

1 THE COLLECTION AND RESEARCH OF AND TESTING FOR MEDICATION, WHICH
2 SHALL INCLUDE THE COST OF NECESSARY PERSONNEL, EQUIPMENT,
3 SUPPLIES AND FACILITIES, EXCEPT HOLDING BARNS OR STABLES, TO BE
4 LOCATED AT HORSE RACE FACILITIES, GROUNDS OR ENCLOSURES OR AT
5 OTHER LOCATIONS DESIGNATED BY THE COMMISSION. ALL SUCH COSTS
6 SHALL BE REVIEWED AND APPROVED BY THE COMMISSION. THE TRANSFER
7 SHALL BE MADE IN 52 EQUAL WEEKLY INSTALLMENTS DURING THE FISCAL
8 YEAR BEFORE ANY OTHER DISTRIBUTION FROM THE PENNSYLVANIA RACE
9 HORSE DEVELOPMENT TRUST FUND.

10 * * *

11 SECTION 1.4. TITLE 4 IS AMENDED BY ADDING A PART TO READ:

12 PART I

13 AMUSEMENTS GENERALLY

14 CHAPTER

15 1. PRELIMINARY PROVISIONS (RESERVED)

16 3. FANTASY CONTESTS

17 5. LOTTERY

18 7. ILOTTERY

19 CHAPTER 1

20 PRELIMINARY PROVISIONS

21 (RESERVED)

22 CHAPTER 3

23 FANTASY CONTESTS

24 SUBCHAPTER

25 A. GENERAL PROVISIONS

26 B. ADMINISTRATION

27 C. LICENSURE

28 D. FISCAL PROVISIONS

29 E. MISCELLANEOUS PROVISIONS

30 SUBCHAPTER A

1 GENERAL PROVISIONS

2 SEC.

3 301. SCOPE OF CHAPTER.

4 302. DEFINITIONS.

5 § 301. SCOPE OF CHAPTER.

6 THIS CHAPTER RELATES TO FANTASY CONTESTS.

7 § 302. DEFINITIONS.

8 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
9 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
10 CONTEXT CLEARLY INDICATES OTHERWISE:

11 "APPLICANT." A PERSON WHO, ON HIS OWN BEHALF OR ON BEHALF OF
12 ANOTHER, IS APPLYING FOR PERMISSION TO ENGAGE IN ANY ACT OR
13 ACTIVITY WHICH IS REGULATED UNDER THE PROVISIONS OF THIS
14 CHAPTER. IF THE APPLICANT IS A PERSON OTHER THAN AN INDIVIDUAL,
15 THE BOARD SHALL DETERMINE THE ASSOCIATED PERSONS WHOSE
16 QUALIFICATIONS ARE NECESSARY AS A PRECONDITION TO THE LICENSING
17 OF THE APPLICANT.

18 "BEGINNER." A PARTICIPANT WHO HAS ENTERED FEWER THAN 51
19 CONTESTS OFFERED BY A SINGLE LICENSED OPERATOR OR WHO DOES NOT
20 MEET THE DEFINITION OF A HIGHLY EXPERIENCED PLAYER.

21 "BOARD." THE PENNSYLVANIA GAMING CONTROL BOARD.

22 "BUREAU." THE BUREAU OF INVESTIGATIONS AND ENFORCEMENT OF
23 THE BOARD.

24 "CONDUCT OF GAMING." AS DEFINED IN SECTION 1103 (RELATING TO
25 DEFINITIONS).

26 "CONTROLLING INTEREST." EITHER OF THE FOLLOWING:

27 (1) FOR A PUBLICLY TRADED DOMESTIC OR FOREIGN
28 CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER
29 FORM OF PUBLICLY TRADED LEGAL ENTITY, A CONTROLLING INTEREST
30 IS AN INTEREST IF A PERSON'S SOLE VOTING RIGHTS UNDER STATE

1 LAW OR CORPORATE ARTICLES OR BYLAWS ENTITLE THE PERSON TO
2 ELECT OR APPOINT ONE OR MORE OF THE MEMBERS OF THE BOARD OF
3 DIRECTORS OR OTHER GOVERNING BOARD OR THE OWNERSHIP OR
4 BENEFICIAL HOLDING OF 5% OR MORE OF THE SECURITIES OF THE
5 PUBLICLY TRADED CORPORATION, PARTNERSHIP, LIMITED LIABILITY
6 COMPANY OR OTHER FORM OF PUBLICLY TRADED LEGAL ENTITY, UNLESS
7 THIS PRESUMPTION OF CONTROL OR ABILITY TO ELECT IS REBUTTED
8 BY CLEAR AND CONVINCING EVIDENCE.

9 (2) FOR A PRIVATELY HELD DOMESTIC OR FOREIGN
10 CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER
11 FORM OF PRIVATELY HELD LEGAL ENTITY, A CONTROLLING INTEREST
12 IS THE HOLDING OF SECURITIES OF 15% OR MORE IN THE LEGAL
13 ENTITY, UNLESS THIS PRESUMPTION OF CONTROL IS REBUTTED BY
14 CLEAR AND CONVINCING EVIDENCE.

15 "DEPARTMENT." THE DEPARTMENT OF REVENUE OF THE COMMONWEALTH.

16 "ENTRY FEE." THE CASH OR CASH EQUIVALENT PAID BY A
17 PARTICIPANT TO A LICENSED OPERATOR IN ORDER TO PARTICIPATE IN A
18 FANTASY CONTEST.

19 "FANTASY CONTEST." AS FOLLOWS:

20 (1) AN ONLINE FANTASY OR SIMULATED GAME OR CONTEST WITH
21 AN ENTRY FEE AND A PRIZE OR AWARD IN WHICH:

22 (I) THE VALUE OF ALL PRIZES OR AWARDS OFFERED TO
23 WINNING PARTICIPANTS IS ESTABLISHED AND MADE KNOWN TO
24 PARTICIPANTS IN ADVANCE OF THE CONTEST AND THE VALUE IS
25 NOT DETERMINED BY THE NUMBER OF PARTICIPANTS OR THE
26 AMOUNT OF ANY FEES PAID BY THOSE PARTICIPANTS.

27 (II) ALL WINNING OUTCOMES REFLECT THE RELATIVE
28 KNOWLEDGE AND SKILL OF PARTICIPANTS AND ARE DETERMINED BY
29 ACCUMULATED STATISTICAL RESULTS OF THE PERFORMANCE OF
30 INDIVIDUALS, INCLUDING ATHLETES IN THE CASE OF SPORTS

1 EVENTS.

2 (III) NO WINNING OUTCOME IS BASED ON THE SCORE,
3 POINT SPREAD OR PERFORMANCE OF A SINGLE ACTUAL TEAM OR
4 COMBINATION OF TEAMS OR SOLELY ON A SINGLE PERFORMANCE OF
5 AN INDIVIDUAL ATHLETE OR PLAYER IN A SINGLE ACTUAL EVENT.

6 (2) THE TERM DOES NOT INCLUDE SOCIAL FANTASY CONTESTS.

7 "FANTASY CONTEST ACCOUNT." THE FORMAL ELECTRONIC SYSTEM
8 IMPLEMENTED BY A LICENSED OPERATOR TO RECORD A PARTICIPANT'S
9 ENTRY FEES, PRIZES OR AWARDS AND OTHER ACTIVITIES RELATED TO
10 PARTICIPATION IN THE LICENSED OPERATOR'S FANTASY CONTESTS.

11 "FANTASY CONTEST ADJUSTED REVENUES." FOR EACH FANTASY
12 CONTEST, THE AMOUNT EQUAL TO THE TOTAL AMOUNT OF ALL ENTRY FEES
13 COLLECTED FROM ALL PARTICIPANTS ENTERING THE FANTASY CONTEST
14 MINUS PRIZES OR AWARDS PAID TO PARTICIPANTS IN THE FANTASY
15 CONTEST, MULTIPLIED BY THE IN-STATE PERCENTAGE.

16 "FANTASY CONTEST LICENSE." A LICENSE ISSUED BY THE BOARD
17 AUTHORIZING A PERSON TO OFFER FANTASY CONTESTS IN THIS
18 COMMONWEALTH IN ACCORDANCE WITH THIS CHAPTER.

19 "FANTASY CONTEST TERMINAL." A COMPUTERIZED OR ELECTRONIC
20 TERMINAL OR SIMILAR DEVICE WITHIN A LICENSED FACILITY THAT
21 ALLOWS PARTICIPANTS TO:

22 (1) REGISTER FOR A FANTASY CONTEST ACCOUNT;

23 (2) PAY AN ENTRY FEE;

24 (3) SELECT ATHLETES FOR A FANTASY CONTEST;

25 (4) RECEIVE WINNINGS; OR

26 (5) OTHERWISE PARTICIPATE IN A FANTASY CONTEST.

27 "GAMING SERVICE PROVIDER." AS DEFINED IN SECTION 1103.

28 "HIGHLY EXPERIENCED PLAYER." AS FOLLOWS:

29 (1) ANY PARTICIPANT WHO HAS:

30 (I) ENTERED MORE THAN 1,000 FANTASY CONTESTS; OR

1 (II) WON MORE THAN THREE FANTASY CONTEST PRIZES OR
2 AWARDS VALUED AT \$1,000 OR MORE.

3 (2) ONCE A PARTICIPANT IS CLASSIFIED AS A HIGHLY
4 EXPERIENCED PLAYER, A PLAYER SHALL REMAIN CLASSIFIED AS A
5 HIGHLY EXPERIENCED PLAYER.

6 "IN-STATE PARTICIPANT." AN INDIVIDUAL WHO PARTICIPATES IN A
7 FANTASY CONTEST CONDUCTED BY A LICENSED OPERATOR AND PAYS A FEE
8 TO A LICENSED OPERATOR FROM A LOCATION WITHIN THIS COMMONWEALTH.
9 THE TERM INCLUDES AN INDIVIDUAL WHO PAYS AN ENTRY FEE THROUGH A
10 FANTASY CONTEST TERMINAL WITHIN A LICENSED FACILITY.

11 "IN-STATE PERCENTAGE." FOR EACH FANTASY CONTEST, THE
12 PERCENTAGE, ROUNDED TO THE NEAREST TENTH OF A PERCENT, EQUAL TO
13 THE TOTAL ENTRY FEES COLLECTED FROM ALL IN-STATE PARTICIPANTS
14 DIVIDED BY THE TOTAL ENTRY FEES COLLECTED FROM ALL PARTICIPANTS
15 IN THE FANTASY CONTEST.

16 "INSTITUTIONAL INVESTOR." AS DEFINED IN SECTION 1103.

17 "KEY EMPLOYEE." AN INDIVIDUAL WHO IS EMPLOYED BY AN
18 APPLICANT FOR A FANTASY CONTEST LICENSE OR A LICENSED OPERATOR
19 IN A DIRECTOR OR DEPARTMENT HEAD CAPACITY OR WHO IS EMPOWERED TO
20 MAKE DISCRETIONARY DECISIONS THAT REGULATE FANTASY CONTEST
21 OPERATIONS AS DETERMINED BY THE BOARD.

22 "LICENSED ENTITY REPRESENTATIVE." A PERSON, INCLUDING AN
23 ATTORNEY, AGENT OR LOBBYIST, ACTING ON BEHALF OF OR AUTHORIZED
24 TO REPRESENT THE INTEREST OF AN APPLICANT, LICENSEE OR OTHER
25 PERSON AUTHORIZED BY THE BOARD TO ENGAGE IN AN ACT OR ACTIVITY
26 WHICH IS REGULATED UNDER THIS CHAPTER REGARDING A MATTER BEFORE,
27 OR WHICH MAY BE REASONABLY BE EXPECTED TO COME BEFORE, THE
28 BOARD.

29 "LICENSED FACILITY." AS DEFINED IN SECTION 1103.

30 "LICENSED GAMING ENTITY." AS DEFINED IN SECTION 1103.

1 "LICENSED OPERATOR." A PERSON WHO HOLDS A FANTASY CONTEST
2 LICENSE.

3 "LICENSEE." A LICENSED OPERATOR, A PRINCIPAL OR KEY EMPLOYEE
4 OF A LICENSED OPERATOR.

5 "PARTICIPANT." AN INDIVIDUAL WHO PARTICIPATES IN A FANTASY
6 CONTEST, WHETHER THE INDIVIDUAL IS LOCATED IN THIS COMMONWEALTH
7 OR ANOTHER JURISDICTION.

8 "PERSON." A NATURAL PERSON, CORPORATION, PUBLICLY TRADED
9 CORPORATION, FOUNDATION, ORGANIZATION, BUSINESS TRUST, ESTATE,
10 LIMITED LIABILITY COMPANY, LICENSED CORPORATION, TRUST,
11 PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, ASSOCIATION OR ANY
12 OTHER FORM OF LEGAL BUSINESS ENTITY.

