

**GAMING**  
COMMISSION



**PUERTO RICO SPORTS BETTING REGULATIONS**

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**APPROVED: Félix E. Rivera Torres**

Undersecretary of State

A handwritten signature in blue ink, appearing to read "F. Rivera Torres", with a long horizontal stroke extending to the left.

Department of State  
Government of Puerto Rico

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## STATEMENT OF MOTIVES

This document contains the Regulations for Sports Betting of the Puerto Rico Gaming Commission. It is the Sports Betting Operator's responsibility to assure that their operations comply with the Regulations. Sports Betting Operators must establish procedures that at a minimum meet the requirements as set forth in the Regulations.

The purpose of these Regulations is to:

- a) Ensure all Sports Betting Operators apply the same minimal due diligence to their Sports Betting Operations in the territorial limits of Puerto Rico, including procedures, administration, and accounting controls.
- b) Establish criteria in helping to determine sports events and special event types to be authorized for Sports Betting. This document will establish the procedures for authorized games and associated devices, equipment and accessories, and will include, but is not limited to, approving the standards on the conduct of authorized Sports Betting. Nothing in this document should be considered or interpreted as regulating the rules or conduct of Sports Events and Esports Competitions unless otherwise specified herein.
- c) Establish criteria for different licensing types for Employees, Suppliers, Operators and Vendors when applicable;
- d) Establish the objects of Sports Betting and methods of play, including what constitutes wagers won, lost or tied;
- e) Establish the way in which wagers are received for authorized Sports Betting; how lines, odds/payouts, prices and spreads are reported for each available type;

- f) Establish the physical characteristics of any device, equipment, software and accessories related to authorized Sports Betting; which must comply with the standards or parameters established by an independent testing laboratory recognized by regulatory entities and the Sports Betting industry licensed in Puerto Rico;
- g) Establish inspection procedures applicable to any device, equipment, software and accessories related to authorized Sports Betting.
- h) Establish procedures for the collection of wagers and payments, including, among others, requirements for taxation purposes;
- i) Establish procedures to handle suspected irregularities in authorized Sports Betting;
- j) Establish criteria and procedures to detect and require reporting of suspicious behavior including collusion, money laundering or other illegal activities;
- k) Establish requirements around controls and/or technical solutions to ensure that a person in Puerto Rico who is participating in Sports Betting is at least eighteen (18) years of age and associated with a player account for participation over the internet;
- l) Establish procedures to handle responsible play initiatives including requirements around advertising, self-exclusion or operator-exclusion, and the ability to create and monitor participation limitations; and
- m) Establish the method for calculating income and standards for authorized Sports Betting, registration and counting of cash and cash equivalents received in conducting authorized Sports Betting.

Compliance with these Regulations is to also ensure that operators have appropriate security controls in place so that players are not exposed to unnecessary risks when choosing to participate in Sports Betting.

These Regulations shall be included in and made a part of any operator's Sports Betting Operations. The Commission, from time to time, may amend these Regulations and adopt new ones. When this occurs, operators shall be advised of these changes and a timeline will be established for operators to implement compliance with new regulations.

## **ARTICLE 1 GENERAL PROVISIONS**

### **Section 1.1. Legal Base**

This Regulation is approved and promulgated by the authority conferred on the Puerto Rico Gaming Commission by Act 81-2019, as amended, known as the Gaming Commission Act of the Government of Puerto Rico.

### **Section 1.2. Short Title**

These Regulations shall be known and may be cited as the "Puerto Rico Sports Betting Regulations".

### **Section 1.3. Definitions**

The following terms will have the meaning given to them below, except where expressly stated, or that the context clearly means otherwise:

<p><b>Access Control</b></p>	<p>The process of granting or denying specific requests for obtaining and using sensitive information and related services specific to a system; and to enter specific physical facilities which houses critical network or system infrastructure.</p>
<p><b>Accountability</b></p>	<p>All financial instruments, receivables, and Player Account deposits constituting the total amount for which the bankroll custodian is responsible at a given time.</p>
<p><b>Adjusted Gross Revenue</b></p>	<p>The Total Revenue Received by the operator from players minus the total sums paid to winning players.</p>
<p><b>Alcoholic Beverages</b></p>	<p>All substances known as ethylic alcohol, hydrated ethyl oxide, or wine spirits, which are commonly produced through the fermentation of grains, starch, molasses, sugar, sugar cane juice, beet juice, or any other substance that may be obtained through distillation, including all solutions and mixes of such substances that have been reduced to a potable proof for human consumption and the liquors and drinks that contain alcohol, whether produced through fermentation or distillation, including, but not limited to, beers, wines, and cider (Source: Article 5 of Law No. 143 of June 30, 1969, as amended).</p>

<b>Anti-Money Laundering (AML)</b>	The legal controls that require financial institutions and other regulated entities to prevent, detect and report money-laundering activities
<b>Application</b>	All the forms, documents and information that are required to be submitted or completed in order to obtain a license or permit.
<b>Associated Equipment</b>	Any computer or component thereof ("hardware") located in the places allowed by the Law, connected for communication, validation and other functions purposes to the system.
<b>Athlete or Participant</b>	An individual, team, or other entity whom a player selects for the purposes of a wager in Sports Betting;
<b>Audit Trail</b>	A record showing who has accessed a system and what operations the user has performed during a given period.
<b>Authentication</b>	Verifying the identity of a user, process, software package, or device, often as a prerequisite to allowing access to resources in a system.
<b>Authorized Location</b>	A physical establishment, be it a Principal Operator or a Satellite, that has a license issued by the Commission to accept and pay out winnings for wagers from authorized players registered to carry them out.
<b>Authorized Player or Player</b>	An individual, 18 years of age or older, whose identity was authenticated and recorded through a means implemented

	<p>by the operator which shall meet the intentions of the Law.</p> <p>Once the player is authorized, they can participate in any Sports Betting offered by that operator</p>
<b>Back-Office Platform</b>	<p>A component external to the kiosk terminal which may govern some or all the regulated operations of the kiosk, such as metering and communications between the Sports Betting System and the kiosk terminal. The back-office platform may be integrated into the Sports Betting System. For the purposes of these Regulations, the Back-Office Platform is considered a part of the kiosk.</p>
<b>Barcode</b>	<p>An optical machine-readable representation of data. An example is a barcode found on printed wager tickets or vouchers.</p>
<b>Bonus or Promotion</b>	<p>Incentive that is added to the Player Account when a Player meets participation requirements in accordance with the applicable rules for the particular promotion.</p>
<b>Cage</b>	<p>A secure work area within the Authorized Location for Ticket Writers and cashiers, which may include a storage area for the Authorized Location bankroll.</p>
<b>Cancelled Wager</b>	<p>A wager that has been cancelled due to any issue with an event that prevents its completion.</p>



<b>Closed Circuit Television (CCTV) System</b>	A closed-circuit television, as described in these Regulations, or any other technology that is authorized by the Commission.
<b>Cockpit</b>	Premises where cockfighting is held in accordance with the Puerto Rico Rooster Law of the New Millennium.
<b>Code</b>	The Internal Revenue Code for a New Puerto Rico of 2011, Act 1-2011, as amended, or any subsequent law that may replace it.
<b>College or University Sports Event or Special Event</b>	An Athletic or Sports Event or Special Event offered or sponsored by or played in connection with a public or private institution offering Higher Education services.
<b>Commission</b>	The Puerto Rico Gaming Commission.
<b>Commonwealth</b>	Commonwealth of Puerto Rico.
<b>Communications Technology</b>	Any method used and the components used to facilitate the transmission of information, including, without limitation, the transmission and reception by systems based on data networks with conducting or wireless wires, or cable, radio, microwave, light, optics or the computer, including, without limitation, the Internet and intranets.
<b>Competitor</b>	A participant in a match or event in an Esports competition.
<b>Complaint</b>	A written claim, duly sworn and presented by a Person before the Commission requesting that a right be

	recognized and / or a remedy be granted for any act or omission in violation of the Law, this Regulation or Order of the Commission.
<b>Computer</b>	Any computer, server or any other device, be it electronic or mechanical, required or used for the system.
<b>Confidential Information</b>	All nonpublic proprietary information of the Operator or the Event, which is marked confidential, restricted, proprietary or with a similar designation, obtained as a result of the employment of a person or by virtue of it.
<b>Contractor</b>	Any person or entity who works pursuant to an independent contract with the operator and who has access to non-public portions of the operator's office, to information on the operator's computer network that is not publicly available, or to operator proprietary information that may affect how the Sports Betting is played.
<b>Days</b>	Calendar days unless otherwise specified.
<b>Debit Instrument</b>	A card, code, or other device with which a person may initiate an electronic funds transfer. The term includes, without limitation, a prepaid access instrument.
<b>Deposit</b>	Money a player adds to their Player Account and may be used to place wagers.
<b>Domain</b>	A group of computers and devices on a network that are administered as a unit with common rules and procedures.

<b>Dormant Account</b>	A Player Account which has had no player-initiated activity for a period of three (3) years.
<b>Employee License</b>	The required authorization issued by the Commission to the operator's Employee in order to be able to conduct his duties with the operator.
<b>Encryption</b>	The conversion of data into a form, called a ciphertext, which cannot be easily understood by unauthorized people.
<b>Esports</b>	<p>Organized video game competition events in which individual competitors, from different leagues or teams compete against each other in popular games in the video game industry. There are three (3) modalities:</p> <p>(a) Events or tournaments of electronic sports, face-to-face or through the internet.</p> <p>(b) Skill Based Gaming - Combine chance with player skill.</p> <p>(c) Peer-to-Peer Gaming - Models traditional affairs, where two players play against each other and they compete through an intermediary, who pays the winner and collects a commission.</p>
<b>Esports Competition</b>	A Special Event involving the competitive playing of video games between individual competitors.

<b>Event</b>	Occurrence related to Sports Events and Special Events approved by the Commission.
<b>Executive Director</b>	The Executive Director of the Gaming Commission of the Government of Puerto Rico.
<b>Fantasy Contest or Contest</b>	<p>A Special Event with an entry fee involving any game or contest or simulation in which:</p> <p>(a) One or more players compete against each other by grouping virtual rosters of real athletes or participants belonging to professional Sports Events or Special Events.</p> <p>(b) These teams compete against each other based on cumulative statistical results of the performance of athletes or participants in real Sports Events or Special Events for a specific period.</p> <p>(c) The winning outcomes reflect the skills and relative knowledge of the players and are mostly determined by the cumulative statistical results of the performance of athletes or participants in real Sports Events or other Special Events.</p>
<b>Free Play Mode</b>	A mode that allows a player to participate in Sports Betting without paying any money on a wager, principally

	for the purpose of learning or understanding wagering mechanics.
<b>Gaming Commission of the Government of Puerto Rico</b>	As established by Act No. 81 of June 29, 2019, known as, “Law of the Gaming Commission of the Government of Puerto Rico” (“Act 81-2019”), between other matters, that transferred all functions related to gaming activities to the Gaming Commission of the Government of Puerto Rico.
<b>Geolocation</b>	Identifying the real-world geographic location of an internet connected or mobile device.
<b>Good Conduct Certificate</b>	A document issued by the Puerto Rico Police Department that includes serious or less serious crimes for which a person has been found guilty. It also includes the sentence imposed on it and whether it has been served or not. If you have not committed crimes, you will be issued a negative certificate.
<b>Horse Betting Agencies</b>	Premises where horse betting agents operate in accordance with the Horse Racing Law.
<b>Hosting Center</b>	An entity hosting on its premises any part(s) of Commission regulated hardware or software of the Sports Betting System.
<b>Hotel</b>	Any building or group of buildings maintained and offered to the public and endorsed by the Tourism Company

	and/or its successors as a hotel where lodging facilities are provided for the transitory public.
<b>Identity Verification Service Provider</b>	An entity who verifies, or provides information for the verification of, the identification of individuals.
<b>In-Play Wager</b>	A wager that is placed while an event is in-progress or actually taking place.
<b>Incompatible Function</b>	A function, for accounting control purposes, that places any person or department in a position to both perpetrate and conceal errors or irregularities in the normal course of his/her duties. Anyone recording transactions and having access to assets ordinarily is in a position to perpetrate errors or irregularities. Persons may have incompatible functions if such persons are members of departments that have supervisors not independent of each other.
<b>Independent</b>	The separation of functions to ensure that the employee or process monitoring, reviewing, or authorizing the controlled activity, function, or transaction is separate from the employees or process performing the controlled activity, function, or transaction.
<b>Independent Testing Laboratory</b>	Laboratory approved by the Commission to evaluate the equipment, processes and programs against the provisions of applicable law, regulation, orders and resolutions.

<b>Individual or Person</b>	Any natural or legal person, association, board, organization, partnership, or limited liability corporation, joint venture, government, estate, subsidiary, arbitrator, transferee or agent, regardless of their organizational structure or nature.
<b>Integrity Monitoring System</b>	A system of policies and procedures approved by the Commission through which the operator receives and sends reports from other operators to assist in identifying suspicious activity.
<b>Internal Controls</b>	The operator’s internal controls
<b>Internet</b>	An interconnected system of networks that connects computers around the world via TCP/IP.
<b>Internet Betting</b>	The business of accepting bets on any Sports Event or Special Event through the use of electronic communication and platforms such as the internet, web pages, and mobile applications including mobile platforms for Sports Betting that allow a person to use money, checks, electronic checks, electronic money transfers, micro transactions, credit cards, debit cards or any other means, to transmit information to a computer and complete the transaction with the corresponding information. Prepaid debit cards are excluded from this definition, when the origin of the funds is unknown.

