

**PROPOSED PENNSYLVANIA INTERACTIVE GAMING LAW**

Section 1. Title 4 is amended by adding a chapter to Part II to read:

**CHAPTER \_\_**

**AUTHORIZED INTERACTIVE GAMING**

**§ \_\_1. Legislative Policy.**

The General Assembly recognizes the following public policy purposes and declares that the following objectives of the Commonwealth are to be served by this part:

(1) The authorization of legalized gaming in Pennsylvania in the form of slot machines and table games at licensed facilities has been successful in delivering far-reaching benefits to the Commonwealth, including substantial tax revenues for property tax relief and general economic development, the creation, to date, of over 15,000 jobs, and significant contributions to the horse racing and agricultural industries.

(2) Ongoing developments in technology and the recent legal developments have created an environment under which the Commonwealth may pursue the legalization of interactive poker as a means further to enhance and complement the benefits delivered by casino gaming and the licensed facilities and the communities in which they operate.

(3) Interactive gaming is a form of account wagering under which players establish and draw from an individual account to place a wager to participate in authorized games through the Internet and similar communications media. The Commonwealth currently authorizes casino gaming in the form of slot machines, banking and nonbanking table games, including poker. These gaming operations provide the licensees that operate casinos in the Commonwealth the appropriate level of experience and integrity to provide platforms for the introduction of interactive gaming and the protection of interactive gaming players.

(4) It is a vital public interest that all essential software and hardware that provides the interactive games be the responsibility of the casino licensees and under their ultimate operational and supervisory control. Vendors' ability to provide the interactive gaming platform must depend solely on and be tied to the status of the licensee for which they are providing their services, and, in order to assure that actual control and supervision remains with the licensee, the licensee's Internet website or similar public portal must be marketed and made available to the public under its own names and brands and not the brands of third parties. —

(5) Poker is unlike banking games in important respects that make it best suited for the introduction of interactive gaming. Poker operators are not participants in the games and are indifferent as to the outcome. Poker players' winnings come not from the house, but from the pool of other players. In addition, winning at poker involves some measure of skill. Skillful poker players can earn winnings in the long term, while players of banking games will always play against odds favoring the house.

(6) Any interactive gaming enforcement and regulatory structure must begin from the bedrock premise that participation in a lawful and licensed gaming industry is a privilege and not a right, and that regulatory oversight is intended to safeguard the integrity of the games and participants and to ensure accountability and the public trust.

(7) With the passage of the Unlawful Internet Gambling Enforcement Act of 2006, issues concerning the scope and interpretation of State law, including the importance of the location of the wager, wagering activity and website, were clarified. Those persons that provided goods or services related to Internet gaming involving citizens of the Commonwealth prior to the enactment of that statute but exited in an

expeditious fashion after its enactment should be regarded differently from those that continued to flout U.S. federal and State law thereafter for purposes of suitability for licensing under this act. Granting those persons licensing privileges or allowing the use of the assets of such persons in connection with interactive gaming in the Commonwealth, if those assets were used unlawfully, would reward unlawful gaming activity, would permit manifestly unsuitable persons to profit from their unlawful gaming activity and would create unfair competition with licensees that respected federal and State law.

(8) The Commonwealth has entrusted the control and regulation of casino gaming to the Pennsylvania Gaming Control Board for the past seven years, and, based on this experience, it is now appropriate to delegate the responsibility for the implementation and regulation of interactive gaming to the board.

(9) Authorized interactive gaming, once fully developed, will allow participation of persons in the Commonwealth in interactive poker not only with persons in the Commonwealth, but with persons in other cooperating United States jurisdictions where interactive gaming that includes poker has been authorized.

(10) The expansion of gaming through the authorization of interactive gaming requires the Commonwealth to take steps to increase awareness of compliance and problem gambling across interactive channels, and to implement effective strategies for prevention, assessment and treatment of this behavioral disorder.

## **§ \_\_2. Definitions.**

“Affiliate.” With respect to another person, a person that controls, is controlled by or is under common control with that person. Natural persons cannot be affiliates for purposes of this definition.