13 "PRINCIPAL." AN OFFICER, DIRECTOR OR PERSON WHO DIRECTLY
14 HOLDS A BENEFICIAL INTEREST IN OR OWNERSHIP OF THE SECURITIES OF
15 AN APPLICANT FOR A FANTASY CONTEST LICENSE OR A LICENSED
16 OPERATOR, A PERSON WHO HAS A CONTROLLING INTEREST IN AN
17 APPLICANT FOR A FANTASY CONTEST LICENSE OR A LICENSED OPERATOR
18 OR WHO HAS THE ABILITY TO ELECT A MAJORITY OF THE BOARD OF
19 DIRECTORS OF A LICENSED OPERATOR OR TO OTHERWISE CONTROL A
20 LICENSED OPERATOR, LENDER OR OTHER LICENSED FINANCIAL
21 INSTITUTION OF AN APPLICANT FOR A FANTASY CONTEST LICENSE OR A
22 LICENSED OPERATOR, OTHER THAN A BANK OR LENDING INSTITUTION
23 WHICH MAKES A LOAN OR HOLDS A MORTGAGE OR OTHER LIEN ACQUIRED IN
24 THE ORDINARY COURSE OF BUSINESS, UNDERWRITER OF AN APPLICANT FOR
25 A FANTASY CONTEST LICENSE OR A LICENSED OPERATOR OR OTHER PERSON
26 OR EMPLOYEE OF AN APPLICANT FOR A FANTASY CONTEST LICENSE OR A
27 LICENSED OPERATOR DEEMED TO BE A PRINCIPAL BY THE BOARD.

28 "PRIZE OR AWARD." ANYTHING OF VALUE WORTH \$100 OR MORE OR
29 ANY AMOUNT OF CASH OR CASH EQUIVALENTS.

30 "PUBLICLY TRADED CORPORATION." A PERSON, OTHER THAN AN

1 INDIVIDUAL, THAT:

2 (1) HAS A CLASS OR SERIES OF SECURITIES REGISTERED UNDER
3 THE SECURITIES EXCHANGE ACT OF 1934 (48 STAT. 881, 15 U.S.C.
4 § 78A ET SEQ.);

5 (2) IS A REGISTERED MANAGEMENT COMPANY UNDER THE
6 INVESTMENT COMPANY ACT OF 1940 (54 STAT. 789, 15 U.S.C. §
7 80A-1 ET SEQ.); OR

8 (3) IS SUBJECT TO THE REPORTING REQUIREMENTS UNDER
9 SECTION 15(D) OF THE SECURITIES EXCHANGE ACT OF 1934 BY
10 REASON OF HAVING FILED A REGISTRATION STATEMENT THAT HAS
11 BECOME EFFECTIVE UNDER THE SECURITIES ACT OF 1933 (48 STAT.
12 74, 15 U.S.C. § 77A ET SEQ.).

13 "SCRIPT." A LIST OF COMMANDS THAT A FANTASY-CONTEST-RELATED
14 COMPUTER SOFTWARE PROGRAM CAN EXECUTE THAT IS CREATED BY A
15 PARTICIPANT OR THIRD PARTY NOT APPROVED BY THE LICENSED OPERATOR
16 TO AUTOMATE PROCESSES ON A LICENSED OPERATOR'S FANTASY CONTEST
17 PLATFORM.

18 "SEASON-LONG FANTASY CONTEST." A FANTASY CONTEST OFFERED BY
19 A LICENSED OPERATOR THAT IS CONDUCTED OVER AN ENTIRE SPORTS
20 SEASON.

21 "SOCIAL FANTASY CONTEST." A FANTASY CONTEST WHICH MEETS ONE
22 OR MORE OF THE FOLLOWING CRITERIA:

23 (1) NOTHING IS OFFERED TO PARTICIPANTS OTHER THAN GAME-
24 BASED VIRTUAL CURRENCY THAT CANNOT BE REDEEMED FOR CASH,
25 MERCHANDISE OR ANYTHING OF VALUE OUTSIDE THE CONTEXT OF GAME
26 PLAY.

27 (2) THE CONTEST IS FREE TO ALL PARTICIPANTS.

28 (3) THE ENTITY OFFERING THE CONTEST RECEIVES NO
29 COMPENSATION, OTHER THAN AN ADMINISTRATIVE FEE FOR THE
30 MAINTENANCE OF STATISTICAL INFORMATION, IN CONNECTION WITH

1 THE CONTEST.

2 (4) THE WINNINGS OFFERED ARE OF NO GREATER VALUE THAN
3 THE LOWEST INDIVIDUAL FEE CHARGED TO A SINGLE PARTICIPANT FOR
4 ENTERING OR PARTICIPATING IN THE CONTEST.

5 (5) THE CONTEST ENCOMPASSES AN ENTIRE SEASON OF THE
6 ACTIVITY IN WHICH THE UNDERLYING COMPETITION IS BEING
7 CONDUCTED AND THE WINNINGS OFFERED, IF ANY, ARE DETERMINED BY
8 AGREEMENT OF THE PARTICIPANTS ONLY IN ORDER TO DISTRIBUTE
9 FULLY THE PARTICIPANTS' CONTRIBUTIONS TO A FUND ESTABLISHED
10 TO GRANT THE WINNINGS FOR THE CONTEST.

11 "SUSPICIOUS TRANSACTION." A TRANSACTION BETWEEN A LICENSED
12 OPERATOR OR AN EMPLOYEE OF A LICENSED OPERATOR AND AN INDIVIDUAL
13 THAT INVOLVES THE ACCEPTANCE OR REDEMPTION BY A PERSON OF CASH
14 OR CASH EQUIVALENT INVOLVING OR AGGREGATING \$5,000 OR MORE WHICH
15 A LICENSED OPERATOR OR EMPLOYEE OF A LICENSED OPERATOR KNOWS,
16 SUSPECTS OR HAS REASON TO BELIEVE:

17 (1) INVOLVES FUNDS DERIVED FROM ILLEGAL ACTIVITIES OR IS
18 INTENDED OR CONDUCTED IN ORDER TO CONCEAL OR DISGUISE FUNDS
19 OR ASSETS DERIVED FROM ILLEGAL ACTIVITIES;

20 (2) IS PART OF A PLAN TO VIOLATE OR EVADE A LAW OR
21 REGULATION TO AVOID A TRANSACTION REPORTING REQUIREMENT UNDER
22 THE LAWS OR REGULATIONS OF THE UNITED STATES OR THIS
23 COMMONWEALTH, INCLUDING A PLAN TO STRUCTURE A SERIES OF
24 TRANSACTIONS TO AVOID A TRANSACTION REPORTING REQUIREMENT
25 UNDER THE LAWS OF THE UNITED STATES OR THIS COMMONWEALTH; OR

26 (3) HAD NO APPARENT LAWFUL PURPOSE OR IS NOT THE TYPE OF
27 TRANSACTION IN WHICH A PERSON WOULD NORMALLY BE EXPECTED TO
28 ENGAGE AND THE LICENSED OPERATOR OR EMPLOYEE KNOWS OF NO
29 REASONABLE EXPLANATION FOR THE TRANSACTION AFTER EXAMINING
30 THE AVAILABLE FACTS, INCLUDING THE BACKGROUND AND POSSIBLE

1 PURPOSE OF THE TRANSACTION.

2 SUBCHAPTER B

3 ADMINISTRATION

4 SEC.

5 311. GENERAL AND SPECIFIC POWERS OF BOARD.

6 312. TEMPORARY REGULATIONS.

7 313. FANTASY CONTEST LICENSE APPEALS.

8 314. BOARD MINUTES AND RECORDS.

9 315. REPORTS OF BOARD.

10 § 311. GENERAL AND SPECIFIC POWERS OF BOARD.

11 (A) GENERAL POWERS.--

12 (1) THE BOARD SHALL HAVE GENERAL AND SOLE REGULATORY
13 AUTHORITY OVER THE CONDUCT OF FANTASY CONTESTS AND RELATED
14 ACTIVITIES AS DESCRIBED IN THIS CHAPTER. THE BOARD SHALL
15 ENSURE THE INTEGRITY OF FANTASY CONTESTS OFFERED IN THIS
16 COMMONWEALTH.

17 (2) THE BOARD MAY EMPLOY INDIVIDUALS AS NECESSARY TO
18 CARRY OUT THE REQUIREMENTS OF THIS CHAPTER, WHO SHALL SERVE
19 AT THE BOARD'S PLEASURE. AN EMPLOYEE OF THE BOARD SHALL BE
20 CONSIDERED A STATE EMPLOYEE FOR PURPOSES OF 71 PA.C.S. PT.
21 XXV (RELATING TO RETIREMENT FOR STATE EMPLOYEES AND
22 OFFICERS).

23 (B) SPECIFIC POWERS.--THE BOARD SHALL HAVE THE FOLLOWING
24 SPECIFIC POWERS:

25 (1) AT THE BOARD'S DISCRETION, TO ISSUE, APPROVE, RENEW,
26 REVOKE, SUSPEND, CONDITION OR DENY ISSUANCE OF LICENSES UNDER
27 THIS CHAPTER.

28 (2) AT THE BOARD'S DISCRETION, TO SUSPEND, CONDITION OR
29 DENY THE ISSUANCE OR RENEWAL OF A LICENSE OR LEVY FINES FOR
30 ANY VIOLATION OF THIS CHAPTER.

1 (3) TO PUBLISH EACH JANUARY ON THE BOARD'S PUBLICLY
2 ACCESSIBLE INTERNET WEBSITE A COMPLETE LIST OF ALL PERSONS
3 WHO APPLIED FOR OR HELD A FANTASY CONTEST LICENSE AT ANY TIME
4 DURING THE PRECEDING CALENDAR YEAR AND THE STATUS OF THE
5 APPLICATION OR FANTASY CONTEST LICENSE.

6 (4) TO PREPARE AND, THROUGH THE GOVERNOR, SUBMIT
7 ANNUALLY TO THE GENERAL ASSEMBLY AN ITEMIZED BUDGET
8 CONSISTENT WITH ARTICLE VI OF THE ACT OF APRIL 9, 1929
9 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,
10 CONSISTING OF THE AMOUNTS NECESSARY TO BE APPROPRIATED BY THE
11 GENERAL ASSEMBLY OUT OF THE ACCOUNTS ESTABLISHED UNDER
12 SECTION 332 (RELATING TO LICENSED OPERATOR DEPOSITS) REQUIRED
13 TO MEET THE OBLIGATIONS UNDER THIS CHAPTER ACCRUING DURING
14 THE PERIOD BEGINNING JULY 1 OF THE FOLLOWING FISCAL YEAR.

15 (5) IN THE EVENT THAT, IN ANY YEAR, APPROPRIATIONS FOR
16 THE ADMINISTRATION OF THIS CHAPTER ARE NOT ENACTED BY JUNE
17 30, ANY FUNDS APPROPRIATED FOR THE ADMINISTRATION OF THIS
18 CHAPTER WHICH ARE UNEXPENDED, UNCOMMITTED AND UNENCUMBERED AT
19 THE END OF A FISCAL YEAR SHALL REMAIN AVAILABLE FOR
20 EXPENDITURE BY THE BOARD UNTIL THE ENACTMENT OF APPROPRIATION
21 FOR THE ENSUING FISCAL YEAR.

22 (6) TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR
23 THE ADMINISTRATION AND ENFORCEMENT OF THIS CHAPTER. EXCEPT AS
24 PROVIDED IN SECTION 312 (RELATING TO TEMPORARY REGULATIONS),
25 REGULATIONS SHALL BE ADOPTED UNDER THE ACT OF JULY 31, 1968
26 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS
27 LAW, AND THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
28 THE REGULATORY REVIEW ACT.

29 (7) TO ADMINISTER OATHS, EXAMINE WITNESSES AND ISSUE
30 SUBPOENAS COMPELLING THE ATTENDANCE OF WITNESSES OR THE

1 PRODUCTION OF DOCUMENTS AND RECORDS OR OTHER EVIDENCE OR TO
2 DESIGNATE OFFICERS OR EMPLOYEES TO PERFORM DUTIES REQUIRED BY
3 THIS CHAPTER.

4 (7.1) TO REQUIRE PROSPECTIVE AND EXISTING EMPLOYEES,
5 INDEPENDENT CONTRACTORS, APPLICANTS AND LICENSEES TO SUBMIT
6 TO FINGERPRINTING BY THE PENNSYLVANIA STATE POLICE OR AN
7 AUTHORIZED AGENT OF THE PENNSYLVANIA STATE POLICE. THE
8 PENNSYLVANIA STATE POLICE OR AUTHORIZED AGENT OF THE
9 PENNSYLVANIA STATE POLICE SHALL SUBMIT THE FINGERPRINTS TO
10 THE FEDERAL BUREAU OF INVESTIGATION FOR PURPOSES OF VERIFYING
11 THE IDENTITY OF THE INDIVIDUAL AND OBTAINING RECORDS OF
12 CRIMINAL ARRESTS AND CONVICTIONS.

13 (7.2) TO REQUIRE PROSPECTIVE AND EXISTING EMPLOYEES,
14 INDEPENDENT CONTRACTORS, APPLICANTS AND LICENSEES TO SUBMIT
15 PHOTOGRAPHS CONSISTENT WITH THE STANDARDS ESTABLISHED BY THE
16 BOARD.

17 (7.3) TO REQUIRE LICENSED OPERATORS TO MAINTAIN AN
18 OFFICE OR PLACE OF BUSINESS WITHIN THIS COMMONWEALTH.