<p><b>Internet Betting Operator</b></p>	<p>An entity authorized by a license issued by the Commission to accept and pay wagers on Sports Events or Special Events through a Mobile App or Site on the Sports Betting System, within the territorial limits of Puerto Rico, in compliance with the local and federal legal framework. The Commission, through regulations, will determine the limit of portals that each Operator may offer.</p>
<p><b>Internet Protocol Address (IP Address)</b></p>	<p>A unique number for a computer that is used to determine where messages transmitted on the Internet should be delivered. The IP address is analogous to a house number for ordinary postal mail.</p>
<p><b>Involuntary Exclusion List</b></p>	<p>A list of persons who are to be excluded or ejected from a licensed operation in the territorial limits of Puerto Rico. The Involuntary Exclusion List consists of persons who have violated or conspired to violate laws related to gaming, cheats, willful tax evaders, individuals whose presence in a licensed gaming establishment would adversely affect public confidence and trust in the gaming industry, and persons whose presence in a licensed gaming establishment poses the potential of injurious threat to the interests of the territorial limits of Puerto Rico. The Involuntary Exclusion List shall also include any person</p>



	or entity included in the Specially Designated Nationals and Blocked Persons List issued by OFAC.
<b>Key</b>	A value used to control cryptographic operations, such as decryption, encryption, signature generation or signature verification.
<b>Key Employee</b>	A person who is employed by the operator in a director or department head capacity or who is empowered to make discretionary decisions that regulate Sports Betting operations as determined by the Commission.
<b>Kiosk</b>	Wagering Equipment within an Authorized Location that players use to place wagers, purchase entries, redeem winning wager tickets and/or vouchers, open accounts, make account deposits and/or withdrawals.
<b>Knowingly</b>	To have known or should have known.
<b>Law</b>	Act No. 81 of July 29, 2019, as amended, known as the Gaming Commission of the Government of Puerto Rico Act.
<b>License</b>	Authorization granted by the Commission or the Administrator, to a natural or legal person in accordance with the rights and obligations provided by law and these Regulations.

<b>Licensee</b>	Person authorized by the Commission or the Administrator to have a license related to the activities implemented under these Regulations.
<b>Line Posting</b>	A value that establishes a wager's potential payout (e.g., money line + 175) or the conditions for a wager to be considered a win or loss (e.g., point spread + 2.5).
<b>Liquid Assets</b>	Those assets that can be rapidly transformed into cash, bank deposits and securities with a maturity of less than three (3) months.
<b>Location Service Provider (LSP)</b>	An entity who identifies, or provides information for the identification of, the geographic location of individuals.
<b>Log</b>	Record of Interventions, malfunctions, claims or any other incident.
<b>Main Cage</b>	Physical structure that houses the cashiers and keeps the inventory of the box.
<b>Malfunction</b>	An error in the functioning of the Sports Betting System, Wagering Equipment, Mobile App, or Site including, the front-end application not being accessible to Players or the Sports Betting Operations is not working.
<b>Mobile App</b>	Any mobile application or digital platform approved by the Commission for the Sports Betting operation over the internet.

<p><b>Mobile Device</b></p>	<p>Any portable device, mobile phone, tablet or laptop, which is capable of connecting to or using any mobile telecommunication or Wi-Fi technology to enable or facilitate transmission of textual material, data, voice, video or multimedia services over the Internet or otherwise.</p>
<p><b>Operator License</b></p>	<p>A License issued by the Commission that authorizes the Sports Betting operation</p>
<p><b>Order or Resolution</b></p>	<p>Any decision or action of the Commission of particular application in which rights or obligations of one or more specific posts are awarded or in which administrative penalties or sanctions are imposed, with the exception of executive orders issued by the Governor.</p>
<p><b>Parlay</b></p>	<p>A single wager that links together two or more individual wagers and is dependent on all of those wagers winning together.</p>
<p><b>Party</b></p>	<p>Any person or agency authorized by law, including the Commission, in the complaints filed by the Commission, to whom the Commission's claim is specifically directed or who is one of the parties to said litigation, or who is allowed intervene or participate in the same or that has filed a request for review or compliance with any order or is designated as a party to said procedures.</p>

<p><b>Password</b></p>	<p>A string of characters (letters, numbers, and other symbols) used to authenticate an identity or to verify access authorization.</p>
<p><b>Past-Post Wager</b></p>	<p>A wager that was made after the result of an event is accepted or after the selected participant has gained a material advantage (e.g., a score).</p>
<p><b>Payment Service Provider (PSP)</b></p>	<p>An entity who directly facilitates the depositing of funds into or withdrawing of funds from player accounts.</p>
<p><b>Personally Identifiable information (PII)</b></p>	<p>Sensitive information that could potentially be used to identify a particular player. Examples include a legal name, date of birth, place of birth, social security number (or equivalent government identification number), driver's license number, passport number, voter's Identification or other official identification, residential address, phone number, email address, debit instrument number, credit card number, bank or financial account numbers of any type with or without passwords or access code that may have been assigned, names of users and passwords or access codes to public or private information systems, tax information, or other personal information if defined by the Commission.</p>

<p><b>Personal Identification Number (PIN)</b></p>	<p>A numerical code associated with an individual and which allows secure access to a domain, account, network, system, etc.</p>
<p><b>Physical Address</b></p>	<p>For an individual, a residential or business street address; for an individual who does not have a residential or business street address, an Army Post Commission, Fleet Post Commission box number, the residential or business street address of next of kin, or of another contact individual.</p>
<p><b>Player</b></p>	<p>Any person who actively participates in Sports Betting offered by the operator.</p>
<p><b>Player Account</b></p>	<p>An account established by the operator for an individual player to engage in Sports Betting where information relative to player and financial transactions are recorded on behalf of the player including, but not limited to, deposits, withdrawals, wagers, winnings, and balance adjustments.</p>
<p><b>Player Loyalty Program</b></p>	<p>A program that provides incentives for players based on the volume of play or revenue received from a player.</p>
<p><b>Point of Sale or Satellite</b></p>	<p>An authorized location licensed as a point of sale by the Commission to accept and pay sports wagers on behalf, and as a satellite of a Principal Operator to players</p>

	authorized to carry them out through a Sports Betting Administration Agreement.
<b>Principal Operator</b>	An authorized location licensed as a Principal Operator by the Commission to accept and pay wagers to players authorized to carry them out. The Principal Operator may offer services to other Operators to operate as Satellites through a Sports Betting Administration Agreement
<b>Privacy Policy</b>	A statement that discloses the type of information the operator may collect and how the operator will secure, use, and disclose information that is periodically updated and published on the operator’s Mobile App or Site.
<b>Prize</b>	An award, incentive, promotion, or anything of monetary value, including but not limited to, cash or a cash equivalent, wagering credits, merchandise, or another wager.
<b>Program</b>	The intellectual property and instructions collected or compiled, included in the system and its components, including procedures and associated documentation related to the operation of a computer, a computer program or a computer network.
<b>Prohibited Player</b>	Any one of the following: (a) Any individual under the age of eighteen (18) (b) Any employee of the Commission

	<p>(c) Any individual who is listed on the Commission’s Voluntary Exclusion List or Involuntary Exclusion List</p> <p>(d) Any individual who is listed on any operator’s Voluntary Exclusion List or Involuntary Exclusion List</p> <p>(e) For each operator, with exceptions for private pools where their association with the operator is clearly disclosed</p> <p style="padding-left: 40px;">i. The operator itself, a director, officer, owner, contractor, or employee of the operator they are currently employed by or associated with, or any relative living in the same household</p> <p style="padding-left: 40px;">ii. Any individual, group of individuals, or entity with access to confidential information or insider information held by the operator; or</p> <p>(f) Any individual, group of individuals, or entity acting as an agent or surrogate for others.</p>
<p><b>Protocol</b></p>	<p>A set of rules and conventions that specifies information exchange between devices, through a network or other media.</p>
<p><b>Provider</b></p>	<p>Any person who designs, assembles and programs the system and any associated electronic components or</p>

	equipment, as well as any person who owns or operates the tangible or intangible assets that comprise the Sports Betting System.
<b>Proxy</b>	An application that “breaks” the connection between client and server. The proxy accepts certain types of traffic entering or leaving a network and processes it and forwards it. This effectively closes the straight path between the internal and external networks. Making it more difficult for an attacker to obtain internal addresses and other details of the internal network.
<b>Puerto Rico</b>	The Commonwealth of Puerto Rico.
<b>Puerto Rico Gaming Regulations</b>	Regulation No. 8640 of September 9, 2015.
<b>Random Number Generator (RNG)</b>	A computational or physical device, algorithm, or system designed to produce numbers in a manner indistinguishable from random selection.
<b>Regulations</b>	These Regulations, which shall be known as the Puerto Rico Sports Betting Regulations.
<b>Report</b>	Information produced by the System that is viewed via display, printed, or saved to a file depending on the needs of the Commission.
<b>Risk</b>	The likelihood of a threat being successful in its attack against a network or system.



<p><b>Segregated Account</b></p>	<p>A financial account that segregates funds that are owned by players and that, by its terms, is restricted to funds owned by players in the United States, such that the operator's operational funds may not be commingled.</p>
<p><b>Sensitive Information</b></p>	<p>Information such as confidential information, PII, wagering data, validation numbers, authentication credentials, PINs, passwords, secure seeds and keys, and other data that shall be handled in a secure manner.</p>
<p><b>Server</b></p>	<p>A running instance of software that is capable of accepting requests from clients, and the computer that executes such software. Servers operate within a Client-Server Architecture, in which “servers” are computer programs running to serve the requests of other programs (“clients”).</p>
<p><b>Service Provider</b></p>	<p>The person or company authorized by a license issued by the Commission to offer services or any goods that are necessary for the Sports Betting operation.</p>
<p><b>Service Provider License</b></p>	<p>The Service Provider with a License issued by the Commission.</p>
<p><b>Signature</b></p>	<p>The first or initial name, the surname and the number of the license that are subject to the own person.</p>
<p><b>Site</b></p>	<p>Any website operated by the operator through which a player can access their Player Account to place wagers online.</p>

<p><b>Smart Card</b></p>	<p>A card with embedded integrated circuits that possesses the means to electronically store or retrieve account data.</p>
<p><b>Special Events</b></p>	<p>Any game or event that generates Sports Betting, including, but not limited to, Esports Competitions recognized by a Sports Governing Body or equivalent, Virtual Events, and Fantasy Contests and whose duration does not exceed thirty (30) days. The Commission may authorize contests and competitions, even if they are not sports, provided that the winner is determined in real time. The Commission will ensure that they provide security for all parties involved in the industry to avoid tax evasion, money laundering and any other criminal conduct typified as such in the corresponding statutes. Under this concept, bets are not authorized in Special Events designed for participants under eighteen (18) years. Sports Betting on Special Events are also not authorized from educational institutions of primary, intermediate and secondary level. This definition does not include the Traditional Lottery or the Additional or Electronic Lottery, which will be regulated by the Treasury Department.</p>
<p><b>Sports Betting</b></p>	<p>The business of accepting bets, in cash or their equivalent, in any Sports Event, Special Event, or on the individual performance of individuals who participate in a Sports</p>

	<p>Event or Special Event, or a combination of these, authorized by the Commission through a Sports Betting System. This includes, but is not limited to, all in-person communication, kiosks and self-service stations located somewhere in an authorized location, or through internet.</p> <p>This definition does not apply to:</p> <p>(a) authorized bets on Act No. 83 of July 2, 1987, as amended, known as the "Horse Racing Industry and Sports Law of Puerto Rico".</p> <p>(b) all authorized games of chance in the Law No. 221 of May 15, 1948, according to amended, known as the "Law on Gambling and Machine Authorization Slots in Casinos"; and</p> <p>(c) Fantasy Contests regulated in No. 81 of July 29, 2019, according to an amendment, known as the Gaming Commission Act of the Government of Puerto Rico;</p>
<p><b>Sports Betting Administration Agreement</b></p>	<p>A written agreement between a Principal Operator and a Point of Sale, for the administration and operation of an Authorized Location to operate as a Satellite of the Principal Operator.</p>
<p><b>Sports Betting Operations</b></p>	<p>The business of accepting wagers on Sports Betting for any Sports Event or Special Event, either through the use of Wagering Equipment within an Authorized Location or</p>

	<p>through the use of electronic communication and platforms such as the internet, web pages, and mobile applications including mobile platforms for Sports Betting that allow a person to use money, checks, electronic checks, electronic money transfers, micro transactions, credit cards, debit cards or any other means, to transmit information to a computer and complete the transaction with the corresponding information. Prepaid debit cards are excluded from this definition when the origin of the funds is unknown.</p>
<p><b>Sports Betting Operator or Operator</b></p>	<p>An entity authorized by a license issued by the Commission to accept and pay wagers in Sports Betting, either in person within an Authorized Location or through a Mobile App or Site on the Sports Betting System, within the territorial limits of Puerto Rico, in compliance with the local and federal legal framework.</p>
<p><b>Sports Betting System</b></p>	<p>The hardware, software, firmware, communications technology, other equipment, as well as operator procedures implemented in order to allow player participation in Sports Betting, and, if supported, the corresponding equipment related to the display of the wager outcomes, and other similar information necessary to facilitate player participation. The system provides the</p>

	<p>player with the means to submit and manage wagers. The system provides the operator with the means to review player accounts, if supported, suspend events, generate various wagering/financial transaction and account reports, input outcomes for events, and set any configurable parameters.</p>
<p><b>Sports Event</b></p>	<p>Any professional Sports Event, athletic event, college or university sport, as well as any Sports or Athletic Event recognized by a Sports Governing Body. The term Sports Event may include, but is not limited to, other types of events or contests authorized by the Commission, as long as the winner is determined in real time. Excluded from this definition of Sports Event:</p> <p>(a) the horse racing events regulated in Law No. 83 of July 2, 1987, according to an amendment, known as the Puerto Rico Horse Racing and Equestrian Law;</p> <p>(b) the electronic lottery games, draws, or contests by virtue of Law No. 10 of May 24, 1989, according to the law, known as the Law to Authorize the Additional Lottery System;</p> <p>(c) the games, draws, or contests by virtue of Law No. 465 of May 15, 1947, as amended, known as the Lottery of Puerto Rico; and</p>

	(d) any prohibited or illegal Sports Event.
<b>Sports Governing Body</b>	The organization, league, or association that prescribes final rules and enforces codes of conduct with respect to a Sports Event or Special Event and athletes or participants therein.
<b>Statistics Service Provider</b>	An entity chosen by the operator to sell or provide information to the Sports Betting System, from among those services providing statistical data, and gather statistical data on team and individual performances, which information is used to calculate odds/payouts and prices.
<b>Structure or Structuring</b>	The process of a person engaging in a transaction or transactions, whether acting alone or in conjunction with others or on behalf of others, who conducts or attempts to conduct one or more transactions in currency, in any amount, at one or more operators on one or more days, in any manner, for the purpose of evading the reporting requirements under these Regulations.
<b>Supervisor</b>	All supervisory personnel in the different areas of the Commission, including, but not limited to, Assistant Directors and other supervisors so designated by the director.