“Authorized game.” Any interactive game approved by the board pursuant to this chapter. The board only may approve poker games pursuant to this chapter.

“Authorized participants.” Persons who are either physically present in the Commonwealth or who are located in a jurisdiction with which the Commonwealth has negotiated an interactive gaming agreement when placing a wager. The intermediate routing of electronic data in connection with interactive games shall not determine the location or locations in which a wager is initiated, received or otherwise made.

“Covered asset.” Any of the following categories of asset if specifically designed for use and knowingly and willfully used in connection with wagers or gambling games using the Internet and involving customers located in the United States after December 31, 2006, unless licensed by a federal or state authority to engage in such activity: (1) any trademark, trade name, service mark or similar intellectual property that was used to identify any aspect of the Internet website or of the operator offering the wagers or gambling games to its customers; (2) any database or customer list of individuals residing in the United States who placed wagers or participated in gambling games with or through an Internet website or operator not licensed by a federal or state authority to engage in such activity; (3) any derivative of a database or customer list described in clause (2); or (4) software (including any derivative, update or customization of such software) or hardware relating to the management, administration, development, testing or control of the Internet website, the gambling games or wagers offered through the website or the operator.

“Gross interactive gaming revenue.” The total of all cash or cash equivalents paid by authorized participants to a licensee in consideration for the play of interactive games, minus (1) the total of cash or cash equivalents paid out to players as winnings; (2) promotional gaming credits; (3) the cash equivalent value of any personal property or other non-cash thing of value included in a drawing, contest or tournament and distributed to players; (4) taxes paid to other states or territories of the United States pursuant to interactive gaming agreements implemented under this chapter; and (5) revenues from nongaming sources, such as from food, beverages, souvenirs, advertising, clothing and other nongaming sources. Neither amounts deposited with a licensee for purposes of interactive gaming nor amounts taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed shall be considered to have been “paid” to the licensee for purposes of calculating gross interactive gaming revenue.

“Promotional gaming credit” for purposes of calculating gross interactive gaming revenue includes bonuses, promotions and any amount received by a licensee from an authorized participant for which the licensee can demonstrate that it or its affiliate has not received cash.

“Interactive games.” Any game offered through the use of communications technology that allows a person, utilizing money, checks, electronic checks, electronic transfers of money, credit cards, debit cards or any other instrumentality, to transmit to a computer information to assist in the placing of a wager and corresponding information related to the display of the game, game outcomes or other similar information. The term does not include the conduct of (i) gaming that occurs entirely among participants located within the licensed facility of the licensee or its affiliate, as and to the extent that any such gaming may be authorized by the board, or (ii) non-gambling games that do not

otherwise require a license under the laws of this Commonwealth. For purposes of this provision, “communications technology” means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wire, cable, radio, microwave, light, optics or computer data networks, including, without limitation, the Internet and intranets.

“Interactive gaming agreement.” A negotiated agreement between the Commonwealth and one or more of the states, territories or possessions of the United States in which interactive gaming is legally authorized to permit persons located in such other jurisdictions to place wagers on interactive games with licensees in the Commonwealth or to permit persons located in the Commonwealth to place wagers on authorized games with licensees in such other jurisdictions, or both. Agreements may contain whatever other provisions the board may deem appropriate, except that only authorized games may be permitted to be offered to persons located in the Commonwealth pursuant to an agreement.

“Interactive gaming license.” A license issued by the board pursuant to this chapter which authorizes the holder to offer authorized games for play by, and to accept bets and wagers associated with authorized games from, authorized participants.

“Interactive gaming platform.” The combination of hardware and software designed for use and used to manage, conduct or record interactive games or the wagers associated with those games. The interactive gaming platform must be approved by the board for purposes of the conduct of authorized games.

“Interactive gaming skin.” The portal to an interactive gaming platform or Internet website through which an authorized game is made available to customers in this Commonwealth.

“Internet.” A computer network of interoperable packet-switched data networks.

