

RULES AND REGULATIONS

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 830]

Multiuse Computing Device Gaming Provisions; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its specific authority in 4 Pa.C.S. § 13B03(b) (relating to regulations) and the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers), adds temporary regulations regarding interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area in this Commonwealth as set forth in Annex A.

Purpose of this Temporary Rulemaking

This temporary rulemaking sets forth the rules and regulations regarding interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area in this Commonwealth.

Explanation of Chapter 830.

Chapter 809 (relating to interactive gaming platform requirements—temporary regulations) addresses all aspects of interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area. The issues addressed include Board authorization; airport authority agreements; petition requirements and standard of review; taxes and fees; licensure requirements; platform requirements; accounting and internal controls; eligible passengers, accounts, funding of play and withdrawals; compulsive and problem gaming; and commencement of gaming operations.

Affected Parties

Any entity that operates interactive gaming in this Commonwealth that chooses to also offer interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, as well as any entity or individual that will interact with multiuse computing device gaming in this Commonwealth will be affected by this temporary rulemaking. This temporary rulemaking provides interested parties information relative to all aspects of multiuse computing device gaming in the Commonwealth.

Fiscal Impact

Commonwealth

The Board expects that this temporary rulemaking will have minimal fiscal impact on the Board or on other Commonwealth agencies. Impact should be confined to the personnel expenses related to implementing these rules as well as continued oversight of expanded gaming with portions of these costs absorbed by existing Board staff.

Political Subdivisions

This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties benefit from the local share funding mandated by the act of January 7, 2010 (P.L. 1, No. 1).

Private Sector

This temporary rulemaking includes rules regarding platform operations in connection with interactive gaming in this Commonwealth. It is anticipated that this temporary rulemaking will have an impact on those individuals seeking to operate a platform in connection with interactive gaming through multiuse computing devices in a qualified airport in an airport gaming area in this Commonwealth and those individuals seeking to provide services to platform operators. The fiscal impact to the parties will be offset by revenues collected through the play of interactive games.

General Public

This temporary rulemaking will not have direct fiscal impact on the general public.

Paperwork Requirements

Interactive gaming certificate holders, interactive gaming operators, concession operators, and individuals and entities providing service to those entities in connection with platform operations will be required to generate and maintain various types of information relative to the platform operation, including but not limited to, access logs, revenue information and patron complaint records. Interactive gaming certificate holders or an interactive gaming operator acting on behalf of an interactive gaming certificate holder will also be required to file a petition for authorization to offer multiuse computing device gaming, in addition to applications for licensure of principals, key employees and other interactive gaming employees.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved.

Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Chad W. Zimmermann, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-222.

Contact Person

The contact person for questions about this temporary rulemaking is Chad W. Zimmermann, Esq., Assistant Chief Counsel, (717) 265-8356.

Regulatory Review

Under 4 Pa.C.S. § 13B03, the Board has the authority to promulgate temporary regulations in order to facilitate the prompt implementation of interactive gaming in this Commonwealth. The temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law; the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)). Under 4 Pa.C.S. § 13B03(c), these temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 13B03, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding temporary §§ 830.1—830.11 to read as set forth in Annex A.

(2) The temporary regulations will be posted on the Board's web site.

(3) The temporary regulations are subject to amendment as deemed necessary by the Board.

(4) The Chairperson of the Board has certified this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.

(5) These temporary regulations are effective upon publication in the *Pennsylvania Bulletin* and expire March 9, 2021.

DAVID M. BARASCH,
Chairperson

Fiscal Note: 125-222. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart L. INTERACTIVE GAMING

CHAPTER 830. MULTIUSE COMPUTING DEVICE GAMING PROVISIONS—TEMPORARY REGULATIONS

Sec.	Scope.
830.1.	Board authorization required.
830.2.	Airport authority or concession operator agreements.
830.3.	Multiuse computing device gaming petition and standards of review.
830.4.	Multiuse computing device gaming fees and taxes.
830.5.	Licensure requirements.
830.6.	Multiuse computing device and gaming platform requirements.
830.7.	Multiuse computing device gaming accounting and internal controls; required reports.
830.8.	Eligible passengers; accounts; funding of play; withdrawals.
830.9.	Compulsive and problem gaming; self-exclusion.
830.10.	Commencement of multiuse computing device gaming.
830.11.	

