

CHAPTER 1205a. FANTASY CONTESTS

Sec.

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Authority

The provisions of this Chapter 1205a added under 4 Pa.C.S. §§ 311, 1202(b)(30) and 13F06(a), unless otherwise noted.

Source

The provisions of this Chapter 1205a adopted July 30, 2021, effective July 31, 2021, 51 Pa.B. 4229, unless otherwise noted.

§ 1205a.1. Fantasy contests generally.

A fantasy contest licensee may offer a fantasy contest only under all of the following conditions:

- (1) The value of all prizes or awards offered to winning participants is established and made known in advance of the fantasy contest.
- (2) The value of the prize or award is not determined by the number of participants or the amount of fees paid by the participants.
- (3) The winning outcome reflects the relative knowledge and skill of the participant.
- (4) The winning outcome is not based on the score, point spread or performance of a single actual team or combination of teams, or solely on a single performance of an individual athlete or player in a single actual event.
- (5) The winning outcome is based on statistical results accumulated from fully completed athletic sports contests or events, except that participants may be credited for statistical results accumulated in a suspended or shortened sports event which has been partially completed on account of weather or other natural or unforeseen event.

§ 1205a.2. Procedures to govern the conduct of fantasy contests.

- (a) Each fantasy contest license holder shall establish and implement procedures governing the conduct of fantasy contests, as approved by the Board.
- (b) The governing procedures must include, at a minimum, all of the following:
 - (1) A participant may not be eligible to engage in a fantasy contest by a licensed operator without first establishing a fantasy contest account, unless the fantasy contest is through a fantasy contest terminal in a licensed facility.

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(2) Prior to a participant engaging in a fantasy contest or making a deposit in a fantasy contest account, the licensed operator shall verify the age, location and identity of the participant. A person under 18 years of age located in this Commonwealth may not engage in a fantasy contest by a licensed operator. If the participant is utilizing a fantasy contest terminal in a licensed facility, the participant shall be 21 years of age or older to engage in a fantasy contest.

(3) Each time a participant enters his registered fantasy account, he shall enter his unique username and password, or other means as approved by the Board, to verify his identity.

(4) Prior to accepting of a participant's entry fee for a specific fantasy contest, all Board-approved rules, prizes and award values must be posted on the specific fantasy contest homepage in a clear and decipherable manner.

(5) Provisions to prohibit a participant who is not a beginner from participating in beginner fantasy contests, except as provided by 4 Pa.C.S. § 325(4.1)(ii) (relating to conditions of licensure). If a participant who is not a beginner attempts to and successfully enters a beginner contest, the participant's contest entry shall be voided, the participant's account shall be temporarily suspended from all further fantasy contest participation for 15 days and the licensed operator shall ban the participant from further participation in beginner fantasy contests offered by the licensed operator.

(6) Provisions to prohibit a highly experienced player from participating in fantasy contests that exclude highly experienced players. In accordance with 4 Pa.C.S. § 325(4.2) if a participant who is a highly experienced player attempts to and successfully enters a fantasy contest for which the participant is ineligible, the participant's contest entry shall be voided, the participant's account shall be suspended and the licensed operator shall ban the individual from further participation in fantasy contests offered by the licensed operator.

(7) Upon the creation of a fantasy contest account or the engagement of a fantasy contest terminal in a licensed facility, the licensed operator shall require the participant to identify any professional sports in which he currently engages in and which are subject to a fantasy contest and shall limit the participant's account from entering into contests of that sport.

(8) Allowing a person to restrict himself from entering a fantasy contest or accessing a fantasy contest account for a specific period of time as determined by the participant and implement procedures to prevent the person from participating in the licensed operator's fantasy contests.

(9) Allowing a person to restrict the total amount of deposits that the participant may pay to the licensed operator for a specific time period established by the participant and implement procedures to prevent the participant from exceeding the limit.

(10) Establishing procedures to monitor for and prevent the use of scripts.

(11) Establishing procedures determining when a fantasy contest locks and when no further entries or substitutions can be made. The procedures must

require that the prize stipulated in the entry rules is available and can be demonstrated upon request of the Board.

(12) A process for a fantasy contest operator to receive and respond to participant complaints and reconciling a participant's fantasy contest account.

§ 1205a.3. Fantasy contest accounts.

(a) A participant may only enter a fantasy contest by a licensed operator by first establishing a fantasy contest account with the fantasy contest operator, unless the fantasy contest is through a fantasy contest terminal in a licensed facility.

(b) The licensed operator shall perform all of the following with respect to each participant account:

(1) Verify the age, location and identity of participants in a fantasy contest prior to accepting an entry in a fantasy contest by the participant account holder.

(2) Assure the participant has funds on account sufficient to pay the fantasy contest entry fee at the time of entry.

(3) Require that each time a participant enters his registered fantasy account, the participant shall enter his unique username and password to verify his identity.

(4) Provide the account holder the option to:

(i) Restrict the participant from entering a fantasy contest or accessing a fantasy contest account for a specific period of time as determined by the account holder.

(ii) Restrict the total amount of deposits that the participant may pay to the licensed operator for a specific time period established by the participant.

(iii) Restrict the total amount of entry fees that the participant may pay to the licensed operator for a specific time period established by the participant.

(iv) Restrict the number of fantasy contests the participant may enter for a specific time period as determined by the account holder.

(v) With respect to subparagraphs (i)—(iv), a participant may make his limits more restrictive at any time but any increase to these limits must become effective only after the time-period of the previous limit has expired and the player reaffirms the requested increase.