“Key interactive gaming employee.” Any natural person employed by a licensee or significant vendor (or applicant) or by a holding or intermediary company of a licensee or significant vendor (or applicant), who is involved in the operation of the interactive gaming or of the wagers associated with that gaming and who is empowered to make discretionary decisions that regulate interactive gaming operations. The board may determine in its discretion the categories of employees who satisfy this definition and may exclude from the scope of this definition with respect to a particular licensee or significant vendor (or applicant) any employee or category of employee it deems appropriate.

“Licensee.” A person that holds an interactive gaming license.

“Poker.” Any of several card games traditionally known as poker, in which players compete against each other and not against the person operating the game, including games using electronic devices that simulate a deck of cards, and can include both cash games and tournaments. Licensees may assess a rake or any other type of fee associated with the game, contest or tournament but may not wager with or against any player or players.

“Significant vendor.” Any person who offers or who proposes to offer any of the following services with respect to interactive gaming: (1) management, administration or control of wagers or of the interactive games themselves; (2) development, maintenance, provision or

operation of an interactive gaming platform or any discrete component thereof; (3) sale, licensing or other receipt of compensation for selling or licensing a database or customer list of individuals residing in the United States selected in whole or in part because they placed wagers or participated in gambling games with or through an Internet website or operator (or any derivative of such a database or customer list); (4) provision of any product, service or asset to a licensee or significant vendor in return for a percentage of interactive gaming revenue (not including fees to financial institutions and payment providers for facilitating a deposit or withdrawal by an authorized participant); or (5) provision of any trademark, tradename, service mark or similar intellectual property under which a licensee or significant vendor identifies to customers the authorized games, the website or equivalent hosting the authorized games, any interactive gaming skin or the interactive gaming platform (but excluding intellectual property licensors providing only art or graphics). The term does not include any key interactive gaming employee of a licensee or significant vendor. A significant vendor must be licensed by the board to provide these services.

### **§ \_\_3. Regulation and Enforcement by the Board.**

(a) Authority – The board shall regulate and enforce the operation and conduct of interactive gaming in this Commonwealth and shall promulgate regulations to that end.

(b) The board shall authorize licensees and significant vendors to conduct interactive gaming involving authorized participants, subject to the provisions of this chapter and other applicable provisions of law. The board further shall develop standards by which to evaluate and approve interactive gaming platforms for use with interactive gaming.

(d) Delegated authority – The board is hereby designated as the agency of the Commonwealth with power and authority to negotiate and enter into interactive gaming agreements on behalf of the Commonwealth consistent with this chapter.

(e) Interactive gaming agreements – To the extent practicable, the board shall negotiate interactive gaming agreements with other states, territories or possessions of the United States in which interactive gaming has been authorized to allow players in the Commonwealth to participate in authorized games with players in such other jurisdictions.

**§ \_\_4. Prohibition on Unauthorized Internet Gaming.**

(a) Unauthorized gaming –

(1) It shall be unlawful for any person willfully and knowingly to operate, carry on, offer or expose for play any interactive game to, or to accept any bet or wager associated with any interactive game from, any person physically located in the Commonwealth at the time of such play, bet, or wager that is not within the scope of a valid and then effective license, issued by the board pursuant to this chapter or by another state, territory or possession of the United States with which the Commonwealth has an interactive gaming agreement that permits such activity.

(2) It shall be unlawful for any person willfully and knowingly to provide services with respect to any interactive game, bet or wager referred to in subparagraph (1).

(b) Class of Offense – A person that violates subsection (a)(1) or (2) commits a misdemeanor of the first degree. A person that is convicted of a second or subsequent violation of subsection (a)(1) or (2) commits a felony of the second degree.

(c) Penalties –

(1) For a first violation of subsection (a)(1) or (2), a person shall be sentenced to pay a fine of:

(i) not less than \$75,000 nor more than \$150,000 if the person is an individual;

(ii) not less than \$300,000 nor more than \$600,000 if the person is a licensed gaming entity; or

(iii) not less than \$150,000 nor more than \$300,000 if the person is a licensed manufacturer or supplier.

