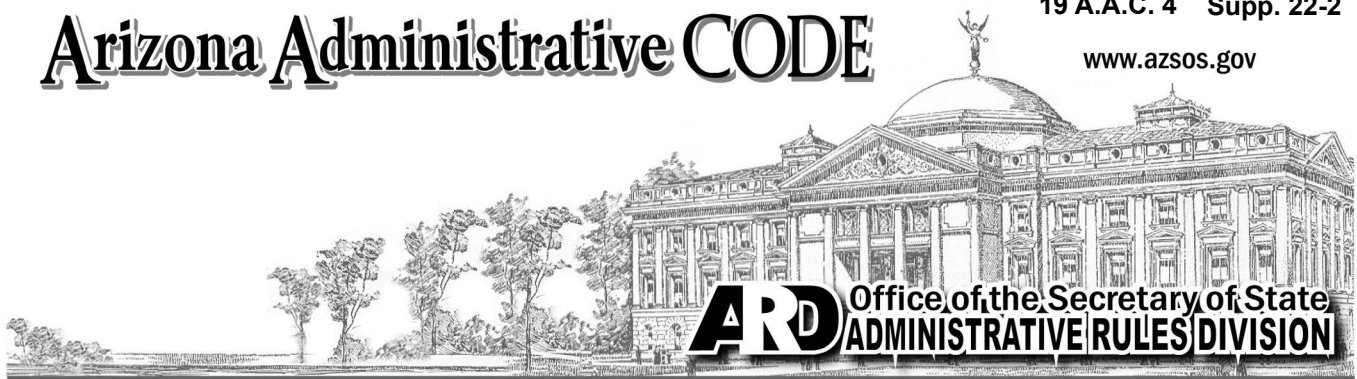




TITLE 19. ALCOHOL, DOG AND HORSE RACING, LOTTERY AND GAMING

CHAPTER 4. DEPARTMENT OF GAMING

The table of contents on page one contains links to the referenced page numbers in this Chapter.

Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of

April 1, 2022 through June 30, 2022

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Questions about these rules? Contact:

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The release of this Chapter in Supp. 22-2 replaces Supp. 21-3, 1-24 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.



Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 19. ALCOHOL, DOG AND HORSE RACING, LOTTERY AND GAMING**CHAPTER 4. DEPARTMENT OF GAMING**

Authority: A.R.S. § 5-1301 et. seq and Laws 2021, Ch. 234, Sec. 7

Supp. 22-2

Editor's Note: This Chapter contains rules made under an exemption from the rulemaking provisions of A.R.S. Title 41, Chapter 6, Arizona Administrative Procedures Act, under Laws 2021, Ch. 234, Sec. 7. These rules are being published as final exempt rules because the Department provided an opportunity for oral and written comments at public meetings in June and July 2021. These comments are available from the Department (Supp. 21-3).

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Authority: A.R.S. § 5-1303

Article 1, consisting of Sections R19-4-101 through R19-4-153, made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (File No. R21-95, Supp. 21-3).

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ARTICLE 2. FANTASY SPORTS

Authority: A.R.S. § 5-1202(D)

Article 2, consisting of Sections R19-4-201 through R19-4-223, made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (File No. R21-96, Supp. 21-3).

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ARTICLE 1. EVENT WAGERING

R19-4-101. Definitions

A. The definitions in A.R.S. § 5-1301 apply to this Article.

B. Additionally, for purposes of this Article and the Act, and unless the context requires otherwise:

1. "Act" means Title 5, Arizona Revised Statutes, Chapter 11.
2. "Affiliate" means a person, directly or indirectly, through one or more intermediaries, who controls or is controlled by, a responsible party.
3. "Applicant" means any person who has applied for a license under the provisions of the Act or this Article.
4. "Application" means all the forms and documents that are required to be submitted or completed to obtain a license under the provisions of the Act or this Article.
5. "Article" means *Arizona Administrative Code*, Title 19, Chapter 4, Article 1.
6. "Commercially Reasonable Terms" includes, for the purposes of league data only, the following non-exclusive factors:
 - a. The extent to which event wagering operators have purchased the same or similar official league data on the same or similar terms;
 - b. The speed, accuracy, timeliness, reliability, quality, and quantity of the official league data as compared to comparable non-official league data;
 - c. The quality and complexity of the process used to collect and distribute the official league data as compared to comparable non-official league data; and
 - d. The availability and cost of similar league data from multiple sources.
7. "Designee" means a person authorized to act on behalf of an event wagering operator and who is responsible for the management and control of event wagering operations. A designee is not independently eligible to become an event wagering operator, nor is it eligible to transfer licensure. The term is not inclusive of designee as referenced in A.R.S. § 5-1316(C).
8. "Event Wager" means a wager on sports events or other events, portions of sports events or other events, the individual performance statistics of athletes in a sports event or combination of sports events or the individual performance of individuals in other events or a combination of other events through any system or method of wagering.
9. "Event Wagering Platform" means the internet interface to a single event wagering system, which is designed to accept mobile event wagers through a website and/or a mobile application.
10. "Event Wagering System" means the hardware, software, firmware, communications technology or other equipment to allow patrons to place event wagers, regardless of whether event wagers are offered at retail, to include kiosks, and/or over the internet on an event wagering platform.
11. "Geofence Provider" means a person who creates a virtual perimeter for a real geographic location.
12. "Global Risk Management" means the management of risks associated with event wagering, the setting or changing of event wagers, cutoff times for event wagers, acceptance or rejection of event wagers, laying off of event wagers, lines, point spreads, and odds for event wagers, and other activity relating to event wagering.
13. "Independent Test Laboratory" means a person who provides testing services for responsible parties to certify that event wagering systems, processes, and programs meet the technical requirements of the Act and this Article.
14. "Integrity Monitoring Provider" means an independent third person who assists in the identification of suspicious wagering activity.
15. "Internal Control System" means the minimum level of operational controls developed by a responsible party to ensure the integrity of event wagering.
16. "Kiosk" means a device located within a retail wagering area that interfaces with an event wagering system and may be utilized by a patron to place event wagers, redeem winning tickets, redeem vouchers, open a player account, and make player account deposits and withdrawals.
17. "League Data Provider" means a person who provides statistical results, outcomes, and other data related to approved events.
18. "License" means an approval issued by the Department to a person pursuant to this Article to be involved in the operation of event wagering.
19. "Licensee" includes any person licensed by the Department under this Article.
20. "Marketing Affiliate" means a person who is involved in the promotion, marketing, and recruitment for event wagering business in exchange for a commission or other fee based on the number of registrations, wagering activity, or a percentage of adjusted gross event wagering receipts. Owners, operators, promoters, tribes, tribally owned entities, and their designees, as referenced in A.R.S. § 5-1307(a) and (b), shall not be subject to licensure as Marketing Affiliates.
21. "Outstanding Event Wagering Liability" means the sum of the aggregate amount wagered on events whose outcomes have not been determined and the amount owed but unpaid on winning wagers.
22. "Patron" means a player or participant who places event wagers pursuant to the Act and this Article.
23. "Player Account" means an account established by a patron with a responsible party so that the patron may place event wagers with that responsible party. Player accounts may also be referred to as event wagering accounts.
24. "Responsible Party" means event wagering operators, designees, limited event wagering operators, and management services providers.
25. "Retail Wagering Area" or "Retail" means the designated area within an event wagering facility where event wagering activity under the Act takes place.
26. "State" means the State of Arizona not to include the Indian lands within its boundaries.
27. "Supplier" or "Vendor" includes persons who satisfy the definition of supplier in the Act and persons who provide goods and/or services, directly or indirectly, to a responsible party in connection with event wagering pursuant to the Act, including those referred to as ancillary suppliers for purposes of the licensing fee structure. Ancillary suppliers include:
 - a. Affiliates;
 - b. Bookmakers;
 - c. Data centers providing physical security and infrastructure;
 - d. Geofence providers;
 - e. Identity verification service providers;
 - f. Independent test laboratories;
 - g. Integrity monitoring providers;
 - h. League data providers;
 - i. Marketing affiliates;

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- j. Payment processors; and
 - k. Any other person as determined by the Department.
28. "Suspicious Wagering Activity" means unusual event wagering activity that cannot be explained and is indicative of any of the following: match fixing, the manipulation of an event, misuse of inside information, a potential breach of a sports governing body's internal rules or code of conduct pertaining to event wagering, any other conduct that corrupts the outcome of an event, and any other prohibited activity.
29. "Ticket" means a printed or electronic document utilized to record a wager by an event wagering system.
30. "Unusual Wagering Activity" means abnormal wagering activity exhibited by one or more authorized participants and considered by a responsible party as a potential indicator of suspicious wagering activity.
31. "Voucher" means a printed or electronic wagering instrument which may also be redeemed for cash or cash equivalents.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-102. Event Wagering Permitted

Event wagering in the State, except that which is permitted pursuant to A.R.S. Title 13, Chapter 33, shall only be conducted by licensed responsible parties who operate in compliance with, and meet the terms of, the Act and this Article. Event wagers, except those which are permitted pursuant to A.R.S. Title 13, Chapter 33, shall only be accepted from persons within the State pursuant to the Act and this Article.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-103. Power and Authority

- A. The Department reserves all powers, duties, and authority granted to it by the Act and in this Article.
- B. As a condition of holding a license, all licensees agree to be subject to State jurisdiction for purposes of compliance with, and enforcement of, the Act and this Article.
- C. The Department shall monitor licensees, audit compliance with this Act and Article, and investigate suspected violations of any provision in the Act or this Article and may, at any time:
 - 1. Access and inspect all or any part of each event wagering system;
 - 2. Access and inspect kiosks;
 - 3. Access, review, and/or copy all books, records, and/or data maintained by a licensee related to event wagering in the State; and
 - 4. Inspect all or any part of an event wagering facility or server location.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-104. License Categories

- A. Event wagering employees shall have obtained a license from the Department prior to commencing employment or performing the duties of the position. Event wagering employees

include those persons who are primary management officials responsible for event wagering in the State, those persons in the State who accept wagers, redeem tickets, and/or handle monies, and any additional persons the Department determines meet the definition in A.R.S. § 5-1301(5). The event wagering employee license shall be in effect for two years and the employee shall have obtained a renewal from the Department thereafter as a condition of continuing employment.

- B. Event wagering operators are subject to the licensing requirements of the Act and this Article. Event wagering operators shall have obtained from the Department a renewal of the license every five years thereafter before continuing to operate event wagering. Pursuant to A.R.S. § 5-1304(A)(1) and (2), if a qualified event wagering operator designates a designee, the designee shall be subject to licensure including any fees and the event wagering operator shall not be subject to licensure including any fees.
- C. Designees appointed by an event wagering operator shall have obtained a license from the Department prior to providing event wagering services. The designee license shall be in effect for five years and the designee shall have obtained a renewal from the Department thereafter as a condition of continuing operation. A designee shall maintain a designation from a qualified event wagering operator in order to provide event wagering services. If a designee operates event wagering, including developing and operating event wagering systems and platforms and providing odds, lines, and global risk management, a separate management services provider license is not required.
- D. Limited event wagering operators are subject to the licensing requirements of the Act and this Article. Limited event wagering operators shall have obtained from the Department a renewal of the license every two years thereafter before continuing to operate event wagering. An additional wagering facility shall be under contract with a qualified racetrack enclosure in order to apply, hold, and/or renew a limited event wagering license.
- E. Management services providers are subject to the licensing requirements of the Act and this Article. Management services providers shall have obtained from the Department a renewal of the license every two years thereafter before continuing to manage event wagering services.
- F. Suppliers, including ancillary suppliers, are subject to the licensing requirements of the Act and this Article. Suppliers, including ancillary suppliers, shall have obtained from the Department a renewal of the license every two years thereafter before continuing to provide goods and/or services.
- G. On a quarterly basis, responsible parties shall provide to the Department a list of the names and addresses of their suppliers, including ancillary suppliers, who provide goods and/or services for event wagering in the State.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-105. Procedures for Licensing

- A. Every applicant for a license shall submit a complete application in the form prescribed by the Department, which shall include all information and documentation required by the Department, along with the applicable fees.
 - 1. Responsible parties shall submit a non-refundable application fee. The application fee shall be credited towards the initial license fee if the applicant is granted a license.