<b>Surveillance</b>	The capability to observe and record activities being conducted in an Authorized Location
<b>Suspicious Activity</b>	Any unusual activity which cannot be explained and is indicative of match-fixing, the manipulation of an event, misuse of inside information, or other prohibited activity.
<b>Takeout or Fees</b>	An amount retained and not distributed by the operator from the total amount of wagers on an event.
<b>Technology Platform Provider or Provider</b>	An entity authorized by a license issued by the Commission to provide the programs (software) for participation in Sports Betting, and the peripherals (hardware) where they reside.
<b>Third-Party Service Provider</b>	An entity who acts on behalf of the operator to provide services used for the overall conduct of Sports Betting.
<b>Threat</b>	Any circumstance or event with the potential to adversely impact network operations (including mission, functions, image, or reputation), assets, or individuals through a system via unauthorized access, destruction, disclosure, modification of information, and/or denial of service. Also, the potential for a threat-source to successfully exploit a system vulnerability.
<b>Ticket Writer Station</b>	Wagering equipment that at a minimum will be used by an employee for the execution or formalization of wagers placed on behalf of a player at the Authorized Location.

<b>Time Stamp</b>	A record of the current value of the system date and time which is added to a message at the time the message is created.
<b>Total Revenue Received</b>	Revenue received by a licensee from players for Sports Betting in Puerto Rico for the purpose of accepting and paying wagers
<b>Transmission Control Protocol/Internet Protocol (TCP/IP)</b>	The suite of communications protocols used to connect hosts on the Internet.
<b>Unauthorized Access</b>	A person gains logical or physical access without permission to a network, system, application, data, or other resource.
<b>Unusual Activity</b>	Abnormal activity exhibited by players and deemed by the operator, the Commission or another governing body as a potential indicator of suspicious activity. Unusual activity may include the size of a player's wager or increased participation volume on a particular event or wager type.
<b>Video Game</b>	An electronic game that involves interaction with a user interface to generate visual feedback on a video device such as a computer monitor.
<b>Virtual Events</b>	A Special Event involving simulations of sports, contests, and matches whose results are determined solely by a Random Number Generator (RNG). Virtual Events are



	comprised either an animated graphical representation of a real Sports Event, or a compilation of scenes corresponding to a Sports Event previously carried out.
<b>Virtual Private Network (VPN)</b>	A logical network that is established over an existing physical network and which typically does not include every node present on the physical network.
<b>Voluntary Exclusion List</b>	The list of persons who wish to refrain from participating in Sports Betting and types of gambling offered by the Commission
<b>Voucher</b>	The document printed with a barcode or other mechanism issued by Kiosks or Ticket Writer Stations to the player, which represents an amount of money to the bearer, which can be exchanged for cash or inserted to play the indicated credits in a Kiosk, or they can be redeemed for cash in the kiosk or in the main cage.
<b>Vulnerability</b>	Software, hardware, or other weaknesses in a network or system that can provide a “door” to introducing a threat.
<b>Wager or Bet</b>	Selection made by the player of the type of Sports Event or Special Event as evidenced by a receipt and / or any sum of money or representation of value that is risked on a Sports Event or Special Event whose outcome is uncertain.
<b>Wager Ticket</b>	A printed or virtual wager record that evidences a wager

<b>Wagering Equipment</b>	A mechanical, electronic, or other device, mechanism, or other equipment, and related supplies used or consumed in the operation of Sports Betting at a licensed Authorized Location including, but not limited to, a Ticket Writer Station or Kiosk installed to accept sports wagers.
<b>Wagering Rules</b>	Any written, graphical, and auditory information compiled by the operator for the purpose of summarizing portions of the internal controls and certain other information necessary to inform the public of the functionality of the Sports Betting operations.
<b>Winnings</b>	The prize a player wins, including the amount of the wager in the course of participating in Sports Betting
<b>Withdraw or Withdrawal</b>	Any request by a Player to transfer funds from the Player Account.

**Section 1.4. General Purpose**

This document is promulgated with the intention of implementing the provisions of the Law and its purpose is to establish all the rules and regulations related to the Sports Betting operation located in Puerto Rico. These purposes must be understood and interpreted within the framework and sphere of the powers, purposes and objectives of the Commission.

**Section 1.5. Scope and Applicability**

This Regulation shall apply to all administrative licensing, oversight, supervision, and regulatory procedures within the authority and competence of the Commission related to the Sports Betting operation in Puerto Rico. Sports Betting Operators, Technology Platform Providers, and Service Providers shall comply with, and the Commission adopts and incorporates by reference, the chapters and appendices of the latest version of the GLI-33 Standards for Event Wagering Systems. GLI standards are intended to supplement rather than supplant other technical standards required in these rules.

**Section 1.6. Rules of Interpretation**

- A. The provisions of these Regulations shall be liberally interpreted in order to allow the Commission to carry out their duties and to ensure that all the objectives of the Law and these Regulations are achieved, as well as that the functions delegated to the Commission are fulfilled. through its enabling law, Act No. 81 of June 29, 2019, as amended.
- B. In special cases and for just cause, the Commission may allow deviations from the provisions of these Regulations when their strict and literal compliance defeats their purposes.
- C. In the event of discrepancy between the original Spanish text of the Regulations and its English translation, the Spanish text will prevail.

**Section 1.7. Words and Terms**

When interpreting the provisions of this Regulation, except where expressly stated, or the context clearly arises the contracted:

- A. The present conjugated words will be understood to include the future.
- B. Words used in its masculine form will also include feminine and neutral.
- C. Words in the singular will include the plural and vice versa.

**Section 1.8. Areas Not Covered by this Regulation**

In any matter not covered by these Regulations, the Commission shall exercise its discretion in order to achieve the purposes of the Law and these Regulations. If a particular practice or procedure is not specifically addressed in these Regulations, or the Commission or the Commission does not exercise their discretion, said practice or procedure is prohibited.

**Section 1.9. Waivers**

- A. The Commission recognizes that technology and the methodology for Sports Betting operations will change due to technology and methodology advancement. Therefore, an Operator and/or Technology Platform Provider may petition the Commission for a waiver of the Rules within these Regulations.
- B. To petition for a waiver under this section, the Operator and/or Technology Platform Provider must submit to the Commission a written application describing in detail the purpose, nature, duration, and extent of the requested waiver. The application must also include the process by which existing requirements of the system will be properly maintained.

- C. The Commission shall not grant the waiver unless the Commission determines the requested waiver will not decrease the efficiency, speed, or accuracy of either the existing Sports Betting System or the Commission's audit function.

## **ARTICLE 2 LICENSING REQUIREMENTS**

### **Section 2.1 Employee License**

**A. Prohibition of Employment; Employee License Requirements.**

No natural person, whose position requires licensure may work as an employee of a Sports Betting Operator in Puerto Rico or provide services to it unless the person has a current Employee License validly issued by the Commission, as provided in this Article or has been deemed exempt from licensure under Section 2.1(B)(3).

**B. Persons Who Must Obtain an Employee License**

Unless otherwise approved by the Commission, any natural person who carries out or will carry out, or has or will have any of the functions mentioned in this section shall obtain an Employee License before commencing to work in the operator; provided that the list contained in this section is not all-inclusive but illustrative, being the guiding rule for determining the necessity of having an Employee License that a person be working as an employee in a Sports Betting operation or be directly connected with the operator.

- 1) An Employee License is required for the following individuals who are going to be employed by the operator:

- a) Any natural person who has the capability of affecting the outcome of sports betting through deployment of code to production for any critical components of a Sports Betting System, as defined by the Commission;
  - b) Any natural person who can deploy code to production and directly supervises individuals who have the capability of affecting the outcome of sports betting in Puerto Rico through deployment of code to production for other than read-only or the equivalent access to any critical components of a Sports Betting System, as defined by the Commission;
  - c) Any natural person who directly manages a sports betting operation or who directly supervises an individual who directly manages a sports betting operation; or
  - d) Any other natural person who directly impacts the integrity of sports betting as determined by the Commission, which shall include but not be limited to, any individual who has the capability to directly affect the outcome of a sports wager or a prize payout to a player.
- 2) Any natural person ultimately responsible for the Sports Betting operation in Puerto Rico, regardless of the title, shall obtain a Key Employee License.
  - 3) The Commission may exempt any person from the employee licensing requirements of this title if the Commission determines that the person is regulated by another governmental agency or that licensing is not considered necessary to protect the public interest or accomplish the policies and purposes of the Law, provided, however, that duly licensed

casino employees will be deemed in compliance with the licensing requirements automatically.

**C. Scope and Applicability of the Licensing of Natural Persons**

1) In determining whether a natural person who provides services to the operator should hold an Employee License, it shall be presumed that such person shall be required to hold an Employee License if such person would be required under Section 2.1(B) to hold a license if directly employed by the operator, and if the services provided by that person are characterized by any of the following factors, being these indicative that an employment relationship exists:

- a) The natural person will, for a period of time unrelated to any specific project or for an indefinite period of time, directly supervise one of more licensed employees of the operator;
- b) The operator will withhold local and federal taxes or make regular deductions for unemployment insurance, social security, or other deductions required by law from the payments made to the natural person;
- c) The natural person will be given the opportunity to participate in any benefit plan offered by the operator to its employees, including, but not limited to, health insurance plans, life insurance plans or pension plans;
- d) The natural person will not, during the time that services are rendered to the operator, maintain an autonomous business

- enterprise, seek or provide services to other clients, or practice a trade or profession other than for the benefit of the operator; or
- e) The natural person has an Employee License application pending before the Commission or will submit such an application during the time the services are being rendered to the operator, and the cost of the license has been or will be paid for or reimbursed by the operator.
- 2) The Commission may, after considering the factors in paragraph (A) of this section and other applicable information, require that the natural person obtains an Employee License before providing or continuing to provide any service to the operator, even if an agreement to the contrary exists between the operator and the natural person.
- 3) The Commission may exempt any person from the employee licensing requirements of this title if the Commission determines that the person is regulated by another governmental agency or that licensing is not considered necessary to protect the public interest or accomplish the policies and purposes of the Law, provided, however, that duly licensed casino employees will be deemed in compliance with the licensing requirements automatically.

**D. General Parameters for Granting an Employee License**

- 1) Each Employee License applicant shall provide the Commission with the necessary information, documentation and guarantees which establish through clear and convincing evidence that he/she:



- a) Is older than eighteen (18) years of age;
- b) Possesses good character and reputation, in addition to being honest and having integrity;
- c) The Commission shall deny an employee license to any applicant that meets any of the following restrictions:
  - i. Failure to demonstrate the applicant with clear and convincing evidence that he qualifies under the provisions of this section.
  - ii. The applicant does not provide the information, documentation and guarantees required by the Law and the Regulations, or the applicant does not disclose any important data for the qualification, or supply incorrect or misleading information regarding important data related to the general parameters for the granting of employee licenses, or that has previously provided incorrect or misleading information regarding important data related to the general parameters for the granting of employee licenses.
  - iii. The applicant has been convicted of a felony. However, the automatic disqualification provisions of this subsection shall not apply with respect to a conviction that has been the subject of a judicial order expunging the criminal record.
  - iv. The applicant has been convicted, pursuant to the laws of the Commonwealth of Puerto Rico, the laws of any other

jurisdiction, or federal law, for any serious or less serious crime involving sports betting or gambling.

v. The applicant is being prosecuted, or has pending charges in any jurisdiction, for any crime specified in paragraphs (iii) and (iv) of this Section; however, at the request of the applicant or the accused person, the Commission may postpone the decision on such request while said charges are pending.

vi. Any denied application, the applicant will have to wait a year to file the request again.

d) Has no physical or mental disability which hinders adequate performance of his work; and

2) Failure to comply with one of the parameters established in paragraph (1) above may be enough reason for the Commission to deny an application for an Employee License

**E. Personal Information Required for Applying for an Employee License**

1) As part of the initial application for an Employee License provided in section 2.1(F) of these Regulations, any applicant shall submit the following information which shall be provided by the Commission for such purposes:

a) Name, including any aliases or nicknames;

b) Date of birth;

c) Current physical and mailing address;

- d) Social security number, which information is voluntarily provided in accordance with Section 7 of the Privacy Act”, 5 U.S.C.A.552a, or country identification card number if the applicant is a foreign national;
- e) Telephone number of current places of employment, or if none, home telephone number;
- f) Marital status and information with respect to immediate family;
- g) Employment history, including gaming related employment;
- h) Education and training;
- i) Other licenses which the applicant holds or has applied for in Puerto Rico or in any other jurisdiction, including:
  - i. Any license, permit or registry required in order to participate in any legal gaming operation; and
  - ii. Any denial, suspension or revocation of a license, permit or certification issued by any governmental agency;
- j) Criminal or investigative or civil proceedings in Puerto Rico or in any other jurisdiction, including arrests, crimes or offenses, in addition to civil litigation history that would include, but not be limited to liens, judgments or bankruptcy filings.
- k) Name, address, telephone number and occupation of persons who can attest to the applicants' good character and reputation; a
- l) Notarized sworn statement, which may be electronically notarized if authorized in the jurisdiction where the notarization takes place,

- in which the applicant declares that all the information provided in the application is true; and
- m) A Release Authorization allowing government and private organizations to take and offer any pertinent information related to the person as may be requested by the Commission.
- 2) Every applicant for an Employee License who will work in a managerial or supervision position in a Sports Betting operation of the type described in section 2.1(B) of these Regulations shall submit, in addition, the following information, as required in the request:
- a) Any affiliation of applicant with the operator or with companies controlling the operator and the position he occupies with or his interest in said entity;
  - b) Any affiliation of applicant with a Goods or Service Supplier or with companies controlling the Goods or Service Supplier and the position that he occupies with or his interest in said entity;
- 3) Every applicant for a Key Employee License must also submit the Multijurisdictional Personal History Disclosure Form – PHD-MJ

**F. Initial Employee License Application**

- 1) Every initial application for an Employee License shall include:
  - a) The duly completed original of the initial request, pursuant to Section 2.1(E) of these Regulations;
  - b) The documents to identify applicant, as provided in section 2.1(M) of these Regulations;

- c) Letter from the operator certifying their employee status;
  - d) For employees who reside in Puerto Rico, a recent Good Conduct Certificate from the Puerto Rico Police;
  - e) The fees to be paid as provided in section 2.1(N) of these Regulations;
  - f) Any other documentation that the Commission deems necessary.
- 2) Each initial application shall be submitted to the Commission in a format approved by the Commission.
  - 3) If an applicant requests a Good Conduct Certificate from the Puerto Rico Police and does not receive a response within 30 days of such request, the applicant can satisfy the requirements of Section 2.1(F)(1)(d) by submitting an attestation that their request for such Good Conduct Certificate has not received a timely response. An applicant shall not be denied a license due to the lack of a timely response to a request for a Good Conduct Certificate. Once a response from the Puerto Rico Police has been received, it shall be provided to the commission.