(2) For a second or subsequent violation of subsection (a)(1) or (2), a person shall be sentenced to pay a fine of:

(iv) not less than \$150,000 nor more than \$300,000 if the person is an individual;

(v) not less than \$600,000 nor more than \$1,200,000 if the person is a licensed gaming entity; or

(vi) not less than \$300,000 nor more than \$600,000 if the person is a licensed manufacturer or supplier.

(d) Forfeiture – If a person places a wager on an interactive game from a location in which such activity is not authorized, the person shall forfeit all entitlement to any winnings, and the monies associated with any such forfeited winnings shall be deposited by the licensee into the Compulsive and Problem Gambling Treatment Fund established under section 1509(b).

(e) Tax Liability – An unlicensed person offering interactive games to persons in this Commonwealth shall be liable for all taxes set forth in Section \_11 in the same manner and

amounts as if such person were a licensee. Timely payment of such taxes shall not constitute a defense to any prosecution or other proceeding in connection with the interactive gaming except for a prosecution or proceeding alleging failure to make such payment.

**§ \_\_5. Application for License.**

(a) Following 90 days from the effective date of this chapter, during which period the board shall promulgate temporary regulations to implement this chapter, the board must permit filing of applications for licenses pursuant to this chapter. The application shall include, as applicable:

(1) The name and business address of the applicant, including an organizational chart which identifies the applicant's relationship to any person that holds a slot machine license and a table games certificate issued by the board.

(2) Identification of and a detailed description of the qualifications of any proposed significant vendors. Detailed information shall be provided describing the specific operational responsibilities of significant vendors and the nature of the economic relationship with those significant vendors .

(3) A detailed description of the technical protocols and parameters of the interactive gaming platform proposed to be utilized.

(4) Identification and a description of the interactive games the applicant proposes to make available.

(5) Such other information as the board in its discretion shall determine to require.

(b) During the first eighteen months from the effective date of this chapter, the executive director may issue temporary authorizations to applicants for licensing as a significant vendor, which temporary authorizations may remain in effect until the shorter of twelve months after the date of issue or the date by which board considers the subject application. Temporary authorizations may be renewed not more than once, upon a showing of good cause. Temporary authorization shall allow the applicant to engage in all of the functions of a fully licensed significant vendor for the duration of the temporary authorization. No temporary authorization may be issued unless:

(1) The applicant has submitted a complete license application.

(2) The applicant agrees to pay the fee set out in Section \_9 within 60 days of issuance of the temporary authorization, with such fee refundable in the event a permanent license is not issued. Failure to make timely payment shall result in revocation of the temporary authorization.

(3) The bureau has stated that it has no objection to the issuance of a temporary authorization to the applicant. Within [45] days of the date that the bureau receives the completed application of an applicant for investigation, the bureau shall conduct a preliminary investigation of the applicant and any key interactive gaming employee of the applicant, which preliminary investigation shall include (i) a criminal background investigation of the applicant and any key interactive gaming employee of the applicant and (ii) any investigation necessary to determine whether the applicant or any key interactive gaming employee of the applicant may fall within the scope of Section \_8 of this chapter. If the bureau's preliminary investigation discloses no material derogatory information, then the bureau shall issue to the executive director its statement of no objection to the issuance of temporary

authorization to the applicant. If the bureau's preliminary investigation discloses material derogatory information or if the bureau is unable to confirm that Section \_8 does not apply, it shall register an objection, and no temporary authorization may be issued until the material concern is resolved or, if applicable, confirmation that Section \_\_8 does not apply is achieved. If the bureau's full investigation of an applicant discloses material derogatory information, the temporary authorization of any applicant may be suspended or withdrawn upon a showing of cause by the bureau.

#### **§ \_6. Board Consideration of Application.**

(a) Suitability – A person that either is or is an affiliate of a holder of a slot machine license and table games certificate, which license and certificate are in good standing, shall be considered suitable to be issued a license by the board without additional investigation, subject to the provisions of Section \_8 of this chapter

(b) Significant Vendors – The board shall determine the suitability of any significant vendors, consistent with the requirements of this chapter.