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2. Event wagering employees and suppliers shall submit a non-refundable license fee.
- B.** The fees for licensure shall be the following:
1. Event Wagering Operator
 - a. Application Fee \$ 100,000
 - b. Initial License \$ 750,000
 - c. Annual License Fee \$ 150,000
 2. Designee
 - a. Application Fee \$ 100,000
 - b. Initial License \$ 750,000
 - c. Annual License Fee \$ 150,000
 3. Limited Event Wagering Operator
 - a. Application Fee \$ 1,000
 - b. Initial License \$ 10,000
 - c. Annual License Fee \$ 5,000
 4. Management Services Provider
 - a. Application Fee \$ 1,000
 - b. Initial License \$ 10,000
 - c. Annual License Fee \$ 5,000
 5. Supplier
 - a. Initial License \$ 1,500
 - b. Renewal \$ 500
 6. Ancillary Supplier
 - a. Initial License \$ 1,500
 - b. Renewal \$ 500
 7. Employee
 - a. Initial License \$ 250
 - b. Renewal \$ 125
- C.** Within 180 days of being issued a license, the responsible party shall conduct event wagering in the State or the license shall revert to the Department.
- D.** Within five days following its receipt of a complete application for licensure of an event wagering employee or supplier, the Department shall issue a temporary license to the applicant unless the Department does not believe that the applicant will qualify for licensure. If the employee or supplier does not receive a response from the Department regarding the approval or denial of the applicant's temporary license by the close of the fifth day following the receipt of a complete application for licensure, then the applicant's temporary license shall be deemed approved by the Department. The results of a Department background investigation shall not be required prior to the issuance of a temporary license. The temporary license shall become void and be of no effect upon either the issuance of licensure or upon the issuance of a notice of denial.
- E.** Responsible parties shall require all event wagering employees in a retail wagering area to wear in plain view identification cards issued by the Department. The identification cards will include a photograph, first and last name, an identification number unique to the license, the Department's seal or signature, and a date of expiration.
- F.** Responsible parties shall remit the annual license fee to the Department within 12 months of the date in which they were issued a license, and annually thereafter.
- G.** If a responsible party has remitted each of the annual license fees and is applying for license renewal, the responsible party shall submit their completed renewal application to the Department at least 30 days prior to the expiration date of their license. Responsible parties may continue to be engaged under their expired license until action is taken on the renewal application by the Department.
- H.** If event wagering employees or suppliers are applying for license renewal, event wagering employees and suppliers shall submit their completed renewal application along with the license renewal fee to the Department at least 30 days prior to the expiration date of their license. Event wagering employees and suppliers may continue to be engaged under their expired license until action is taken on the renewal application by the Department.
- I.** As part of the reporting of material changes required by A.R.S. § 5-1305(E), after an applicant other than an event wagering employee is licensed, it shall file a report of each change of its principals with the Department. Each new principal shall file a complete application within 30 days after appointment or election. The license shall remain valid unless the Department denies the application.
- J.** The Department may revoke a license if the responsible party fails to continue operations.
- K.** Applicants and licensees may appeal a summary suspension, or a determination by the Department of a revocation, suspension, or denial of licensure.
- L.** An applicant for licensure or renewal that wishes to withdraw an application shall submit a request to the Department in writing. The application shall not be considered withdrawn without the written permission of the Department.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-106. Allocation for Applicants

- A.** Once licenses initially become available, the Department will announce an initial application period of no less than 10 days in which to accept license applications and supplemental allocation applications. Within 10 days of the conclusion of the initial application period, the Department will evaluate all applicants under the criteria established in R19-4-106(B), (C), and/or (D) to determine who is qualified for licensure and will provide written notification to the applicants that were deemed initially qualified. If there are more qualified applicants than licenses available, the Department shall review each supplemental allocation application and shall make a determination within 10 days of the initial licensure qualification determination and will provide written notification to the applicants that were selected for allocation.
- B.** For a tribe (to include its wholly owned entity, designee, or management services provider relevant to the initial application) to be qualified for an event wagering operator license:
1. It must meet the definition of an event wagering operator in A.R.S. § 5-1301(7)(b) and the requirements of A.R.S. § 5-1304 (A)(2), (B) and (C).
 2. It and its event wagering employees must submit to background checks under A.R.S. § 5-1302(C) and (E), must not be prohibited participants under A.R.S. § 5-1301(16), and must not have a criminal history or other grounds sufficient to disqualify the applicant apparent on the face of the application as noted in A.R.S. § 5-1305(C), which will be determined by the factors listed in A.R.S. § 5-1305(B)(1) through (5).
- C.** For a professional sports team (to include the PGA operator, the NASCAR promoter, designee, or management services provider relevant to the initial application) to be qualified for an event wagering operator license:
1. It must meet the definition of an event wagering operator in A.R.S. § 5-1301(7)(a) and the requirements of A.R.S. § 5-1304 (A)(1), (B) and (C).
 2. It and its event wagering employees must submit to background checks under A.R.S. § 5-1302(C) and (E), must not be prohibited participants under A.R.S. § 5-1301(16), and must not have a criminal history or other grounds suf-

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ficient to disqualify the applicant apparent on the face of the application as noted in A.R.S. § 5-1305(C), which will be determined by the factors listed in A.R.S. § 5-1305(B)(1) through (5).

D. For a racetrack enclosure or additional wagering facility (to include management services provider) to be qualified for a limited event wagering operator license:

1. It must meet the definition of a limited event wagering operator in A.R.S. § 5-1301(8) and the requirements of A.R.S. § 5-1307(A), (B) and (C).
2. It and its event wagering employees must submit to background checks under A.R.S. § 5-1302(C) and (E), must not be prohibited participants under A.R.S. § 5-1301(16), and must not have a criminal history or other grounds sufficient to disqualify the applicant apparent on the face of the application as noted in A.R.S. § 5-1305(C), which will be determined by the factors listed in A.R.S. § 5-1305(B)(1) through (5).

E. If more than 10 tribes and/or more than 10 professional sports teams qualify for an event wagering operator license, the Department shall allocate the licenses among the qualifying tribes and/or qualifying professional sports teams and ensure an equal opportunity for all qualified applicants required by A.R.S. § 5-1305(C) by considering the following criteria (which may include information from a wholly owned entity, designee, management services provider, affiliate, or other partner):

1. Business ability, experience, and track record of the event wagering operator applicant, designee applicant, and/or management services provider applicant, both local and international, which establishes the ability to create and maintain a successful event wagering operation;
2. Experience and track record of the event wagering operator applicant, designee applicant, and/or management services provider, both local and international, in the operation of gaming or related activity;
3. Contributions to the surrounding tribal, local, or State community to include:
 - a. Consideration of the size of the community impacted, or to be impacted in the future;
 - b. The extent to which the community has already benefited from gaming, or may do so in the future; and
 - c. The use of revenue to assist the community in the past, and how event wagering revenue will assist in the future;
4. Good standing in terms of obtaining and maintaining licenses/permits in all markets;
5. Demonstrated vision, willingness, and commitment to make local investments in the State, or on tribal lands, including prior investments in other states, if applicable;
6. Demonstrated culture of player protection, investments in player protection, and an effective governance program;
7. Responsiveness, approachability, and involvement of local management;
8. Competency to conduct event wagering, including proposed internal controls, and the maximization of privilege fees to the State;
9. Ability to begin operating event wagering within six months after obtaining the license;
10. Demonstrated financial stability, resources, integrity, and business ability and acumen;
11. Demonstrated regulatory compliance and cooperation with regulatory authorities;
12. The lack of opportunity to benefit from event wagering type activity in some manner or location without a license;

13. Whether the issuance of the license will provide benefits to other qualified applicants through partnerships or other opportunities;
14. Increased employment and enhancement of the labor market in the State or on tribal lands;
15. A preference for applicants who are located, headquartered, and/or own or operate a physical facility in the State, or applicants who will use a designee or management services provider, or are partners with an entity located, headquartered, and/or who own or operate a physical facility in the State;
16. For tribal licenses, a preference that licenses be distributed among non-gaming tribes, rural gaming tribes, and to tribes located relatively near metropolitan areas in the State;
17. Whether the event wagering operator applicant would appeal to a unique or unaddressed market or introduce a unique brand or affiliate;
18. Whether the issuance of a license to the event wagering operator applicant would increase the patron base in the State; and
19. Any other criteria, or the weighting of them, deemed by the Department to be in the best interests of the State.

F. If more than 10 racetrack enclosures or additional wagering facilities qualify for a limited event wagering operator license, the Department shall allocate the licenses and ensure an equal opportunity for all qualified applicants required by A.R.S. § 5-1305(C) by considering the following criteria (which may include information from a management services provider, affiliate, or other partner):

1. Business ability, experience, and track record of the limited event wagering operator applicant and/or management services provider applicant, both local and international which establishes the ability to create and maintain a successful limited event wagering operation;
2. Experience and track record of the limited event wagering operator applicant and/or management services provider, both local and international, in the operation of pari-mutuel wagering, gaming, or related activity;
3. Good standing in terms of obtaining and maintaining licenses/permits in all markets;
4. Demonstrated vision, willingness, and commitment to make local investments in the State including prior investments in other states, if applicable;
5. Demonstrated culture of player protection, investments in player protection, and an effective governance program;
6. Responsiveness, approachability, and involvement of local management;
7. Competency to conduct event wagering, including proposed internal controls, and the maximization of privilege fees to the State;
8. Ability to begin operating event wagering within six months after obtaining the license;
9. Demonstrated financial stability, resources, integrity, and business ability and acumen;
10. Demonstrated regulatory compliance and cooperation with regulatory authorities;
11. Increased employment and enhancement of the labor market in the State, as well as enhancement of other racing enterprises in the State;
12. A preference for locations with a large, unique, or unaddressed market;
13. Whether the limited event wagering operator applicant would introduce a unique brand or affiliate;

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14. Whether the issuance of a license to the limited event wagering operator applicant would increase the patron base in the State; and
 15. Any other criteria, or the weighting of them, deemed by the Department to be in the best interests of the State.
- G.** Any applicant deemed qualified for licensure, or who was allocated a license, must be deemed suitable for licensure under A.R.S. § 5-1305.
- H.** In the event one or more licenses become available, the Department will announce an application period and follow the allocation procedures in R19-4-106.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-107. Event Wagering Facility Location

- A.** An event wagering operator, designee, or limited event wagering operator shall provide written notice to the Department of the proposed physical location of the event wagering facility, or of any proposed changes to the location of an existing event wagering facility. The notice shall be provided to the Department at least 60 days prior to the intended opening date of the new or relocated event wagering facility so that the Department may determine whether the proposed physical location meets the requirements of the Act.
- B.** The Department shall provide a written response within 30 days of receipt of the notice.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-108. Retail Wagering Area Determination

- A.** The responsible party authorized to operate an event wagering facility shall determine and document the retail wagering area or areas of its facility. The determination and documentation shall be provided to the Department prior to the pre-operation inspection required under R19-4-109(B).
- B.** Any changes to the retail wagering area or areas shall be submitted to the Department in writing for review and approval at least 30 days prior to implementation.
- C.** The Department shall issue a letter approving the determination or otherwise delineating the retail wagering area or areas.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-109. Retail Wagering Area Inspection

- A.** A responsible party may not operate a retail wagering area without the written approval of the Department.
- B.** Prior to the initial opening of the retail wagering area, or any changes to the retail wagering area approved under R19-4-108(B), the Department shall conduct a pre-operation inspection to verify that the proposed retail wagering area complies with the applicable requirements of the Act and this Article. The Department shall send the results of the inspection in writing within seven days of the inspection and shall approve the opening of the retail wagering area if it determines that the area meets the required compliance.