**G. Initial Employee License Application Processing**

- 1) The Commission shall determine if the initial application complies with all the requirements provided in these Regulations. if any deficiency is found, it shall notify the applicant the deficiency(ies) within thirty (30) days following the filing of the initial application with the Commission. The Commission shall not evaluate any incomplete initial application.

- 2) Once the Commission has determined that the initial application filed is complete, the Commission shall:
  - a) Accept the application and initiate the procedure for considering the same;
  - b) Analyze and evaluate the information offered in the application and any other information necessary to determine if the request license should be granted;
  - c) Perform all necessary investigation to validate that the applicant complies with all the requirements of these regulations.
  - d) Make a decision with respect to the requested license; and
  - e) Notify the applicant of the decision taken. If the decision consists of a denial of the license, the Commission shall inform the applicant the reason or reasons for the denial and of his right to request a reconsideration of the decision of the Commission following the adjudicative procedures provided in the Regulation or the Adjudicative Procedures of the Commission.
- 3) The Commission, at any time, may request from an applicant for an Employee License any other information it may deem necessary in order to decide with respect to the application.

**H. Employee License Duration**

- 1) All Employee Licenses shall be issued by the Commission for a period of two (2) years.

- 2) All Key Employee Licenses shall be issued by the Commission for a period of three (3) years.
- 3) Notwithstanding the provisions of paragraph (A) and (B) of this Section, the Commission may, as deemed necessary, issue any Employee License for s shorter period.
- 4) All employee leave granted by the Commission on a provisional basis in accordance with these Regulations, will be issued for a term of thirty (30) days, renewable at the discretion of the Commission and in consideration of the particular circumstances of each case.

**I. Date to Submit Employee License Renewal Application**

All Employee License holders of any category shall renew their licenses by filing with the Commission an Employee License renewal application. The completed renewal application shall be filed with the Commission no later than 60 days prior to expiration of the license

<b>If current license expires during the month of:</b>	<b>Renewal will take place on:</b>
January	November of previous year
February	December of previous year
March	January of current year
April	February of current year
May	March of current year
June	April of current year
July	May of current year

August	June of current year
September	July of current year
October	August of current year
November	September of current year
December	October of current year

**J. Employee License Renewal Application**

- 1) The Employee License renewal application shall include:
  - a) A duly completed original of the renewal application, which shall contain all the information which has changed since the date of application for the initial Employee License application or of the last renewal;
  - b) The documents that identify the applicant, as provided in section 2.1 (M) of this Regulations;
  - c) For employees who reside in Puerto Rico, a recent Good Conduct Certificate from the Puerto Rico Police
  - d) The fees to be paid as provided in section 2.1(N) of these Regulations
  - e) A notarized sworn statement, which may be electronically notarized if authorized in the jurisdiction where the notarization takes place, whereby the applicant declares that all the information contained in the application is true.



- f) A Release Authorization allowing government and private bodies to take and offer any pertinent information related to the person as may be requested by the Commission.
- 2) All renewal applications shall be submitted to the Commission in a format approved by the Commission.
- 3) Any person who fails to submit a completed renewal application in accordance with this section or in accordance with the provisions of paragraph (A) of section 2.1(K) of these Regulations shall be considered as not having filed a renewal application with the Commission and his license shall be cancelled on the expiration date.
- 4) Any person whose current license is cancelled pursuant to this section may, before the date of expiration of the current license, or at any time after the expiration, apply for an Employee License; provided that his application, for all purposes of these Regulations, shall be considered an initial Employee License application.
- 5) If an applicant requests a Good Conduct Certificate from the Puerto Rico Police and does not receive a response within 30 days of such request, the applicant can satisfy the requirements of Section 2.1(J)(1)(c) by submitting an attestation that their request for such Good Conduct Certificate has not received a timely response. An applicant shall not be denied a license due to the lack of a timely response to a request for a Good Conduct Certificate. Once a response from the Puerto Rico Police has been received, it shall be provided to the commission.

**K. Employee License Renewal Application Processing**

- 1) The Commission shall determine if the renewal application filed complies with all the requirements provided in these Regulations and if any deficiency is found, it shall notify the applicant of the deficiency(ies) within thirty (30) days following the filing of the renewal application with the Commission; provided that the Commission may, at its discretion and depending on the magnitude of the deficiency(ies) notified, grant an opportunity for the applicant to cure any deficiency notified within the period and under the conditions determined by the Commission at said time. Any application where a deficiency has been cured in accordance with the above shall be deemed to have been filed complete within the period required by these Regulations.
- 2) Upon receipt of an application for renewal of an Employee License duly completed and filed within the period required by these Regulations, the Commission shall carry out the investigation it deems necessary.
- 3) The Commission shall decide with respect to each completed license renewal application which has been submitted within a reasonable period of time after its filing.
- 4) The Commission shall notify the applicant of the decision made. If the decision consists of a denial of the renewal of the license, the Commission shall inform the applicant the reason or reasons for the denial and of his right to request a reconsideration of the decision of the Commission

following the provisions of the Commission's Rules of Adjudicative Procedures.

**L. Responsibility for Establishing Qualifications and to Disclose and Cooperate**

- 1) Each applicant shall be responsible for providing the information, documentation and assurances required for establishing through clear and convincing evidence that his qualifications are in accordance with the Law and the Regulations.
- 2) It shall be the continuing responsibility of every applicant or holder of an Employee License to provide all the information, documentation and assurances that may be required by the Commission pertaining to the qualifications, and to cooperate with the Commission. Any refusal of an applicant to comply with a formal request for information, evidence or testimony from the Commission shall be sufficient cause for a denial or revocation of the license.

**M. Identification of the Applicant**

Every applicant for an Employee License shall establish his identify with reasonable certainty. The applicant shall establish his identity in one of the following ways:

- 1) Providing one (1) of the following authentic documents:
  - a) A current United States of America passport;
  - b) A Certificate of United States citizenship, or Certificate of Naturalization issued by the United States Department of Justice, Immigration and Naturalization Service o INS); o

- c) A current permanent resident card issued by the INS, which contains a photograph; or
- 2) Presenting two (2) of the following authentic documents:
- a) Certified copy of the birth certificate issued by the corresponding governmental agency;
  - b) Current driver's license containing a photograph or information about the name, date of birth, sex, height, color of eyes and address of the applicant;
  - c) Current identification card issued by the Federal Department of Defense to persons who serve in the United States military or their dependents containing a photograph or information about the name, date of birth, sex, height, color of eyes and address of the applicant;
  - d) Current student identification card which contains a photograph, student number or social security number, date of expiration, seal or logo of the issuing institution, and the signature of the card holder;
  - e) Current country identification card issued by the federal government or government issued identification credential that contains a photograph and other information such as name, date of birth, sex, height, color of eyes and address of the applicant;
  - f) Current identification card issued by the Immigration and Naturalization Service containing a photograph or information about the name, date of birth, sex, height, color of eyes and address of the applicant;

- g) An unexpired foreign passport; or
- h) Any other documentation approved by the Commission.

**N. Fees Payable**

- 1) The fees payable for the initial or renewal application for an Employee License shall be determined by the Commission based on the position occupied by the employee; provided that said fees shall be \$50 for an Employee License and \$500 for a Key Employee License. Notwithstanding the foregoing, the Commission may request additional fees from the applicant to cover investigation costs.
- 2) All applicant's licenses will expire on the applicant's date of birth. For licensing purposes, all applicants will be charged the full amount of the aforementioned fees.

**O. Prohibition of Employment with Expired License**

No employee with an expired license shall work in a position or shall exercise functions for which such license is required, with the understanding that if such employee is found working without a current and valid license, the employee, as well as the service enterprise or the operator employing the employee shall be subject to the sanctions stipulated in section 12.2 of the Regulation.

**P. Obligation to Pay the Fees; No Refund of Fees Paid**

- 1) Any payment of fees arising from these Regulations shall be paid in full even if the applicant withdraws his Employee License application.
- 2) The Division shall not refund to the applicant any amounts paid as licensing fees.

**Q. Miscellaneous Administrative Fees**

- 1) All lost Employee Licenses shall be replaced by the Commission at a cost of ten dollars (\$10.00), to be paid by the employee.
- 2) Any change to the Employee License requested by the employee that was not caused by an omission or negligence of the Commission shall carry a charge of ten dollars (\$10.00), to be paid by the employee.

**R. Change of Position or Place of Work**

- 1) All natural persons who perform any of the functions described in paragraph (C) of section 2.1 of these Regulations or any that are similar to those functions and for any reason his functions change to any of the functions mentioned in paragraph (B) of section 2.1 of these Regulations or any that are similar to those functions and for any reason his functions change, it must present an employee license application requesting such change.
- 2) A license setting forth more than one position may be issued to any licensed operator employee by the Commission upon application by the licensed employee or the operator. Said request would be reviewed by the Commission to ensure that their dual license status would not be deemed an incompatible function by the regulators. The review will be conducted in a timely manner and disseminated to the applicant in writing. If a dual license is granted to an employee for functions, the employee will not be able to perform the tasks on the same day.

- 3) Any person licensed by the operator shall notify the Commission in writing of any change of employment to another operator within thirty (30) days of assuming his new position.
- 4) Any change in title that entails a change in the job classification, the employee shall pay the total amount of the fees for such classification according to section 2.1(N) of this Regulation.

**S. Carrying of Licenses and Credentials**

- 1) All persons to whom the Commission has issued an Employee License must carry the Employee License on their person in a visible and conspicuous manner, at all times while carrying out their functions at an authorized location.
- 2) No operator shall permit a person to work at an authorized location without said person carrying his Employee License as provided in paragraph (1) above.

**T. Authority**

Nothing provided in this Chapter shall be interpreted as limiting the authority and powers of the Commission to at any time:

- 1) Investigate the qualifications of any holder of an Employee License; and
- 2) Suspend and/or revoke an Employee License if the holder of the license does not comply with the requirements provided in the Law or in the Regulations.

**U. Withdrawal of License Application**

- 1) An employee license applicant may file a written request with the Commission to withdraw their license application before the Commission has determined its approval decision.
- 2) Said request shall establish that the withdrawal of the request is consistent with the public policy of the Law of the Gaming Commission of the Government of Puerto Rico and these Regulations.
- 3) The Commission will decide if said request meets the requirements established in the Law and these Regulations.
- 4) The Commission will not refund any fees payment and / or investigation of the employee application for the withdrawal of said application.

**Section 2.2 Enterprise License Types**

The Commission shall grant the following type of Licenses:

**A. Operator License**

- 1) Any legal person who offers Sports Betting to the public shall be required to obtain an Operator License.
  - a) Casinos and racetracks may be licensed as Principal Operators or as otherwise authorized by the Commission
  - b) Hotels without casinos, inns, horse betting agencies, cockpits, and any other venue approved by the Commission may be licensed as Point of Sale or Satellite Operators or as otherwise authorized by the Commission.



- c) Internet Betting Operators must maintain at least one physical operating space or office with the capacity to provide customer service and respond to player complaints.
- 2) The Commission shall establish the fees for the granting and renewal of operator licenses. However, the minimum license costs that the Commission may set will be as follows:
  - a) For Principal Operator and Internet Betting Operator licenses the minimum costs will be fifty thousand dollars (\$ 50,000) a year;
  - b) For Point of Sale or Satellite Operator licenses the minimum costs will be two thousand five hundred dollars (\$ 2,500) a year;
- 3) The casinos and racetracks must request the corresponding licenses to be able to offer Sports Betting operations authorized by the Law and these Regulations. The Commission could waive the requirement to complete an application if the entity has filed a similar application for their gaming license and there is evidence that indicates that the applicant's information from that previous filing includes all the necessary information to comply with the requirements included in this Regulation. This waiver is only for the submittal of the application and does not exclude the applicant on submitting and complying with the rest of the information that needs to be submitted in order to obtain an operator license. Additionally, on the rights identified for licenses required by the Commission:

- a) For encouraging the rooster industry, those cockpits that were operating legally as of December 31, 2018, will not pay, for the first ten (10) years of Sports Betting operations at Authorized Locations
  - b) For encouraging the horse-riding industry, those horse-riding agencies will pay fifty percent (50%) for the first ten (10) years of Sports Betting operations at Authorized Locations
- 4) Applicants seeking to obtain an Operator License shall complete the
- a) Business Entity Disclosure Form;
  - b) any Supplement thereto prepared by the Commission; and
  - c) any additional forms required or requested by the Commission.
- 5) The direct or indirect owners of 5% or more voting interests and certain officers, directors, managers, general partners, trustees, and Key Personnel of the Applicant seeking to obtain a License, and any other individual associated with the Applicant in the sole and absolute discretion of the Commission or its Board shall complete the:
- a) Multijurisdictional Personal History Disclosure Form;
  - b) any Supplement thereto prepared by the Commission; and
  - c) any additional forms, documents, or information requested by the Commission.
  - d) The individuals noted in this section are required to be found suitable.
- 6) An Institutional Investor may seek a waiver to own up to 25% of an Applicant for investment purposes only. The Commission may request any

relevant information from the Institutional Investor to assist with its determination of whether a waiver shall be granted. The Commission, in its sole and absolute discretion, may deny, limit, or condition the waiver and may require a finding of suitability for any person affiliated with the Institutional Investor.

- 7) Applicants for a License that also perform functions or services identified as Supplier or Vendor activities are only required to obtain a License. A Supplier Registration or Vendor Registration does not authorize such Registrants to perform, provide, or engage in activities requiring a License.