(c) Qualifications – A review of the suitability of a person to hold a license as a licensee or significant vendor shall include the review and determination of

(1) whether such person possesses the requisite experience and skill to perform the functions consistent with the requirements of this chapter;

(2) whether the applicant is a person of good character, honesty and integrity;

(3) whether the applicant is a person whose prior activities, criminal record, if any, reputation, habits and associations do not—

(i) pose a threat to the public interest or to the effective regulation and control of interactive gaming; or

(ii) create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of interactive gaming or in the carrying on of the business and financial arrangements incidental to such gaming; and

(4) whether the applicant has disclosed to the board all known affiliations or relationships, whether direct or indirect, with persons and covered assets of persons described by Section 8 of this chapter.

(d) Owners and key interactive gaming employees - In connection with an application for a license as a licensee or significant vendor, the applicant shall identify and the board shall determine the suitability of an applicant's owners, chief executive officer, chief financial officer, any other officer who the board deems is significantly involved in the management or control of the applicant and all key interactive gaming employees.

(e) Brand transparency - The board shall not approve the application of any prospective licensee, and shall suspend the license of any licensee, if the licensee's Internet website through which authorized games are offered to customers in this Commonwealth or any interactive gaming skin with which the licensee is associated is identified by a brand or name that is not owned or controlled by the licensee or an affiliate of the licensee.

(f) Issuance of order – The board shall issue an order granting or denying the application of an applicant for a license as a licensee or significant vendor within 120 days of the date on which a properly completed application and any additional

information that the board may require is filed. If the board acts to approve an application, it may impose reasonable conditions of licensure consistent with the requirements of this chapter.

**§ \_\_7. Institutional Investors.**

(a) An institutional investor holding under 25% of the equity securities of a licensee's or significant vendor's (or applicant's) holding or intermediary companies, shall be granted a waiver of any investigation of suitability or other requirement if such securities are those of a corporation, whether publicly traded or privately held, and its holdings of such securities were purchased for investment purposes only and it files a certified statement to the effect that it has no intention of influencing or affecting the affairs of the issuer, the licensee (or significant vendor or applicant, as applicable) or its holding or intermediary companies; provided, however, that it shall be permitted to vote on matters put to the vote of the outstanding security holders. The board may grant such a waiver to an institutional investor holding a higher percentage of such securities upon a showing of good cause and if the conditions specified above are met. Any institutional investor granted a waiver under this subsection which subsequently determines to influence or affect the affairs of the issuer shall provide not less than 30 days' notice of such intent and shall file with the board a request for determination of suitability before taking any action that may influence or affect the affairs of the issuer; provided, however, that it shall be permitted to vote on matters put to the vote of the outstanding security holders. If an institutional investor changes its investment intent, or if the board finds reasonable cause to believe that the institutional investor may be found unsuitable, no action other than divestiture shall be taken by such investor with respect to its security holdings until there has been

compliance with any requirements established by the board, which may include the execution of a trust agreement. The licensee (or significant vendor or applicant, as applicable) and its relevant holding, intermediary or subsidiary company shall notify the board immediately of any information about, or actions of, an institutional investor holding its equity securities where such information or action may impact upon the eligibility of such institutional investor for a waiver pursuant to this subsection.

(b) If at any time the board finds that an institutional investor holding any security of a holding or intermediary company of a licensee or significant vendor or applicant, or, where relevant, of another subsidiary company of a holding or intermediary company of a licensee or significant vendor or applicant which is related in any way to the financing of the licensee or significant vendor or applicant, fails to comply with the terms of clause (a) of this section, or if at any time the board finds that, by reason of the extent or nature of its holdings, an institutional investor is in a position to exercise such a substantial impact upon the controlling interests of a licensee or significant vendor or applicant that investigation and determination of suitability of the institutional investor is necessary to protect the public interest, the board may take any necessary action otherwise authorized under this chapter to protect the public interest.