- C.** If the Department determines that the retail wagering area does not comply with the applicable requirements of the Act and this Article, a non-compliance letter shall be sent within seven days of the inspection that shall set forth the matters of non-compliance upon which the Department bases its decision. If the matters of non-compliance identified by the Department are resolved, the Department shall approve the opening of the retail wagering area. The Department's decision to deny opening of a retail wagering area shall become final 60 days after the pre-operation inspection if the issues of non-compliance identified by the Department are not resolved.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-110. Responsible Advertising

- A.** Advertising, marketing, and promoting of event wagering shall not target, or otherwise be of a kind that specifically appeals to, persons under 21 years of age.
- B.** Advertising, marketing, and promoting of event wagering shall not be misleading or contain false information.
- C.** Advertising, marketing, and promotion of event wagering shall not promote irresponsible or excessive participation in event wagering, or suggest that social, financial, or personal success is guaranteed by engaging in event wagering.
- D.** Advertising, marketing, and promoting of event wagering shall not occur at event venues where most of the audience at most of the events at the venue is reasonably expected to be under 21 years of age.
- E.** Event wagering messages, including logos, trademarks, or brands, shall not be used, or licensed for use, on clothing, toys, games, or game equipment intended primarily for persons under 21 years of age.
- F.** Event wagering shall not be promoted or advertised in college or university-owned news assets, including digital news assets.
- G.** Event wagering shall not be promoted or advertised on college or university campuses, except for generally available advertising, including television, radio, and digital advertising.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-111. Internal Control System

- A.** Responsible parties shall operate event wagering, including each event wagering system, retail wagering area, kiosk, and/or event wagering platform, pursuant to a written internal control system approved by the Department. The internal control system shall be designed to reasonably assure that for the purposes of event wagering in the State:
1. Assets are safeguarded and accountability over assets is maintained;
 2. Liabilities are properly recorded and contingent liabilities are properly disclosed;
 3. Financial records including records relating to revenues, expenses, assets, liabilities, and equity/fund balances are accurate and reliable;
 4. Transactions are performed in accordance with the responsible party's general or specific authorization;
 5. Access to assets is permitted only in accordance with the responsible party's specific authorization;

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6. Recorded accountability for assets is compared with actual assets at frequent intervals and appropriate action is taken with respect to any discrepancies; and
 7. Functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by qualified personnel.
- B.** The internal control system shall include:
1. A description of, and the inter-relationships and dependencies of, the event wagering system, hardware, software, and all integrated supplier modules;
 2. A description of, and physical/logical security for, event wagering servers;
 3. Procedures for verifying geolocation services and establishing a patron's geographic location;
 4. A detailed security and surveillance plan;
 5. Procedures for the use, access, and security of all keys utilized in the operation of event wagering;
 6. A description of the procedures for responding to a failure of the event wagering system and/or event wagering platform;
 7. Automated and manual risk management procedures;
 8. Change management procedures;
 9. Procedures for identifying and reporting fraudulent and/or suspicious wagering activity, including identifying unusual betting patterns and reporting them to integrity monitoring providers;
 10. Procedures for the mitigation of risk of fraud and cheating;
 11. Bank Secrecy Act procedures;
 12. Procedures for advertising and marketing in a responsible manner;
 13. Procedures to mitigate problem gambling and curtail compulsive gambling;
 14. A responsible gaming training and education program;
 15. Procedures for the identification, notice, and removal of self-excluded or barred persons from event wagering facilities and event wagering platforms;
 16. Procedures for selling tickets, cashing tickets, canceling event wagers, voiding tickets, handling lost tickets, and issuing tax or other required forms;
 17. Procedures for, and definition of, obvious errors;
 18. Procedures for setting and moving lines;
 19. Procedures for the reconciliation of assets and documents contained in a cashier's drawer, kiosk, or player account, including drop, fill, and count procedures;
 20. Procedures for the verification of player identification;
 21. Procedures for the issuance and acceptance of promotional and/or bonus credit for event wagers;
 22. Procedures for handling patron disputes;
 23. Procedures for creating, updating, adjusting, and closing player accounts;
 24. Procedures for internal audit;
 25. Procedures for the retention of event wagering records;
 26. Procedures for the disposition of claims arising from personal injury or property damage, loss of funds, and/or compromised personal or financial information alleged to have been suffered by patrons; and
 27. Procedures for the identification and prohibition of prohibited participants from participation in event wagering.
- C.** Responsible parties shall have obtained written approval of the internal control system, or any changes to it, from the Department prior to implementation. The Department shall review the system, or any changes, and issue a written approval or disapproval of the system.
1. Prior to the commencement of operations in the State, the responsible party shall have obtained written approval from the Department for the internal control system.
 2. After the commencement of operations in the State, the responsible party shall submit any changes to the internal control system to the Department for review and approval. If, after five days, the responsible party has not received a response from the Department regarding the changes to the internal control system, then the changes shall be deemed approved by the Department.
- D.** For event wagering under the Act, responsible parties shall maintain:
1. Accurate, complete, legible, and permanent records of all transactions in a manner suitable for audit under the standards of the American Institute of Certified Public Accountants;
 2. General accounting records using a double entry system of accounting with transactions recorded on a basis consistent with generally accepted accounting principles;
 3. Detailed supporting and subsidiary records;
 4. Detailed records identifying revenues, expenses, assets, liabilities and fund balances or equity;
 5. All records required by the internal control system including, but not limited to, those relating to any event wagering activity authorized by the Act;
 6. Journal entries;
 7. Detailed records sufficient to accurately reflect gross income and expenses relating to its operations;
 8. Detailed records of any reviews or audits, whether internal or otherwise, performed in addition to the annual audit required in R19-4-111(E), including, but not limited to, management advisory letters, agreed upon procedure reviews, notices of non-compliance, and reports on the internal control system; and
 9. Records of any proposed or adjusting entries made by an independent certified public accountant.
- E.** Financial statements, or a specific element financial statement related to event wagering operations in the State, shall be audited, not less than annually at its fiscal year end, by an independent certified public accountant at the expense of the responsible party. The audit shall also include, or be supplemented with, an attestation by the auditor that adjusted gross event wagering receipts are accurately reported.
- F.** The Department shall be authorized to confer with the independent certified public accountant at the conclusion of the audit process and to review all the independent certified public accountant's work papers and documentation relating to the responsible party.
- G.** Responsible parties shall notify the Department in writing of their fiscal year end and any changes to the fiscal year end within 10 days after deciding on a fiscal year end or a change to that year end. If the responsible party changes its fiscal year end, it may elect either to prepare financial statements for a short fiscal year or for an extended fiscal year, but in no event shall an extended fiscal year extend more than 15 months.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-112. Privilege Fee

- A.** As per A.R.S. § 5-1318(A), the established fee for the privilege of operating event wagering shall be 8% of adjusted gross event wagering receipts for retail operations and 10% of adjusted gross event wagering receipts for mobile operations.

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- B.** The calculation of adjusted gross event wagering receipts shall be reported in the format required by the Department. The responsible party shall submit all necessary supporting documentation as directed by the Department to confirm the calculation of adjusted gross event wagering receipts. The report and supporting documentation shall be submitted to the Department no later than the 25th day of each month for the preceding month.
1. Fees paid pursuant to the Act and this Article shall be paid to the Department in the manner prescribed by the Department.
 2. Following the Department's receipt of the annual audit pursuant to A.R.S. § 5-1319, any overpayment of fees by the responsible party shall be credited to the responsible party's next monthly fee payment. Any underpayment of fees shall be paid by the responsible party within 30 days of the Department's receipt of the annual audit.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-113. Reserve Requirements and Bank Accounts

- A.** Responsible parties shall maintain a reserve in the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or any combination of the aforementioned, in an amount that is the greater of either \$500,000 or the amount that is necessary to ensure the responsible party's ability to cover all outstanding event wagering liability and the funds held for player accounts.
- B.** The responsible party shall maintain bank account or accounts for funds in player accounts that are separate and distinct from all other corporate accounts, unless otherwise agreed to by the Department. The account or accounts for player funds shall be used for all player deposits, receipts, and disbursements relating to event wagering under the Act. The responsible party shall utilize a software accounting system that separates and distinguishes all receipts and disbursements regarding or in any way relating to event wagering activity under the Act, the operation, and the construction or operation of event wagering facilities.
- C.** The responsible party shall notify the Department no less than 180 days prior to ceasing operations and shall provide a written plan to settle any outstanding liabilities and/or refund player account funds.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-114. League Data

- A.** The governing body of a sports league, organization or association, or other authorized entity that maintains official league data may notify the Department that official league data for proposition wagers, in-play wagers, and in-game wagers, which may be placed before or after a sports event has begun, is available for responsible parties.
- B.** The Department shall notify responsible parties within seven days of receipt of the notification from the governing body of a sports league, organization or association, or other authorized entity that maintains official league data of the availability of official league data.

- C.** Official league data offered to responsible parties by the governing body of a sports league, sports organization, or sports association or other authorized entity that maintains official league data for the purposes of event wagering shall be offered on commercially reasonable terms.
- D.** Responsible parties may submit a written request to the Department for the use, or continued use, of non-official league data within 60 days of receiving the notification from the Department regarding the availability of official league data. The request shall include a detailed analysis of the necessity of the use, or continued use, of non-official league data. Responsible parties may use a non-official league data provider during the 60 day period and the pendency of the Department's consideration of a responsible party's request.
- E.** Within seven days of receipt of the written request from a responsible party to utilize a non-official league data provider, the Department shall issue a written approval or disapproval.
- F.** The Department shall publish a list of official league data providers and approved non-official league data providers on its website.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-115. Integrity Monitoring

- A.** Responsible parties shall utilize an integrity monitoring service.
- B.** All integrity monitoring providers shall share information with each other and shall disseminate all reports of unusual and/or suspicious wagering activity to their members. Responsible parties shall review such reports and notify their integrity monitoring provider whether they have experienced similar activity.
- C.** The integrity monitoring providers shall notify the Department and the appropriate sport's governing body of any suspicious wagering activity as soon as practically possible.
- D.** Responsible parties receiving a report of suspicious wagering activity shall be permitted to suspend wagering on events related to the report but shall not cancel related event wagers until receiving written approval from the Department.
- E.** If a sports governing body submits a written request to the Department requesting access to information relating to suspicious wagering activity, responsible parties shall comply with the request pursuant to A.R.S. § 5-1316.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-116. Servers and Cloud Storage

- A.** Responsible parties shall only accept event wagers on a server or servers located in the State. Responsible parties shall provide the Department with the physical location of each server used to conduct event wagering. The server or servers shall have physical and logical security as provided in the responsible party's internal control system.
- B.** Upon written approval by the Department, the responsible party may utilize cloud storage for duplicate transactional wagering data and/or for data not related to transactional wagering.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28

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A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-117. Geofencing

- A. The responsible party shall utilize a geofence system to dynamically monitor the physical location of patrons attempting to place wagers on event wagering platforms.
- B. The geofence system shall perform a geolocation check prior to the placement of an event wager in an authorized session.
- C. The geofence system shall perform recurring geolocation checks throughout a patron's authorized session.
- D. If a geolocation check determines that a patron is not located in the State, the patron shall be blocked from placing event wagers on the event wagering platform.
- E. The responsible party or the geofence provider shall implement a means to notify a patron of a geolocation failure.
- F. The geofence provider shall provide to the Department access to real-time geofence data.
- G. Attempts to place wagers from unauthorized locations shall be entered into a log by the geofence provider and/or the responsible party. The log shall be available to the Department upon request.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-118. Technical Standards

Event wagering systems shall comply with Gaming Laboratories International (GLI) Standard Series GLI-33: Standards for Event Wagering Systems, and all appendices, version 1.1, dated May 14, 2019, but not including any later amendments or additions.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-119. Systems and Platforms