**B. Service Provider License**

- 1) A legal person who supplies services directly necessary for the operation of the Sports Betting activity in Puerto Rico shall be considered a Service Provider and shall be required to obtain a license as a Service Provider. These services may include, but are not limited to:
  - a) Identity Verification services
  - b) Information Technology (IT) services
  - c) Location services;
  - d) Software, systems, or platform data;
  - e) Player accounts management systems;
  - f) Payment processors
  - g) Technology Platform Provider
  - h) Hosting Center

- i) Third-Party service providers with direct interface or interaction with player accounts or the Sports Betting System;
  - j) Global Risk Management services,
  - k) Wagering Equipment
- 2) The Service provider license shall be valid for three (3) years.
- 3) Applicants seeking to be license as a Service Provider shall complete
- a) The Commission's Business Entity Disclosure Form;
  - b) Any Supplement thereto prepared by the Commission; and
  - c) Any additional forms requested or required by the Commission.
- 4) The direct or indirect owners of 5% or more voting interests and certain officers, directors, managers, general limited partners, trustees, and Key Personnel of the Applicant seeking licensing as a Supplier, and any other individual associated with the Applicant in the sole and absolute discretion of the Commission shall complete
- a) The Multijurisdictional Personal History Disclosure Form;
  - b) Any Supplement thereto prepared by the Commission; and
  - c) Any additional forms, documents, or information requested by the Commission. The individuals are required to be found suitable
- 5) An Institutional Investor may seek a waiver to own up to 25% of an Applicant for investment purposes only. The Commission may request any relevant information from the Institutional Investor to assist with its determination of whether a waiver shall be granted. The Commission, in its sole and absolute discretion, may deny, limit, or condition the waiver and

may require a finding of suitability for any person affiliated with the Institutional Investor.

- 6) Applicants for an Operator license that also perform functions or services identified as Service Provider activities are only required to be registered as a Supplier. A Service Provider License does not authorize the Service Provider to perform, provide, or engage in activities requiring an Operator License.

### **Section 2.3 Temporary Licensing**

The Commission may issue a temporary license to any applicant for a permanent employee license, operator license, or service provider license.

- A. No applicant issued a temporary license shall be entitled to receive any refund of the application fee.
- B. The Commission may change a temporary license into a permanent license only after all investigations into the license application are complete, and the Commission is satisfied the holder of a temporary license qualifies to hold a permanent license.
- C. When the Commission changes a temporary license into a permanent license, the date of issuance of the permanent license shall be deemed to be the date that the Commission approved the permanent license.
- D. A temporary license may expire of its own accord, or it may be suspended, revoked, or summarily suspended under the same terms and conditions as a permanent license.

**Section 2.4 Restriction on Doing Business**

- A. No enterprise shall operate, provide equipment or services related with the activity of Sports Betting, or in another manner shall carry on business related with activities of Sports Betting in Puerto Rico with the operator, its employees or agents, unless it holds a current License validly issued by the Commission
- B. No enterprise shall manufacture, sell or lease, distribute, repair or provide maintenance services to a Sports Betting System or the related software in Puerto Rico unless it holds a current License or Vendor registration validly issued by the Commission in accordance with these Regulations.

**Section 2.5 General Parameters for Granting Licenses**

All License applicants shall submit to the Commission the information, documentation and guarantees necessary to establish through clear and convincing evidence:

- A. The stability, integrity and economic responsibility of the applicant;
- B. The good character (if an individual), honesty and integrity of the applicant;
- C. That the direct or indirect owners of 5% or more of the voting interests of the applicant and the key employees of the applicant comply with the parameters provided in this section;
- D. The integrity of the investors, mortgage creditors, guarantors and holders of bonds, notes and other evidences of debt which are in any way related to the enterprise;  
and
- E. The integrity of all the officers, directors and trustees of applicant.

- F. If the applicant is not a publicly traded company, the applicant shall produce proof of beneficial ownership. Stock ownership shall be issued to bona fide individuals or entities and shall not be in the form of nominee or bearer shares.

**Section 2.6 Initial Application for a License**

- A. The initial application for a License shall consist of:
  - 1) The Business Entity License Application form to be completed by the applicant and by each holding company of applicant;
  - 2) The Multijurisdictional Personal History Disclosure Form to be completed by each natural person who must be qualify by the Commission in accordance with section 2.2(A)(4) of these Regulation;
  - 3) The Puerto Rico Supplemental Form to Multijurisdictional Personal History Disclosure Form; and
  - 4) The fees to be paid, as provided these Regulation.
- B. Every initial application shall be submitted to the Commission in a format approved by the Commission.
- C. The Commission shall not evaluate an initial License application unless the same is accompanied by all the information required in these Regulations, including all the documents requested in paragraph (A) above; provided that any incomplete application filed with the Commission shall be deemed to be as if the same had not been filed.
- D. It shall be the responsibility of the applicant and its principals to provide information and or documentation and to demonstrate their qualifications by clear

and convincing evidence relative to the character, honesty and integrity of its directors, officers, stockholders and principal employees to the Commission.

- E. Any annex presented as evidence, which does not use the Spanish or English language, must be accompanied by a certified translation. Said translation must be in the Spanish or English language and will include the name, date and signature of the person who performed the translation.
- F. Any information or documents required as part of the application that is not applicable should be address in the application by selecting the option ( ) does not apply and the reason for not been applicable should be included as part of the application.

### **Section 2.7 License Renewal Application**

Every License renewal application shall be filed no later than one hundred twenty (120) days prior to the expiration date of said license.

- A. The License renewal application shall include:
  - 1) The Business Entity License Application, which shall contain all the information that has changed from the date of the application for the initial Service Industry License or of the last renewal, to be completed by the applicant and by each holding company of applicant;
  - 2) The Multijurisdictional Personal History Disclosure Form to be completed by each natural person who must be qualified in accordance with section 2.11 of these Regulations, and who has not been qualified by the Commission; and



- 3) Puerto Rico Supplemental Form to Multijurisdictional Personal History Disclosure Form; and
  - 4) The fees to be paid, as provided in these Regulations.
- B. Every renewal application shall be submitted to the Commission in a format approved by the Commission.

### **Section 2.8 Application Fees**

- A. The fees that will be paid for the initial application will be in the amount of \$500.00 to defray the administrative cost related to the processing of the application and initial investigative fees to conduct a background investigation of the Commission and its qualifiers. Notwithstanding the cap on fees, under special circumstances determined by the Division, the applicant may be charged additional fees to complete a background investigation to the standards set forth in these regulations.
- B. Research costs may be required during the application evaluation process. They will be informed to the applicant prior to incurring them.
- C. The fees to pay for the initial application or for the renewal of a license will be charged by the Commission

### **Section 2.9 Disqualification Criteria**

- A. The Commission may deny a License to any applicant which, in the opinion of the Commission:

- 1) has not proven through clear and convincing evidence that the applicant and any of the persons required to be qualified in accordance with these Regulations are in fact duly qualified;
- 2) has violated any of the provisions of the Law or the Regulations;
- 3) has failed to provide information or documentation requested in writing by the Commission in a timely manner, which shall not exceed (30) business days from the date of request by the Gaming Division without reasonable justification;
- 4) does not consent to investigations, inspections, and searches, or to have photographs and fingerprints taken for investigative purposes;
- 5) Has been convicted of any felony or misdemeanor involving sports betting or gambling, in Puerto Rico or any other jurisdiction, providing that this disqualifying criterion shall not automatically apply in case of convictions that have been expunged from the applicant's criminal record upon a court order;
- 6) Is being prosecuted or has pending charges in any jurisdiction for any crime previously specified; however, at the request of the applicant or the person being prosecuted, the Commission may postpone the decision concerning such application while said charges are pending;
- 7) Is identified as a career offender or is a member of a criminal organization, or as being associated to a career offender or a criminal organization; or
- 8) Do not pay the investigation fees required by the Commission.

- B. The Commission may also deny this license by applying the criteria listed above to those persons related to the applicant that must be qualified pursuant to these Regulations as a franchising condition.
- C. The Commission may impose a term to be able to request again a license that has been previously denied.

**Section 2.10 Qualification Requirements Before Granting a License**

- A. The Commission shall not issue a License to any legal person unless the applicant has established in advance the individual qualifications of each one of the following persons:
  - 1) The enterprise;
  - 2) The holding company (ies) of the enterprise;
  - 3) Every owner of the enterprise who has, directly or indirectly, any interest in or is the owner of more than five percent (5%) of the enterprise;
  - 4) Every owner of a holding company of the enterprise that the Commission deems necessary to promote the purposes of the Law and the Regulations;
  - 5) Any director of the enterprise, except such director who, in the opinion of the Commission, is not significantly involved in or connected with the administration of the enterprise;
  - 6) Every officer of the enterprise who is significantly involved in or who has authority over the manner in which the business dealing with the activities of the operator is conducted and any officer who the Commission considers

- necessary to protect the good character, honesty and integrity of the enterprise;
- 7) Any officer of the holding company of the enterprise who the Commission considers necessary to protect the good character, honesty and integrity of the enterprise;
- 8) Any other person who the Commission considers should be qualified.
- B. To establish the individual qualifications, the persons specified in subparagraphs (A)(1) and (A)(2) of this section shall complete Business Entity License Application Form.
- C. To establish the individual qualifications, the persons specified in subparagraphs (A)(3) through (A)(8) of this section shall complete Multijurisdictional Personal History Disclosure Form.

**Section 2.11 General Parameters to Qualify as a Person Connected with a Service Provider**

- A. Any natural person who is required to qualify, because of his relationship with a License applicant, shall provide to the Commission the information, documentation and assurances necessary to establish through clear and convincing evidence:
- 1) His relationship with the enterprise;
  - 2) That he is older than eighteen (18) years of age;
  - 3) The Commission shall deny any person required to qualify in conjunction with a service provider license who does not satisfy the standards for entity licensing set forth in these Regulations.

- 4) That he has not been convicted by a state or federal court of justice or a court of justice of any other jurisdiction of:
  - a) Committing, intending to commit or conspiring to commit a crime involving sports betting or gambling, illegal appropriation of funds or robbery, or any violation of a law related to Gaming Commission of the Government of Puerto Rico, or a crime which is contrary to the declared policy of Puerto Rico with respect to the gaming industry; or
  - b) Committing, intending to commit or conspiring to commit a crime which is a felony in Puerto Rico or a misdemeanor in another jurisdiction which would be a felony if committed in Puerto Rico.
- B. Failure to comply with one of the requirements set forth in paragraph (A) above shall be sufficient cause for the Commission to deny a License.

**Section 2.12 Investigations; Supplementary information; Approval of Change**

- A. The Commission may, at its discretion, conduct any investigation with respect to an applicant or any person related with an applicant which it deems pertinent, either at the time of the initial application or at any subsequent time.
- B. It shall be the continuing duty of any applicant or holder of a License to fully cooperate with the Commission during any investigation and to provide any supplementary information that the Commission's requests.
- C. The applicant shall file with the Commission for its approval, within ten (10) business days, any change in the applicant or holder of a Service Industry License

the original state of which was a condition imposed by the Commission for the granting of the initial License or the renewal of said License; provided that any change in the ownership of the applicant or the holder of a License or any change in the ownership of any holding or intermediary company of the enterprise which represents five percent (5%) or more of the total shares issued and outstanding or of the total participation in the same, except when the holding or intermediary company is a publicly-traded corporation, not approved by the Commission shall be sufficient cause for invalidating any license or prior approval granted by the Commission. The proposed new owner shall submit to the Commission an initial Business Entity License application and evidence that he is qualified to receive the same.

**Section 2.13 Cause for Suspension, Failure to Renew, or Revocation of a License**

- A. Any of the following reasons shall be considered sufficient cause for the suspension, denial of renewal or revocation of a License:
- 1) Violation of any provision of the Law or the Regulations;
  - 2) Conduct, which would disqualify the applicant, or any other person, required to be qualified by the Commission;
  - 3) Failure to comply with any applicable law, regulation, federal, state or municipal ordinance;
  - 4) The material deviation of any representation made in the application for the License;
  - 5) Has not paid the investigation fees required by the Commission.

- B. Notwithstanding the provisions of subparagraph (a) above, any other cause that the Commission deems reasonable shall be considered sufficient cause for the suspension, denial of renewal or revocation of a License.

**Section 2.14 Special Authorization to Conduct a Commercial Transaction in the Absence of a Service Provider License**

- A. The Commission, at its discretion, may permit a License applicant to carry out a commercial transaction with the operator before said service industry enterprise has obtained the License required provided that:
- 1) The applicant has filed with the Commission a completed application for a License;
  - 2) At least five (5) days has passed since the filing of said completed application with the Commission; and
  - 3) The operator submits to the Commission a petition for special authorization to carry out a commercial transaction in the absence of a License that contains:
    - a) A sufficient reason to convince the Commission to grant the special authorization to the enterprise; and
    - b) A detailed description of the commercial transaction that it desires to carry out.
- B. The Commission shall evaluate said petition for special authorization to conduct a commercial transaction in the absence of a License and shall notify its decision in writing within a reasonable period.

- C. Any commercial transaction conducted under a special authorization in the absence of a License shall be notified to the Commission by the applicant and the operator within ten (10) days following the carrying out of the commercial transaction. The notification shall at least contain the date of the transaction and the description of the commercial transaction carried out.

**Section 2.15 Exemption to License**

- A. The Commission may exempt an enterprise from the requirement of obtaining a License if the Commission determines that said enterprise is not operating its business in a regular or continuous manner with the franchisees in Puerto Rico.
- B. Any legal person that is interested in obtaining an exemption from the requirement of obtaining a License as require in this section shall apply in writing to the Commission for said exemption.
- C. The exemption application provided in this section shall contain the following information:
  - 1) Name, address and detailed description of the service offered by the legal person;
  - 2) Name of the owners, directors, officers and managerial employees of the legal person;
  - 3) Operators in Puerto Rico to whom they will provide services and a description of the service to be provided, including the quantity and cost of the services;
  - 4) Number and frequency of the transactions;



- 5) Dollar amount of the transactions; and
  - 6) Sufficient reasons to convince the Commission as to why granting the enterprise a license is not necessary to protect the public interest or advance the policies set forth in the Law.
- D. The Commission may determine that an enterprise is not operating its business in a regular and continuous manner in Puerto Rico if the applicant demonstrates, to the satisfaction of the Commission, that the goods or services provided by the enterprise are in minimal or insignificant amounts, and that granting the same a License is not necessary to protect the public interest or advance the policies established by the Law.
- E. To determine whether an enterprise operates or will operate in a regular or continuous manner in Puerto Rico, the Commission may take the following factors into consideration, among others:
- 1) Number of transactions;
  - 2) Frequency of the transactions;
  - 3) Dollar amount of transactions;
  - 4) Nature of the equipment or services rendered, or business carried out;
  - 5) Maximum period of time needed to provide the equipment, carry out the services or complete in its entirety the business object of the transaction;  
and
  - 6) The public interest and the policy established by the Law.
- F. Any enterprise which has been exempted by the Commission from the requirement of obtaining a License in accordance with this section shall obtain the prior written

approval of the Commission before carrying out any commercial contract or transaction in Puerto Rico

**Section 2.16 Records**

- A. All licensees authorized by the Commission shall maintain in a place secure against robbery, loss or destruction the records corresponding to the business operations, which shall be available to, and be produced for the Commission should the Commission request them. Said records shall include:
  - 1) Any correspondence with the Commission and other governmental agencies at a local, state and federal level;
  - 2) Copies of any publicity and promotional materials;
  - 3) The financial records for all the transactions related to the business, whether proposed or existing.
- B. The records listed in subparagraph (A) above shall be kept at least for a period of five (5) years.
- C. Any records collected by the Commission or any other governmental agency in accordance with this section shall not be subject to public disclosure and shall be kept confidential.