19 (7.4) TO EXEMPT CERTAIN PROSPECTIVE AND EXISTING
20 EMPLOYEES OR INDEPENDENT CONTRACTORS FROM THE REQUIREMENTS
21 UNDER PARAGRAPHS (7.1) AND (7.2) THAT ARE NOT INCONSISTENT
22 WITH THE PROPER REGULATION OF FANTASY CONTESTS UNDER THIS
23 CHAPTER.

24 (8) AT THE BOARD'S DISCRETION, TO DELEGATE ANY OF THE
25 BOARD'S RESPONSIBILITIES UNDER THIS CHAPTER TO THE EXECUTIVE
26 DIRECTOR OF THE BOARD OR OTHER DESIGNATED STAFF.

27 (9) TO REQUIRE LICENSED OPERATORS AND APPLICANTS FOR A
28 FANTASY CONTEST LICENSE TO SUBMIT ANY INFORMATION OR
29 DOCUMENTATION NECESSARY TO ENSURE THE PROPER REGULATION OF
30 FANTASY CONTESTS IN ACCORDANCE WITH THIS CHAPTER.

1 (10) TO REQUIRE LICENSED OPERATORS, EXCEPT FOR A
2 LICENSED OPERATOR OPERATING SEASON-LONG FANTASY CONTESTS THAT
3 GENERATE LESS THAN \$250,000 IN SEASON-LONG FANTASY CONTEST
4 ADJUSTED REVENUE, UNLESS THE BOARD DETERMINES OTHERWISE, TO:

5 (I) CONTRACT WITH A CERTIFIED PUBLIC ACCOUNTANT TO
6 CONDUCT AN ANNUAL INDEPENDENT AUDIT IN ACCORDANCE WITH
7 STANDARDS ADOPTED BY THE AMERICAN INSTITUTE OF CERTIFIED
8 PUBLIC ACCOUNTANTS TO VERIFY COMPLIANCE WITH THE
9 PROVISIONS OF THIS CHAPTER AND BOARD REGULATIONS;

10 (II) CONTRACT WITH A TESTING LABORATORY APPROVED BY
11 THE BOARD TO ANNUALLY VERIFY COMPLIANCE WITH THE
12 PROVISIONS OF THIS CHAPTER AND BOARD REGULATIONS; AND

13 (III) ANNUALLY SUBMIT TO THE BOARD AND DEPARTMENT A
14 COPY OF THE AUDIT REPORT REQUIRED BY SUBPARAGRAPH (I) AND
15 SUBMIT TO THE BOARD A COPY OF THE REPORT OF THE TESTING
16 LABORATORY REQUIRED BY SUBPARAGRAPH (II).

17 (11) IN CONJUNCTION WITH THE DEPARTMENT OF DRUG AND
18 ALCOHOL PROGRAMS OR SUCCESSOR AGENCY, TO DEVELOP A PROCESS BY
19 WHICH LICENSED OPERATORS PROVIDE PARTICIPANTS WITH A TOLL-
20 FREE TELEPHONE NUMBER THAT PROVIDES INDIVIDUALS WITH
21 INFORMATION ON HOW TO ACCESS APPROPRIATE TREATMENT SERVICES.

22 (12) TO PROMULGATE REGULATIONS REGARDING THE PLACEMENT
23 AND OPERATION OF FANTASY CONTEST TERMINALS WITHIN LICENSED
24 FACILITIES AND TO ENSURE THE INTEGRITY OF FANTASY CONTEST
25 TERMINALS.

26 (B.1) LICENSED ENTITY REPRESENTATIVE.--

27 (1) A LICENSED ENTITY REPRESENTATIVE SHALL REGISTER WITH
28 THE BOARD, IN A MANNER PRESCRIBED BY THE BOARD. THE
29 REGISTRATION SHALL INCLUDE THE NAME, EMPLOYER OR FIRM,
30 BUSINESS ADDRESS AND BUSINESS TELEPHONE NUMBER OF BOTH THE

1 LICENSED ENTITY REPRESENTATIVE AND ANY LICENSED OPERATOR,
2 APPLICANT FOR LICENSURE OR OTHER PERSON BEING REPRESENTED.

3 (2) A LICENSED ENTITY REPRESENTATIVE SHALL HAVE AN
4 AFFIRMATIVE DUTY TO UPDATE ITS REGISTRATION INFORMATION ON AN
5 ONGOING BASIS. FAILURE TO UPDATE A REGISTRATION SHALL BE
6 PUNISHABLE BY THE BOARD.

7 (3) THE BOARD SHALL MAINTAIN A LIST OF LICENSED ENTITY
8 REPRESENTATIVES WHICH SHALL CONTAIN THE INFORMATION REQUIRED
9 UNDER PARAGRAPH (1) AND SHALL BE AVAILABLE ON THE BOARD'S
10 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

11 (C) EXCEPTIONS.--EXCEPT AS PROVIDED UNDER SECTION 342
12 (RELATING TO LICENSED GAMING ENTITIES), NOTHING IN THIS SECTION
13 SHALL BE CONSTRUED TO AUTHORIZE THE BOARD TO REQUIRE ANY
14 ADDITIONAL PERMITS OR LICENSES NOT SPECIFICALLY ENUMERATED IN
15 THIS CHAPTER.

16 § 312. TEMPORARY REGULATIONS.

17 (A) PROMULGATION.--IN ORDER TO FACILITATE THE PROMPT
18 IMPLEMENTATION OF THIS CHAPTER, REGULATIONS PROMULGATED BY THE
19 BOARD SHALL BE DEEMED TEMPORARY REGULATIONS AND SHALL EXPIRE NO
20 LATER THAN TWO YEARS FOLLOWING THE PUBLICATION OF TEMPORARY
21 REGULATIONS. THE BOARD MAY PROMULGATE TEMPORARY REGULATIONS NOT
22 SUBJECT TO:

23 (1) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF
24 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
25 COMMONWEALTH DOCUMENTS LAW.

26 (2) SECTION 204(B) OF THE ACT OF OCTOBER 15, 1980
27 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT.

28 (3) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
29 THE REGULATORY REVIEW ACT.

30 (B) EXPIRATION.--EXCEPT FOR TEMPORARY REGULATIONS CONCERNING

1 NETWORK CONNECTIVITY, SECURITY AND TESTING AND COMPULSIVE AND
2 PROBLEM PLAY, THE AUTHORITY PROVIDED TO THE BOARD TO ADOPT
3 TEMPORARY REGULATIONS IN SUBSECTION (A) SHALL EXPIRE NO LATER
4 THAN TWO YEARS FOLLOWING THE PUBLICATION OF TEMPORARY
5 REGULATIONS. REGULATIONS ADOPTED AFTER THIS PERIOD SHALL BE
6 PROMULGATED AS PROVIDED BY LAW.

7 § 313. FANTASY CONTEST LICENSE APPEALS.

8 AN APPLICANT MAY APPEAL ANY FINAL ORDER, DETERMINATION OR
9 DECISION OF THE BOARD INVOLVING THE APPROVAL, ISSUANCE, DENIAL,
10 REVOCAION OR CONDITIONING OF A FANTASY CONTEST LICENSE IN
11 ACCORDANCE WITH 2 PA.C.S. CHS. 5 SUBCH. A (RELATING TO PRACTICE
12 AND PROCEDURE OF COMMONWEALTH AGENCIES) AND 7 SUBCH. A (RELATING
13 TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION).

14 § 314. BOARD MINUTES AND RECORDS.

15 (A) RECORD OF PROCEEDINGS.--THE BOARD SHALL MAINTAIN A
16 RECORD OF ALL PROCEEDINGS HELD AT PUBLIC MEETINGS OF THE BOARD.
17 THE VERBATIM TRANSCRIPT OF THE PROCEEDINGS SHALL BE THE PROPERTY
18 OF THE BOARD AND SHALL BE PREPARED BY THE BOARD UPON THE REQUEST
19 OF ANY PERSON AND THE PAYMENT BY THAT PERSON OF THE COSTS OF
20 PREPARATION.

21 (B) APPLICANT INFORMATION.--

22 (1) THE BOARD SHALL MAINTAIN A LIST OF ALL APPLICANTS
23 FOR A FANTASY CONTEST LICENSE. THE LIST SHALL INCLUDE A
24 RECORD OF ALL ACTIONS TAKEN WITH RESPECT TO EACH APPLICANT.
25 THE LIST SHALL BE AVAILABLE ON THE BOARD'S PUBLICLY
26 ACCESSIBLE INTERNET WEBSITE.

27 (2) INFORMATION UNDER PARAGRAPH (1) REGARDING AN
28 APPLICANT WHOSE FANTASY CONTEST LICENSE HAS BEEN DENIED,
29 REVOKED OR NOT RENEWED SHALL BE REMOVED FROM THE LIST AFTER
30 SEVEN YEARS FROM THE DATE OF THE ACTION.

1 (C) OTHER FILES AND RECORDS.--THE BOARD SHALL MAINTAIN SUCH
2 OTHER FILES AND RECORDS AS IT MAY DEEM APPROPRIATE.

3 (D) CONFIDENTIALITY OF INFORMATION.--

4 (1) THE FOLLOWING INFORMATION SUBMITTED BY AN APPLICANT
5 FOR A FANTASY CONTEST LICENSE UNDER SECTION 322 (RELATING TO
6 APPLICATION) OR OTHERWISE OBTAINED BY THE BOARD OR THE BUREAU
7 AS PART OF A BACKGROUND OR OTHER INVESTIGATION FROM ANY
8 SOURCE SHALL BE CONFIDENTIAL AND WITHHELD FROM PUBLIC
9 DISCLOSURE:

10 (I) ALL INFORMATION RELATING TO CHARACTER, HONESTY
11 AND INTEGRITY, INCLUDING FAMILY, HABITS, REPUTATION,
12 HISTORY OF CRIMINAL ACTIVITY, BUSINESS ACTIVITIES,
13 FINANCIAL AFFAIRS AND BUSINESS, PROFESSIONAL AND PERSONAL
14 ASSOCIATIONS.

15 (II) NONPUBLIC PERSONAL INFORMATION, INCLUDING HOME
16 ADDRESSES, TELEPHONE NUMBERS AND OTHER PERSONAL CONTACT
17 INFORMATION, SOCIAL SECURITY NUMBERS, EDUCATIONAL
18 RECORDS, MEMBERSHIPS, MEDICAL RECORDS, TAX RETURNS AND
19 DECLARATIONS, ACTUAL OR PROPOSED COMPENSATION, FINANCIAL
20 ACCOUNT RECORDS, CREDITWORTHINESS OR FINANCIAL CONDITION
21 RELATING TO AN APPLICANT OR LICENSEE.

22 (III) INFORMATION RELATING TO PROPRIETARY
23 INFORMATION, TRADE SECRETS, PATENTS OR EXCLUSIVE
24 LICENSES, ARCHITECTURAL AND ENGINEERING PLANS AND
25 INFORMATION RELATING TO COMPETITIVE MARKETING MATERIALS
26 AND STRATEGIES THAT MAY INCLUDE CUSTOMER-IDENTIFYING
27 INFORMATION OR CUSTOMER PROSPECTS FOR SERVICES SUBJECT TO
28 COMPETITION.

29 (IV) INFORMATION WITH RESPECT TO WHICH THERE IS A
30 REASONABLE POSSIBILITY THAT PUBLIC RELEASE OR INSPECTION

1 OF THE INFORMATION WOULD CONSTITUTE AN UNWARRANTED
2 INVASION INTO PERSONAL PRIVACY OF AN INDIVIDUAL AS
3 DETERMINED BY THE BOARD.

4 (V) RECORDS OF AN APPLICANT FOR A FANTASY CONTEST
5 LICENSE OR A LICENSED OPERATOR NOT REQUIRED TO BE FILED
6 WITH THE SECURITIES AND EXCHANGE COMMISSION BY ISSUERS
7 THAT EITHER HAVE SECURITIES REGISTERED UNDER SECTION 12
8 OF THE SECURITIES EXCHANGE ACT OF 1934 (48 STAT. 881, 15
9 U.S.C. § 78L) OR ARE REQUIRED TO FILE REPORTS UNDER
10 SECTION 15(D) OF THE SECURITIES EXCHANGE ACT OF 1934 (48
11 STAT. 881, 15 U.S.C. § 78O)

12 (VI) RECORDS CONSIDERED NONPUBLIC MATTERS OR
13 INFORMATION BY THE SECURITIES AND EXCHANGE COMMISSION AS
14 PROVIDED BY 17 CFR 200.80 (RELATING TO COMMISSION RECORDS
15 AND INFORMATION).

16 (VII) FINANCIAL OR SECURITY INFORMATION DEEMED
17 CONFIDENTIAL BY THE BOARD UPON A SHOWING OF GOOD CAUSE BY
18 THE APPLICANT FOR A FANTASY CONTEST LICENSE OR LICENSED
19 OPERATOR.

20 (2) EXCEPT AS PROVIDED IN PARAGRAPH (1), NO CLAIM OF
21 CONFIDENTIALITY SHALL BE MADE REGARDING ANY CRIMINAL HISTORY
22 RECORD INFORMATION THAT IS AVAILABLE TO THE PUBLIC UNDER 18
23 PA.C.S. § 9121(B) (RELATING TO GENERAL REGULATIONS).