- A. An event wagering system shall be designed to ensure the integrity and confidentiality of all patron communications, security and confidentiality of patron data including personal and financial information, and the proper identification of the sender and receiver of all communications.
- B. Each event wagering operator may only have one event wagering system, whether its own or as provided by a management services provider which may include one separate and distinct set of hardware, software, firmware, communications technology, or other equipment to allow patrons to place event wagers on an event wagering platform and, if applicable, one set of hardware, software, firmware, communications technology, or other equipment to allow patrons to place event wagers at an event wagering facility.
- C. Responsible parties may utilize one event wagering platform. Responsible parties may utilize a second event wagering platform only upon approval by the Department. In no event shall a responsible party utilize more than two event wagering platforms.
- D. In order to operate a second event wagering platform, responsible parties shall submit a written request to the Department. The Department shall exercise its discretion in its consideration of the written request for a second event wagering platform. Factors the Department may consider in reaching its determination include:
 - 1. Numbers of responsible parties and authorized event wagering platforms;
 - 2. The introduction of a unique brand or affiliate;

- 3. The expansion of the patron base in the State;
- 4. Market size, scope, development, and growth;
- 5. Advances in technology; and
- 6. Other factors deemed relevant by the Department or the responsible party.
- E. Within 30 days of receipt of the written request from a responsible party to utilize a second event wagering platform, the Department shall issue a written approval or disapproval.
- F. Each event wagering platform shall display the name, brand, and/or logo of the responsible party and/or affiliate.
 - 1. If the responsible party changes the name, brand, and/or logo of its event wagering platform, it shall submit the changes to the Department prior to implementation.
 - 2. The responsible party shall not terminate use of an event wagering platform without prior written approval from the Department.
- G. Responsible parties shall establish test accounts for the Department to be used to test the various components and operations of the event wagering system.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-120. Event Wagering System Testing

- A. An independent test laboratory shall test to determine whether an event wagering system complies with all applicable technical standards referenced in the Act and this Article, including, if applicable, an initial geofence system test to verify that event wagers can only be accepted from persons located within the State.
- B. The responsible party shall provide the independent test laboratory all information necessary for the independent test laboratory to render its opinion.
- C. The Department shall have secure access to the independent test laboratory certification report that contains the results of the testing.
- D. The Department reserves the right to require additional testing.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-121. Event Wagering System Shipping (Retail and Kiosk)

Responsible parties and/or suppliers shall provide the Department 24 hours advanced notice of any shipment or delivery of a kiosk and/or shipment or download of event wagering system software.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-122. Event Wagering System Installation

- A. The responsible party shall notify the Department in writing at least 10 days prior to the tentative date when the responsible party intends to place an event wagering system into use. The responsible party and Department shall then agree upon a firm date and time for testing.
- B. The Department's testing of an event wagering system shall be conducted to determine compliance with the Act and this Article. These tests shall include, but need not be limited to:

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1. Verifying event wagering system software;
 2. For retail and kiosks, verifying equipment serial numbers;
 3. Verifying that all applicable event wagering system software and/or hardware has been certified by an independent test laboratory;
 4. Verifying system reporting processes; and
 5. Verifying physical and logical security.
- C. If approval is denied, the Department shall provide written notice to the responsible party detailing the reasons for the denial no later than three days after the completion of testing.
- D. For kiosks, the Department shall affix an identifying approval seal or equivalent when it is approved for use.
- E. For retail and kiosks, the Department shall ensure that event wagering system equipment and event wagering activity under the Act have the required surveillance coverage.
- c. No impact changes. Responsible parties may implement these changes without prior notification to the Department. Examples include:
 - i. Installation or changes to backup software and/or hardware;
 - ii. Adding or removing users;
 - iii. Database maintenance that modifies or deletes non-critical data;
 - iv. Installation of operating system security patches; or
 - v. Background images, color schemes, or similar ancillary front-end updates.
 - vi. Emergency changes. Responsible parties may implement these changes immediately without prior notification to the Department to deal with open threats or liabilities. Responsible parties shall notify the Department as soon as practically possible of the necessity of the emergency and its resolution.
4. The use of a change management log, which shall include at a minimum:
- a. Date and time that a change is internally approved for release;
 - b. Components to be changed;
 - c. Details of the change;
 - d. Anticipated release date of the change;
 - e. Category of the change; and
 - f. Name of the authorized employee or employees.
5. Implementation procedures to include notification to system users, scheduling, project planning, and recovery.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-123. Change Management

Responsible parties shall implement a change management process that details evaluation procedures for all updates and changes to an event wagering system and event wagering platforms. The change management process shall address at a minimum:

1. A clear and transparent framework to assist in managing deployments and other changes in the regulated live production environment.
2. A description of the process, to include roles in the change management process, handling requests for change, and the change classification categories.
3. The categories of requests for change which shall be based on their impact to the security, integrity, recovery, confidentiality, accountability, and availability of an event wagering system:
 - a. High impact changes which have a high impact on regulated components or reporting of the event wagering system. Responsible parties shall not implement these changes without the written approval of the Department. The Department shall provide a written response to the responsible party within five days of the notification. The Department will determine if additional testing or certification is required by an independent test laboratory. Examples include:
 - i. Implementation of a new wagering feature or a change which impacts wagering logic;
 - ii. A change impacting required regulatory reports or data used for financial reconciliation;
 - iii. A change implemented by the responsible party that impacts geolocation services; or
 - iv. A change impacting the handling or storage of personally identifiable information.
 - b. Low impact changes. Responsible parties may implement these changes with prior notification to the Department. Examples include:
 - i. Firewall rule changes;
 - ii. Database maintenance;
 - iii. Changes to the physical location of backup data;
 - iv. Any change or addition of physical hardware component or components; or
 - v. Changes to non-wagering logic components.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-124. Self-Monitoring of Critical Components

Event wagering systems shall perform a self-authentication process on all critical components contained on an event wagering system upon initial installation of the software and every 24 hours thereafter.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-125. Event Wagering System Communication

If an event wagering system is unable to accept a wager or validate a ticket for more than two hours, the responsible party shall notify the Department as soon as practically possible.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-126. Event Wagering System Recertification

- A. At least once every 15 months, the event wagering system shall be submitted to an independent test laboratory for recertification under R19-4-120. Recertification shall not be required if the event wagering system did not have any updates or changes during the previous 15 months. If a change referenced in R19-4-123(3)(a) requires comprehensive testing of the event wagering system by an independent test laboratory, this recertification shall be deferred for 15 months from the date of testing.
- B. The independent test laboratory's certification report shall be submitted to the Department no later than three days after the recertification is complete. The Department shall test the

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recertified event wagering system as per R19-4-122(B) at an agreed upon date and time.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-127. Integrity and Security Assessment

- A.** The responsible party shall perform an integrity and security assessment of the event wagering system within 120 days after the commencement of operations, and annually thereafter. The assessment shall be conducted by an independent integrity and security assessment professional. The scope of the assessment shall include, at a minimum, the following:
1. A vulnerability assessment of mobile platforms, mobile applications, internal, external, and wireless networks with the intent of identifying vulnerabilities of all devices, platforms, and applications connected to or present on the networks;
 2. A penetration test of all mobile platforms, mobile applications, internal, external, and wireless networks to confirm if identified vulnerabilities of all devices, platforms, and applications are susceptible to compromise;
 3. A policy and procedures review against the current ISO 27001 standard or another similar standard approved by the Department;
 4. A review of the firewall rules to verify the operating condition of the firewall and the effectiveness of its security configuration; and
 5. Any other specific criteria or standards for the integrity and security assessment as required by the Department.
- B.** The full independent integrity and security assessment professional's report on the assessment shall be submitted to the Department no later than 30 days after the assessment is completed and shall include the following:
1. Assessment procedures and scope;
 2. Name and company affiliation of the individual or individuals who conducted the assessment;
 3. Date of assessment;
 4. Findings;
 5. Recommended corrective action, if applicable; and
 6. The responsible party's response to the findings and recommended corrective action.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-128. Forms of Payment

- A.** Payment for event wagering activity or for deposit into a player account shall be made by cash, cash equivalent, electronic funds transfer, credit card, debit card, check, wire transfer, winnings, and/or promotional or bonus credit. Other forms of payment may be utilized upon written approval of the Department.
- B.** In the retail wagering area, the responsible party shall not allow a patron to conduct an electronic benefit transfer card transaction from a program intended to provide temporary assistance for needy families pursuant to A.R.S. § 46-297.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-129. Events and Wagers

- A.** The responsible party shall submit a catalogue to the Department of the events on which it intends to accept wagers and types of wagers it intends to offer. The catalogue and any changes shall be submitted to the Department prior to implementation.
- B.** The responsible party shall submit a written request to the Department for an event not previously authorized. The request shall include a detailed description of the event and its governing body so that the Department may determine:
1. How wagers will be placed and how winning wagers will be determined;
 2. How the event will be conducted and supervised;
 3. Whether any wager could affect the outcome of the event;
 4. How the outcome of the event will be verifiable and generated through a reliable and independent process; and
 5. How the event would be conducted in compliance with any applicable laws.
- C.** The responsible party shall submit a written request to the Department for a wager type not previously authorized. The request shall include a detailed description of the wager type so that the Department may determine:
1. How the wager will be placed and how winning will be determined;
 2. Whether the wager could affect the outcome of an event; and
 3. How the wager could be made in compliance with any applicable laws.
- D.** Within seven days of receipt of the written request for an event and/or wager type, the Department shall issue a written approval or disapproval to the responsible party.
- E.** The Department shall publish a list of authorized events and wager types on its website.
- F.** The Department may prohibit a particular event or wager type; provided that:
1. The Department shall not prohibit, and it may authorize, event wagers placed on the final outcomes of live in-person poker tournaments played by living individuals located in the same physical room, such as a poker room; and
 2. Except as provided in R19-4-129(F)(1), activities that present the player with a user interface depicting spinning reels or games authorized to the tribes pursuant to the 2021 Amended and Restated Compact are prohibited.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 919 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-130. Wager Rules

- A.** All event wagering shall be transacted through an event wagering system. In the event of a computer or power failure, no tickets shall be manually written.
1. Anonymous event wagers shall only be accepted in the retail wagering area or at a kiosk; and
 2. Mobile event wagers shall only be accepted from a verified player account through an event wagering platform.
- B.** An event wager shall not be accepted from a person who is placing the event wager for the benefit of another for compen-

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sation or is placing the event wager in violation of state or federal law.

- C. An event wager shall not be accepted upon an event whose outcome has already been determined.
- D. Upon acceptance of an event wager, a ticket shall be immediately issued.
- E. The responsible party may cancel an accepted wager for obvious error as defined in the responsible party's internal control system.
- F. Except for obvious error, the responsible party shall not unilaterally cancel any wager without prior written approval of the Department.
- G. If a patron wishes to void a ticket written prior to the start of an event, and the void request is approved by the responsible party, the ticket shall be verified by the event wagering system and a refund shall be given to the patron. For printed tickets, a void designation shall be branded on the ticket.
- H. Upon verification by the responsible party, winnings from player account wagers shall be immediately deposited into the player account.
- I. Winnings from anonymous wagers shall be immediately payable to the patron upon validation of the ticket by an event wagering system and verification by the responsible party.
- J. In the case of a computer or power failure, tickets may be manually paid. All manually paid tickets shall be marked as "paid" and entered into an event wagering system as soon as possible to verify the accuracy of the payout. All manually paid tickets shall be reviewed as part of the daily audit process.
- K. A log for all manually paid tickets shall be maintained and include:
 - 1. The unique transaction identified;
 - 2. Date and time;
 - 3. Amount of the payout; and
 - 4. Employee name.
- L. Winning tickets shall be honored for at least one year after the conclusion of the event or events unless otherwise approved by the Department. Redemption by mail shall be accepted and payment shall be made by the responsible party no later than 10 days after receipt.
- M. Funds from abandoned tickets or vouchers shall be remitted to the Arizona Department of Revenue as required by A.R.S. § 44-307.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-131. Layoff Wagers

- A. The responsible party may accept event wagers placed under the Act with another responsible party. The responsible party shall inform the other responsible party accepting the event wager that the event wager is being placed and shall disclose its identity.
- B. The amounts of event wagers placed with a responsible party and the amounts received by the responsible party as payments on such event wagers shall not affect the computation of the adjusted gross event wagering revenue.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-132. House Rules

- A. The house rules shall be conspicuously displayed in the retail wagering area and/or on the event wagering platform. House rules shall address:

1. Types of event wagers accepted;
 2. Minimum and maximum event wager amounts accepted;
 3. Method for calculation and payment of winning event wagers;
 4. Effect of scheduling changes and/or cancelled events;
 5. Process for handling incorrectly posted events, odds, or results;
 6. Method of notifying patrons of odds or proposition changes;
 7. Methods of funding an event wager or player account;
 8. Methods for redeeming a winning event wager;
 9. Lost or damaged ticket policy;
 10. Process for accepting event wagers at other than posted terms;
 11. Process for canceling event wagers for obvious errors, including notification;
 12. Process for patrons to submit questions and/or complaints;
 13. Notification of the patron dispute process; and
 14. Notification of the self-exclusion process.
- B. Responsible parties shall submit the house rules to the Department prior to implementation. The Department shall review the house rules and issue a written approval or disapproval of them. Any proposed changes to the house rules shall be approved by the Department prior to implementation. If, after five days, the responsible party has not received a response from the Department regarding the house rules, or any changes to them, then the house rules shall be deemed approved by the Department.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-133. Player Account Creation

- A. A patron may establish a player account in person or by electronic means.
- B. Responsible parties shall verify a patron's age and identity before allowing that patron to utilize a player account to place event wagers.
- C. Responsible parties may utilize an identity verification service provider to confirm a patron's age and identity.
- D. Responsible parties shall prohibit a patron from having more than one player account and username.
- E. Responsible parties shall establish and maintain each player account file with the following:
 1. Patron's legal name;
 2. Patron's date of birth;
 3. The last four digits of the patron's social security number, the patron's driver's license number, or an equivalent identification number for a noncitizen;
 4. Patron's account number or username;
 5. Patron's residential address;
 6. Patron's e-mail address;
 7. The method used to verify the patron's identity;
 8. The date of verification; and
 9. Acknowledgement of event wagering terms and conditions, including any subsequent updates.
- F. Responsible parties shall notify patrons of the establishment of a player account and the associated terms and conditions.
- G. Responsible parties shall re-verify a patron's identification upon reasonable suspicion that the patron's identification has been compromised or the player account has been misused, or upon any suspicious activity involving the patron or player account.

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Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-134. Player Account Terms and Conditions

Player account terms and conditions shall include the following:

1. Name of the responsible party with whom the patron is entering into a contractual relationship;
2. Patron's consent to have the responsible party confirm the patron's age and identity;
3. Rules and obligations applicable to the patron with regard to allowing any other person to access or use his or her player account and being physically present in the State to place a wager;
4. Patron's consent to the monitoring and recording by the responsible party of any event wagering communication and geographic location information;
5. Privacy policy;
6. Legal age policy;
7. Rules for player account suspension;
8. Rules for dormant player accounts;
9. Rules for closing player accounts;
10. Availability of player account statements; and
11. The statewide problem gambling toll-free helpline telephone number, text message and website information.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-135. Player Account Maintenance

- A. All adjustments to a player account shall be authorized by the responsible party and periodically reviewed by an employee independent of the adjustment.
- B. A patron shall be allowed to withdraw the funds maintained in his or her player account.
 1. Upon verification by the responsible party, the patron's request to withdraw funds shall be honored within seven days of the request.
 2. The responsible party may decline to honor a patron request to withdraw funds if the responsible party believes that the patron engaged in either fraudulent conduct or other conduct that would put the responsible party in violation of the law or this Article. In such cases, the responsible party shall:
 - a. Provide notice to the patron of the delay in honoring the request to withdraw funds from the player account;
 - b. Investigate in an expedient fashion;
 - c. Notify the patron of the final determination of the request to withdraw funds; and
 - d. Notify the Department of any investigation that confirmed fraudulent conduct.
- C. The responsible party shall consider a player account to be dormant if the patron has not logged into the player account for at least three years. A dormant account shall be closed by the responsible party. Upon closure of a dormant account, the responsible party shall make reasonable efforts to contact the account holder to return any unclaimed funds as required by A.R.S. § 44-307(E).
- D. After 120 days of attempting to contact the account holder, the unclaimed funds in a dormant account shall be presumed abandoned. Responsible parties shall remit all abandoned funds to the Arizona Department of Revenue as required by A.R.S. § 44-307.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-136. Promotions and/or Bonuses

- A. Responsible parties may offer promotions and/or bonuses.
- B. The responsible party shall submit a written notification to the Department for a promotion and/or bonus prior to implementation. The responsible party need not submit structurally similar or ongoing promotions and/or bonuses after the initial submission, unless otherwise determined by the Department.
- C. The promotion and/or bonus rules shall be clear and unambiguous, and include:
 1. Date and time the promotion or bonus is active and expires;
 2. Rules of play;
 3. Nature and value of prizes or awards;
 4. Eligibility restrictions or limitations;
 5. Wagering and redemption requirements, including any limitations;
 6. Eligible events or wagers;
 7. Cancellation requirements; and
 8. Terms and conditions that are full, accurate, concise, transparent, and do not contain misleading information.
- D. Promotions and/or bonuses described as free shall clearly disclose material facts, terms, and conditions.
- E. Promotions and/or bonuses shall not restrict the patron from withdrawing their own funds, or withdrawing winnings from wagers placed using their own funds.
- F. Responsible parties shall make the promotion or bonus rules available to eligible patrons.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-137. Tournaments

- A. Responsible parties may conduct event wagering tournaments. At such tournaments only events and wagers approved and authorized by the Department may be played.
- B. The responsible party shall submit to the Department the rules and procedures governing the conduct and play of any event wagering tournament prior to implementation.
- C. The tournament rules and procedures shall include but are not limited to:
 1. Qualification or selection criteria which limit the eligibility of tournament patrons;
 2. Regulations of the tournament (e.g., beginning and ending times, number of events, entry fee, elimination factors, cash handling procedures, etc.); and
 3. Prizes to be awarded.
- D. Responsible parties shall make the rules available to all tournament patrons prior to the beginning of the tournament.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-138. Cashiering (Retail)

- A. A cashier shall begin a shift with an imprest amount of event wagering inventory, consisting of currency and coin. No funds shall be added to or removed from the event wagering inventory during the shift except:
 1. Collection of event wagers;
 2. Making change for a patron buying a ticket;

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3. Collection of vouchers;
 4. Payment of winning tickets;
 5. Payment of voided tickets;
 6. Payment of vouchers; and
 7. Cash transfers or miscellaneous cash transactions with appropriate documentation.
- B.** An event wagering inventory count sheet shall be completed and signed by the cashier and a verifying employee on a per shift basis. The following shall be recorded on the count sheet:
1. The date, time, and shift of preparation;
 2. The total amount of each denomination of currency and coin in the event wagering inventory issued to the cashier; and
 3. The window number to which the cashier is assigned.
- C.** If the count of the inventory does not agree, the cashier and the verifying employee shall attempt to determine the cause of the variance in the count. Any variance not resolved by the cashier and the verifying employee shall be reported in writing to the responsible party. Any variance over \$500 shall be reported to the Department within 72 hours. The report shall include the following:
1. The date on which the variance occurred;
 2. The shift during which the variance occurred;
 3. The name of the cashier;
 4. The name of the verifying employee;
 5. The window number; and
 6. The amount of the variance.
- D.** If the event wagering system generated net receipts for the shift do not agree with the count sheet, the verifying employee shall record any overage or shortage. Any variance not resolved by the verifying employee shall be reported in writing to the responsible party. Any variance over \$500 shall be reported to the Department within 72 hours. The report shall include the following:
1. The date on which the variance occurred;
 2. The shift during which the variance occurred;
 3. The name of the cashier;
 4. The name of the verifying employee;
 5. The window number; and
 6. The amount of the variance.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-139. Accounting

Responsible parties shall maintain an accounting department that is independent from the operation of event wagering. Accounting/revenue audit personnel shall perform the following:

1. Daily, for each cashier station except for kiosks, the write and payouts shall be compared to the cash proceeds/disbursements with a documented investigation being performed on all large variances (i.e., overages or shortages greater than \$100 per cashier).
2. Daily, reconcile the dollar amount of player account transactions to the transaction summary report and investigate and document any variances.
3. Daily, select a random sample of five paid retail transactions from the event wagering system transaction report and trace the transaction to the customer's copy of the paid ticket.
4. Daily, for all winning retail payouts equal to or greater than \$10,000 and for a random sample of 10 of all other winning retail payouts:
 - a. The tickets shall be recalculated and regraded using the event wagering system record of event results; and
 - b. The date and starting time of the event per the results report shall be compared to the date and time on the ticket and in the event wagering system transaction report.
5. Daily, for retail payouts made without event wagering system authorization at the time of payment including such payouts for contest/tournament winners, shall:
 - a. Trace all payouts to the event wagering system transaction report or the purged tickets report to verify authenticity of the initial event wager;
 - b. For payouts subsequently entered into the event wagering system by employees, compare the manual payout amount to the event wagering system amount; and
 - c. For payouts not entered into the event wagering system by employees, enter the payout into the event wagering system and compare the manual payout amount to the event wagering system amount. If the system is inoperative, manually regrade the ticket to ensure the proper payout amount was made.
6. Daily, for all retail voided tickets:
 - a. The event wagering system reports which display voided ticket information shall be examined to verify that tickets were properly voided in the computer system;
 - b. The voided tickets shall be examined for a void designation; and
 - c. If the event wagering system prints void tickets, a void ticket shall be attached to the original ticket.
7. Daily, event wagering system exception reports shall be reviewed for propriety of transactions and unusual occurrences. All noted improper transactions or unusual occurrences noted during the review of exception reports shall be investigated with the results documented.
8. Monthly, foot the customer copy of paid retail tickets for a minimum of one cashier station and trace the totals to those produced by the event wagering system.
9. Quarterly, for each kiosk, foot the vouchers redeemed for a minimum of one day and trace the totals to the totals recorded in the event wagering system and the related accountability document. This procedure may be performed for different kiosks throughout the quarter as long as each kiosk's activity is examined once a quarter. Accounting/revenue audit shall document the test and the results of variance investigations, by kiosk.
10. Quarterly, for a minimum of one day, the event wagering system reports shall be reviewed for the proper calculation of the following:
 - a. Amounts held by the responsible party for player accounts (if applicable);
 - b. Amounts accepted by the responsible party as wagers on events whose outcomes have not been determined (futures); and
 - c. For retail, amounts owed but unpaid on winning event wagers through the period established for honoring winning wagers (unpaid winners and unredeemed vouchers).
11. Quarterly, for a minimum of one day:
 - a. If future wagers are accepted, review the event wagering system reports to ascertain that future wagers are properly included in write on the day of the event;

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- b. For retail, recalculate and verify the change in the unpaid winners and unredeemed vouchers balance to the total purged tickets and vouchers; and
 - c. For retail, select two winning tickets to verify that the wager was accepted, and payouts were made in accordance with the posted house rules.
- 12. Annually, foot the write on the event wagering system record of written tickets for a minimum of three cashiers for each wagering pool for one day and trace the total to the total produced by the event wagering system.
 - 13. Annually, for a minimum of one day, foot the redeemed vouchers for one cashier station and trace the totals to those produced by the event wagering system.
 - 14. Daily, reconcile all tournament entries and payouts to the dollar amounts recorded in the appropriate accountability document and/or event wagering system report.
 - 15. When payment is made to the winners of a tournament, reconcile the tournament entry fees collected to the actual tournament payouts made.
 - 16. Monthly, review all tournaments, promotions, and bonuses to determine proper accounting treatment and proper win/loss computation.
 - 17. Monthly, perform procedures to ensure that promotions and bonuses are conducted in accordance with conditions provided to the patrons.
 - 18. Documentation shall be maintained evidencing the performance of audit procedures, the exceptions noted, and follow-up of all audit exceptions.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-140. Information Technology

- A. Responsible parties shall maintain an information technology department that is responsible for the quality, reliability, and accuracy of all computer systems used in the operation.
- B. Responsible parties shall ensure that duties in the information technology department are adequately segregated and monitored to detect procedural errors, unauthorized access to financial transactions and assets, and to prevent the concealment of fraud.
- C. The information technology environment and infrastructure shall be maintained in a secured physical location that is restricted to authorized employees.
- D. Responsible parties shall adopt procedures for responding to, monitoring, investigating, resolving, documenting, and reporting security incidents associated with information technology systems.
- E. Information technology employees shall test the recovery procedures of the event wagering system on a sample basis at specified intervals at least annually. The results shall be documented and available to the Department upon request.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-141. Internal Audit

- A. Responsible parties shall maintain a separate audit department, independent of the event wagering operation, whether internal or through an ancillary supplier.
- B. The internal audit department shall be responsible for auditing the responsible party's compliance with the Act and this Article, the internal control system, and any other applicable rules and regulations.