**Section 2.17 License Application Form**

- A. License Application Form shall be completed in the format provided by the Commission and may require the following information, as applicable:

- 1) The current and former official names used by the legal person and the dates of use;
- 2) The current and former address of the legal person;
- 3) The telephone number of the enterprise;
- 4) Specify if the application is for an initial license or a renewal and, if it is a renewal, indicate the current license number and the expiration date of the same;
- 5) Corporate form, and if applicable, a copy of the certificate of incorporation, by-laws, partnership agreement, trust agreement and any other documentation related to the legal organization of the enterprise;
- 6) Certificate issued by the State Department of Puerto Rico and by the corresponding governmental entity in the jurisdiction of incorporation of the enterprise to the effect that the enterprise has complied with all the legal requirements (“Good Standing Certificate”);
- 7) A description of the current and former business carried out by the enterprise, or by an intermediary, subsidiary or holding company of the enterprise;
- 8) A description of the nature, type, number of shares, terms, conditions, rights and privileges of all classes of stock issued by the enterprise, if any, or those it plans to issue;
- 9) The name, address, date of birth, title or position, and, if applicable, the percent of ownership in the enterprise of the following persons:
  - a) Every officer, director or trustee;

- b) Every owner, or partner, including all the partners, whether general, limited or any other type;
  - c) Every beneficial owner who owns more than five percent (5%) of the voting shares;
- 10) If the legal person is a partnership, a description of each partner's interest in the enterprise including the amount of initial investment, the amount of additional contributions, the amount and nature of any investment which is anticipated in the future, each partner's degree of control and each partner's percent of ownership;
- 11) A description of the nature, type, terms, agreements and priorities of any debt or payment obligation, and the name, address and date of birth of each creditor and holder of a security, the type and class of debt instrument it has, the original amount of the debt and the present balance of the same;
- 12) A description of the nature, type, terms and conditions of securities options;
- 13) The following information with respect to each account existing in the name of the legal person or which is under the direct or indirect control of the legal person:
- a) Name and address of the financial institution;
  - b) Type of account;
  - c) Account number; and
  - d) Period of time it has had the account(s);

- 14) The name and address of each company in which the enterprise holds shares, the type of shares held, purchase price per share, number of shares held and percent of ownership;
- 15) Information regarding any transaction during the last five (5) years which has caused a change in ownership of a beneficial interest of the securities of the enterprise of an officer or director who owned more than ten percent (10%) of any class of equity security;
- 16) A description of any civil, criminal, investigatory and administrative proceeding in which the enterprise, its subsidiaries, managers, officers, directors or shareholders have been involved, and which includes:
  - a) Any arrest, indictment, charge or conviction for a criminal action or personal offense;
  - b) Any criminal proceeding in which the enterprise or any of its subsidiaries has been a party or has been named as co-conspirator;
  - c) If any civil litigation exists wherein the damages might possibly exceed fifty thousand dollars (\$50,000.00), except for claims covered by an insurance policy;
  - d) Any trial, judicial decree or order against the enterprise related to a violation or alleged violation of the federal antitrust, trade regulation or securities laws or similar laws of any jurisdiction;
- 17) Information concerning the enterprise or any holding or intermediary company of the enterprise relating to orders or bankruptcy or insolvency petitions and any relief sought under any provision of the Federal

- Bankruptcy Act or any state insolvency law, and any receiver, fiscal agent, trustee or similar officer appointed for the property or business of the enterprises or any holding, intermediary or subsidiary company of the same;
- 18) Whether the enterprise has had any license or certificate denied, suspended or revoked by an agency of the government of Puerto Rico or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the reasons therefore and the facts related thereto;
- 19) Whether the enterprise has previously applied for a license, permit or authorization to participate in a legal gaming operation in Puerto Rico or in any other jurisdiction, the agency and its location, the date of the application, the nature of the permit or authorization of such license, the number of the same and the expiration date;
- 20) A copy, if applicable, of each one of the following:
- a) Annual reports for the last five (5) years;
  - b) Any annual report prepared during the last five (5) years on Form 10K pursuant to Sections 13 or 15d of the United States Securities and Exchange Act of 1934, as amended;
  - c) Audited financial statements from an independent certified public accountant, registered or licensed in Puerto Rico or another jurisdiction in the United States in good standing, prepared in accordance with the attestation standards established by the American Institute of Certified Public Accountants for the last fiscal

year, including, but not limited to, income and expense statements, balance sheets, cash flow statements and the notes corresponding to said financial statements;

- d) Copies of all financial statements, whether audited or unaudited, prepared during the last five (5) fiscal years;
- e) The most recent quarterly unaudited financial statement prepared by or for the enterprise or, if the enterprise has been registered with the Securities and Exchange Commission, a copy of a recently filed Form 10Q;
- f) Any recent report prepared due to a change in control of the enterprise, an acquisition or disposition of the assets, bankruptcy or receivership proceeding, change in the certification from the accountant of the enterprise or any other important event, or, if the enterprise is registered with the United States Securities and Exchange Commission, a copy of the most recently filed Form 8K;
- g) The most recent proxy or financial statement filed in accordance with Section 14 of the Securities and Exchange Act of 1934, as amended);
- h) Registration Statements filed in the last five (5) years pursuant to the Securities Act of 1933, as amended; and
- i) All reports and correspondence submitted within the last five (5) years by independent auditors for the enterprise that pertain to the

issuance of financial statements, managerial advisory services or internal control recommendations;

- 21) Copies of all Internal Revenue Forms 1120 of Internal Revenue (corporate income tax return), all forms 1065 (partnership returns) of Internal Revenue or all Forms 1040 (personal income tax return) and all Puerto Rico income tax returns (if applicable) filed during the past five (5) years;
  - 22) Certificate issued by the Treasury Department of Puerto Rico certifying that the enterprise has filed its income tax returns, if applicable;
  - 23) Negative Debt Certificate issued by the Treasury Department of Puerto Rico, if applicable; and
  - 24) Negative Debt Certificate issued by the Municipal Revenue Collection Center ("CRIM," by its Spanish acronym), if applicable.
- B. In addition to the information in paragraph (A) above, License Application Form shall include a Release Authorization authorizing governmental and private organizations to release any information pertaining to the applicant which may be requested by the Commission and a notarized sworn statement, which may be electronically notarized if authorized in the jurisdiction where the notarization takes place, whereby applicant declares that all the information supplied in the application is true.
- C. If an applicant requests a Negative Debt Certificate from the Treasury Department or the Municipal Revenue Collection Center and does not receive a response within 30 days of such request, the applicant can satisfy the requirements of Section 2.17(A)(23) or (24), respectively, by submitting an attestation that their request for



such Negative Debt Certificate has not received a timely response. An applicant shall not be denied a license due to the lack of a timely response to a request for a Negative Debt Certificate.

- D. The application shall be signed by the president of the enterprise, general manager, partners, general partner or any other person authorized by the enterprise.

**Section 2.18 Multijurisdictional Personal History Disclosure Form**

- A. The Commission may require, as a minimum, the following information in the Multijurisdictional Personal History Disclosure Form from all those natural persons required by this Regulation:

- 1) Name, physical and mailing address, telephone number and name of contact person of the enterprise;
- 2) Name, including any nicknames and aliases;
- 3) Date of birth;
- 4) Current physical and mailing address;
- 5) Social security number, which information is voluntarily provided in accordance with Section 7 of the Privacy Act, 5 U.S.C.A. 552a;
- 6) Telephone number at current place of employment or, if none, the home telephone number;
- 7) Marital status and information regarding his immediate family;
- 8) Employment history, including any gaming-related employment;
- 9) Education and training;

- 10) Other licenses held or applied for by the applicant in Puerto Rico or in any other jurisdiction, including:
    - a) Any license, permit or registration required to participate in any legal gaming operation; and
    - b) Any denial, suspension or revocation of a license, permit or certification issued by a governmental agency;
  - 11) Criminal or investigatory proceedings in Puerto Rico or in any jurisdiction, including arrests, crimes or offenses committed by the person.
- B. In addition to the information in (A) above, the Multijurisdictional Personal History Disclosure Form completed shall include the following:
- 1) The name, address, occupation and telephone number of persons who can attest to the applicant's good character and reputation; and
  - 2) A Release Authorization authorizing governmental and private organizations to take and offer any pertinent information relating to the person that may be requested by the Commission and a notarized sworn statement, which may be electronically notarized if authorized in the jurisdiction where the notarization takes place, whereby applicant declares that all the information supplied in the application is true.
- C. All Multijurisdictional Personal History Disclosure Form shall be filed together with the corresponding Service Provider License Application Form and shall also include:
- 1) The documents similar to those required in section 2.1 (M) of these Regulations for identifying the person; and

- 2) A Puerto Rico Supplemental Form to Multijurisdictional Personal History Disclosure Form, completed in all its parts.

**Section 2.19 Obligation to Pay the Fees; No Refund of Fees Paid**

- A. Any obligation for payment of fees arising from these Regulations shall be paid in full even when the legal persons withdraws its application for a Service Industry License.
- B. No amounts paid for franchise fees shall be refundable.

**Section 2.20 Responsibility of the Operator**

- A. Any Operator that will be receiving a service shall be responsible for confirming that the enterprise with which it will carry out the transaction holds a License or has obtained a temporary authorization, or an exemption in accordance these Regulations.
- B. Any violation of subparagraph (a) above shall be sufficient cause for the cancellation or suspension of its franchise and/or the imposition of an administrative fine by the Commission.

**ARTICLE 3 STANDARDS FOR INTERNAL CONTROLS**

**Section 3.1. Internal Controls**

- A. Each Sports Betting Operator shall formulate in writing a complete set of internal controls that adheres to these Regulations. The internal controls shall be designed to ensure that:

- 1) Public confidence in the safety, accuracy, integrity and fairness of the Sports Betting are maintained;
  - 2) The assets of the operation are safeguarded;
  - 3) The operator's accounting complies with generally accepted accounting principles;
  - 4) Transactions are carried out only in accordance with the general or specific authorization of management;
  - 5) Transactions are appropriately recorded to allow for proper accounting of Sports Betting income and rights and accountability for assets;
  - 6) Access to assets is permitted only with specific authorization from management;
  - 7) Asset accountability records are compared with existing assets at reasonable periods and appropriate action is taken in the event of any discrepancies;  
and
  - 8) Functions, duties and responsibilities are appropriately separated, always maintaining competent and qualified personnel, in accordance with integrity practices.
- B. The new operators will formulate their internal controls in writing and will present them to the Commission no later than thirty (30) days before the start of the operations. The Commission may reduce the period of thirty (30) days if the operator submits a written request to the Commission.
- C. The Commission will examine each set of internal controls presented to it and determine whether it meets the requirements of this Regulation. If the Commission

finds any deficiencies, it will inform the operator in writing and the operator will make the appropriate changes. When the Commission determines that the internal controls meets the minimum standards, it will notify the operator in writing. No operator may operate Sports Betting before the Commission has approved its internal controls, unless the Commission authorizes it in writing.

- D. Every operator must submit to the Commission any change to its internal controls at least ten (10) days before the change takes effect, unless the Commission instructs it in writing to do otherwise. The Commission will determine whether or not to approve the changes and will notify the operator of its decision in writing. No operator will modify its internal controls if the changes have not been approved before, unless the Commission orders it in writing to do otherwise. However, the determination of the Commission regarding any change presented to it will be made no later than thirty (30) days after receiving notification of said change.
- E. Notwithstanding what is described in paragraph (D) above, the operators may implement any internal control measure, prior to requiring the authorization of the Commission, when due to extraordinary situations it is necessary to guarantee compliance with paragraph (A) above and will notify the Commission of the measure taken immediately, along with the reasons that required its immediate implementation prior to the Commission's authorization. The Commission will determine, within a term of thirty (30) days from notification, if the measure should be modified in any way and will notify the operator of its decision in writing.
- F. The operator must specify in their internal controls which functions (if any) are performed by a service provider. The operator remains responsible for the proper

design and operational effectiveness of all required internal controls, regardless of who is performing the function.

- G. The Commission may develop and publish Minimum Internal Control Standards (MICS) necessary to address the requirements established in the law and these regulations. The operator's internal controls shall address all topics covered in the MICS.

### **Section 3.2. Content of Internal Controls**

The operator's set of internal controls must:

- A. Establish and maintain a list of Sports Events and Special Events on which Sports Betting may be offered
- B. Establish procedures and security standards for:
  - 1) The recordation of wagers, winnings, and revenue and taxation.
  - 2) The maintenance of Sports Betting Systems and associated equipment used in connection with the conduct of Sports Betting.
- C. Describe how the operator will segregate player funds from operational funds.
- D. Establish procedures to be utilized by the operator:
  - 1) In the event of a malfunction of equipment used in the conduct of Sports Betting.
  - 2) To prevent minors or Prohibited Players from Sports Betting.
- E. Describe the measures used to determine the true identity, date of birth, and address of each player seeking to open an account
- F. Describe how the operator will accept wagers within the permitted boundary.

- G. Establish standards and measures used to maintain Wagering Equipment at the Authorized Location.
- H. Include reasonable processes to:
  - 1) Prevent unauthorized withdrawals from a player accounts by the Operator or others.
  - 2) Cooperate with the Mental Health and Addiction Prevention Services Authority (ASSMCA) to create and establish controls to identify compulsive play and aid problem gamers.
  - 3) Implement and enforce of self-limitations and self-exclusions requested by players.
  - 4) Monitor player accounts to prevent misuse
  - 5) Detect and prevent of misuse of proxy servers;
  - 6) Control wagering periods.
  - 7) Assure and document the integrity of results during the in-play wager offering. Indicative areas for consideration are time delay, sources for results, reversal of results, etc.
- I. Establish procedures to provide prompt Commission access to all records relating to player identity, age and location in hard-copy or standard electronic format acceptable to the Commission.
- J. Establish, for each of the above, the threshold level at which a variance must be reviewed and documented to determine the cause.