24 (3) EXCEPT AS PROVIDED IN PARAGRAPH (1), NO CLAIM OF
25 CONFIDENTIALITY SHALL BE MADE REGARDING A RECORD IN
26 POSSESSION OF THE BOARD THAT IS OTHERWISE PUBLICLY AVAILABLE
27 FROM THE BOARD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6,
28 NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

29 (4) THE INFORMATION MADE CONFIDENTIAL UNDER THIS SECTION
30 SHALL BE WITHHELD FROM PUBLIC DISCLOSURE, IN WHOLE OR IN

1 PART, EXCEPT THAT ANY CONFIDENTIAL INFORMATION SHALL BE
2 RELEASED UPON THE ORDER OF A COURT OF COMPETENT JURISDICTION
3 OR, WITH THE APPROVAL OF THE ATTORNEY GENERAL, TO A DULY
4 AUTHORIZED LAW ENFORCEMENT AGENCY OR SHALL BE RELEASED TO THE
5 PUBLIC, IN WHOLE OR IN PART, TO THE EXTENT THAT SUCH RELEASE
6 IS REQUESTED BY AN APPLICANT FOR A FANTASY CONTEST LICENSE OR
7 LICENSED OPERATOR AND DOES NOT OTHERWISE CONTAIN CONFIDENTIAL
8 INFORMATION ABOUT ANOTHER PERSON.

9 (5) THE BOARD MAY SEEK A VOLUNTARY WAIVER OF
10 CONFIDENTIALITY FROM AN APPLICANT FOR A FANTASY CONTEST
11 LICENSE OR A LICENSED OPERATOR, BUT MAY NOT REQUIRE AN
12 APPLICANT OR LICENSED OPERATOR TO WAIVE ANY CONFIDENTIALITY
13 PROVIDED FOR IN THIS SUBSECTION AS A CONDITION FOR THE
14 APPROVAL OF AN APPLICATION, RENEWAL OF A FANTASY CONTEST
15 LICENSE OR ANY OTHER ACTION OF THE BOARD.

16 (E) NOTICE.--NOTICE OF THE CONTENTS OF ANY INFORMATION,
17 EXCEPT TO A DULY AUTHORIZED LAW ENFORCEMENT AGENCY UNDER THIS
18 SECTION, SHALL BE GIVEN TO AN APPLICANT OR LICENSEE IN A MANNER
19 PRESCRIBED BY THE RULES AND REGULATIONS ADOPTED BY THE BOARD.

20 (F) INFORMATION HELD BY DEPARTMENT.--FILES, RECORDS, REPORTS
21 AND OTHER INFORMATION IN THE POSSESSION OF THE DEPARTMENT
22 PERTAINING TO LICENSED OPERATORS OR APPLICANTS SHALL BE MADE
23 AVAILABLE TO THE BOARD AS MAY BE NECESSARY FOR THE EFFECTIVE
24 ADMINISTRATION OF THIS CHAPTER.

25 § 315. REPORTS OF BOARD.

26 (A) GENERAL RULE.--THE ANNUAL REPORT SUBMITTED BY THE BOARD
27 UNDER SECTION 1211 (RELATING TO REPORTS OF BOARD) SHALL INCLUDE
28 THE FOLLOWING INFORMATION ON THE CONDUCT OF FANTASY CONTESTS:

29 (1) TOTAL FANTASY CONTEST ADJUSTED REVENUES.

30 (2) ALL TAXES, FEES, FINES AND OTHER REVENUE COLLECTED

1 FROM LICENSED OPERATORS DURING THE PREVIOUS YEAR. THE
2 DEPARTMENT SHALL COLLABORATE WITH THE BOARD TO CARRY OUT THE
3 REQUIREMENTS OF THIS SECTION.

4 (3) AT THE BOARD'S DISCRETION, ANY OTHER INFORMATION
5 RELATED TO THE CONDUCT OF FANTASY CONTESTS OR LICENSED
6 OPERATORS.

7 (B) LICENSED OPERATORS.--THE BOARD MAY REQUIRE LICENSED
8 OPERATORS TO PROVIDE INFORMATION TO THE BOARD TO ASSIST IN THE
9 PREPARATION OF THE REPORT.

10 SUBCHAPTER C

11 LICENSURE

12 SEC.

13 321. GENERAL PROHIBITION.

14 322. APPLICATION.

15 323. ISSUANCE AND DENIAL OF LICENSE.

16 324. LICENSE RENEWAL.

17 325. CONDITIONS OF LICENSURE.

18 326. PROHIBITIONS.

19 327. CHANGE IN OWNERSHIP OR CONTROL OF LICENSED OPERATORS.

20 328. PENALTIES.

21 § 321. GENERAL PROHIBITION.

22 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), NO
23 PERSON MAY OFFER OR OTHERWISE MAKE AVAILABLE FOR PLAY IN THIS
24 COMMONWEALTH A FANTASY CONTEST WITHOUT A FANTASY CONTEST
25 LICENSE.

26 (B) EXISTING ACTIVITY.--A PERSON WHO APPLIES FOR OR RENEWS A
27 FANTASY CONTEST LICENSE IN ACCORDANCE WITH THIS CHAPTER MAY
28 OPERATE DURING THE APPLICATION OR RENEWAL PERIOD UNLESS:

29 (1) THE BOARD HAS REASONABLE CAUSE TO BELIEVE THE PERSON
30 OR LICENSED OPERATOR IS OR MAY BE IN VIOLATION OF THE

1 PROVISIONS OF THIS CHAPTER.

2 (2) THE BOARD REQUIRES THE PERSON TO SUSPEND THE
3 OPERATION OF A FANTASY CONTEST UNTIL THE FANTASY CONTEST
4 LICENSE IS ISSUED OR RENEWED.

5 § 322. APPLICATION.

6 (A) FORM AND INFORMATION.--AN APPLICATION FOR A FANTASY
7 CONTEST LICENSE SHALL BE SUBMITTED ON A FORM AND IN MANNER AS
8 SHALL BE REQUIRED BY THE BOARD. AN APPLICATION FOR A FANTASY
9 CONTEST LICENSE SHALL CONTAIN THE FOLLOWING INFORMATION:

10 (1) (I) IF THE APPLICANT IS AN INDIVIDUAL, THE NAME,
11 FEDERAL EMPLOYER IDENTIFICATION NUMBER AND BUSINESS
12 ADDRESS OF THE APPLICANT;

13 (II) IF THE APPLICANT IS A CORPORATION, THE NAME AND
14 BUSINESS ADDRESS OF THE CORPORATION, THE STATE OF ITS
15 INCORPORATION AND THE FULL NAME AND BUSINESS ADDRESS OF
16 EACH OFFICER AND DIRECTOR THEREOF;

17 (III) IF THE APPLICANT IS A FOREIGN CORPORATION, THE
18 NAME AND BUSINESS ADDRESS OF THE CORPORATION, WHETHER IT
19 IS QUALIFIED TO DO BUSINESS IN THIS COMMONWEALTH AND THE
20 FULL NAME AND BUSINESS ADDRESS OF EACH OFFICER AND
21 DIRECTOR THEREOF; AND

22 (IV) IF THE APPLICANT IS A PARTNERSHIP OR JOINT
23 VENTURE, THE NAME AND BUSINESS ADDRESS OF EACH OFFICER
24 THEREOF.

25 (2) THE NAME AND BUSINESS ADDRESS OF THE PERSON HAVING
26 CUSTODY OF THE APPLICANT'S FINANCIAL RECORDS.

27 (3) THE NAMES AND BUSINESS ADDRESSES OF THE APPLICANT'S
28 KEY EMPLOYEES.

29 (4) THE NAMES AND BUSINESS ADDRESSES OF EACH OF THE
30 APPLICANT'S PRINCIPALS.

1 (5) INFORMATION, DOCUMENTATION AND ASSURANCES RELATED TO
2 FINANCIAL AND CRIMINAL HISTORY AS THE BOARD DEEMS NECESSARY
3 TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THE FINANCIAL
4 STABILITY, INTEGRITY AND RESPONSIBILITY OF THE APPLICANT AND
5 THE APPLICANT'S KEY EMPLOYEES AND PRINCIPALS.

6 (6) INFORMATION AND DOCUMENTATION NECESSARY TO ESTABLISH
7 THE APPLICANT'S ABILITY TO COMPLY WITH SECTION 325 (RELATING
8 TO CONDITIONS OF LICENSURE).

9 (7) ANY OTHER INFORMATION REQUIRED BY THE BOARD.

10 (B) NONREFUNDABLE APPLICATION FEE.--EACH APPLICATION
11 SUBMITTED UNDER THIS CHAPTER SHALL BE ACCOMPANIED BY A
12 NONREFUNDABLE APPLICATION FEE, WHICH SHALL BE ESTABLISHED BY THE
13 BOARD, AND WHICH MAY NOT EXCEED THE AMOUNT NECESSARY TO
14 REIMBURSE THE BOARD FOR ALL COSTS INCURRED BY THE BOARD FOR
15 FULFILLING THE REQUIREMENTS OF THIS SECTION AND SECTION 323
16 (RELATING TO ISSUANCE AND DENIAL OF LICENSE).

17 (C) ADDITIONAL INFORMATION.--A PERSON APPLYING FOR A FANTASY
18 CONTEST LICENSE SHALL HAVE AN ONGOING DUTY TO PROVIDE
19 INFORMATION REQUIRED BY THE BOARD AND TO COOPERATE IN ANY
20 INQUIRY OR INVESTIGATION.

21 (D) ABBREVIATED APPLICATION PROCESS.--THE BOARD, AT ITS
22 DISCRETION, MAY ESTABLISH AN ABBREVIATED APPLICATION PROCESS FOR
23 A FANTASY CONTEST LICENSE FOR APPLICANTS THAT ARE ALSO LICENSED
24 GAMING ENTITIES. THE ABBREVIATED APPLICATION MAY ONLY REQUIRE
25 INFORMATION NOT IN POSSESSION OF THE BOARD THAT IS NECESSARY TO
26 FULFILL THE REQUIREMENTS OF THIS CHAPTER.

27 § 323. ISSUANCE AND DENIAL OF LICENSE.

28 (A) DUTY TO REVIEW APPLICATIONS.--THE BOARD SHALL REVIEW ALL
29 APPLICATIONS FOR A FANTASY CONTEST LICENSE AND MAY ISSUE A
30 LICENSE TO ANY APPLICANT THAT:

1 (1) HAS SUBMITTED A COMPLETED APPLICATION AND PAID THE
2 NONREFUNDABLE APPLICATION FEE AS REQUIRED BY THE BOARD UNDER
3 SECTION 322 (RELATING TO APPLICATION).

4 (2) HAS DEMONSTRATED THAT THE APPLICANT HAS THE
5 FINANCIAL STABILITY, INTEGRITY AND RESPONSIBILITY TO COMPLY
6 WITH THE PROVISIONS OF THIS CHAPTER AND REGULATIONS
7 ESTABLISHED BY THE BOARD.

8 (3) HAS NOT BEEN DENIED AN APPLICATION FOR A FANTASY
9 CONTEST LICENSE UNDER SUBSECTION (B).

10 (B) REASONS TO DENY APPLICATIONS.--THE BOARD MAY DENY AN
11 APPLICATION FOR A FANTASY CONTEST LICENSE IF THE APPLICANT:

12 (1) HAS KNOWINGLY MADE A FALSE STATEMENT OF MATERIAL
13 FACT IN THE APPLICATION OR HAS DELIBERATELY FAILED TO
14 DISCLOSE ANY INFORMATION REQUESTED;

15 (2) EMPLOYS A PRINCIPAL OR KEY EMPLOYEE WHO HAS BEEN
16 CONVICTED IN ANY JURISDICTION OF ANY OF THE FOLLOWING:

17 (I) A FELONY;

18 (II) AN OFFENSE UNDER THE LAWS OF ANOTHER
19 JURISDICTION WHICH, IF COMMITTED IN THIS COMMONWEALTH,
20 WOULD BE SUBJECT TO IMPRISONMENT FOR MORE THAN FIVE
21 YEARS; OR

22 (III) A MISDEMEANOR GAMBLING OFFENSE, UNLESS 15
23 YEARS HAVE ELAPSED FROM THE DATE OF CONVICTION FOR THE
24 OFFENSE.

25 (3) HAS AT ANY TIME KNOWINGLY FAILED TO COMPLY WITH THE
26 PROVISIONS OF THIS CHAPTER OR OF ANY REQUIREMENTS OF THE
27 BOARD;

28 (4) HAS HAD A REGISTRATION, PERMIT OR LICENSE TO CONDUCT
29 FANTASY CONTESTS DENIED OR REVOKED IN ANY OTHER JURISDICTION;

30 (5) HAS LEGALLY DEFAULTED IN THE PAYMENT OF ANY

1 OBLIGATION OR DEBT DUE TO THE COMMONWEALTH OR IS NOT

2 COMPLIANT WITH TAXES DUE; OR

3 (6) IS NOT QUALIFIED TO DO BUSINESS IN THIS COMMONWEALTH
4 OR IS NOT SUBJECT TO THE JURISDICTION OF THE COURTS OF THE
5 COMMONWEALTH.

6 (7) IS FOUND BY THE BOARD TO BE UNSUITABLE FOR LICENSURE
7 OR INIMICABLE TO THE INTEREST OF THE COMMONWEALTH TO OFFER
8 FANTASY CONTESTS IN THIS COMMONWEALTH.