§ 830.1. Scope.

The purpose of this chapter is to govern the operation of interactive gaming at qualified airports through the use of multiuse computing devices in this Commonwealth. The provisions of 4 Pa.C.S. §§ 1101—1904 (relating to Pennsylvania Race Horse Development and Gaming Act) as amended by the act of October 30, 2017 (P.L. 419, No. 42), and the Board regulations promulgated thereunder shall apply when not in conflict with this chapter.

§ 830.2. Board authorization required.

(a) Upon petition, the Board may authorize an interactive gaming certificateholder to provide for the conduct of interactive gaming, directly or indirectly through an interactive gaming operator under an interactive gaming

agreement, at a qualified airport through the use of multiuse computing devices by eligible passengers in an airport gaming area.

(b) If the interactive gaming certificate holder intends to operate interactive gaming at a qualified airport through the use of multiuse computing devices under an interactive gaming agreement, the interactive gaming operator that is party to the interactive gaming agreement shall have been issued an interactive gaming license or will be issued an interactive gaming license prior to the commencement of operations.

(c) The interactive gaming agreement shall be subject to the review and approval of the Board.

(d) The interactive gaming certificate holder or interactive gaming operator may only offer on the interactive gaming system on the multiuse computing devices the categories of interactive gaming it has been authorized to offer under 4 Pa.C.S. § 13B11(a.2) (relating to authorization to conduct interactive gaming).

§ 830.3. Airport authority or concession operator agreements.

(a) Prior to petitioning for authorization from the Board an interactive gaming certificate holder or interactive gaming operator on behalf of an interactive gaming certificate holder shall have in place an agreement as follows:

(1) For the conduct of interactive gaming at a qualified airport which is located partially in a county of the first class and partially in a county contiguous to a county of the first class, the written agreement shall be with either the airport authority or its designee or a concession operator, except that, if the written agreement is with a concession operator, the airport authority or its designee must have approved or consented to lawful gaming within the airport gaming area through the concession operator's concession contract, and the airport authority must have received a copy of the written agreement with the certificate holder or the interactive gaming operator.

(2) For the conduct of interactive gaming at a qualified airport which is not located partially within a county of the first class and partially in a county contiguous to a county of the first class, the written agreement shall be with the airport authority or its designee.

(b) The written agreement shall be subject to the review and approval of the Board.

§ 830.4. Multiuse computing device gaming petition and standards of review.

(a) An interactive gaming certificateholder or interactive gaming operator on behalf of an interactive gaming certificate holder seeking to offer interactive gaming at a qualified airport through the use of multiuse computing devices in this Commonwealth that satisfies the requirements in 4 Pa.C.S. § 13B20 (relating to authorization) may petition the Board for authorization in accordance with this chapter.

(b) The petition filed by an interactive gaming certificate holder or interactive gaming operator on behalf of an interactive gaming certificate holder shall comply with the requirements of 4 Pa.C.S. § 13B20(c) and shall be in a form as proscribed by the Board.

(c) The Board shall approve the petition submitted under subsection (a) upon review and approval of the

information submitted under subsection (b) and a determination by the Board by clear and convincing evidence that:

(1) The interactive gaming certificate holder and the interactive gaming operator, if applicable, have paid all required fees and taxes payable.

(2) The interactive gaming certificate holder, or the interactive gaming operator, as the case may be, possesses the necessary funds or has secured adequate financing to commence the conduct of interactive gaming at the qualified airport.

(3) The proposed internal and external security and surveillance measures at the qualified airport and within the airport gaming area are adequate.

(4) Interactive gaming at the qualified airport will be conducted and operated in accordance with this chapter.

§ 830.5. Multiuse computing device gaming fees and taxes.

(a) Upon authorization from the Board to conduct interactive gaming at a qualified airport through the use of multiuse computing devices, an interactive gaming certificate holder or interactive gaming operator shall pay a one-time, nonrefundable fee, which upon receipt by the Board shall be deposited in the General Fund.

(b) The amount of the authorization fee paid shall be as provided for in 4 Pa.C.S. § 13B20.3 (relating to fee).