### **Section 3.3. Financial and Compliance Auditing**

The operator must hire third-parties to carry out independent annual audits, in compliance with the Law and these Regulations. No later than 270 days from the end date of the operator's fiscal year, the operator shall submit a full and complete copy of the audit of the operator's total Sports Betting operations, unless the Commission has granted an extension to the operator who has requested it. This audit shall include two components, a financial audit and a compliance audit as described below. Additional audit specifications and requirements may be specified by the Commission through the issuance of MICS. The financial audit and compliance audit may be completed by two different third-parties.

**A. Financial Audit**

The operator shall submit a financial audit of the operator's financial operations and handling of player accounts and funds, prepared by an independent certified public accountant, registered or licensed in Puerto Rico, or another jurisdiction in the United States, in good standing, consistent with the attestation standards established by the American Institute of Certified Public Accountants or the rules of the Securities and Exchange Commission, or both, to the extent applicable, pursuant to the Law and meet the following conditions:

- 1) Inclusion of an audited balance sheet, and audited profit-and-loss statement including a breakdown of expenditures and subsidiaries of Sports Betting activities.
- 2) Inclusion of a supplement schedule indicating financial activities on a calendar-year basis if the operator's fiscal year does not correspond to the calendar year
- 3) Report of any material errors, irregularities that may be discovered during



the audit, or notice of any audit adjustments.

- 4) Availability, upon request, of an engagement letter for the audit between the operator and the auditing firm.

**B. Compliance Audit**

The operator shall submit a compliance audit of their internal control procedures to verify compliance with the Sports Betting Procedures and Practices of these Regulations, as well as to the Law and any other requirements provided by the Commission in the form of MICS.

- 1) Such independent audits may be conducted by the Commission, or a Commission approved third-party auditor. The Commission may, in its discretion, allow for an internal audit function within the operator or parent company of the operator, which is independent of the Sports Betting operation, to serve as a third-party auditor for use in completing this audit.
- 2) The Commission, or third-party auditor shall be responsible for auditing the operator's compliance with the Law and these Regulations, including those standards adopted in appendix A of GLI-33, the internal control system, and any other applicable rules and regulations.
- 3) Documentation, including checklist, programs, reports, corrective actions, and other items, shall be prepared to evidence all compliance audit work performed as it relates to the requirements of this section, including all instances of noncompliance.
- 4) Compliance audit reports shall include objectives, procedures and scope, findings and conclusions, and recommendations.

- 5) Compliance audit findings shall be reported to management. Management shall be required to respond to the compliance audit findings and the stated corrective measures to be taken to avoid recurrence of the audit exception. Such management responses shall be included in the final independent audit report.
- 6) Follow-up observation and examinations shall be performed to verify that corrective action has been taken regarding all instances of noncompliance cited by the compliance audits, or by the Commission. The verification shall be performed within six (6) months following the date of notification.
- 7) Where approved by the Commission, it is acceptable to leverage the results of prior audits conducted within the audit period by the same third-party auditor in another jurisdiction offering Sports Betting. Such leveraging shall be noted in the audit report. This leveraging does not include any internal control procedures unique to the commonwealth, which will require new audits.

**Section 3.4. Maintenance and Preservation of Books, Records and Documents**

- A. The operator shall keep its books, records and documents of Sports Betting operations so as to clearly show the revenues for Sports Betting subject to tax. For purposes of this Section, "books, records and documents" shall:
  - 1) Be defined as any book, record or document related to, prepared in or produced by the operation of the Sports Betting, regardless of the medium

in which the record is produced or maintained (paper, computer-generated, magnetic media, etc.).

- 2) Include, but not be limited to, any form, report, record accounting, general ledger, auxiliary ledger, computer-created information, correspondence and personnel log.
- 3) Not include copies of originals, except if these copies include original comments or annotations or parts of original forms that have several parts.

B. The following original books, records and documents shall be retained by a Sports Betting operation for a minimum of five (5) years:

- 1) Sports Betting reports;
- 2) Documentation supporting the calculation of revenue received from Sports Betting;
- 3) Internal audit documentation and reports;
- 4) All other books, records and documents pertaining to the conduct of Sports Betting that contain original signature(s) attesting to the accuracy of the Sports Betting transaction.

C. Unless otherwise specified in this part, all other books, records, and documents shall be retained until such time as the accounting records have been audited by the Sports Betting operation's independent certified public accountants, registered or licensed in Puerto Rico, or another jurisdiction in the United States, in good standing. The term independent as used in this rule is consistent with definitions set forth by the American Institute of Certified Public Accountants or the rules of the Securities and Exchange Commission, or both, to the extent applicable.

- D. The books, records and documents kept by the operator as provided by this section are presumed to be confidential and not subject to public disclosure unless otherwise ordered by a court of competent jurisdiction.
- E. The records of the Commission shall be governed by these provisions, provided that, in addition to records that may be kept confidential, the following records provided by the operator to the Commission shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:
- 1) Player records.
  - 2) Security reports and network audits.
  - 3) Internal control and compliance records.
  - 4) Employee records.
  - 5) Marketing expenses.
  - 6) Supplemental schedules to the certified audit, except for those books and records as described in subsection A of this section, that are obtained by the Commission in connection with the annual audit.
  - 7) Any information specifically requested for inspection by the Commission or a representative of the Commission.
- F. All information required by this section to be recorded shall be recorded in a permanent form.
- G. The operator has the responsibility to comply with all other record keeping requirements imposed by local and federal laws and regulations, regarding the preservation of books, records and documents. Nothing herein shall be construed

as an exemption to the operator to satisfy any other obligation to prepare and maintain books, records and documents as required by other entities of the local or federal government.

## **ARTICLE 4 ADVERTISING**

### **Section 4.1. Advertising in General**

- A. The provisions of Articles 1 through 4 of Law No. 96 of May 16, 2006, as amended, shall apply to Sports Betting.
- B. The Commission may, at its sole discretion, run advertisements and carry out advertising and marketing campaigns within the jurisdiction of Puerto Rico and abroad, for the purpose of promoting the Puerto Rico Sports Betting operations. For the purposes of these regulations, advertising and marketing includes, among other media: radio and television ads, print, direct mail, social media, billboards and Internet promotions.
- C. The advertising and marketing strategy employed by the Operator shall
  - 1. Comply with the Federal Trade Commission, Guides Concerning Use of Endorsements and Testimonials in Advertising, compiled in 16 CFR § 255; and
  - 2. Make it clear that sports betting participation is an entertainment activity only for adults who can maintain healthy and responsible play behavior.
- D. The operator is prohibited from utilizing any advertising and marketing strategy contrary to these principles.
- E. Advertising shall not be included on the operator's player protection page.

**Section 4.2. Direct Marketing and Promotional Messages**

Direct marketing and promotional messages will respect user privacy and comply with all applicable legal privacy requirements including those governing consent. The operator shall provide “unsubscribe” functionality for players to opt out of future direct marketing and promotional messages.

**Section 4.3. No Depiction of Minors**

Advertisements shall not depict:

- A. Cartoon characters that appeal primarily to Minors;
- B. Minors (other than collegiate or professional athletes or participants in events upon which sports betting is authorized, who may be Minors);
- C. Students of educational institutions of primary, intermediate and secondary levels, except as provided in subsection (B) above;
- D. Educational institutions of primary, intermediate and secondary levels; or
- E. Settings of educational institutions of primary, intermediate and secondary levels, provided, however, that incidental depiction of non-featured minors (*e.g.*, as a face in a crowd) will not be a violation of this regulation.

**Section 4.4. Endorsement Restrictions**

Advertisements shall not state or imply endorsement or engagement by:

- A. Minors (other than collegiate or professional athletes or participants in events upon which sports betting is authorized, who may be minors);
- B. Athletes or participants of events sponsored by educational institutions of primary,

intermediate and secondary levels;

- C. Educational institutions of primary, intermediate and secondary levels; or
- D. Athletic associations of educational institutions of primary, intermediate and secondary levels.

#### **Section 4.5. Advertisements to Include Information to Promote Responsible Play**

Advertisements shall, where feasible, clearly and conspicuously disclose information concerning assistance available to problem gamers, including information directing problem gamers to reputable resources containing further information. Such information shall be available free of charge and shall include Addiction and Mental Health Services Administration (ASSMCA) helpline number or equivalent services that persons may use to seek assistance. In addition:

- A. All messages placed in digital media, including Internet and mobile sites, emails, text messages, social networks and downloadable content must provide information concerning resources for problem gamers.
- B. When information concerning resources for problem gamers cannot be presented in the advertisement itself, the information shall be clearly and conspicuously disclosed on the website to which the advertisement directs players, and be visible before the player is directed to establish an account, otherwise register with the operator, or log-in to an existing account.

#### **Section 4.6. Content of Advertisements**

Advertisements shall strictly comply with all local and federal standards to make no false or misleading claims or create a suggestion that the probabilities of winning or losing by participating, are different than those actually experienced. In addition, advertisements for Sports Betting shall not:

- A. Be designed to appeal primarily to minors
- B. Make representations about average winnings that are not accurate and capable of substantiation at the time the representation is made.
- C. Consist of indecent or offensive graphics and/or audio as determined by the Commission;
- D. Contain content that contradicts the wagering rules or terms and conditions of the operation;
- E. Suggest that social, financial or personal success is guaranteed by engaging in Sports Betting;
- F. Imply or suggest any illegal activity of any kind; or
- G. Promote compulsive play or excessive participation in Sports Betting.

#### **Section 4.7. Restriction on Direct Marketing**

The operator shall take all reasonable steps to prevent marketing sports betting by phone or email, or by knowingly directing any form of individually targeted advertisement or marketing material to Prohibited Players

#### **Section 4.8. No Advertising or Promotions at Prohibited Locations**



The operator shall take all reasonable steps to ensure that Sports Betting shall not be promoted or advertised:

- A. At any location within less than one hundred (100) meters from a school, religious center, or public or private rehabilitation site for addicts of controlled substances or alcoholic beverages, unless the location consents in writing to the Commission.
- B. At Amateur Sports Events or Special Events held at educational institutions of primary, intermediate and secondary levels, including events held at venues not primarily used for these events; provided, however, if permanent or semi-permanently placed advertisements in such venues cannot reasonably be removed or covered, the operator shall not be in violation of this regulation
- C. In published media or through news assets (e.g., print, radio or television broadcasts, Internet and mobile applications) in Puerto Rico that are aimed exclusively at minors or are owned by educational institutions of primary, intermediate and secondary levels or advertised on educational institutions of primary, intermediate and secondary levels.
- D. At or in any other locations prohibited by local or federal law.

**Section 4.9. Advertisement Retention**

The operator shall retain copies of all advertisements for at least four years from the date of the last use of that advertisement and shall retain records sufficient to identify where such advertisements were placed. To the extent that an advertisement cannot be maintained in its original form (e.g., billboards), the advertising copy shall be retained.

## ARTICLE 5 SPORTS BETTING OPERATIONS

### Section 5.1. Authorized Sports Betting

- A. Sports Betting is authorized on Sports Events from any professional sport or, any college or university sports event, any Olympic or international event, or any part thereof, from any sports team that plays in a championship, tournament, cup, league or season. In addition, Sports Betting is authorized on Special Events, such as those from electronic game leagues such as Esports.
- 1) Esports are organized video game competition events in which individual competitors, from different leagues or teams compete against each other in popular games in the video game industry.
  - 2) Esports include the following types of games:
    - a) Real-time strategy
    - b) Fighting
    - c) Shooting or First-Person Shooter (FPS)
    - d) Multiplayer Online Battle Arena (MOBA)
  - 3) Electronic sports games (such as soccer, basketball, tennis, hockey, volleyball, etc.) are permitted within Esports competitions. Additionally, different products within the electronic sports category can be used, such as FIFA, PES, Motorsports, NBA2K, etc.
  - 4) These competitions range from a two-person match-up to team competitions.
  - 5) Esports also includes any game that the Commission determines is compatible with those expressed in this gaming authorization, in the public

interest, and is suitable for use, including, in addition, provided that the tournaments have been endorsed by the Commission:

- a) Gaming Tournaments: Participants compete with each other in one or more authorized games, face-to-face or through the internet.
- b) Skill Based Gaming: Games that involve skill or combine chance with player skill
- c) Peer-to-Peer Gaming: Two participants play against each other and compete through an intermediary, who pays the winner and collects a takeout or fee.

B. Wagers may not be accepted or paid by the operator on:

- 1) Any Sports Events or Special Events which:
  - a) Are of educational institutions of primary, intermediate and secondary levels or whose athletes or participants are predominantly minors. For purposes of this regulation, “predominantly” means greater than fifty percent (50%)
  - b) Are offensive, distasteful, unsavory or cause affront to normal public standards, including, but not limited to events involving:
    - i. The death of a living person or animal other than in cockfighting held in accordance with the Puerto Rico Rooster Law of the New Millennium;
    - ii. Criminal conduct or appears to induce criminal conduct;
    - iii. A risk of inciting an individual to breach the rules of a Sports Governing Body or equivalent; or

- iv. Discriminatory or derogatory inferences against race, religion, ethnicity, gender or sexuality.
  - c) Threaten the dignity of people, the right to honor, personal and family privacy and image; or
  - d) Are against the rights of minors or any constitutionally recognized right or freedom.
- 2) Any Sports Events or Special Events in which.
- a) The event is not adequately supervised;
  - b) The outcome of the event is not verifiable;
  - c) The outcome of the event is not generated by a reliable and independent process;
  - d) The outcome of the event is likely to be affected by any Sports Betting;
  - e) The event is not conducted in compliance with any applicable laws;
- 3) Any Special Events whose outcome cannot be resolved within thirty (30) days of commencement
- 4) Any Esports event or tournament that:
- a) Is not sanctioned by a Sports Governing Body or equivalent as an electronic competition; or
  - b) Has not been endorsed by the Commission pursuant to the procedures set forth in subsection (D) of this section.
- 5) Any virtual event unless

- a) A Random Number Generator (RNG), certified by an Independent Testing Laboratory, is used to determine the outcome(s);
  - b) A visualization of the virtual event is offered to all players which displays an accurate representation of the outcome(s) of the virtual event; and
  - c) The virtual event is approved pursuant to the procedures set forth in subsection (D) of this section;
- 6) Any horse racing events regulated in Law No. 83 of July 2, 1987, according to an amendment, known as the Puerto Rico Horse Racing and Equestrian Law
  - 7) Any Special Event, unless such event is approved pursuant to the procedures set forth in subsection (D) of this section; and
  - 8) Any other event which has been prohibited by the Commission
- C. The Authorized Sports Events and Special Events, Leagues and Wagers list shall be made publicly available.
- D. For items not on this list, the operator shall submit proposed wagering rules to the Executive Director prior to conducting a new type of Sports Betting. The wager type submission shall be in writing and approved by the Executive Director prior to implementation. The Executive Director shall approve, deny, or request further information within fourteen days of submission. If the Executive Director takes no action within that period, the operator may offer the requested wager type unless the Executive Director issues a subsequent disapproval. Once a wager type is approved, the wager type is available for all operators unless the wager type is

subsequently disapproved by the Executive Director for any reason the Commission deems appropriate.