9 (C) TIME PERIOD FOR REVIEW.--THE BOARD SHALL CONCLUDE ITS
10 REVIEW OF AN APPLICATION FOR A FANTASY CONTEST LICENSE WITHIN
11 120 DAYS OF RECEIPT OF THE COMPLETED APPLICATION. IF THE FANTASY
12 CONTEST LICENSE IS NOT ISSUED, THE BOARD SHALL PROVIDE THE
13 APPLICANT WITH THE JUSTIFICATION FOR NOT ISSUING THE FANTASY
14 CONTEST LICENSE.

15 (D) LICENSE FEE.--

16 (1) WITHIN 30 DAYS OF THE BOARD ISSUING A FANTASY
17 CONTEST LICENSE, A SUCCESSFUL APPLICANT SHALL PAY TO THE
18 BOARD A LICENSE FEE OF \$50,000.

19 (2) THE LICENSE FEE COLLECTED UNDER THIS SUBSECTION
20 SHALL BE DEPOSITED INTO THE GENERAL FUND.

21 (3) IF A LICENSED OPERATOR FAILS TO PAY THE FEE REQUIRED
22 BY THIS SUBSECTION, THE BOARD SHALL SUSPEND OR REVOKE THE
23 LICENSED OPERATOR'S FANTASY CONTEST LICENSE UNTIL PAYMENT OF
24 THE LICENSE FEE IS RECEIVED.

25 (E) ABBREVIATED APPROVAL PROCESS.--THE BOARD, AT ITS
26 DISCRETION, MAY ESTABLISH AN ABBREVIATED APPROVAL PROCESS FOR
27 THE ISSUANCE OF A FANTASY CONTEST LICENSE TO A LICENSED GAMING
28 ENTITY WHOSE SLOT MACHINE LICENSE UNDER CHAPTER 13 (RELATING TO
29 LICENSES) AND TABLE GAME OPERATION CERTIFICATE UNDER CHAPTER 13A
30 (RELATING TO TABLE GAMES) ARE IN GOOD STANDING.

1 § 324. LICENSE RENEWAL.

2 (A) RENEWAL.--

3 (1) A FANTASY CONTEST LICENSE ISSUED UNDER THIS CHAPTER
4 SHALL BE VALID FOR A PERIOD OF FIVE YEARS.

5 (2) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
6 RELIEVE A LICENSED OPERATOR OF THE AFFIRMATIVE DUTY TO NOTIFY
7 THE BOARD OF ANY CHANGES RELATING TO THE STATUS OF ITS
8 FANTASY CONTEST LICENSE OR TO ANY OTHER INFORMATION CONTAINED
9 IN THE APPLICATION MATERIALS ON FILE WITH THE BOARD.

10 (3) THE APPLICATION FOR RENEWAL OF A FANTASY CONTEST
11 LICENSE MUST BE SUBMITTED AT LEAST 180 DAYS PRIOR TO THE
12 EXPIRATION OF THE FANTASY CONTEST LICENSE AND INCLUDE AN
13 UPDATE OF THE INFORMATION CONTAINED IN THE INITIAL
14 APPLICATION FOR A FANTASY CONTEST LICENSE. A FANTASY CONTEST
15 LICENSE FOR WHICH A COMPLETED RENEWAL APPLICATION AND FEE AS
16 REQUIRED UNDER SUBSECTION (C) HAS BEEN RECEIVED BY THE BOARD
17 SHALL CONTINUE IN EFFECT UNLESS AND UNTIL THE BOARD SENDS
18 WRITTEN NOTIFICATION TO THE LICENSED OPERATOR THAT THE BOARD
19 HAS DENIED THE RENEWAL OF THE FANTASY CONTEST LICENSE.

20 (B) REVOCATION OR FAILURE TO RENEW.--

21 (1) IN ADDITION TO ANY OTHER SANCTION THE BOARD MAY
22 IMPOSE UNDER THIS CHAPTER, THE BOARD MAY AT ITS DISCRETION
23 SUSPEND, REVOKE OR DENY RENEWAL OF A FANTASY CONTEST LICENSE
24 ISSUED UNDER THIS CHAPTER IF IT RECEIVES INFORMATION THAT:

25 (I) THE LICENSED OPERATOR OR THE LICENSED OPERATOR'S
26 KEY EMPLOYEES OR PRINCIPALS ARE IN VIOLATION OF ANY
27 PROVISION OF THIS CHAPTER;

28 (II) THE LICENSED OPERATOR HAS FURNISHED THE BOARD
29 WITH FALSE OR MISLEADING INFORMATION;

30 (III) THE INFORMATION CONTAINED IN THE LICENSED

1 OPERATOR'S INITIAL APPLICATION OR ANY RENEWAL APPLICATION
2 IS NO LONGER TRUE AND CORRECT;

3 (IV) THE LICENSED OPERATOR HAS FAILED TO REMIT TAXES
4 OR ASSESSMENTS REQUIRED UNDER SECTION 331 (RELATING TO
5 FANTASY CONTEST TAX), 332 (RELATING TO LICENSED OPERATOR
6 DEPOSITS) OR 333 (RELATING TO RESPONSIBILITY AND
7 AUTHORITY OF DEPARTMENT); OR

8 (V) THE LICENSED OPERATOR HAS LEGALLY DEFAULTED IN
9 THE PAYMENT OF ANY OBLIGATION OR DEBT DUE TO THE
10 COMMONWEALTH.

11 (2) IN THE EVENT OF A REVOCATION OR FAILURE TO RENEW,
12 THE LICENSED OPERATOR'S AUTHORIZATION TO CONDUCT FANTASY
13 CONTESTS SHALL IMMEDIATELY CEASE AND ALL FEES PAID IN
14 CONNECTION WITH THE APPLICATION SHALL BE DEEMED TO BE
15 FORFEITED.

16 (3) IN THE EVENT OF A SUSPENSION, THE LICENSED
17 OPERATOR'S AUTHORIZATION TO CONDUCT FANTASY CONTESTS SHALL
18 IMMEDIATELY CEASE UNTIL THE BOARD HAS NOTIFIED THE LICENSED
19 OPERATOR THAT THE SUSPENSION IS NO LONGER IN EFFECT.

20 (C) RENEWAL FEE.--

21 (1) WITHIN 30 DAYS OF THE BOARD RENEWING A FANTASY
22 CONTEST LICENSE, THE LICENSED OPERATOR SHALL PAY TO THE BOARD
23 A RENEWAL FEE OF \$10,000.

24 (2) THE RENEWAL FEE COLLECTED BY THE BOARD UNDER THIS
25 SUBSECTION SHALL BE DEPOSITED INTO THE GENERAL FUND.

26 (3) IF A LICENSED OPERATOR FAILS TO PAY THE RENEWAL FEE
27 REQUIRED UNDER THIS SUBSECTION, THE BOARD SHALL SUSPEND OR
28 REVOKE THE LICENSED OPERATOR'S FANTASY CONTEST LICENSE UNTIL
29 PAYMENT OF THE RENEWAL FEE IS RECEIVED.

30 § 325. CONDITIONS OF LICENSURE.

1 AS A CONDITION OF LICENSURE, THE BOARD SHALL REQUIRE EACH
2 LICENSED OPERATOR TO ESTABLISH AND IMPLEMENT PROCEDURES TO
3 GOVERN THE CONDUCT OF FANTASY CONTESTS IN THIS COMMONWEALTH. THE
4 PROCEDURES, AT A MINIMUM, SHALL:

5 (1) PERMIT ONLY PARTICIPANTS WHO HAVE ESTABLISHED A
6 FANTASY CONTEST ACCOUNT WITH THE LICENSED OPERATOR TO
7 PARTICIPATE IN A FANTASY CONTEST CONDUCTED BY THE LICENSED
8 OPERATOR.

9 (2) VERIFY THE AGE, LOCATION AND IDENTITY OF ANY
10 PARTICIPANT PRIOR TO MAKING A DEPOSIT INTO A FANTASY CONTEST
11 ACCOUNT FOR A PARTICIPANT LOCATED IN THIS COMMONWEALTH
12 ACCORDING TO REGULATIONS ESTABLISHED BY THE BOARD. NO
13 PARTICIPANT UNDER 18 YEARS OF AGE MAY BE PERMITTED TO
14 ESTABLISH A FANTASY CONTEST ACCOUNT WITH A LICENSED OPERATOR.

15 (3) VERIFY THE IDENTITY OF A PARTICIPANT BY REQUIRING
16 THE PARTICIPANT TO PROVIDE THE LICENSED OPERATOR A UNIQUE
17 USER NAME AND PASSWORD PRIOR TO ACCESSING A FANTASY CONTEST
18 ACCOUNT.

19 (4) ENSURE RULES AND PRIZES AND AWARDS ESTABLISHED BY
20 THE LICENSED OPERATOR FOR A FANTASY CONTEST ARE MADE KNOWN TO
21 A PARTICIPANT PRIOR TO THE ACCEPTANCE OF ANY ENTRY FEE AND
22 PRIZE AND AWARD VALUES ARE NOT DETERMINED BY THE NUMBER OF
23 PARTICIPANTS NOR THE AMOUNT OF ANY FEES PAID BY THOSE
24 PARTICIPANTS.

25 (4.1) DEVELOP AND OFFER FANTASY CONTESTS THAT ARE
26 LIMITED TO BEGINNERS AS FOLLOWS:

27 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II), A
28 LICENSED OPERATOR SHALL PROHIBIT PARTICIPANTS WHO ARE NOT
29 BEGINNERS FROM PARTICIPATING, DIRECTLY OR THROUGH ANOTHER
30 PERSON AS A PROXY, IN BEGINNER FANTASY CONTESTS.

1 (II) A LICENSED OPERATOR MAY ALLOW A PARTICIPANT WHO
2 IS NOT A BEGINNER TO ENTER UP TO 10 BEGINNER FANTASY
3 CONTESTS IN ANY SPORT IN WHICH THAT PARTICIPANT HAS NOT
4 ALREADY ENTERED 20 FANTASY CONTESTS.

5 (III) A LICENSED OPERATOR SHALL SUSPEND THE ACCOUNT
6 OF A PARTICIPANT WHO IS NOT A BEGINNER, EXCEPT AS
7 PROVIDED FOR IN SUBPARAGRAPH (II), THAT ENTERS A BEGINNER
8 FANTASY CONTEST AND SHALL BAN THE PARTICIPANT FROM
9 FURTHER PARTICIPATION IN BEGINNER FANTASY CONTESTS
10 OFFERED BY THE LICENSED OPERATOR.

11 (4.2) DEVELOP AND OFFER FANTASY CONTESTS IN WHICH HIGHLY
12 EXPERIENCED PLAYERS CANNOT, EITHER DIRECTLY OR THROUGH
13 ANOTHER PERSON AS A PROXY, PARTICIPATE. A LICENSED OPERATOR
14 SHALL SUSPEND THE ACCOUNT OF ANY HIGHLY EXPERIENCED PLAYER
15 WHO ENTERS A FANTASY CONTEST WHICH EXCLUDES HIGHLY
16 EXPERIENCED PLAYERS, DIRECTLY OR THROUGH ANOTHER PERSON AS A
17 PROXY, AND SHALL BAN THE INDIVIDUAL FROM FURTHER
18 PARTICIPATION IN FANTASY CONTESTS OFFERED BY THE LICENSED
19 OPERATOR.

20 (4.3) ESTABLISH A PROCEDURE FOR RECEIVING AND RESPONDING
21 TO PARTICIPANT COMPLAINTS AND RECONCILING A PARTICIPANT'S
22 FANTASY CONTEST ACCOUNT. THE LICENSED OPERATOR SHALL FORWARD
23 TO THE BOARD ON A QUARTERLY BASIS A COPY OF EACH COMPLAINT
24 RECEIVED.

25 (4.4) SUBMIT, IN THE MANNER AS THE BOARD REQUIRES, A
26 DESCRIPTION OF THE LICENSED OPERATOR'S ADMINISTRATIVE AND
27 ACCOUNTING PROCEDURES IN DETAIL, INCLUDING ITS WRITTEN SYSTEM
28 OF INTERNAL CONTROL. EACH WRITTEN SYSTEM OF INTERNAL CONTROL
29 SHALL INCLUDE:

30 (I) AN ORGANIZATIONAL CHART DEPICTING APPROPRIATE

1 SEGREGATION OF EMPLOYEE FUNCTIONS AND RESPONSIBILITIES.

2 (II) A DESCRIPTION OF THE DUTIES AND
3 RESPONSIBILITIES OF EACH EMPLOYEE POSITION SHOWN ON THE
4 ORGANIZATIONAL CHART.

5 (III) A DETAILED NARRATIVE DESCRIPTION OF THE
6 ADMINISTRATIVE AND ACCOUNTING PROCEDURES DESIGNED TO
7 SATISFY THE REQUIREMENTS OF THIS SECTION.

8 (IV) RECORD RETENTION POLICY.

9 (V) A STATEMENT SIGNED BY THE CHIEF FINANCIAL
10 OFFICER OF THE PROPOSED LICENSED OPERATOR OR OTHER
11 COMPETENT PERSON AND THE CHIEF EXECUTIVE OFFICER OF THE
12 PROPOSED LICENSED OPERATOR OR OTHER COMPETENT PERSON
13 ATTESTING THAT THE OFFICERS BELIEVE, IN GOOD FAITH, THAT
14 THE SYSTEM SATISFIES THE REQUIREMENTS OF THIS SECTION.

