

**CHAPTER 813a. INTERACTIVE GAMING ADVERTISEMENTS,
PROMOTIONS AND TOURNAMENTS**

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Authority

The provisions of this Chapter 813a added under 4 Pa.C.S. §§ 1202(b)(30) and 13B02, unless otherwise noted.

Source

The provisions of this Chapter 813a added August 27, 2021, effective August 28, 2021, 51 Pa.B. 5389, unless noted otherwise.

Cross References

This chapter cited in 58 Pa. Code § 1401a.1 (relating to scope).

§ 813a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Celebrity player—A well-known or professional interactive gaming player who is under agreement with an interactive gaming certificate holder or interactive gaming operator whereby the interactive gaming certificate holder or interactive gaming operator pays the celebrity player a fixed sum to engage in interactive gaming with the certificate holder's or operator's players as an advertising or promotional enticement to its customers.

Promotion—An event conducted by an interactive gaming certificate holder or an interactive gaming operator that provides or offers registered or prospective players cash, credits, merchandise, coupons, players club credits, or points, bonuses or anything else of value to entice the player to wager with the interactive gaming certificate holder or interactive gaming operator.

Restricted interactive gaming credit—Interactive gaming funds that cannot be cashed out by the player until the wagering requirements or other restrictions associated with those funds are met in accordance with disclosed terms and conditions.

§ 813a.2. Advertising.

(a) Interactive gaming certificate holders and interactive gaming operators shall comply with § 501a.7 (relating to advertising).

(b) All interactive gaming advertisements exclusively directed to residents of this Commonwealth shall be co-branded, clearly and prominently displaying the name or logo, or both of the interactive gaming certificate holder and interactive gaming operator in equal size and quality, including but not limited to:

- (i) Television or radio advertisements relating to the availability of interactive gaming or sports wagering in this Commonwealth.
 - (ii) Direct mail pieces, e-mails, or text messages sent to residents of this Commonwealth.
 - (iii) Billboards located in this Commonwealth.
 - (iv) Newspaper, magazine and other print publications that are based in this Commonwealth, including online editions of these publications.
- (c) Advertising utilized by interactive gaming certificate holders and interactive gaming operators may not:
- (1) Consist of indecent or offensive graphics or audio, or both.
 - (2) Obscure the game play area or obstruct a game in progress.
 - (3) Contain content that contradicts the game rules or terms and conditions.
 - (4) Specifically target players which have been excluded from play.
- (d) Interactive gaming certificate holders and interactive gaming operators may utilize celebrity or other players to participate in peer-to-peer games for advertising or publicity purposes provided:
- (1) The interactive gaming certificate holder or an interactive gaming operator clearly identifies the celebrity player to the players.
 - (2) The interactive gaming certificate holder or an interactive gaming operator does not realize a profit beyond the rake for hosting the celebrity player.
 - (3) The interactive gaming certificate holder or an interactive gaming operator shall include winnings by the celebrity player in its gross gaming revenue if the certificate holder or licensee does not permit the celebrity player to retain these funds.
- (e) An interactive gaming certificate holder or an interactive gaming operator that contracts with a celebrity player to advertise or promote its services may fund the celebrity player's interactive gaming account in full or in part. The certificate holder or licensee may also pay the celebrity player a one-time or flat fee for his services.
- (f) A celebrity player engaged in interactive gaming in this Commonwealth under an agreement with an interactive gaming certificate holder or an interactive gaming operator for advertising or promotional purposes may or may not utilize his own funds to wager.

§ 813a.3. Promotions.

- (a) An interactive gaming certificate holder or interactive gaming operator shall notify and provide to the Board, at least 5 days prior to implementing a promotion, terms and conditions of each promotion. The terms and conditions must include, at a minimum, all of the following:
- (1) A description of what is being offered as part of the promotion.
 - (2) The dates and times that the promotion is being conducted.
 - (3) The persons who are eligible to participate in the promotion.

(4) The required action to receive whatever is being offered as part of the promotion.

(5) The procedure to claim or redeem the promotional offer, if applicable.

(6) Registration procedures.

(7) Limitations on participation.

(8) Wagering requirements and limitations by type of game.

(9) The order in which funds are used for wagering.

(10) Eligible games.

(11) Any restrictions on the withdrawal of funds.

(12) Rules regarding cancellation.

(13) The statement “If you or someone you know has a gambling problem, help is available. Call 1-800-GAMBLER.”

(14) Any other information the Board may require.

(b) An interactive gaming certificate holder or an interactive gaming operator shall designate one employee responsible for providing promotions to the Board. The designated employee shall provide a signed attestation with the submitted promotion indicating the employee has reviewed the promotion for compliance with Board regulations. The designated employee shall serve as the point of contact between a certificate holder or a licensee and the Board on all submitted promotions.

(c) An interactive gaming certificate holder or interactive gaming operator shall be responsible for providing the terms and conditions of promotions and the conduct of all promotions offered directly or indirectly by a third-party vendor or marketing affiliate on behalf of the interactive gaming certificate holder or an interactive gaming operator.

(d) The terms and conditions of all promotions communicated to players must be posted on the interactive gaming certificate holder’s home webpage as well as any skins the interactive gaming certificate holder operates or an interactive gaming operator operates on behalf of an interactive gaming certificate holder. The terms and conditions must be stated in a clear and conspicuous manner using plain language and be readily accessible and available for review for the duration of the promotion (even after player accepts a promotion).