#### **§ \_\_8. Presumption of Unsuitability.**

(a) The board shall not issue a license to or otherwise find suitable any prospective licensee or significant vendor who –

(1) Has at any time, either directly, or through another person whom it owned, in whole or in significant part, or controlled —

(i) knowingly and willfully accepted or made available wagers on gambling games using the Internet from persons located in the United States after December 31, 2006, unless licensed by a federal or state authority to engage in such activity; or

(ii) knowingly facilitated or otherwise provided services with respect to wagers or gambling games using the Internet involving persons located in the United States for a person described in clause (i), if such activities or services would cause such person to be considered a significant vendor if those activities or services were provided with respect to interactive games pursuant to this chapter, and if such person acted with knowledge of the fact that such wagers or gambling games involved persons located in the United States.

(2) Has purchased or acquired, directly or indirectly, in whole or in significant part, a person described in subparagraph (1) or will use that person or a covered asset in connection with interactive gaming.

(b) The board shall find unsuitable any key interactive gaming employee of a licensee or significant vendor who meets the criteria of subsection (a).

(c) A prospective licensee, significant vendor or key interactive gaming employee may appeal a determination by the board that it is within the scope of subsection (a) only in accordance with the procedures specified in this subsection (c). The board shall afford the prospective licensee or significant vendor a hearing at which such person may provide evidence to support the bases on which it seeks relief. The board shall waive the prohibition if the prospective licensee or significant vendor demonstrates by a preponderance of the evidence that its conduct in connection with gambling games and wagers involving persons located in the

United States was not unlawful and, if applicable, that the covered assets to be used or that are being used by such person in connection with the interactive gaming were not used in a manner that was unlawful, in each case under federal law and the laws of each state in which persons making the wagers or playing the games were located. The determination of the board shall be made without regard to whether the person has been prosecuted under the criminal laws of any state, the United States or other jurisdiction or has been prosecuted and the proceeding terminated in a manner other than with a conviction. If the prohibition is waived, the prospective licensee or significant vendor still must satisfy all otherwise applicable license and suitability requirements.

**§ \_\_9. Licensing Fee.**

If the board grants an application under section 5, the successful applicant, if a licensee, shall pay a licensing fee of \$5,000,000.00, and, if a significant vendor, of \$       , in each case within 60 days of entry of the board's order as a condition of licensure.

**§ \_\_10. Accounting and Operational Internal Controls.**

Each interactive gaming license applicant shall submit to the board and department, in such manner as the board shall require, a description of its administrative and accounting procedures in detail, including its written system of internal control. The board shall require licensees to implement measures to meet the standards set out in this section, along with such other standards that the board in its discretion may choose to require.

- (a) Appropriate safeguards to ensure, to a reasonable degree of certainty, that authorized participants are not younger than 21 years of age;
- (b) Appropriate safeguards to ensure, to a reasonable degree of certainty, that authorized participants are physically located within the Commonwealth or such other jurisdiction that is permissible pursuant to this chapter;
- (c) Appropriate safeguards to protect, to a reasonable degree of certainty, the privacy and online security of authorized participants;
- (d) Appropriate safeguards to ensure, to a reasonable degree of certainty, that the interactive games are fair and honest and that appropriate measures are in place to deter, detect and, to the extent reasonably possible, to prevent cheating, including collusion, and use of cheating devices, including use of software programs (sometimes referred to as “bots”) that make bets or wagers according to algorithms;
- (e) Appropriate safeguards to minimize compulsive gambling and to provide notice to authorized participants of resources to help problem gamblers;
- (f) Appropriate safeguards to ensure authorized participants’ funds are held in accounts segregated from the funds of licensees and otherwise are protected from corporate insolvency, financial risk or criminal or civil actions against the licensee.

**§ \_\_11. Interactive Gaming Taxes.**

(a) Each licensee shall report to the department and pay from its daily gross interactive gaming revenue, on a form and in a manner prescribed by the department, a tax of 14% of its daily gross interactive gaming revenue.