15 (VI) ANY OTHER ITEM THAT THE BOARD MAY REQUIRE IN
16 ITS DISCRETION.

17 (4.5) FILE A REPORT OF ANY SUSPICIOUS TRANSACTION WITH
18 THE BUREAU. THE FOLLOWING SHALL APPLY:

19 (I) A LICENSED OPERATOR OR A PERSON ACTING ON BEHALF
20 OF A LICENSED OPERATOR WHO KNOWINGLY FAILS TO FILE A
21 REPORT OF A SUSPICIOUS TRANSACTION COMMITS A MISDEMEANOR
22 OF THE THIRD DEGREE.

23 (II) A LICENSED OPERATOR OR A PERSON ACTING ON
24 BEHALF OF A LICENSED OPERATOR WHO FAILS TO FILE A REPORT
25 OR A PERSON WHO CAUSES ANOTHER PERSON REQUIRED UNDER THIS
26 SECTION TO FAIL TO FILE A REPORT OF A SUSPICIOUS
27 TRANSACTION SHALL BE STRICTLY LIABLE FOR HIS ACTIONS AND
28 MAY BE SUBJECT TO SANCTIONS AS DETERMINED BY THE BOARD.

29 (III) THE BUREAU SHALL MAINTAIN A RECORD OF ALL
30 REPORTS MADE UNDER THIS PARAGRAPH FOR A PERIOD OF FIVE

1 YEARS. THE BUREAU SHALL MAKE THE REPORTS AVAILABLE TO ANY
2 FEDERAL OR STATE LAW ENFORCEMENT AGENCY WITHOUT NECESSITY
3 OF SUBPOENA.

4 (IV) A PERSON WHO IS REQUIRED TO FILE A REPORT OF A
5 SUSPICIOUS TRANSACTION SHALL NOT NOTIFY AN INDIVIDUAL
6 SUSPECTED OF COMMITTING THE SUSPICIOUS TRANSACTION THAT
7 THE TRANSACTION HAS BEEN REPORTED. A PERSON THAT VIOLATES
8 THIS SUBSECTION COMMITS A MISDEMEANOR OF THE THIRD DEGREE
9 AND MAY BE SUBJECT TO SANCTIONS AS DETERMINED BY THE
10 BOARD.

11 (V) A PERSON WHO IS REQUIRED TO FILE A REPORT OF A
12 SUSPICIOUS TRANSACTION WHO IN GOOD FAITH MAKES THE REPORT
13 SHALL NOT BE LIABLE IN ANY CIVIL ACTION BROUGHT BY A
14 PERSON FOR MAKING THE REPORT, REGARDLESS OF WHETHER THE
15 TRANSACTION IS LATER DETERMINED TO BE SUSPICIOUS.

16 (5) ENSURE THAT AN INDIVIDUAL WHO IS THE SUBJECT OF A
17 FANTASY CONTEST IS RESTRICTED FROM ENTERING AS A PARTICIPANT
18 IN A FANTASY CONTEST THAT IS DETERMINED, IN WHOLE OR PART, ON
19 THE ACCUMULATED STATISTICAL RESULTS OF A TEAM OF INDIVIDUALS
20 IN THE SPORT IN WHICH THE INDIVIDUAL IS A MEMBER.

21 (6) ALLOW A PERSON TO RESTRICT HIMSELF FROM ENTERING A
22 FANTASY CONTEST OR ACCESSING A FANTASY CONTEST ACCOUNT FOR A
23 SPECIFIC PERIOD OF TIME AS DETERMINED BY THE PARTICIPANT AND
24 IMPLEMENT PROCEDURES TO PREVENT THE PERSON FROM PARTICIPATING
25 IN THE LICENSED OPERATOR'S FANTASY CONTESTS. THE FOLLOWING
26 SHALL APPLY TO SELF-EXCLUSIONS:

27 (I) A PERSON MAY REQUEST PLACEMENT ON THE LIST OF
28 SELF-EXCLUDED PERSONS AND AGREE THAT, DURING ANY PERIOD
29 OF VOLUNTARY EXCLUSION, THE PERSON MAY NOT COLLECT ANY
30 WINNINGS NOR RECOVER ANY LOSSES RESULTING FROM ANY

1 FANTASY CONTEST ACTIVITY.

2 (II) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY,
3 THE BOARD'S LIST OF SELF-EXCLUDED PERSONS SHALL NOT BE
4 OPEN TO PUBLIC INSPECTION. NOTHING IN THIS SECTION SHALL
5 BE CONSTRUED TO PROHIBIT A LICENSED OPERATOR FROM
6 DISCLOSING THE IDENTITY OF PERSONS SELF-EXCLUDED UNDER
7 THIS PARAGRAPH TO AFFILIATED LICENSED GAMING ENTITIES OR
8 LICENSED OPERATORS IN THIS COMMONWEALTH OR OTHER
9 JURISDICTIONS FOR THE LIMITED PURPOSE OF ASSISTING IN THE
10 PROPER ADMINISTRATION OF RESPONSIBLE PROGRAMS OPERATED BY
11 AFFILIATED LICENSED GAMING ENTITIES OR LICENSED
12 OPERATORS.

13 (7) ALLOW A PERSON TO RESTRICT THE TOTAL AMOUNT OF
14 DEPOSITS THAT THE PARTICIPANT MAY PAY TO THE LICENSED
15 OPERATOR FOR A SPECIFIC TIME PERIOD ESTABLISHED BY THE
16 PARTICIPANT AND IMPLEMENT PROCEDURES TO PREVENT THE
17 PARTICIPANT FROM EXCEEDING THE LIMIT.

18 (8) CONSPICUOUSLY POST COMPULSIVE AND PROBLEM PLAY
19 NOTICES AT FANTASY CONTEST REGISTRATION POINTS AND PROVIDE
20 THE TOLL-FREE TELEPHONE NUMBER TO PARTICIPANTS. THE TOLL-FREE
21 TELEPHONE NUMBER AND THE COMPULSIVE AND PROBLEM PLAY NOTICE
22 SHALL BE APPROVED BY THE BOARD, IN CONSULTATION WITH THE
23 DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS OR A SUCCESSOR
24 AGENCY.

25 (9) DISCLOSE THE NUMBER OF ENTRIES A SINGLE PARTICIPANT
26 MAY SUBMIT TO EACH FANTASY CONTEST AND TAKE STEPS TO PREVENT
27 SUCH PARTICIPANTS FROM SUBMITTING MORE THAN THE ALLOWABLE
28 NUMBER.

29 (10) PROHIBIT THE LICENSED OPERATOR'S PRINCIPALS,
30 EMPLOYEES AND RELATIVES LIVING IN THE SAME HOUSEHOLD OF AN

1 EMPLOYEE OR PRINCIPAL FROM COMPETING IN A FANTASY CONTEST
2 OFFERED BY ANY LICENSED OPERATOR TO THE GENERAL PUBLIC AND IN
3 WHICH FANTASY CONTEST THE LICENSED OPERATOR OFFERS A PRIZE OR
4 AWARD.

5 (11) PREVENT THE SHARING OF CONFIDENTIAL INFORMATION
6 THAT COULD AFFECT FANTASY CONTEST PLAY WITH THIRD PARTIES
7 UNTIL THE INFORMATION IS MADE PUBLICLY AVAILABLE.

8 (12) TAKE STEPS TO MAINTAIN THE CONFIDENTIALITY OF A
9 PARTICIPANT'S PERSONAL AND FINANCIAL INFORMATION.

10 (13) SEGREGATE PARTICIPANT FUNDS FROM OPERATIONAL FUNDS
11 IN SEPARATE ACCOUNTS AND MAINTAIN A RESERVE IN THE FORM OF
12 CASH, CASH EQUIVALENTS, SECURITY DEPOSITS HELD BY BANKS AND
13 PROCESSORS, AN IRREVOCABLE LETTER OF CREDIT, PAYMENT
14 PROCESSOR RESERVES AND RECEIVABLES, A BOND OR A COMBINATION
15 THEREOF IN AN AMOUNT SUFFICIENT TO PAY ALL PRIZES AND AWARDS
16 OFFERED TO WINNING PARTICIPANTS. TO SATISFY THIS PARAGRAPH, A
17 LICENSED OPERATOR THAT ONLY OFFERS SEASON-LONG FANTASY
18 CONTESTS THAT GENERATE LESS THAN \$250,000 IN SEASON-LONG
19 FANTASY CONTEST ADJUSTED REVENUE MAY CONTRACT WITH A THIRD
20 PARTY TO HOLD PRIZES AND AWARDS IN AN ESCROW ACCOUNT UNTIL
21 AFTER THE SEASON IS CONCLUDED AND PRIZES AND AWARDS ARE
22 DISTRIBUTED.

23 (14) PROVIDE WINNING IN-STATE PARTICIPANTS WITH
24 INFORMATION AND DOCUMENTATION NECESSARY TO ENSURE THE PROPER
25 REPORTING OF WINNINGS BY IN-STATE PARTICIPANTS TO THE
26 DEPARTMENT.

27 (15) REMIT TAXES OR ASSESSMENTS TO THE DEPARTMENT IN
28 ACCORDANCE WITH SECTIONS 331 (RELATING TO FANTASY CONTEST
29 TAX), 332 (RELATING TO LICENSED OPERATOR DEPOSITS) AND 333
30 (RELATING TO RESPONSIBILITY AND AUTHORITY OF DEPARTMENT).

1 (16) PROHIBIT THE USE OF SCRIPTS BY PARTICIPANTS AND
2 IMPLEMENT TECHNOLOGIES TO PREVENT THE USE OF SCRIPTS.

3 (17) MONITOR FANTASY CONTESTS FOR THE USE OF SCRIPTS AND
4 PROHIBIT PARTICIPANTS FOUND TO HAVE USED SUCH SCRIPTS FROM
5 PARTICIPATION IN FUTURE FANTASY CONTESTS.

6 (18) ESTABLISH ANY OTHER CONDITION DEEMED APPROPRIATE BY
7 THE BOARD.

8 § 326. PROHIBITIONS.

9 (A) GENERAL RULE.--NO LICENSED OPERATOR MAY:

10 (1) ACCEPT AN ENTRY FEE FROM OR PERMIT A NATURAL PERSON
11 UNDER 18 YEARS OF AGE TO BECOME A PARTICIPANT IN A FANTASY
12 CONTEST;

13 (2) OFFER A FANTASY CONTEST BASED, IN WHOLE OR IN PART,
14 ON COLLEGIATE OR HIGH SCHOOL ATHLETIC EVENTS OR PLAYERS;

15 (3) PERMIT A PARTICIPANT TO ENTER A FANTASY CONTEST
16 PRIOR TO ESTABLISHING A FANTASY CONTEST ACCOUNT, UNLESS THE
17 LICENSED OPERATOR IS ALSO A LICENSED GAMING ENTITY AND THE
18 PARTICIPANT ENTERS A FANTASY CONTEST THROUGH A FANTASY
19 CONTEST TERMINAL LOCATED WITHIN THE LICENSED GAMING ENTITY'S
20 LICENSED FACILITY;

21 (4) ESTABLISH A FANTASY CONTEST ACCOUNT FOR A PERSON WHO
22 IS NOT AN INDIVIDUAL;

23 (5) ALTER RULES ESTABLISHED FOR A FANTASY CONTEST AFTER
24 A PARTICIPANT HAS ENTERED THE FANTASY CONTEST;

25 (6) ISSUE CREDIT TO A PARTICIPANT TO ESTABLISH OR FUND A
26 FANTASY CONTEST ACCOUNT;

27 (7) KNOWINGLY MARKET TO A PARTICIPANT DURING THE TIME
28 PERIOD IN WHICH THE PARTICIPANT HAS SELF-EXCLUDED FROM THE
29 LICENSED OPERATOR'S FANTASY CONTESTS;

30 (8) KNOWINGLY PERMIT A PARTICIPANT TO ENTER THE LICENSED

1 OPERATOR'S FANTASY CONTESTS DURING THE TIME PERIOD IN WHICH
2 THE PARTICIPANT HAS SELF-EXCLUDED FROM THE LICENSED
3 OPERATORS' FANTASY CONTESTS;

4 (8.1) KNOWINGLY ALLOW A SELF-EXCLUDED PERSON TO KEEP A
5 PRIZE OR AWARD.