(e) An interactive gaming certificate holder or interactive gaming operator shall provide a clear and conspicuous method for a player to cancel his participation in a promotion that utilizes restricted interactive gaming credits. Upon request for cancellation, the interactive gaming certificate holder or interactive gaming operator shall inform the player of the amount of unrestricted funds that will be returned upon cancellation and the value of restricted funds that will be removed from the player’s interactive gaming account. If the player elects to proceed with cancellation, unrestricted funds remaining in a player’s interactive gaming account must be returned in accordance with the terms and conditions.

(f) An interactive gaming certificate holder or interactive gaming operator may not, once a player has met the terms of a promotion, cap or limit winnings earned while participating in the promotion.

(g) An interactive gaming certificate holder or an interactive gaming operator may be required to discontinue, as expeditiously as possible, the use of a particular promotion upon receipt of written notice from the Board that the Board has determined that the use of the particular promotion in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.

(h) An interactive gaming certificate holder or interactive gaming operator may not offer or conduct a promotion which violates any Federal, State or local law.

(i) An interactive gaming certificate holder or an interactive gaming operator shall develop and submit to the Board, as part of the submission required as part of the certificate holder's or licensee's internal controls, procedures governing the conduct of all promotions to be offered by an interactive gaming certificate holder or interactive gaming operator.

Cross References

This section cited in 58 Pa. Code § 1409a.2 (relating to sports wagering contests, tournaments, pools or other organized events).

§ 813a.4. Interactive gaming tournaments.

(a) An organized event that permits a player to purchase or be awarded the opportunity to engage in competitive play against other players (that is, a tournament) may be permitted providing all of the following:

(1) Prior to conducting an interactive gaming tournament, an interactive gaming certificate holder or an interactive gaming operator shall file for approval of the terms and conditions of each interactive gaming tournament type with the Bureau of Gaming Operations as part of the certificate holder's or licensee's internal controls. The terms and conditions shall be followed and include, at a minimum, all of the following:

- (i) Game type (for example, Hold 'Em Poker).
- (ii) Rules concerning tournament play and participation.
- (iii) All conditions registered players shall meet to qualify for entry into, and advancement through, the tournament.
- (iv) Any conditions concerning late arrivals or complete tournament no-shows and how auto-blind posting or initial entry purchase, or both, is handled.
- (v) Funding source amounts comprising the prize pool (for example, buy-ins, re-buys or add-ons).
- (vi) Prize structure on payout.
- (vii) Methodology for determining win.
- (viii) Any other information as the Board may require.

(2) While enabled for tournament play, a game may not accept real money from any source, nor pay out real money in any way, and must utilize tournament specific credits, points or chips which do not have cash value.

(b) The terms and conditions of all interactive gaming tournaments communicated to players shall be posted on the interactive gaming web site and stated in a clear and conspicuous manner using plain language. The terms and conditions of each interactive gaming tournament must be readily accessible and remain available for review by the player until the interactive gaming tournament is complete.

(c) An interactive gaming certificate holder or an interactive gaming operator may be required to discontinue, as expeditiously as possible, an interactive gaming tournament upon receipt of written notice from the Board's Executive Director that the Board's Executive Director has determined that the conduct of an interactive gaming tournament could adversely impact the public or the integrity of gaming.

(d) An interactive gaming certificate holder or an interactive gaming operator shall submit a notice of intent to conduct an interactive gaming tournament at least 5 business days prior to the start of the tournament. The notice shall be submitted electronically to the Bureau of Gaming Operations using the Internal Controls and Table Games Submission Form, which is posted on the Board's web site, and must include all of the following:

- (1) The type of game to be played.
- (2) The dates and times the tournament will be conducted.
- (3) Participation eligibility requirements including all of the following:
 - (i) Who is eligible to participate.
 - (ii) The minimum and maximum number of participants.
 - (iii) Entry fees charged.
- (4) The monetary amount or description of the prizes to be awarded.
- (5) Any other information as the Board may require.

(e) Submission of a proposed schedule may not require the interactive gaming certificate holder or interactive gaming operator to conduct all tournaments in the schedule.

(f) An interactive gaming certificate holder or interactive gaming operator may seek to amend or modify the schedule at any time by filing a written request with the Board's Executive Director.

(g) An interactive gaming certificate holder or interactive gaming operator shall maintain records related to the conduct of interactive gaming tournaments in accordance with § 465a.6(c) (relating to retention, storage and destruction of books, records and documents). These records shall be made available to Board staff and the Department upon request and must include all of the following:

- (1) A full accounting of gross interactive gaming revenue for each tournament including cash received as entry fees and the total of cash or cash equivalents paid out to registered players.
- (2) The names and addresses of all prize winners and the prize each winner was awarded.

§ 813a.5. Record retention and reports.

(a) Unless otherwise approved by the Board, a record of all bonus and promotional wagering offers related to interactive gaming shall be maintained in an electronic file that is readily available to the Board. All bonus and promotional wagering offers must be stated in clear and unambiguous terms and be readily accessible by the registered player.

(b) Unless otherwise exempted by the Board, a gaming system must record all promotional offers (Promotions Log) issued through the system. The log must provide the information necessary to audit compliance with the terms and conditions of current and previous offers.

(c) An interactive gaming system must be able to provide a Promotional Account Summary Report (or similarly named report) on demand for any player loyalty promotions or bonuses, or both, that are redeemable for cash, monetary game play credits or merchandise. The report must contain, at a minimum, all of the following information:

- (1) Beginning balance for promotion type.
- (2) Total amount of awards by promotion type.
- (3) Total amount used by promotion type.
- (4) Total amount expired by promotion type.
- (5) Total adjustment amount by promotion type.
- (6) Ending balance by promotion type.

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