- C. An internal audit shall be performed at least annually with the results documented in a written report which shall be available to the Department.
- D. Documentation shall be maintained to evidence all internal audit work performed as it relates to the requirements of this section, including all instances of noncompliance.
- E. Follow-up observations and examinations shall be performed to verify that corrective action has been taken regarding all instances of noncompliance. The verification shall be performed within six months following the date of notification.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-142. Security and Surveillance Plan

Each responsible party shall establish, maintain, and adhere to a written security and surveillance plan for the retail wagering areas, kiosks, and/or event wagering platforms. The plan shall provide for the following:

- 1. The physical safety of employees;
- 2. The physical safety of patrons in a retail wagering area and at kiosks;
- 3. The physical and logical security of a patron's information on an event wagering system;
- 4. The physical safeguarding of assets in a retail wagering area and/or kiosk;
- 5. The logical safeguarding of assets on an event wagering system;
- 6. The physical safeguarding of assets transported to and from a retail wagering area and/or kiosk; and
- 7. The protection of patron and responsible party property from illegal activity.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-143. Surveillance

- A. Responsible parties shall have a surveillance system which monitors and records general activities in the retail wagering area.
- B. Each cashier station or window shall be equipped with at least one dedicated camera covering all activity, with sufficient clarity to identify the employees performing the different functions.
- C. Each kiosk shall be equipped with at least one dedicated camera covering all activities with sufficient clarity to identify the activity and the individuals performing it, including maintenance, drops or fills, and redemption of tickets.
- D. The surveillance system shall monitor and record a general overview of all areas where cash or cash equivalents may be stored or counted.
- E. The surveillance system shall monitor and record patrons placing wagers with sufficient clarity to allow for them to be identified and their activities to be monitored.
- F. The surveillance system shall record an accurate date and time stamp on recorded events. The displayed date and time shall not significantly obstruct the recorded view.
- G. Each camera shall be installed in a manner that prevents it from being readily obstructed, tampered with, or disabled.
- H. A periodic inspection of the surveillance system shall be conducted by the responsible party. When a malfunction of the surveillance system is discovered, the malfunction and necessary repairs shall be documented, and repairs initiated within 72 hours.

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- I. All recordings required by this section shall be retained for a minimum of seven days.
- J. Suspected crimes and/or suspicious wagering activity shall be copied, documented, and retained for at least one year unless otherwise authorized by the Department.
- K. The Department shall have remote access to the surveillance system and its transmissions.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-144. Keys

- A. Access to, and return of, keys or equivalents utilized in the operation of event wagering shall be documented with the date, time, and signature or other unique identifier of the agent accessing or returning the key or keys.
- B. Documentation of all keys, including duplicates, shall be maintained, including:
 - 1. Unique identifier for each individual key;
 - 2. Key storage location;
 - 3. Number of keys made, duplicated, and destroyed; and
 - 4. Authorization and access.
- C. The responsible party shall identify those keys (ex. kiosk, restricted computer storage media) which are considered sensitive and require additional access control.
- D. The kiosk release and contents shall require a separate and unique key lock or alternative secure access method.
- E. Annually, an inventory of all sensitive keys shall be performed by internal audit and reconciled to records of keys made, issued, and destroyed.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-145. Reporting Requirements

- A. The responsible party shall report to the Department any violation or suspected violation of the Act or this Article, security breaches, breaches of confidentiality of a patron's personal information, and any other activity as required by the Department.
- B. Responsible parties shall report the information listed above to the Department in writing within 72 hours of discovery.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-146. Remedies

The Department may place conditions on a license, fine, or otherwise sanction, licensees, for violations of this Statute, or the administrative rules of the Department. The Department's ability to impose fines and/or sanctions is subject to the following:

- 1. The Department shall notify the responsible party of the results of its investigation or investigations and any administrative proceedings. The results of any investigation shall not be disclosed if such disclosure will compromise ongoing law enforcement investigations or activities, or would violate applicable state and federal law.
- 2. All monetary fines collected by the Department, including any interest earned thereon, shall be deposited in the Event Wagering Fund established by A.R.S. § 5-1318(B).

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-147. Liability for Damage to Persons and Property

Responsible parties shall maintain a policy of commercial general liability insurance with a combined single limit for a security breach, personal injury, and/or property damage of not less than \$5,000,000 per occurrence and in the aggregate. A copy of the policy, as well as any updates and/or renewals, shall be available to the Department.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-148. Patron Disputes

- A. Whenever the responsible party refuses payment of alleged winnings to a patron or there is otherwise a dispute with a patron regarding their player account, wagers, wins, or losses from event wagering, and the responsible party and the patron are unable to resolve the dispute to the satisfaction of the patron, the responsible party shall notify the patron of their right to file a written complaint. The notice shall include the procedure for filing a written complaint and the responsible party's complaint resolution process.
- B. Upon receipt of a complaint, the responsible party shall investigate and provide a written response to the patron within 10 days. The response shall include a statement that if the dispute is not resolved to the satisfaction of the patron, the patron may submit their complaint in writing to the Department.
 - 1. If the Department receives a written complaint from a patron with regard to an unresolved patron dispute, the Department shall contact the responsible party and the responsible party shall provide to the Department a written response and any additional documentation relating to the patron's complaint.
 - 2. The Department, in its sole discretion, may investigate the dispute and reach a final decision which may include a requirement for appropriate corrective action.
 - 3. The Department shall provide a written response to the responsible party and the patron of the results of its investigation and the corrective action it directs, if any, within five days of the completion of its investigation.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-149. Barred Persons

The Department shall establish a list of persons barred from retail wagering areas, kiosks, and event wagering platforms because their conduct, criminal history, and association with career offenders or career offender organizations poses a threat to the integrity of event wagering or to the public health, safety, or welfare. The responsible party shall, upon having knowledge of a barred person's presence in a retail wagering area, prohibit that barred person from placing any wager, directly or indirectly, in a retail wagering area, on a kiosk, or on an event wagering platform. To the extent not previously provided, the Department shall send a copy of its list on a monthly basis to the responsible party, along with detailed information regarding why the person has been barred. Such persons shall be barred from all retail wagering areas, kiosks, and event wagering platforms within the State.

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Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-150. Self-Exclusion and Responsible Gaming

- A. As part of their procedures and programs to mitigate problem gaming and curtail compulsive gambling, responsible parties shall:
1. Post at all public entrances and exits of the retail wagering area signage in English and Spanish stating that help is available if a person has a problem with gambling, to include the statewide toll-free helpline telephone number, text message, website information established by the Department, and any other information as directed by the Department.
 2. Display on each event wagering platform and/or kiosk, obvious and easily accessible messaging stating that help is available if a person has a problem with gambling, to include the statewide toll-free helpline telephone number, text message, website information established by the Department, and any other information as directed by the Department.
 3. Include a responsible gaming message with the Department's statewide toll-free crisis helpline telephone number, or another toll-free crisis helpline telephone number as approved by the Department, on all advertisements for event wagering, including on television, radio, internet, printed advertisements, and billboards.
- B. The self-exclusion list shall not be provided to any licensed supplier without the written approval of the Department. Approval shall only be granted by the Department when sharing of the list is deemed necessary to effectuate the terms of the Act and this Article.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-151. Debt Setoff

- A. If a responsible party is required to file a form W2G or a substantially similar form, regardless of whether those winnings are claimed at a retail wagering area or on an event wagering platform, the responsible party shall check to determine if the player has a past due, setoff obligation.
- B. The responsible party shall withhold past due, setoff obligations from those winnings which triggered the filing of a form W2G or a substantially similar form.
- C. The Department shall supply the responsible party with the lists of outstanding obligations as provided by the Arizona Department of Economic Security, Child Support Enforcement, Supplemental Nutrition Assistance Program and Assistance Overpayment, the Arizona Supreme Court, the Arizona Health Care Cost Containment System, and the Arizona Department of Revenue (State tax debt) on a monthly basis.
- D. The outstanding obligation lists shall not be provided to any licensed supplier without the written approval of the Department. Approval shall only be granted by the Department when sharing of the list is deemed necessary to effectuate the terms of the Act and this Article.
- E. The responsible party shall provide a receipt to the patron for any funds withheld for outstanding obligations.
- F. Any funds withheld by the responsible party shall be remitted to the Department within seven days in a format provided by the Department.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-152. Retention of Records

The responsible party shall require that all books, records, and data relating to the operation and management of event wagering in the State are maintained for at least five years from the date of creation. Upon written approval of the Department, books, records, and/or data may be destroyed prior to passage of the required five year retention period.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-153. Calculation of Time

In computing any period prescribed or allowed by the Act or this Article, the day of the act, event, or default from which the designated period begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday under state law or federal law. When the time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and legal holidays under state law or federal law shall be excluded from the computation period.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1167, with an immediate effective date of July 26, 2021 (Supp. 21-3).

ARTICLE 2. FANTASY SPORTS**R19-4-201. Definitions**

- A. The definitions in A.R.S. § 5-1201 apply to this Article.
- B. Additionally, in this Article and in the Act, unless the context requires:
1. "Act" means Title 5, Arizona Revised Statutes, Chapter 10.
 2. "Article" means *Arizona Administrative Code*, Title 19, Chapter 4, Article 2.
 3. "Cash Equivalent" means, for the purposes of this Article 2 only, an electronic funds transfer, credit card, debit card, check, wire transfer, winnings, promotional or bonus credit, and any other form of payment as approved by the Department.
 4. "Fantasy Sports Contest Entry" means the method to participate in a fantasy sports contest.
 5. "Geofence Provider" means a person who creates a virtual perimeter for a real geographic location.
 6. "Internal Control System" means the minimum level of operational controls developed by a responsible party to ensure the integrity of fantasy sports contests.
 7. "Licensee" includes any person licensed by the Department under this Article.
 8. "Responsible Party" means the fantasy sports contest operator or the management company who is responsible for the operation of fantasy sports contests.
 9. "State" means the State of Arizona not to include the Indian lands within its exterior boundaries.
 10. "Supplier" means persons who provide goods or services to a responsible party in connection with fantasy sports contests pursuant to the Act, to include:
 - a. Fantasy sports contest platform providers;
 - b. Identity verification service providers;
 - c. Payment processors;
 - d. Geofence providers; and

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- e. Any other person as determined by the Department.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-202. Fantasy Sports Contests Permitted

Fantasy sports contests in the State, except those which are permitted pursuant to A.R.S. Title 13, Chapter 33, shall only be conducted by licensed responsible parties who operate in compliance with, and meet the terms of, the Act and this Article.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-203. Power and Authority

- A. The Department reserves all powers, duties, and authority granted to it by the Act and in this Article.
- B. As a condition of holding a license, all licensees agree to be subject to State jurisdiction for purposes of compliance with, and enforcement of, the Act and this Article.
- C. The Department shall monitor licensees, audit compliance with this Act and Article, and investigate suspected violations of any provision in the Act or this Article and may, at any time:
1. Access and inspect all, or any part of, any fantasy sports contest platform;
 2. Access and inspect any fantasy sports contest server; and
 3. Access, review, and/or copy all books, records, and/or data maintained by a licensee related to fantasy sports contests in the State.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-204. License Categories