(c) An interactive gaming certificate holder or interactive gaming operator authorized to conduct interactive gaming at a qualified airport shall report to the Department of Revenue and pay the multiuse gaming device tax and multiuse gaming device local share assessment as required by the Act on the gross interactive airport gaming revenue from multiuse computing devices in qualified airports.

§ 830.6. Licensure requirements.

(a) Any interactive gaming operator, interactive gaming manufacturer, interactive gaming supplier or interactive gaming service provider seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers in an airport gaming area shall have been issued a license, certification, registration or other authorization from the Board to participate in interactive gaming in accordance with Chapters 803 and 805—807. For purposes of this section, a concession operator shall be licensed as an interactive gaming supplier.

(b) Any interactive gaming principal, interactive gaming key employee or interactive gaming employee seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers in an airport gaming area shall have been issued a license, permit, registration or other authorization from the Board in accordance with Chapter 808 (relating to interactive gaming principals and key, gaming and nongaming employees—temporary regulations).

(c) Any employee of a concession operator as defined in the Act and this subpart whose job duties include oversight, management, maintenance or other tasks involving interactive gaming through multiuse computing devices at a qualified airport, including but not limited to handling player complaints, providing player assistance or supervising play on the multiuse computing devices, must be licensed as an interactive gaming employee.

(d) The Board may, in its discretion, determine at any time that other entities or employees not described in the

preceding subparagraphs shall be licensed, permitted, certified, registered or otherwise authorized by the Board.

§ 830.7. Multiuse computing device and gaming platform requirements.

(a) A multiuse computing device must:

(1) Be located and accessible to eligible passengers only in an airport gaming area.

(2) Allow an eligible passenger to play an authorized interactive game. To ensure the multiuse computing device is operated only by an eligible passenger, the device shall provide for verification of age and passenger status through automated means on the device, unless otherwise approved by the Board.

(3) Be approved by the Board.

(4) Communicate with a server that is in a location approved by the Board.

(5) Have the capability of providing all necessary reports for calculation of gross interactive airport gaming revenue as required by the Department.

(6) Be tethered or otherwise secured in a manner to prevent removal from the airport gaming area.

(7) Offer a player additional functions which includes Internet browsing, the capability of checking flight status, and ordering food or beverages.

(i) An interactive gaming certificate holder, interactive gaming operator or concession operator may restrict access to other interactive gaming web sites in the Internet browsing function on the multiuse computing device.

(ii) An interactive gaming certificate holder, interactive gaming operator or concession operator shall not, acting directly or indirectly in concert with an airport authority or other entity, restrict access to other interactive gaming web sites on public wireless Internet offered to persons at a qualified airport.

(8) Be equipped with software or a program that would allow an authorized onsite interactive gaming employee to temporarily disable the device or terminate an interactive gaming session.

(b) The interactive gaming system and interactive gaming platform used to conduct interactive gaming through the use of multiuse computing gaming devices at a qualified airport shall be subject to the requirements set forth in Chapters 809 and 810 (relating to interactive gaming platform requirements; and interactive gaming testing controls—temporary regulations) as they relate to the conduct of interactive gaming through the use of multiuse computing devices.

(c) The interactive gaming system and interactive gaming platform used to conduct interactive gaming through the use of multiuse computing devices by eligible passengers at a qualified airport shall not be subject to the requirement of section 809.7 (relating to geolocation requirements).

§ 830.8. Multiuse computing device gaming accounting and internal controls; required reports.

(a) The interactive gaming certificateholder or interactive gaming operator offering interactive gaming through multiuse computing devices at a qualified airport in an

airport gaming area shall be subject to the requirements of Chapter 811 (relating to interactive gaming accounting and internal controls—temporary regulations).

(b) If applicable, the internal controls shall include protocols and procedures for the involvement of a concession operator and its employees in the offering of interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, including but not limited to licensure of employees, account funding and withdrawals, handling player complaints, providing player assistance, supervising play on the multiuse computing devices or other items the Board may request be included in the internal controls.

(c) The interactive gaming system used to offer interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area shall be designed to generate reports as specified by the Board which comply with the requirements of § 811.9(a)—(c) (relating to required reports; reconciliation).

§ 830.9. Eligible passengers; accounts; funding of play; withdrawals.

(a) Prior to engaging in interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, the player shall be verified as an eligible passenger, as defined in this subpart, by automated means provided on the multiuse computing device, or as otherwise approved by the Board.