6 (9) KNOWINGLY ACCEPT A DEPOSIT IN EXCESS OF A LIMIT
7 ESTABLISHED BY A PARTICIPANT FOR THE SPECIFIC TIME PERIOD
8 ESTABLISHED BY THE PARTICIPANT;

9 (10) SHARE CONFIDENTIAL INFORMATION THAT COULD AFFECT
10 FANTASY CONTEST PLAY WITH THIRD PARTIES UNTIL THE INFORMATION
11 IS MADE PUBLICLY AVAILABLE;

12 (11) KNOWINGLY PERMIT A PRINCIPAL, AN EMPLOYEE OF A
13 LICENSED OPERATOR OR A RELATIVE LIVING IN THE SAME HOUSEHOLD
14 OF AN EMPLOYEE OR PRINCIPAL OF A LICENSED OPERATOR TO BECOME
15 A PARTICIPANT IN A FANTASY CONTEST OFFERED BY ANY LICENSED
16 OPERATOR IN WHICH A LICENSED OPERATOR OFFERS A PRIZE OR
17 AWARD;

18 (12) OFFER A FANTASY CONTEST WHERE:

19 (I) THE VALUE OF ALL PRIZES OR AWARDS OFFERED TO
20 WINNING PARTICIPANTS IS NOT ESTABLISHED AND MADE KNOWN TO
21 PARTICIPANTS IN ADVANCE OF THE FANTASY CONTEST;

22 (II) THE VALUE OF THE PRIZE OR AWARD IS DETERMINED
23 BY THE NUMBER OF PARTICIPANTS OR THE AMOUNT OF ANY FEES
24 PAID BY THOSE PARTICIPANTS;

25 (III) THE WINNING OUTCOME DOES NOT REFLECT THE
26 RELATIVE KNOWLEDGE AND SKILL OF PARTICIPANTS;

27 (IV) THE WINNING OUTCOME IS BASED ON THE SCORE,
28 POINT SPREAD OR PERFORMANCE OF A SINGLE ACTUAL TEAM OR
29 COMBINATION OF TEAMS OR SOLELY ON A SINGLE PERFORMANCE OF
30 AN INDIVIDUAL ATHLETE OR PLAYER IN A SINGLE ACTUAL EVENT;

1 OR

2 (V) THE WINNING OUTCOME IS NOT BASED ON STATISTICAL
3 RESULTS ACCUMULATED FROM FULLY COMPLETED ATHLETIC SPORTS
4 CONTESTS OR EVENTS, EXCEPT THAT PARTICIPANTS MAY BE
5 CREDITED FOR STATISTICAL RESULTS ACCUMULATED IN A
6 SUSPENDED OR SHORTENED SPORTS EVENT WHICH HAS BEEN
7 PARTIALLY COMPLETED ON ACCOUNT OF WEATHER OR OTHER
8 NATURAL OR UNFORESEEN EVENT;

9 (13) FAIL TO REMIT TAXES OR ASSESSMENTS TO THE
10 DEPARTMENT IN ACCORDANCE WITH SECTIONS 331 (RELATING TO
11 FANTASY CONTEST TAX), 332 (RELATING TO LICENSED OPERATOR
12 DEPOSITS) AND 333 (RELATING TO RESPONSIBILITY AND AUTHORITY
13 OF DEPARTMENT);

14 (14) KNOWINGLY ALLOW A PARTICIPANT TO USE A SCRIPT
15 DURING A FANTASY CONTEST;

16 (15) EXCEPT AS PERMITTED UNDER SECTION 342 (RELATING TO
17 LICENSED GAMING ENTITIES), OFFER OR MAKE AVAILABLE IN THIS
18 COMMONWEALTH A FANTASY CONTEST TERMINAL; AND

19 (16) PERFORM ANY OTHER ACTION PROHIBITED BY THE BOARD.

20 (B) DEPOSIT.--THE LICENSED OPERATOR SHALL FORWARD THE AMOUNT
21 OF THE PRIZE OR AWARD UNDER SUBSECTION (A) (8.1) TO THE BOARD
22 WHICH SHALL TRANSFER THE AMOUNT TO THE STATE TREASURER FOR
23 DEPOSIT IN THE GENERAL FUND.

24 § 327. CHANGE IN OWNERSHIP OR CONTROL OF LICENSED OPERATORS.

25 (A) NOTIFICATION AND APPROVAL.--

26 (1) A LICENSED OPERATOR SHALL NOTIFY THE BOARD UPON
27 BECOMING AWARE OF ANY PROPOSED CHANGE OF OWNERSHIP OF THE
28 LICENSED OPERATOR BY A PERSON OR GROUP OF PERSONS ACTING IN
29 CONCERT WHICH INVOLVES ANY OF THE FOLLOWING:

30 (I) MORE THAN 15% OF A LICENSED OPERATOR'S

1 SECURITIES OR OTHER OWNERSHIP INTERESTS.

2 (II) THE SALE OTHER THAN IN THE ORDINARY COURSE OF
3 BUSINESS OF A LICENSED OPERATOR'S ASSETS.

4 (III) ANY OTHER TRANSACTION OR OCCURRENCE DEEMED BY
5 THE BOARD TO BE RELEVANT TO FANTASY CONTEST LICENSE
6 QUALIFICATIONS.

7 (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1), A
8 LICENSED OPERATOR SHALL NOT BE REQUIRED TO NOTIFY THE BOARD
9 OF ANY ACQUISITION BY AN INSTITUTIONAL INVESTOR UNDER
10 PARAGRAPH (1) (I) OR (II) IF THE INSTITUTIONAL INVESTOR HOLDS
11 LESS THAN 10% OF THE SECURITIES OR OTHER OWNERSHIP INTERESTS
12 REFERRED TO IN PARAGRAPH (1) (I) OR (II), THE SECURITIES OR
13 INTERESTS ARE PUBLICLY TRADED SECURITIES AND ITS HOLDINGS OF
14 SUCH SECURITIES WERE PURCHASED FOR INVESTMENT PURPOSES ONLY
15 AND THE INSTITUTIONAL INVESTOR FILES WITH THE BOARD A
16 CERTIFIED STATEMENT TO THE EFFECT THAT THE INSTITUTIONAL
17 INVESTOR HAS NO INTENTION OF INFLUENCING OR AFFECTING,
18 DIRECTLY OR INDIRECTLY, THE AFFAIRS OF THE LICENSED OPERATOR.
19 HOWEVER, THE INSTITUTIONAL INVESTOR MAY VOTE ON MATTERS PUT
20 TO THE VOTE OF THE OUTSTANDING SECURITY HOLDERS. NOTICE TO
21 THE BOARD SHALL BE REQUIRED PRIOR TO COMPLETION OF ANY
22 PROPOSED OR CONTEMPLATED CHANGE OF OWNERSHIP OF A LICENSED
23 OPERATOR THAT MEETS THE CRITERIA OF THIS SECTION.

24 (B) QUALIFICATION OF PURCHASER AND CHANGE OF CONTROL.--

25 (1) A PURCHASER OF THE ASSETS, OTHER THAN IN THE
26 ORDINARY COURSE OF BUSINESS, OF A LICENSED OPERATOR SHALL
27 INDEPENDENTLY QUALIFY FOR A FANTASY CONTEST LICENSE IN
28 ACCORDANCE WITH THIS CHAPTER AND SHALL PAY THE APPLICATION
29 FEE AND LICENSE FEE AS REQUIRED BY SECTIONS 322 (RELATING TO
30 APPLICATION) AND 323 (RELATING TO ISSUANCE AND DENIAL OF

1 LICENSE), EXCEPT THAT IF THE PURCHASER OF ASSETS IS ANOTHER
2 LICENSED OPERATOR, THE PURCHASER OF ASSETS SHALL NOT BE
3 REQUIRED TO REQUALIFY FOR A FANTASY CONTEST LICENSE OR PAY
4 ANOTHER APPLICATION FEE AND LICENSE FEE.

5 (2) A CHANGE IN CONTROL OF ANY LICENSED OPERATOR SHALL
6 REQUIRE THAT THE LICENSED OPERATOR INDEPENDENTLY QUALIFY FOR
7 A FANTASY CONTEST LICENSE IN ACCORDANCE WITH THIS CHAPTER,
8 AND THE LICENSED OPERATOR SHALL PAY A NEW APPLICATION AND
9 LICENSE FEE AS REQUIRED BY SECTIONS 322 AND 323, EXCEPT THAT
10 IF THE NEW CONTROLLER IS ANOTHER LICENSED OPERATOR, THE NEW
11 CONTROLLER SHALL NOT BE REQUIRED TO REQUALIFY FOR A FANTASY
12 CONTEST LICENSE OR PAY ANOTHER APPLICATION FEE AND LICENSE
13 FEE.

14 (C) LICENSE REVOCATION.--FAILURE TO COMPLY WITH THIS SECTION
15 MAY CAUSE THE FANTASY CONTEST LICENSE ISSUED UNDER THIS CHAPTER
16 TO BE REVOKED OR SUSPENDED BY THE BOARD UNLESS THE PURCHASE OF
17 THE ASSETS OR THE CHANGE IN CONTROL THAT MEETS THE CRITERIA OF
18 THIS SECTION HAS BEEN INDEPENDENTLY QUALIFIED IN ADVANCE BY THE
19 BOARD AND ANY REQUIRED APPLICATION OR LICENSE FEE HAS BEEN PAID.

20 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
21 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
22 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

23 "CHANGE IN CONTROL OF A LICENSED OPERATOR." THE ACQUISITION
24 BY A PERSON OR GROUP OF PERSONS ACTING IN CONCERT OF MORE THAN
25 20% OF A LICENSED OPERATOR'S SECURITIES OR OTHER OWNERSHIP
26 INTERESTS, WITH THE EXCEPTION OF ANY OWNERSHIP INTEREST OF THE
27 PERSON THAT EXISTED AT THE TIME OF INITIAL LICENSING AND PAYMENT
28 OF THE INITIAL FANTASY CONTEST LICENSE FEE, OR MORE THAN 20% OF
29 THE SECURITIES OR OTHER OWNERSHIP INTERESTS OF A CORPORATION OR
30 OTHER FORM OF BUSINESS ENTITY THAT OWNS DIRECTLY OR INDIRECTLY

1 AT LEAST 20% OF THE VOTING OR OTHER SECURITIES OR OTHER
2 OWNERSHIP INTERESTS OF THE LICENSED OPERATOR.

3 § 328. PENALTIES.

4 (A) SUSPENSION OR REVOCATION OF LICENSE.--AFTER A PUBLIC
5 HEARING WITH AT LEAST 15 DAYS' NOTICE, THE BOARD MAY SUSPEND OR
6 REVOKE A LICENSED OPERATOR'S FANTASY CONTEST LICENSE IN ANY CASE
7 WHERE A VIOLATION OF THIS CHAPTER HAS BEEN SHOWN BY A
8 PREPONDERANCE OF THE EVIDENCE.

9 (B) ADMINISTRATIVE PENALTIES.--

10 (1) IN ADDITION TO SUSPENSION OR REVOCATION OF A FANTASY
11 CONTEST LICENSE, THE BOARD MAY IMPOSE ADMINISTRATIVE
12 PENALTIES ON A LICENSED OPERATOR FOR VIOLATIONS OF THIS
13 CHAPTER.

14 (2) A VIOLATION OF THIS CHAPTER THAT IS DETERMINED TO BE
15 AN OFFENSE OF A CONTINUING NATURE SHALL BE DEEMED TO BE A
16 SEPARATE OFFENSE ON EACH EVENT OR DAY DURING WHICH THE
17 VIOLATION OCCURS.

18 (3) THE LICENSED OPERATOR SHALL HAVE THE RIGHT TO APPEAL
19 ADMINISTRATIVE PENALTIES IN ACCORDANCE WITH 2 PA.C.S. CHS. 5
20 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH
21 AGENCIES) AND 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF
22 COMMONWEALTH AGENCY ACTION).

23 (4) PENALTIES IMPOSED UNDER THIS SUBSECTION SHALL BE
24 DEPOSITED INTO THE GENERAL FUND.

25 (C) CIVIL PENALTIES.--

26 (1) IN ADDITION TO THE PROVISIONS OF THIS SECTION, A
27 PERSON WHO KNOWINGLY VIOLATES A PROVISION OF THIS CHAPTER
28 SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN \$1,000
29 FOR EACH SUCH VIOLATION.

30 (2) THE CIVIL PENALTY SHALL BE RECOVERED IN A CIVIL

1 ACTION BROUGHT BY THE BOARD AND SHALL BE PAID INTO THE
2 GENERAL FUND.

3 SUBCHAPTER D

4 FISCAL PROVISIONS

5 SEC.

6 331. FANTASY CONTEST TAX.

7 332. LICENSED OPERATOR DEPOSITS.

8 333. RESPONSIBILITY AND AUTHORITY OF DEPARTMENT.

9 334. COMPULSIVE AND PROBLEM GAMBLING.

10 § 331. FANTASY CONTEST TAX.

11 (A) IMPOSITION.--EACH LICENSED OPERATOR SHALL REPORT TO THE
12 DEPARTMENT AND PAY FROM ITS MONTHLY FANTASY CONTEST ADJUSTED
13 REVENUES, ON A FORM AND IN THE MANNER PRESCRIBED BY THE
14 DEPARTMENT, A TAX OF 15% OF ITS MONTHLY FANTASY CONTEST ADJUSTED
15 REVENUES.

16 (B) DEPOSITS AND DISTRIBUTIONS.--

17 (1) THE TAX IMPOSED UNDER SUBSECTION (A) SHALL BE
18 PAYABLE TO THE DEPARTMENT ON A MONTHLY BASIS AND SHALL BE
19 BASED UPON MONTHLY FANTASY CONTEST ADJUSTED REVENUE DERIVED
20 DURING THE PREVIOUS MONTH.

21 (2) ALL FUNDS OWED TO THE COMMONWEALTH UNDER THIS
22 SECTION SHALL BE HELD IN TRUST FOR THE COMMONWEALTH BY THE
23 LICENSED OPERATOR UNTIL THE FUNDS ARE PAID TO THE DEPARTMENT.