- A. Fantasy sports contest operators are subject to the licensing requirements of the Act and this Article. Fantasy sports contest operators shall have obtained from the Department a renewal of the license every two years thereafter before continuing to operate fantasy sports contests.
- B. Management companies are subject to the licensing requirements of the Act and this Article. Management companies shall have obtained from the Department a renewal of the license every two years thereafter before continuing to offer management services.
- C. A fantasy contest operator and/or management company shall identify any holding company which holds an ownership interest or voting rights of 10% or more of their operation. The Department, in its sole discretion, may require a holding company to obtain licensure in order to preserve the integrity of fantasy sports contests.
- D. Suppliers shall have obtained a license from the Department prior to providing goods and/or services. The supplier license shall be in effect for two years and the supplier shall have obtained a renewal from the Department thereafter before continuing to provide goods and/or services.
- E. On a quarterly basis, responsible parties shall provide to the Department a list of the names and addresses of their suppliers for fantasy sports contests in the State.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-205. Procedures for Licensing

- A. Every applicant for a license shall submit a complete application in the form prescribed by the Department, which shall include all information and documentation required by the Department, along with the non-refundable initial license fee.
- B. The fees for licensure shall be the following:
- | | |
|-----------------------------|----------|
| 1. Fantasy Contest Operator | |
| a. Initial License Fee | \$ 2,000 |
| b. Renewal | \$ 1,000 |
| 2. Management Company | |
| a. Initial License Fee | \$ 2,000 |
| b. Renewal | \$ 1,000 |
| 3. Holding Company | |
| a. Initial License Fee | \$ 500 |
| b. Renewal | \$ 250 |
| 4. Suppliers | |
| a. Initial License Fee | \$ 250 |
| b. Renewal | \$ 125 |
- C. Within five days following its receipt of a complete application for licensure of a supplier, the Department shall issue a temporary license to the applicant unless the Department does not believe that the applicant will qualify for licensure. If the supplier does not receive a response from the Department regarding the approval or denial of the applicant's temporary license by the close of the fifth day following the receipt of a complete application for licensure then the applicant's temporary license shall be deemed approved by the Department. The results of a Department background investigation shall not be required prior to the issuance of a temporary license. The temporary license shall become void and be of no effect upon either the issuance of licensure or upon the issuance of notice of denial.
- D. If fantasy sports contest operators, management companies, holding companies, or suppliers are applying for license renewal, fantasy sports contest operators, management companies, holding companies, and suppliers shall submit their completed renewal application along with the license renewal fee to the Department at least 30 days prior to the expiration date of their license. An applicant for renewal may continue to be engaged under their expired license until action is taken on the renewal application by the Department.
- E. If a fantasy sports contest operator changes key employees, each new key employee shall file a complete disclosure application within 15 days after the change.
- F. If a fantasy sports contest operator, management company, and/or holding company has a change of principals, directors, officers, and/or individual owners of 10% or more, each individual shall file a complete disclosure application within 30 days after the change, appointment, or election.
- G. Applicants and licensees may appeal a summary suspension or a determination by the Department of a revocation, suspension, or denial of licensure.
- H. An applicant for licensure, or renewal that wishes to withdraw an application shall submit a request to the Department in writing. The application shall not be considered withdrawn without the written permission of the Department.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-206. Responsible Advertising

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- A. Advertising, marketing, and promoting of fantasy sports contests shall not target, or otherwise be of a kind that specifically appeals to, persons under 21 years of age.
- B. Advertising, marketing, and promoting of fantasy sports contests shall not be misleading or contain false information.
- C. Advertising, marketing, and promotion of fantasy sports contests shall not promote irresponsible or excessive participation in fantasy sports contests, or suggest that social, financial, or personal success is guaranteed by engaging in fantasy sports contests.
- D. Advertising, marketing, and promoting of fantasy sports contests shall not occur at event venues where most of the audience at many of the events at the venue is reasonably expected to be under 21 years of age.
- E. Fantasy sports contest messages, including logos, trademarks, or brands, shall not be used, or licensed for use, on clothing, toys, games, or game equipment intended primarily for persons under 21 years of age.
- F. Fantasy sports contests shall not be promoted or advertised in college or university-owned news assets, including digital news assets.
- G. Fantasy sports contests shall not be promoted or advertised on college or university campuses, except for generally available advertising, including television, radio, and digital advertising.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 925 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-207. Internal Control System

- A. Responsible parties shall operate fantasy sports contests pursuant to a written internal control system approved by the Department. The internal control system shall be designed to reasonably assure that for the purposes of fantasy sports contests offered in the State:
 - 1. Assets are safeguarded and accountability over assets is maintained;
 - 2. Liabilities are properly recorded and contingent liabilities are properly disclosed;
 - 3. Financial records including records relating to revenues, expenses, assets, liabilities, and equity/fund balances are accurate and reliable;
 - 4. Transactions are performed in accordance with the responsible party's general or specific authorization;
 - 5. Access to assets is permitted only in accordance with the responsible party's specific authorization;
 - 6. Recorded accountability for assets is compared with actual assets at frequent intervals and appropriate action is taken with respect to any discrepancies; and
 - 7. Functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by qualified personnel.
- B. The internal control system shall include:
 - 1. A description of, and the inter-relationships and dependencies of, the fantasy sports contest platform, hardware, software, and all integrated supplier platforms;
 - 2. Procedures for verifying geolocation services and establishing a fantasy sports contest player's geographic location;
 - 3. Procedures for monitoring, investigating, resolving, documenting, and reporting security incidents associated with information technology systems;
 - 4. Procedures for the access to, and use of scripts;
 - 5. Procedures for the mitigation of risk of fraud, cheating, and/or money laundering;
 - 6. Procedures for the identification of highly experienced fantasy sports contest players;
 - 7. Procedures to mitigate problem gambling and curtail compulsive gambling;
 - 8. A responsible gaming training and education program;
 - 9. Procedures for the identification, notice, and removal of self-excluded or barred persons from fantasy sports contest platforms;
 - 10. Procedures for accepting entry fees, canceling fantasy sports contest entries, paying out prizes or awards, and issuing tax or other required forms;
 - 11. Procedures for the recording and reconciliation of all fantasy sports contest transactions to fantasy sports contest platform reports;
 - 12. Procedures for the reconciliation of assets contained in player accounts;
 - 13. Procedures for the verification of player identification;
 - 14. Procedures for the issuance and acceptance of promotional and/or bonus credit for fantasy sports contests;
 - 15. Procedures for handling fantasy sports contest player disputes;
 - 16. Procedures for creating, updating, adjusting, and closing player accounts;
 - 17. Procedures for the retention of fantasy sports contest records; and
 - 18. Procedures for the identification and prohibition of prohibited participants from participation in fantasy sports contests.
- C. Responsible parties shall have obtained written approval of the internal control system, or any changes deemed material by the responsible party, from the Department prior to implementation. The Department shall review the system, or any material changes, and issue a written approval or disapproval of the system.
 - 1. Prior to the commencement of operations in the State, the responsible party shall have obtained written approval from the Department for the internal control system.
 - 2. After the commencement of operations in the State, the responsible party shall submit any material changes to the internal control system to the Department for review and approval. If, after five days, the responsible party has not received a response from the Department regarding the material changes to the internal control system, then the material changes shall be deemed approved by the Department.
- D. For fantasy sports contests under the Act, responsible parties shall maintain:
 - 1. Accurate, complete, legible and permanent records of all transactions in a manner suitable for audit under the standards of the American Institute of Certified Public Accountants;
 - 2. General accounting records using a double entry system of accounting with transactions recorded on a basis consistent with generally accepted accounting principles;
 - 3. Detailed supporting and subsidiary records;
 - 4. Detailed records identifying revenues, expenses, assets, liabilities and fund balances or equity;
 - 5. All records required by the internal control system including, but not limited to, those relating to any fantasy sports contest activity authorized by the Act;
 - 6. Journal entries;
 - 7. Detailed records sufficient to accurately reflect gross income and expenses relating to its operations; and

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- 8. Records of any proposed or adjusting entries made by an independent certified public accountant.
- E. The responsible party shall maintain bank account or accounts that are separate and distinct from all other corporate accounts, unless otherwise agreed to by the Department. The account or accounts shall be used for all player deposits, receipts, and disbursements relating to its operation of fantasy sports contests under the Act. The responsible party shall utilize a software accounting system that separates and distinguishes all receipts and disbursements regarding or in any way relating to fantasy sports contest activity under the Act.
- F. Responsible parties shall notify the Department in writing of their fiscal year end and any changes to the fiscal year end within 10 days after deciding on a fiscal year end or a change to that year end.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-208. Privilege Fee

- A. As per A.R.S. § 5-1211(A), the established fee for the privilege of operating fantasy sports contests shall be 5% of fantasy sports contest adjusted revenues.
- B. The responsible party has the option to choose either the cash accrual or modified accrual basis method of accounting for purposes of calculating the amount of the privilege fee.
- C. The calculation of fantasy sports contest adjusted revenues shall be reported in a format required by the Department. The responsible party shall submit all necessary supporting documentation as directed by the Department to confirm the calculation of fantasy sports contest adjusted revenues. The report and supporting documentation shall be submitted to the Department no later than the 25th day of each month for the preceding month.
 - 1. Fees paid pursuant to the Act and this Article shall be paid to the Department in the manner prescribed by the Department.
 - 2. Following the Department's receipt of the annual audit pursuant to A.R.S. § 5-1204, any overpayment of fees by the responsible party shall be credited to the responsible party's next monthly fee payment. Any underpayment of fees shall be paid by the responsible party within 30 days of the Department's receipt of the annual audit.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3). Amended by final exempt rulemaking at 28 A.A.R. 925 (May 6, 2022), with an immediate effective date of April 15, 2022 (Supp. 22-2).

R19-4-209. Servers and Cloud Storage

- A. Responsible parties shall provide the Department with the physical location of each server that accepts fantasy sports contest entries. The server or servers shall have physical and logical security.
- B. The responsible party may utilize cloud storage upon written approval by the Department.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-210. Geofencing

- A. The responsible party shall utilize a geofence system to dynamically monitor the physical location of a player attempting to pay an entry fee on a fantasy sports contest platform.
- B. The geofence system shall perform a geolocation check prior to each payment of an entry fee in an authorized session.
- C. If a geolocation check determines that a player is not located in the State or another jurisdiction where fantasy sports contests are legal and the activity is permitted, the player shall be blocked from paying an entry fee on the fantasy sports contest platform.
- D. The responsible party or the geofence provider shall implement a means to notify a player of a geolocation failure.
- E. Attempts to pay an entry fee from unauthorized locations within the State shall be entered into a log by the geofence provider and/or the responsible party. The log shall be available to the Department upon request.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-211. Fantasy Sports Contest Platform

- A. The fantasy sports contest platform shall be designed to ensure the integrity and confidentiality of all player communications, security and confidentiality of player data including personal and financial information, and the proper identification of the sender and receiver of all communications.
- B. The responsible party shall notify the Department in writing prior to the installation of a fantasy sports contest platform that the platform meets the design requirements of R19-4-211(A) and the geofence requirements of R19-4-210(A) through (D).
- C. The responsible party shall notify the Department in writing prior to the installation of a fantasy sports contest platform, and annually thereafter, that the platform properly calculates entry fees and payouts.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-212. Fantasy Sports Contest Platform Communication

If the fantasy sports contest platform is unable to accept a fantasy sports contest entry or validate a winning entry for more than two hours, the responsible party shall notify the Department as soon as practically possible.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-213. Fees and Entry Rules

- A. Entry fees shall be paid from funds in a player account deposited by cash or cash equivalent.
- B. All entry fees shall be transacted through the fantasy sports contest platform.
- C. Upon acceptance of an entry fee, an electronic fantasy sports contest entry shall be immediately issued.
- D. Upon verification, winnings from fantasy sports contest entries shall be immediately deposited into the player account.
- E. A fantasy sports contest entry shall only be purchased from a verified player account.
- F. A fantasy sports contest entry shall not be accepted upon an event whose outcome has already been determined.
- G. If a player cancels a fantasy sports contest entry prior to the start of the fantasy sports contest, and the cancel request is

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approved by the responsible party, the fantasy sports contest entry fee shall be refunded to the player account after verification by the fantasy sports contest platform.