(b) An eligible passenger shall create an account with the interactive gaming certificate holder, interactive gaming operator or concession operator, which shall last for the duration of the player’s interactive gaming session and the withdrawal of the player’s winnings, if applicable.

(i) If a player has established an interactive gaming account under Chapter 812 (relating to interactive gaming player accounts—temporary regulations) with an interactive gaming certificate holder or interactive gaming operator who also offers interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, the player may use his or her established interactive gaming account to engage in interactive gaming on the multiuse computing device.

(c) A player’s account may be funded through the use of all of the following:

- (1) A player’s credit card or debit card, including prepaid cards.
- (2) A player’s reloadable prepaid card.
- (3) Cash complementaries, promotional credits or bonus credits.
- (4) Automated clearing house (ACH) transfer, provided that the interactive gaming certificate holder, interactive gaming operator, or concession operator has security measures and controls to prevent ACH fraud.
- (5) Any other means as approved by the Board.

(d) An interactive gaming certificate holder, interactive gaming operator or concession operator shall establish protocols for players to withdraw funds at the end of the player’s interactive gaming session in accordance with its approved internal controls.

(e) Funds may be withdrawn from the player’s account at the end of the interactive gaming session through the use of all of the following:

- (1) The issuance of a check from the interactive gaming certificate holder, interactive gaming operator or concession operator.
- (2) Transfer to a player’s reloadable prepaid cash card.
- (3) Transfer directly to the player’s individual account with a bank or other financial institution (banking account) provided that the interactive gaming certificate holder, interactive gaming operator or concession operator verifies the validity of the account with the financial institution.
- (4) Any other means approved by the Board.

§ 830.10. Compulsive and problem gaming; self-exclusion.

(a) Any interactive gaming certificate holder or interactive gaming operator seeking to participate in the conduct of interactive gaming through the use of multiuse computing devices by eligible passengers at a qualified airport in an airport gaming area shall comply with the provisions of Chapters 814 and 815 (relating to compulsive and problem gambling requirements—temporary regulations; and interactive-gaming self-excluded persons—temporary regulations).

§ 830.11. Commencement of multiuse computing device gaming.

(a) Prior to the commencement of interactive gaming through multiuse computing devices at a qualified airport in an airport gaming area, an interactive gaming certificate holder or interactive gaming operator licensee shall submit all of the required information set forth in § 818.2(a) (relating to commencement of operations generally), excluding the Geolocation compliance information from § 818.2(a)(8)(ii).

(b) Prior to commencement of operations, the interactive gaming certificate holder’s, interactive gaming operator’s or concession operator’s interactive gaming principals, interactive gaming key employees or interactive gaming employees shall be appropriately licensed or permitted and trained in the performance of their responsibilities.

(1) At all times when interactive gaming through the use of multiuse computing devices at a qualified airport in an airport gaming area is offered, the interactive gaming certificate holder, interactive gaming operator or concession operator shall have an adequate number of interactive gaming employees onsite, based upon quantity of multiuse computing devices available for use and the dimensions of the airport gaming area, at a number to be approved by the Board to handle matters related to the oversight, management, maintenance or other tasks involving interactive gaming through multiuse computing devices, including but not limited to player complaints, providing player assistance or supervising play on multiuse computing devices.

(2) If at any time it appears or is reported to an interactive gaming employee or employees that the multiuse computing device is being operated in violation of this chapter and this subpart, the interactive gaming employee shall terminate the interactive gaming session, with such procedure for termination to be detailed in the internal controls.

(c) Prior to commencement of operations, the interactive gaming certificate holder, interactive gaming operator or concession operator licensee shall ensure that new and existing employees of the interactive gaming certificate holder or interactive gaming operator, and employees of the concession operator licensed by the Board, are regularly informed about the restrictions in § 808.1(g) (relating to general provisions), restricting the placement wagers on the interactive gaming sites offered by or

associated with the interactive certificate holder, interactive gaming operator or concession operator.

(d) Prior to commencement of operations, the interactive gaming certificate holder or interactive gaming operator licensee shall have successfully completed a test period.

[Pa.B. Doc. No. 19-321. Filed for public inspection March 8, 2019, 9:00 a.m.]