(b) The tax imposed under this section shall be payable to the department on a weekly basis and shall be based upon gross interactive gaming revenue for the previous week.

(c) Taxes on out-of-state wagering – The tax rate which shall be assessed and collected by the department with respect to any wagers placed by residents of the Commonwealth with an interactive gaming operator outside of the Commonwealth but authorized pursuant to an interactive gaming agreement shall be governed by the agreement but shall not exceed 14% of gross interactive gaming revenue derived from residents of the Commonwealth.

(a) All funds owed to the Commonwealth under this section shall be held in trust for the Commonwealth by the licensee until the funds are paid to the department. Unless otherwise agreed to by the board, a licensee shall establish a separate bank account into which such funds shall be deposited and maintained until paid to the department.

(e) In the event of federal legislation authorizing interactive gaming which establishes a tax based on gross interactive gaming revenue, deposits or the substantial equivalent of or intended substitute for either of them, of which a portion is allocated to the states, that tax shall supersede in its entirety the tax set forth in this section.

## **§ \_\_12. Prohibition on Internet Cafes.**

No organization or commercial enterprise, other than a licensee, shall operate a place of public accommodation, club (including a club or association limited to dues-paying members or similar restricted groups), or similar establishment in which computer terminals or similar access devices are advertised or made available to be used principally for the purpose of accessing interactive games. Nothing in this section shall require the owner or operator of a hotel or motel or other public place of general use in this Commonwealth to prohibit or block guests from playing interactive games.

**§ \_\_13. Testing of Hardware, Software and Equipment.**

(a) The board may expand its own testing facility for purposes of this chapter, may utilize the services of a private testing facility or may adopt the testing and certification standards of another jurisdiction and may approve such computer hardware, software or associated equipment based on the prior approval of a private testing facility or of another jurisdiction whose standards the board reasonably determines are adequate and comparable to those required by this part. Costs associated with the expansion of its own testing facility shall be assessed on significant vendors licensed to provide interactive gaming platforms.

(b) No interactive gaming platform may be utilized by a licensee unless approved by the board or its testing and certification facility under this section. The board shall not approve an interactive gaming platform unless such platform is subject to the control and is the ultimate responsibility of the licensee. This provision does not prohibit a licensee from licensing use or delegating day-to-day operation of the interactive gaming platform from or to a significant vendor.

**§ \_\_14. Expanded Compulsive and Problem Gambling Programs.**

(b) Expanded programs – The board and the Department of Health shall work together to develop expanded programs to address compulsive and problem gambling issues in the context of interactive gaming. Licensees shall address compulsive and problem gambling issues in the context of interactive gaming in their respective compulsive and problem gambling plans on file with the board.

(c) Message – Licensees shall permanently and continuously display the following message to persons at the time of logging on to the Internet websites of the licensees or any interactive gaming skin:

If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER.

**§ \_\_15. Application of Other Provisions of this Part.**

The following sections of this part, which are expressly applicable to the conduct or operation of slot machines or table games, are also deemed applicable to interactive gaming under this chapter:

- (a) The board’s power and duty to require the licensees prohibit persons under 21 years of age from playing interactive games under Section 1207(8);
- (b) The obligation to include information on interactive gaming in the board’s annual report under Section 1211(a.1);
- (c) The procedures, parameters and timeframes for promulgating temporary regulations under Section 1303A(a) and (b) (relating to Temporary Table Game Regulations);
- (d) Manufacturing licensing requirements pursuant to Section 1317.1. (relating to Manufacturer Licenses);
- (e) Gaming service provider requirements pursuant to Section 1317.2. (relating to Gaming Service Providers);
- (f) Permit renewal requirements pursuant to Section 1326. (relating to License renewals);

(g) Sections 1402 (relating to Gross Terminal Revenue Deductions), except that recovery of the costs and expenses of regulating interactive gaming under this chapter shall be limited to 1% of gross interactive gaming revenue; and

(h) The declaration that it shall be unlawful for an individual under 21 years of age to wager, play or attempt to play an interactive game under Section 1518(a)(13.1).