24 (3) THE TAX IMPOSED AND COLLECTED BY THE DEPARTMENT
25 UNDER SUBSECTION (A) SHALL BE DEPOSITED INTO THE GENERAL
26 FUND.

27 (C) PENALTY.--

28 (1) A LICENSED OPERATOR WHO FAILS TO TIMELY REMIT TO THE
29 DEPARTMENT THE TAX IMPOSED UNDER THIS SECTION SHALL BE
30 LIABLE, IN ADDITION TO ANY SANCTION OR PENALTY IMPOSED UNDER

1 THIS CHAPTER, FOR THE PAYMENT OF A PENALTY OF 5% PER MONTH UP
2 TO A MAXIMUM OF 25% OF THE AMOUNTS ULTIMATELY FOUND TO BE
3 DUE, TO BE RECOVERED BY THE DEPARTMENT.

4 (2) PENALTIES IMPOSED AND COLLECTED BY THE DEPARTMENT OR
5 THE BOARD UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE
6 GENERAL FUND.

7 § 332. LICENSED OPERATOR DEPOSITS.

8 (A) ACCOUNTS ESTABLISHED.--THE STATE TREASURER SHALL
9 ESTABLISH WITHIN THE STATE TREASURY AN ACCOUNT FOR EACH LICENSED
10 OPERATOR FOR THE DEPOSIT REQUIRED UNDER SUBSECTION (B) TO
11 RECOVER COSTS OR EXPENSES INCURRED BY THE BOARD AND THE
12 DEPARTMENT IN CARRYING OUT THEIR POWERS AND DUTIES UNDER THIS
13 CHAPTER BASED UPON A BUDGET SUBMITTED BY THE BOARD AND THE
14 DEPARTMENT UNDER SUBSECTION (C).

15 (B) DEPOSITS.--

16 (1) THE DEPARTMENT SHALL DETERMINE THE APPROPRIATE
17 ASSESSMENT AMOUNT FOR EACH LICENSED OPERATOR, WHICH SHALL BE
18 A PERCENTAGE ASSESSED BY THE DEPARTMENT ON THE LICENSED
19 OPERATOR'S FANTASY CONTEST ADJUSTED REVENUES. EACH LICENSED
20 OPERATOR SHALL DEPOSIT FUNDS INTO ITS ACCOUNT ON A MONTHLY
21 BASIS.

22 (2) THE PERCENTAGE ASSESSED BY THE DEPARTMENT SHALL NOT
23 EXCEED AN AMOUNT NECESSARY TO RECOVER COSTS OR EXPENSES
24 INCURRED BY THE BOARD AND THE DEPARTMENT IN CARRYING OUT
25 THEIR POWERS AND DUTIES UNDER THIS CHAPTER BASED ON A BUDGET
26 SUBMITTED BY THE BOARD AND THE DEPARTMENT UNDER SUBSECTION
27 (C).

28 (C) ITEMIZED BUDGET REPORTING.--

29 (1) THE BOARD AND THE DEPARTMENT SHALL PREPARE AND
30 ANNUALLY SUBMIT TO THE CHAIRPERSON AND MINORITY CHAIRPERSON

1 OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE
2 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE APPROPRIATIONS
3 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AN ITEMIZED BUDGET
4 CONSISTING OF AMOUNTS TO BE APPROPRIATED OUT OF THE ACCOUNTS
5 ESTABLISHED UNDER THIS SECTION NECESSARY TO ADMINISTER THIS
6 CHAPTER.

7 (2) THE ITEMIZED BUDGET REQUIRED UNDER PARAGRAPH (1)
8 SHALL BE SUBMITTED IN CONJUNCTION WITH THE BUDGET REQUIRED TO
9 BE SUBMITTED UNDER SECTION 1202(B) (28) (RELATING TO GENERAL
10 AND SPECIFIC POWERS).

11 (D) APPROPRIATION.--COSTS AND EXPENSES FROM ACCOUNTS
12 ESTABLISHED UNDER SUBSECTION (A) SHALL ONLY BE DISBURSED UPON
13 APPROPRIATION BY THE GENERAL ASSEMBLY.

14 (E) PENALTY.--

15 (1) A LICENSED OPERATOR WHO FAILS TO TIMELY REMIT TO THE
16 DEPARTMENT THE TAX IMPOSED UNDER THIS SECTION SHALL BE
17 LIABLE, IN ADDITION TO ANY SANCTION OR PENALTY IMPOSED UNDER
18 THIS CHAPTER, FOR THE PAYMENT OF A PENALTY OF 5% PER MONTH UP
19 TO A MAXIMUM OF 25% OF THE AMOUNTS ULTIMATELY FOUND TO BE
20 DUE, TO BE RECOVERED BY THE DEPARTMENT.

21 (2) PENALTIES IMPOSED AND COLLECTED BY THE DEPARTMENT
22 UNDER THIS SUBSECTION SHALL BE DEPOSITED INTO THE GENERAL
23 FUND.

24 § 333. RESPONSIBILITY AND AUTHORITY OF DEPARTMENT.

25 (A) GENERAL RULE.--THE DEPARTMENT SHALL ADMINISTER AND
26 COLLECT TAXES IMPOSED UNDER SECTION 331 (RELATING TO FANTASY
27 CONTEST TAX) AND INTEREST IMPOSED UNDER SECTION 806 OF THE ACT
28 OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE,
29 AND PROMULGATE AND ENFORCE RULES AND REGULATIONS TO CARRY OUT
30 ITS PRESCRIBED DUTIES IN ACCORDANCE WITH SECTIONS 331 AND 332

1 (RELATING TO LICENSED OPERATOR DEPOSITS), INCLUDING THE
2 COLLECTION OF TAXES, PENALTIES, ASSESSMENTS AND INTEREST.

3 (B) PROCEDURE.--FOR PURPOSES OF IMPLEMENTING SECTIONS 331
4 AND 332, THE DEPARTMENT MAY PROMULGATE REGULATIONS IN THE SAME
5 MANNER IN WHICH THE BOARD IS AUTHORIZED AS PROVIDED IN SECTION
6 312 (RELATING TO TEMPORARY REGULATIONS).
7 § 334. COMPULSIVE AND PROBLEM GAMBLING.

8 EACH YEAR, FROM THE TAX IMPOSED UNDER SECTION 331, THE AMOUNT
9 EQUAL TO .002 MULTIPLIED BY THE TOTAL FANTASY CONTEST ADJUSTED
10 REVENUE OF ALL ACTIVE AND OPERATING LICENSED OPERATORS SHALL BE
11 TRANSFERRED TO THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS OR A
12 SUCCESSOR AGENCY TO BE USED FOR DRUG AND ALCOHOL ADDICTION
13 TREATMENT SERVICES, INCLUDING TREATMENT FOR DRUG AND ALCOHOL
14 ADDICTION RELATED TO COMPULSIVE AND PROBLEM GAMBLING AS PROVIDED
15 UNDER SECTION 1509.1 (RELATING TO DRUG AND ALCOHOL TREATMENT).

16 SUBCHAPTER E

17 MISCELLANEOUS PROVISIONS

18 SEC.

19 341. APPLICABILITY OF OTHER STATUTES.

20 341.1. LIABILITY.

21 342. LICENSED GAMING ENTITIES.

22 § 341. APPLICABILITY OF OTHER STATUTES.

23 (A) UNLAWFUL GAMBLING.--THE PROVISIONS OF 18 PA.C.S. § 5513
24 (RELATING TO GAMBLING DEVICES, GAMBLING, ETC.) SHALL NOT APPLY
25 TO A FANTASY CONTEST CONDUCTED IN ACCORDANCE WITH THIS CHAPTER.

26 (B) POOL SELLING AND BOOKMAKING.--THE PROVISIONS OF 18
27 PA.C.S. § 5514 (RELATING TO POOL SELLING AND BOOKMAKING) SHALL
28 NOT APPLY TO A FANTASY CONTEST CONDUCTED IN ACCORDANCE WITH THIS
29 CHAPTER.

30 (C) LOTTERIES.--THE PROVISIONS OF 18 PA.C.S. § 5512

1 (RELATING TO LOTTERIES, ETC.) SHALL NOT APPLY TO A FANTASY
2 CONTEST CONDUCTED IN ACCORDANCE WITH THIS CHAPTER.

3 (D) STATE LOTTERY LAW.--THIS CHAPTER SHALL NOT APPLY TO A
4 FANTASY CONTEST OR SIMILAR PRODUCT AUTHORIZED UNDER THE ACT OF
5 AUGUST 26, 1971 (P.L.351, NO.91), KNOWN AS THE STATE LOTTERY
6 LAW, AND AUTHORIZED SOLELY BY THE DEPARTMENT AND THE DIVISION OF
7 THE STATE LOTTERY OR ILOTTERY UNDER CHAPTER 5 (RELATING TO
8 LOTTERY).

9 § 341.1. LIABILITY.

10 A LICENSED OPERATOR OR EMPLOYEE OF A LICENSED OPERATOR SHALL
11 NOT BE LIABLE TO ANY SELF-EXCLUDED PERSON OR TO ANY OTHER PARTY
12 IN ANY JUDICIAL PROCEEDING FOR ANY HARM, MONETARY OR OTHERWISE,
13 WHICH MAY ARISE AS A RESULT OF:

14 (1) THE FAILURE OF A LICENSED OPERATOR TO WITHHOLD
15 FANTASY CONTEST PRIVILEGES FROM OR RESTORE FANTASY CONTEST
16 PRIVILEGES TO A SELF-EXCLUDED PERSON; OR

17 (2) OTHERWISE PERMITTING OR NOT PERMITTING A SELF-
18 EXCLUDED PERSON TO ENGAGE IN FANTASY CONTEST ACTIVITY WHILE
19 ON THE LIST OF SELF-EXCLUDED PERSONS.

20 § 342. LICENSED GAMING ENTITIES.

21 (A) SCOPE.--THIS SECTION SHALL APPLY TO A LICENSED GAMING
22 ENTITY THAT HOLDS A FANTASY CONTEST LICENSE.

23 (B) APPLICABILITY.--NOTHING IN THIS CHAPTER SHALL BE
24 CONSTRUED TO LIMIT THE BOARD'S GENERAL AND SOLE REGULATORY
25 AUTHORITY OVER THE CONDUCT OF GAMING OR RELATED ACTIVITIES UNDER
26 PART II (RELATING TO GAMING), INCLUDING, BUT NOT LIMITED TO, THE
27 CERTIFICATION, REGISTRATION AND REGULATION OF GAMING SERVICE
28 PROVIDERS AND INDIVIDUALS AND ENTITIES ASSOCIATED WITH A GAMING
29 SERVICE PROVIDER.

30 (C) RESTRICTED CONTESTS.--A LICENSED GAMING ENTITY MAY OFFER

1 RESTRICTED FANTASY CONTESTS THAT ARE EXCLUSIVE TO PARTICIPANTS
2 WHO ARE AT LEAST 21 YEARS OF AGE.

3 (D) PROMOTIONAL PLAY.--FOR A RESTRICTED FANTASY CONTEST
4 UNDER SUBSECTION (C), A LICENSED GAMING ENTITY MAY OFFER SLOT
5 MACHINE PROMOTIONAL PLAY OR TABLE GAME MATCH PLAY TO A
6 PARTICIPANT WHO IS AT LEAST 21 YEARS OF AGE AS A PRIZE OR AWARD
7 OR FOR PARTICIPATING IN A FANTASY CONTEST CONDUCTED BY THE
8 LICENSED GAMING ENTITY.

9 (E) GAMING SERVICE PROVIDERS.--A LICENSED OPERATOR WHO IS
10 NOT A LICENSED GAMING ENTITY MAY, AT THE DISCRETION OF THE
11 BOARD, BE CERTIFICATED OR REGISTERED AS A GAMING SERVICE
12 PROVIDER UNDER SECTION 1317.2 (RELATING TO GAMING SERVICE
13 PROVIDER) IN ORDER TO OPERATE FANTASY CONTESTS SUBJECT TO THE
14 REQUIREMENTS OF THIS SECTION.

15 (F) FANTASY CONTEST TERMINALS.--

16 (1) A LICENSED GAMING ENTITY MAY PETITION THE BOARD, ON
17 A FORM AND IN A MANNER AS REQUIRED BY THE BOARD, TO PLACE AND
18 OPERATE FANTASY CONTEST TERMINALS WITHIN THE LICENSED GAMING
19 ENTITY'S LICENSED FACILITY.

20 (2) THE BOARD MAY, ACCORDING TO REGULATIONS ADOPTED BY
21 THE BOARD, APPROVE THE PLACEMENT AND OPERATION OF FANTASY
22 CONTEST TERMINALS AT ONE OR MORE LOCATIONS WITHIN A LICENSED
23 FACILITY, PROVIDED THAT FANTASY CONTEST TERMINALS MAY NOT BE
24 PLACED ON THE GAMING FLOOR.

25 (3) THE BOARD MAY NOT REQUIRE A PARTICIPANT TO ESTABLISH
26 A FANTASY CONTEST ACCOUNT PRIOR TO ENTERING A FANTASY CONTEST
27 THROUGH A FANTASY CONTEST TERMINAL.

28 CHAPTER 5

29 LOTTERY

30 SEC.