(5) Prevent unauthorized withdrawals from a fantasy contest account.

(6) Establish protocols for participants to withdraw funds whether the account is open or closed.

(7) Establish procedures for closing accounts and paying balances.

(8) Establish procedures for the disbursement of unclaimed prizes.

§ 1205a.4. Fantasy contest licensed operator duties.

(a) A licensed operator shall comply with the conditions of licensure in 4 Pa.C.S. Chapter 3 (relating to fantasy contests) and the Board's regulations.

(b) A licensed operator shall continually monitor fantasy contests for conduct which violates the provisions and restrictions of 4 Pa.C.S. Chapter 3 and the Board's regulations, and immediately take steps to report this conduct to the Bureau upon discovery.

(c) A licensed operator shall implement measures to ensure the confidentiality of participants' personal, financial and account information, and to prevent the public disclosure of this information except as provided by law.

(d) A licensed operator shall timely remit all taxes and assessments to the Department as provided for in 4 Pa.C.S. Chapter 3.

(e) A licensed operator shall cooperate with the Board, the Bureau, the Department and law enforcement authorities performing any function or duties related to monitoring, investigating or enforcing 4 Pa.C.S. Chapter 3 or regulations relating to fantasy contest-related activities.

(f) A licensed operator shall permit access to the licensee's premises and fantasy contest terminal premises used in connection with the conduct of fantasy contests for the Board, the Bureau, the Department and the Pennsylvania State Police to facilitate the ability to perform regulatory oversight and law enforcement functions.

(g) A licensed operator shall maintain a record of all participant complaints along with a description of how the complaint was resolved and reconciled, which shall be made available to the Board upon request.

(h) A licensed operator shall submit to the Bureau a record of any suspicious transactions as provided in 4 Pa.C.S. § 325(4.5) (relating to conditions of licensure) within 2 business days of having reason to know that a suspicious transaction has occurred.

(i) Each licensed operator shall maintain an office, place of business, or registered agent for service of process in this Commonwealth and shall file with the Board the address and contact information for a person or representative in this Commonwealth authorized to receive service of process, documents and requests issued by the Board. If the Board makes a request for information or delivers documents or a notice to that address, it shall constitute receipt of those documents or requests by the licensed operator or applicant. If the Board will require access to the database for the licensed operator, this information shall be kept and be made available to the Board at the Pennsylvania office, place of business, or registered agent address, or at the offices of the Board.

§ 1205a.5. Fantasy contest licensed operator restrictions.

A licensed operator shall not do any of the following:

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- (1) Permit an individual under 18 years of age in this Commonwealth to participate in a fantasy contest.
- (2) Permit an individual under 21 years of age to participate in a fantasy contest which is conducted within a licensed facility.
- (3) Offer a fantasy contest based in whole or in part on collegiate or high school events or players.
- (4) Permit a participant to enter a fantasy contest prior to establishing a fantasy contest account, unless the licensed operator is also a licensed gaming entity and the participant enters the fantasy contest through a fantasy contest terminal located within the licensed gaming entities licensed facility.
- (5) Establish a fantasy contest account for a person who is not an individual.
- (6) Alter the rules established for a fantasy contest after a participant has entered the fantasy contest.
- (7) Issue credit to a participant to establish or fund a fantasy contest account.
- (8) Permit the use of scripts by participants. A licensed operator shall implement technologies to prevent the use of scripts.
- (9) Knowingly market to a participant during a time period in which the participant has self-excluded from the licensed operator's fantasy contests.
- (10) Knowingly allow a self-excluded person to collect, keep or retain a prize or award.
- (11) Knowingly accept a deposit or entry in excess of a limit established by a participant for the specific time period established by the participant.
- (12) Share confidential information that could affect fantasy contest play with third parties until the information is made publicly available.
- (13) Knowingly permit a principal, an employee of a licensed operator or a relative living in the same household of an employee, or a principal of a licensed operator to become a participant in a fantasy contest offered by any licensed operator in which the licensed operator offers a prize or award.

§ 1205a.6. Licensed gaming entities.

- (a) A licensed gaming entity which holds a fantasy contest license may petition the Board for authority to place and operate fantasy contest terminals within the licensed gaming entity's licensed facility.
- (b) A licensed gaming entity may not place a fantasy contest terminal on its approved gaming floor. The Board's Executive Director will approve the placement of terminals within the licensed facility.
- (c) A participant entering a fantasy contest through a fantasy contest terminal is not required to establish an account with the licensed gaming entity prior to entering the fantasy contest.
- (d) A licensed gaming entity which offers a fantasy contest through a fantasy contest terminal may offer slot machine promotional play or table game match

play to a participant who is at least 21 years of age or older as a prize or award or for participating in a fantasy contest conducted by the licensed gaming entity, as approved by the Board.

(e) A licensed gaming entity which obtains authorization from the Board to conduct fantasy contests through fantasy contest terminals is subject to all requirements and restrictions, except for those relating to prior account establishment, in this chapter and Chapters 1206a—1209a.

§ 1205a.7. Record and data retention.

(a) A licensed operator shall retain account information for a 5-year period, including records of deposits into and out of a fantasy contest account, winnings, payouts and withdrawals, and record of participant play of fantasy contests.

(b) A licensed operator shall retain records of each fantasy contest conducted by the licensed operator for a 5-year period.

(c) A licensed operator shall retain copies of all advertisements for at least 2 years from the date of the last use of the advertisement and shall retain records to identify where advertisements were placed.

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