion List and Involuntary Exclusion List may only be accessed by individuals authorized in accordance with the internal controls.

(c) Except as authorized or required by these rules, the Self-Exclusion List and Involuntary Exclusion List shall be kept confidential and the sports wagering operator or sports wagering vendor shall not disclose the names included on these lists.

(d) The Self-Exclusion List and Involuntary Exclusion List shall not be publicly disclosed by the sports wagering operator, sports wagering vendor, employee, affiliate or other person authorized to access the lists. However, the sports wagering operator or sports wagering vendor may share the lists with other designated permittees in the State of Wyoming or its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible play programs.

(e) The sports wagering operator or sports wagering vendor shall establish procedures to add the names from the Self-Exclusion List and Involuntary Exclusion List into their internal list to exclude from sports wagering. If the sports wagering operator or sports wagering vendor utilizes an internal management system to track individuals on the Self-Exclusion List and Involuntary Exclusion List, they shall update that system at least every seventy-two (72) hours with names of individuals being added or removed from the Self-Exclusion List and Involuntary Exclusion List.

(f) The sports wagering operator or sports wagering vendor shall establish procedures that are designed, to the greatest extent practicable, to:

(i) Prevent an individual on the Self-Exclusion List or Involuntary Exclusion List from opening a new sports wagering account;

(ii) Identify and suspend any sports wagering accounts of an individual on the Self-Exclusion List or Involuntary Exclusion List;

(iii) Promptly notify the Commission, or its designee, if an individual on the Self-Exclusion List or Involuntary Exclusion List attempts to place or is discovered to have placed or attempted to place a wager;

(iv) In cooperation with the Commission, and where reasonably possible, determine the amount wagered and lost by an individual identified to be on the Self-Exclusion List or Involuntary Exclusion List. The monetary value of the losses shall be paid to the Commission within forty-five (45) days;

(v) Deny an individual identified to be on the Self-Exclusion List or Involuntary Exclusion List from any winnings derived from wagering while on the Self-Exclusion List or Involuntary Exclusion List. The monetary value of the withheld winnings shall be paid to the Commission within forty-five (45) days;

(vi) Refund any remaining balance to an individual on the Self-Exclusion List or Involuntary Exclusion List provided that the sports wagering operator or sports wagering vendor acknowledges that the funds have cleared; and

(vii) Ensure that individuals on the Self-Exclusion List or Involuntary Exclusion List do not receive, either from the sports wagering operator, sports wagering vendor or any agent thereof, targeted mailings, telemarketing promotions, player club materials, or other targeted promotional materials relating to sports wagering.

**Section 5. Advertising.** The Commission shall prohibit sports wagering advertising that it determines to be deceptive to the public. The Commission shall also require that every form of advertising contain a statement that minors are not allowed to open or have access to sports wagering accounts as well as information about available programs to prevent, treat, or monitor compulsive or problem gambling, and procedures for self-exclusion.



## **Chapter 8**

### **Responsible Gaming and Advertising**

**Section 1. Responsible Gaming Plan.** Applicants for a sports wagering operator permit shall submit a Responsible Gaming Plan to the Commission at the time of first application, within ten (10) business days of any changes to the plan, and at permit renewal. The plan must be approved by the Commission prior to commencing operations in Wyoming. The plan shall include, at a minimum, the following:

- (a) The goals of the plan, procedures and deadlines for implementation of the plan;
- (b) The identification of the individual(s) who will be responsible for the implementation and maintenance of the plan;
- (c) The applicant's plan for creating and disseminating promotional material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families. The applicant shall provide examples of the materials to be used as part of its plan and a description of how the material will be disseminated;
- (d) Details of the applicant's plan for responsible gaming training for its employees;
- (e) The duties and responsibilities of the key employees and gaming employees designated to implement or participate in the plan;
- (f) Procedures to prevent underage gambling; and
- (g) Other policies and procedures as determined by the Commission to prevent problem gambling and encourage responsible gambling.

#### **Section 2. Self-Exclusion Program.**

(a) The Self-Exclusion Program is established for the purpose of allowing persons who wish to refrain from sports wagering and other types of gambling offered by the Commission, to notify the Commission that they will accept responsibility for refraining from engaging in sports wagering and other gambling activities offered by the Commission and its Permittees. Each person seeking placement in the Self-Exclusion Program acknowledges that it is his or her responsibility to refrain from engaging in sports wagering and other gambling activities under the jurisdiction of the Commission.

(b) An individual may request to have their name placed on the Self-Exclusion List by completing the application.

(c) Upon the filing of an application for placement in the Self-Exclusion Program, the Commission may file a Notice of Placement in the Self-Exclusion Program and such application

and notice may be disclosed to sports wagering permittees and their agents and employees, as approved by the Commission.