- H.** An entry fee shall not be accepted from a person who is purchasing the fantasy sports contest entry for the benefit of another for compensation or is purchasing the fantasy sports contest entry in violation of tribal, state, or federal law.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-214. Events and Fantasy Sports Contests

- A.** The responsible party shall submit a catalogue of the events and fantasy sports contests it intends to offer. The catalogue and any changes shall be submitted to the Department prior to implementation.
- B.** The Department shall publish a list of authorized events and fantasy sports contests on its website.
- C.** The Department may prohibit a particular event or fantasy sports contest if it does not comply with A.R.S. § 5-1201(6).

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-215. House Rules

- A.** The house rules shall be conspicuously displayed on the fantasy sports contest platform. House rules shall address:
1. Types of entry fees accepted;
 2. Minimum and maximum fantasy sports contest entry amounts accepted;
 3. The maximum number of entries a player may have in a fantasy sports contest;
 4. Method for calculation and payment of winnings;
 5. Effect of scheduling changes and/or cancelled events;
 6. Process for handling incorrectly posted results;
 7. Methods of funding an account;
 8. Methods for redeeming winnings;
 9. Policy and process for canceling fantasy sports contest entries;
 10. Process for fantasy sports contest players to submit questions and/or complaints;
 11. Notification of the fantasy sports contest player dispute process; and
 12. Notification of the self-exclusion process.
- B.** Responsible parties shall submit the house rules to the Department prior to implementation. The Department shall review the house rules and issue a written approval or disapproval of them. Any proposed changes to the house rules shall be approved by the Department prior to implementation. If, after five days, the responsible party has not received a response from the Department regarding the house rules, or any changes to them, then the house rules shall be deemed approved by the Department.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-216. Player Account Creation

- A.** Responsible parties shall verify a fantasy sports contest player's age and identity before allowing that player to utilize a player account to purchase fantasy sports contest entries.

- B.** Responsible parties may utilize an identity verification service provider to confirm a fantasy sports contest player's age and identity.
- C.** Responsible parties shall prohibit a fantasy sports contest player from having more than one player account and username for each fantasy sports contest platform.
- D.** Responsible parties shall establish and maintain each player account file with the following:
1. Player's legal or full name;
 2. Player's date of birth;
 3. Player's account number or username;
 4. Player's residential address;
 5. Player's e-mail address;
 6. The method used to verify the player's identity;
 7. The date of verification; and
 8. Acknowledgement of fantasy sports contest terms and conditions, including any subsequent updates.
- E.** Responsible parties shall notify players of the establishment of a player account and the associated terms and conditions.
- F.** Responsible parties shall re-verify a player's identification upon reasonable suspicion that the player's identification has been compromised or the player account has been misused, or upon any suspicious activity involving the player or player account.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-217. Player Account Terms and Conditions

Player account terms and conditions shall include the following:

1. Name of the responsible party with whom the player is entering into a contractual relationship;
2. Player's consent to have the responsible party confirm the player's age and identity;
3. Rules and obligations applicable to the player with regard to allowing any other person to access or use his or her player account;
4. Player's consent to the monitoring and recording by the responsible party of any fantasy sports contest entry communication and geographic location information;
5. Privacy policy;
6. Legal age policy;
7. Rules for player account suspension;
8. Rules for dormant player accounts;
9. Rules for closing player accounts; and
10. Availability of player account statements.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-218. Player Account Maintenance

- A.** All adjustments to a player account shall be authorized by the responsible party and periodically reviewed by an employee independent of the adjustment.
- B.** A player shall be allowed to withdraw the funds maintained in his or her player account.
1. Upon verification by the responsible party, the player's requests to withdraw funds shall be honored within seven days of the request.
 2. The responsible party may decline to honor a player request to withdraw funds if the responsible party believes that the player engaged in either fraudulent conduct or other conduct that would put the responsible party

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in violation of the law or this Article. In such cases, the responsible party shall:

- a. Provide notice to the player of the delay in honoring the request to withdraw funds from the player account;
- b. Investigate in an expedient fashion; and
- c. Notify the player and the Department of the results of the investigation within two days of the completion of the investigation.

- C. The responsible party shall consider a player account to be dormant if the player has not logged into the player account for at least three years. A dormant account shall be closed by the responsible party. Upon closure of a dormant account, the responsible party shall make reasonable efforts to contact the account holder to return any unclaimed funds as required by A.R.S. § 44-307(E).
- D. After 120 days of attempting to contact the account holder, the unclaimed funds in a dormant account shall be presumed abandoned. Responsible parties shall remit all abandoned funds to the Arizona Department of Revenue as required by A.R.S. § 44-307.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-219. Promotions and Bonuses

- A. Responsible parties may offer promotions and/or bonuses.
- B. Responsible parties shall make promotion and/or bonus rules and advertisements available to the Department upon request.
- C. The promotion and/or bonus rules shall be clear and unambiguous, and include:
 1. Date and time the promotion or bonus is active and expires;
 2. Rules of play;
 3. Nature and value of prizes or awards;
 4. Eligibility restrictions or limitations;
 5. Participation requirements and limitations;
 6. Eligible fantasy sports contests;
 7. Cancellation requirements; and
 8. Terms and conditions that are full, accurate, concise, transparent, and do not contain misleading information.
- D. Promotions and/or bonuses described as free shall clearly disclose material facts, terms, and conditions.
- E. Promotions and/or bonuses shall not restrict the player from withdrawing their own funds, or withdrawing winnings from fantasy sports contest entries purchased with their own funds.
- F. Responsible parties shall make the promotion or bonus rules available to eligible players.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-220. Information Technology

- A. Responsible parties shall ensure the quality, reliability, and accuracy of all computer systems used in the operation.
- B. Responsible parties shall ensure that information technology duties are adequately segregated and monitored to detect procedural errors, unauthorized access to financial transactions and assets, and to prevent the concealment of fraud.
- C. The information technology environment and infrastructure shall be maintained in a secured physical location that is restricted to authorized employees.
- D. Responsible parties shall test the recovery procedures of the fantasy sports contest platform on a sample basis at specified

intervals at least annually. The results shall be documented and available to the Department upon request.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-221. Annual Audit

The responsible party shall be audited not less than annually, at its own expense, on its financial condition and compliance standing.

1. Financial statements, or a specific element financial statement related to fantasy sports contests in the State, shall be audited at the responsible party's fiscal year end by an independent certified public accountant. The audit shall include or be supplemented with an attestation from the independent certified public accountant that fantasy sports contest adjusted revenues are accurately reported. The Department shall be authorized to confer with the independent certified public accountant at the conclusion of the audit process and to review all the work papers and documentation relating to the responsible party.
2. The responsible party shall submit an annual compliance audit, prepared by an independent test laboratory, or another professional service provider as approved by the Department, to verify compliance with the operational aspects of the Act and this Article. The compliance audit shall include testing of the internal control system, verification of the integrity of the fantasy sports contest platform, and the geofence system.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-222. Reporting Requirements

- A. The responsible party shall report to the Department any violation or suspected violation of the Act or this Article, security breaches, breaches of confidentiality of a player's personal information, suspicious activity, and any other activity as required by the Department.
- B. Responsible parties shall report the information listed above to the Department in writing within 72 hours of discovery.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-223. Remedies

The Department may place conditions on a license, fine, or otherwise sanction, licensees, for violations of this Statute, or the administrative rules of the Department. The Department's ability to impose sanctions is subject to the following:

1. The Department shall notify the responsible party of the results of its investigation or investigations and any administrative proceedings. The results of any investigation shall not be disclosed if such disclosure will compromise ongoing law enforcement investigations or activities, or would violate applicable state and federal law.
2. All monetary fines collected by the Department, including any interest earned thereon, shall be deposited in the fantasy sports contest fund established by A.R.S. § 5-1212(A).

CHAPTER 4. DEPARTMENT OF GAMING

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-224. Player Disputes

- A. Whenever the responsible party refuses payment of alleged winnings to a player or there is otherwise a dispute with a player regarding their player account, entries, wins, or losses from fantasy sports contests, and the responsible party and the player are unable to resolve the dispute to the satisfaction of the player, the responsible party shall notify the player of their right to file a written complaint. The notice shall include the procedure for filing a written complaint and the complaint resolution process.
- B. Upon receipt of a complaint, the responsible party shall investigate and provide a written response to the player within 10 days. The response shall include a statement that if the dispute is not resolved to the satisfaction of the player, the player may submit their complaint in writing to the Department.
1. If the Department receives a written complaint from a player with regard to an unresolved dispute, the responsible party shall provide to the Department a written response to the player's complaint.
 2. The Department, in its sole discretion, may investigate the dispute and reach a final decision which may include a requirement for appropriate corrective action.
 3. The Department shall provide a written response to the responsible party and the player of the results of its investigation and the corrective action it directs, if any, within five days of the completion of its investigation.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-225. Barred Persons

The Department shall establish a list of persons barred from fantasy sports contests because their conduct, criminal history, and association with career offenders or career offender organizations poses a threat to the integrity of fantasy sports contests or to the public health, safety, or welfare. The responsible party shall prohibit barred persons from participating in fantasy sports contests. To the extent not previously provided, the Department shall send a copy of its list on a monthly basis to the responsible party, along with detailed information regarding why the person has been barred. Such persons shall be barred from all fantasy sports contests within the State.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-226. Self-Exclusion and Responsible Gaming

- A. As part of their procedures and programs to mitigate problem gambling and curtail compulsive gambling, responsible parties shall:
1. Display on the fantasy sports contest platform, obvious and easily accessible messaging stating that help is available if a person has a problem with gambling, to include the statewide toll-free helpline telephone number, text message, website information established by the Department, and any other information as directed by the Department.
 2. Include a responsible gaming message with the Department's statewide toll-free crisis helpline telephone num-

ber, or another toll-free crisis helpline telephone number as approved by the Department, on all advertisements for fantasy sports contests, including on television, radio, internet, printed advertisements, and billboards.

- B. The self-exclusion list shall not be provided to any licensed supplier without the written approval of the Department. Approval shall only be granted by the Department when sharing of the list is deemed necessary to effectuate the terms of the Act and this Article.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-227. Debt Setoff

- A. If a responsible party is required to file a form 1099-MISC or other substantially similar form, the responsible party shall check to determine if the player has a past due, setoff obligation.
- B. The responsible party shall withhold past due, setoff obligations from funds held in a player account at the time the form 1099-MISC or other substantially similar form is issued.
- C. The Department shall supply the responsible party with the lists of outstanding obligations as provided by the Arizona Department of Economic Security, Child Support Enforcement, Supplemental Nutrition Assistance Program and Assistance Overpayment, the Arizona Supreme Court, and the Arizona Health Care Cost Containment System on an annual basis.
- D. The outstanding obligation lists shall not be provided to any licensed supplier without the written approval of the Department. Approval shall only be granted by the Department when sharing of the list is deemed necessary to effectuate the terms of the Act and this Article.
- E. The responsible party shall provide a receipt to the player for any funds withheld for outstanding obligations.
- F. Any funds withheld by the responsible party shall be remitted to the Department within seven days in a format provided by the Department.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-228. Retention of Records

The responsible party shall require that all books, records, and data relating to the operation and management of fantasy sports contests are maintained for at least three years from the date of creation. Upon written approval of the Department, books, records, and/or data may be destroyed prior to passage of the required three-year retention period.

Historical Note

Section made by final exempt rulemaking at 27 A.A.R. 1186, with an immediate effective date of July 26, 2021 (Supp. 21-3).

R19-4-229. Calculation of Time

In computing any period prescribed or allowed by the Act or this Article, the day of the act, event, or default from which the designated period begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday under state law or federal law. When the time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and legal holidays under state law or federal law shall be excluded from the computation period.

CHAPTER 4. DEPARTMENT OF GAMING**Historical Note**

Section made by final exempt rulemaking at 27 A.A.R.
1186, with an immediate effective date of July 26, 2021
(Supp. 21-3).