**Section 3. Involuntary Exclusion List.** The Commission shall maintain an Involuntary Exclusion List that consists of the names of people who the director determines meet any of the following criteria:

(a) Any person whose presence in a gaming facility would be inimical to sports wagering in the State of Wyoming, including the following:

- (i) Any person who cheats;
- (ii) Any person who poses a threat to the safety of the patrons or employees;
- (iii) Persons who pose a threat to themselves;
- (iv) Persons with a documented history of conduct involving the disruption of a facility or website conducting activities under the jurisdiction of the Commission;
- (v) Persons included on another jurisdiction's exclusion list;
- (vi) Persons subject to a Court order excluding those persons from a facility or website conducting activities under the jurisdiction of the Commission;
- (vii) Any felon or person who has been convicted of any crime gambling or offense involving gambling and whose presence in a facility under the jurisdiction of the Commission or whose participation in activities under the jurisdiction of the Commission would be harmful to or negatively affect the reputation of the State of Wyoming; or
- (viii) Any person who enhances a risk of unfair or illegal practices in the conduct of activities under the jurisdiction of the Commission.

~~(a)~~(b) The director's determination of the basis for placing a person on the involuntary exclusion list may be based upon any of the following:

- (i) The nature and notoriety of the person to be excluded from all wagering and gaming activities under the jurisdiction of the Commission;
- (ii) The history and nature of the involvement of the person's wagering, gaming, or gambling activity in Wyoming or any other jurisdiction;
- (iii) The nature and frequency of any contacts or associations of the person with any permittee; or
- (iv) Any other factor reasonably related to the maintenance of public confidence in the regulatory process or the integrity of sports wagering in the State of

Wyoming.

~~(b)~~(c) The Involuntary Exclusion List shall contain the following information, if known, for each excluded person:

- (i) The full name and all known aliases and the date of birth;
- (ii) A physical description or photograph, if available;
- (iii) The date the person's name was placed on the Involuntary Exclusion List;
- (iv) Social Security Number, if available;
- (v) The person's occupation and current home and business addresses; and
- (vi) Any other relevant information as deemed necessary by the Commission.

~~(c)~~(d) The Commission shall distribute the Involuntary Exclusion List to permittees involved in the operation of wagering, gaming or gambling under the jurisdiction of the Commission.

~~(d)~~(e) The Commission shall attempt to provide notice to any person who is placed on the Involuntary Exclusion List.

~~(e)~~(f) Each excluded person who has been listed on the Involuntary Exclusion List and wishes to contest being placed on the Involuntary Exclusion List may request an administrative hearing.

#### **Section 4. Sports Wagering Operator or Sports Wagering Vendor Responsibilities.**

(a) The sports wagering operator or sports wagering vendor shall receive the Self-Exclusion List and Involuntary Exclusion List from the Commission.

(b) The Self-Exclusion List and Involuntary Exclusion List may only be accessed by individuals authorized in accordance with the internal controls.

(c) Except as authorized or required by these rules, the Self-Exclusion List and Involuntary Exclusion List shall be kept confidential and the sports wagering operator or sports wagering vendor shall not disclose the names included on these lists.

(d) The Self-Exclusion List and Involuntary Exclusion List shall not be publicly disclosed by the sports wagering operator, sports wagering vendor, employee, affiliate or other person authorized to access the lists. However, the sports wagering operator or sports wagering vendor may share the lists with other designated permittees in the State of Wyoming or its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible play programs.

(e) The sports wagering operator or sports wagering vendor shall establish procedures to add the names from the Self-Exclusion List and Involuntary Exclusion List into their internal list to exclude from sports wagering. If the sports wagering operator or sports wagering vendor utilizes an internal management system to track individuals on the Self-Exclusion List and Involuntary Exclusion List, they shall update that system at least every seventy-two (72) hours with names of individuals being added or removed from the Self-Exclusion List and Involuntary Exclusion List.

(f) The sports wagering operator or sports wagering vendor shall establish procedures that are designed, to the greatest extent practicable, to:

(i) Prevent an individual on the Self-Exclusion List or Involuntary Exclusion List from opening a new sports wagering account;

(ii) Identify and suspend any sports wagering accounts of an individual on the Self-Exclusion List or Involuntary Exclusion List;

(iii) Promptly notify the Commission, or its designee, if an individual on the Self-Exclusion List or Involuntary Exclusion List attempts to place or is discovered to have placed or attempted to place a wager;

(iv) In cooperation with the Commission, and where reasonably possible, determine the amount wagered and lost by an individual identified to be on the Self-Exclusion List or Involuntary Exclusion List. The monetary value of the losses shall be paid to the Commission within forty-five (45) days;

(v) Deny an individual identified to be on the Self-Exclusion List or Involuntary Exclusion List from any winnings derived from wagering while on the Self-Exclusion List or Involuntary Exclusion List. The monetary value of the withheld winnings shall be paid to the Commission within forty-five (45) days;

(vi) Refund any remaining balance to an individual on the Self-Exclusion List or Involuntary Exclusion List provided that the sports wagering operator or sports wagering vendor acknowledges that the funds have cleared; and

(vii) Ensure that individuals on the Self-Exclusion List or Involuntary Exclusion List do not receive, either from the sports wagering operator, sports wagering vendor or any agent thereof, targeted mailings, telemarketing promotions, player club materials, or other targeted promotional materials relating to sports wagering.

**Section 5. Advertising.** The Commission shall prohibit sports wagering advertising that it determines to be deceptive to the public. The Commission shall also require that every form of advertising contain a statement that minors are not allowed to open or have access to sports wagering accounts as well as information about available programs to prevent, treat, or monitor compulsive or problem gambling, and procedures for self-exclusion.