- E. Except as otherwise provided in this subsection, any new type of Sports Betting shall not be approved unless the Commission has acknowledged evidence of appropriate policies and procedures of the Sports Governing Body or equivalent to monitor the integrity of the athletes or participants, or independent integrity monitoring of the underlying Sports Event or Special Event upon which the new type of Sports Betting is based.

**Section 5.2. Systems and Components used for Sports Betting**

**A. System Evaluation**

Prior to conducting sports betting in Puerto Rico, and annually thereafter, the Sports Betting Operator and/or Technology Platform Provider shall obtain a certification for the Sports Betting System and its components from an independent testing laboratory.

- 1) The independent testing laboratory shall certify that the Sports Betting System and its components are in compliance with the GLI-33 Standards for Event Wagering Systems, these Regulations, as well as to the Law and any other requirements provided by the Commission in the form of MICS.
- 2) The Operator and/or Provider shall submit Change Management Program (CMP) processes to the Commission for approval which detail evaluation procedures for identifying the criticality of updates and determining the

updates that must be submitted to the approved independent testing laboratory for review and certification. These CMP processes must be

- a) Developed in accordance with, the latest version of the GLI-CMP Change Management Program Guide; and
  - b) Certified prior to its deployment and audited at an annual interval by the independent testing laboratory.
- 3) At least once annually, each product operating under the certified CMP processes must be fully certified to the specifications set forth in these rules and other technical specifications as prescribed by the Commission and accompanied by formal certification documentation from the independent testing laboratory. The Operator and/or Provider shall be allowed to seek approval for extension beyond the annual approval if hardship can be demonstrated. Granting of a hardship waiver is the sole discretion of the Commission.
- 4) The Operator and/or Provider shall incur all costs associated with the evaluation of the Sports Betting System and its components. Failure to incur these costs may be grounds for administrative action by the Commission.

**B. System Security**

The Operator and/or Provider shall comply with all applicable local and federal requirements for system security and shall implement, maintain, and comply with procedures, protocols, and security measures required by the Commission, including such requirements issued in the form of MICS.

- 1) The Operator and/or Provider must provide the Commission with information on the hosting center(s) or other secure location(s) of the Sports Betting System and its components (servers and other equipment) other involved in the Sports Betting Operation, with each hosting center or secure location selected authorized by the Commission. Unless otherwise authorized by the Commission, the hosting centers or secure locations must:
  - a) For hosting primary servers or other equipment responsible for the acceptance of wagers, be located in the Commonwealth.
  - b) Comply with the security standards identified by the Commission, in accordance with the standards or parameters acceptable by the industry and regulatory entities throughout the United States; and
  - c) Be organized in a manner that promotes optimal security for Sports Betting and for all parties involved in the industry.
- 2) Nothing in this subsection precludes the use of internet or cloud-based hosting of duplicate data, or data not related to transactional data. The commission may approve of the use of internet or cloud-based hosting of duplicate data, or data not related to transactional data upon written request by the Operator and/or Provider.
- 3) The Operator and/or Provider shall establish procedures to handle violations of system security, which may include security incidents, unusual transactions, system failures, loss of service, breaches of confidentiality, and malicious intrusion. Such procedures shall address:
  - a) Analysis and cause of the violations of system security;



- b) Containment;
  - c) Planning and implementation of corrective action to prevent recurrence;
  - d) Communication with players affected by or involved with recovery from the violations of system security; and
  - e) Reporting of the action to the Commission.
- 4) Action to recover from violations of system security and correct system failures shall be carefully and formally controlled. The procedures shall ensure the following:
- a) Only clearly identified and authorized personnel are allowed access to live systems and data.
  - b) Emergency actions taken are documented in detail.
  - c) Emergency action is reported to management and reviewed in an orderly manner.
  - d) The integrity of the Sports Betting System and its components are confirmed with minimal delay.
  - e) Reporting of the action to the Commission.

**C. Cybersecurity Program**

The Operator and/or Provider shall establish a cybersecurity program designed to ensure the confidentiality, integrity and availability of systems and components that perform cybersecurity functions. Functions include identification of cyber risks; implementation of policies and procedures to protect unauthorized access or use or other malicious acts; detection of cybersecurity events; responsiveness to identified

cybersecurity events to mitigate any negative events and recovery from cybersecurity events and restoration of normal operation and services.

**D. System Integrity and Security Risk Assessment**

A system integrity and security risk assessment shall be performed annually on the Sports Betting System and its components to verify compliance with the Technical Security Controls of GLI-33, the Law and these Regulations.

- 1) The system integrity and security risk assessment shall be conducted within ninety (90) days, after becoming operational and no later than ninety (90) days after the start of the operator's fiscal year.
- 2) The scope of the system integrity and security assessment is subject to approval of the Commission and must include, at a minimum, all of the following:
  - a) A vulnerability assessment of digital platforms, mobile applications, internal, external, and wireless networks with the intent of identifying vulnerabilities of all devices, the Sports Betting Systems, and applications transferring, storing, and/or processing Personally identifiable information (PII) and/or other sensitive information connected to or present on the networks.
  - b) A penetration test of all digital platforms, mobile applications, internal, external, and wireless networks to confirm if identified vulnerabilities of all devices, the Sports Betting Systems, and applications are susceptible to compromise.
  - c) A review of the firewall rules to verify the operating condition of

- the firewall and the effectiveness of its security configuration and rule sets performed on all the perimeter firewalls and the internal firewalls;
- d) A technical security control assessment against the provisions adopted in Appendix B of GLI-33 and these rules with generally accepted professional standards and as approved by the Commission;
  - e) An evaluation of information security services, cloud services, payment services (financial institutions, payment processors, etc.), location services, and any other services which may be offered directly by the Operator or involve the use of third-party service providers against the provisions adopted in these rules; and
  - f) Any other specific criteria or standards for the system integrity and security assessment as prescribed by the Commission.
- 3) Results from the risk assessment shall be submitted to the operator and/or Commission no later than thirty (30) days after the assessment is conducted, which shall include:
- a) Scope of review;
  - b) Name and company affiliation of the individual(s) who conducted the assessment;
  - c) The date of the assessment;
  - d) Findings;
  - e) Recommended corrective action, if applicable; and

- f) The operator's response to the findings and recommended corrective action.
- 4) The Executive Director will review the qualifications and experience of the independent professional organization who performs this assessment and determine whether to recognize that entity as an approved provider.

### **Section 5.3. Information Posting**

#### **A. Multiple Language Information**

The following principles must be followed where information available to the player (wagering rules, terms and conditions, privacy policy, etc.) is provided in different language versions:

- 1) Each language version of the same activity must provide the same odds/payouts and prices as the case may be;
- 2) Where one player may elect to participate in multiple different language versions of an activity, they must have the same likelihood of winning regardless of which language version they choose.
- 3) Each language version must be consistent with the information for that version,
- 4) All information must be provided in the language specified for that version, and
- 5) The information must carry the same meaning across all language versions so that no one version is advantaged or disadvantaged.

- 6) It will not be mandatory for the common Sports Betting terms used internationally to be translated.

**B. Available Wagering Information**

- 1) The Operator shall make available in written form in conspicuous locations and on display devices within view of the public in the Authorized Location and on the Mobile App or Site without the need for placing a wager, the following information
  - a) Information regarding the Sports Events and Special Events available for wagering, including:
    - i. A description of the eligible specific sports, races, games, matches, or contests on which Sports Betting will be allowed;
    - ii. Types of wagers eligible to be made for an event; and
    - iii. A list of eligible athletes or participants for selection.
  - b) Current odds/payouts and prices for available Sports Events and Special Events, including the accurate and timely update of odds/payouts and prices for in-play wagers; and
- 2) All times shown are Atlantic Standard Time (AST) unless otherwise stated
- 3) The wager amounts, prizes, and player account balances shall be displayed as currency, except when in terms of bonus or promotional credits. Bonus or promotional credits appear as restricted player funds in the Player Account and may be used to participate as described in the specific rules for the particular bonus or promotion.

- 4) This information shall be displayed as accurately as possible within the constraints of communication delays and latencies.

**C. Wagering Rules**

- 1) Wagering Rules refers to any written, graphical, and auditory information provided to the public regarding Sports Betting operations.
  - a) Wagering rules shall be complete, unambiguous, and not misleading or unfair to the player.
  - b) Wagering rules that are presented aurally (via sound or voice) shall also be displayed in written form.
  - c) Wagering rules shall be rendered in a color that contrasts with the background color to ensure that all information is clearly visible/readable.
- 2) The operator shall adopt and adhere to comprehensive wagering rules which shall be approved by the Commission before the commencement of operations and shall contain the following:
  - a) The method of funding a player account, including a clear and concise explanation of all fees (if applicable);
  - b) As allowed by the Commission, any prizes and awards offered to winning players in the form of merchandise, annuities, lump sum payments, or payment plans instead of cash prizes for each event that is offering such a prize;

- c) The procedures by which any unrecoverable malfunctions of hardware/software are addressed including if this process results in the voiding or cancelling of any wagers or events
- d) The procedures to deal with interruptions caused by the discontinuity of data flow from the network server during an event
- e) Rules of participation, including all wagering eligibility and scoring criteria, available events and wagers, wager amounts, line postings, all advertised awards, and the effect of schedule changes;
- f) Payout information and prize structure, including all possible winning positions, rankings, and achievements, along with their corresponding prizes, for any available wagering option
- g) Whether the odds/payouts are locked-in at the time of the wager, or if the odds/payouts may change dynamically prior to the commencement of the event
- h) For types of wagers where the odds/payouts are fixed at the time the wager is placed, any situations where the odds/payouts may be adjusted such as atypical winning outcomes (e.g., dead heats), cancelled legs of wagers with multiple events (e.g., parlays), and prorating;
- i) For types of wagers where individual wagers are gathered into pools, the rules for dividend calculation including the prevailing formula for pool allocations and the stipulations of the event being wagered upon as approved by the Commission;

- j) A statement specifying the rights reserved by the operator;
  - k) How a winning entry is determined and the handling of an award in any case where a tie is possible;
  - l) A method for the calculation and payment of winning wagers;
  - m) The treatment of errors, late wagers and related contingencies;
  - n) The method of notifying players of odds/payouts changes;
  - o) The payment of winning wagers, including the redemption period and the method for calculation. Where the calculation of payouts may involve rounding, information on how these circumstances are handled shall clearly explain rounding up, down (truncation), true rounding, and rounding to what level (e.g., 5 cents).
- 3) The wagering rules for the Sports Events and Special Events currently offered shall be conspicuously displayed or readily available in the Authorized Location and posted on the Operator's Mobile App or Site.
  - 4) The Operator shall maintain at its Authorized Location or some other area accessible to players, a printed copy of the complete text of the wagering rules for all authorized Sports Betting and all other information required to be made available to the public.
  - 5) Copies of this information shall be made readily available, upon request, to players, the Commission, and the Puerto Rico Police:

**D. Free Play Mode**

The operator may offer free play mode, which allow players to participate in Sports Betting without paying. Free play must not be available to the player without first



signing into an account. Free play shall have the same prohibition of participation by minors. Free play shall provide the same responsible play information as paid wagering. Wagers, which may be paid with credits received from a bonus or promotional offer are not considered free play.

**E. Bonus or Promotional Offers**

The operator shall fully and accurately disclose the material terms of all bonus or promotional offers at the time such offers are advertised and provide full disclosures of the terms of and limitations on the offer before the player provides anything of value in exchange for the offer. If the material terms of a bonus or promotional offer cannot be fully and accurately disclosed within the constraints of a particular advertising medium (*e.g.*, on a billboard), the promotional offer may not be advertised in that medium. However, digital advertisements may satisfy the requirements of this section by providing a link to a website with the material terms of the bonus or promotional offer being advertised. Bonus or promotional offers require Commission approval and must include the following:

- 1) The rules of play;
- 2) The nature and value of the associated prize(s) or award(s);
- 3) Any restrictions or limitations on eligibility;
- 4) The date(s), time(s), and location(s) the associated bonus or promotional activity or activities are presented, is active, and expires;
- 5) Participation requirements and limitations by type of wager, or by type of event, or when other specific conditions apply.
- 6) Any other restrictions or limitations, including any related to the claim of

- prizes, cash awards, or withdrawal of funds;
- 7) How the player is notified when they have won
- 8) The announcement date(s), time(s), and location(s) for the winnings;
- 9) The order in which funds are used for wagers;
- 10) Rules regarding cancellation; and
- 11) Rules governing bonus or promotional offers offered across multiple operators, third-party sponsored offers, and joint offers involving third-parties.

**Section 5.4. Placement of Wagers**

All wagers shall be initiated, received, and otherwise made within the Commonwealth based on the physical location of the player at the moment of placement. The intermediate routing of electronic data related to a wager, shall not determine the location or locations in which such wager is initiated, received, or otherwise made.

- A. The method of placing a wager shall be straightforward, with all selections being clearly obvious to a typical player.
- B. Players shall have the ability to select the Sports Event or Special Event in which they want to place a wager on. According to the organization and distribution of the sums wagered, wagering may be one of the following types:
  - 1) Straight or Fixed Odds Wagers: Wager types where the payout is to be fixed at the time the wager is placed. If the predictions are correct, the odds are first multiplied by each other and then by the amount of the wager.

- 2) Pari-Mutual Wagers: Wager types where individual wagers are gathered into a pool. The winnings are calculated by sharing the pool among all winning wagers, subtracting the takeout or fees established by the operator.
  - 3) Crossed or Exchange Wagers: Wager types where an operator acts as the intermediary and guarantor of the amounts wagered between third parties, subtracting the takeout or fees established by the operator.
- C. At the time of wagering, the player must place a wager in cash, cash equivalent, vouchers, promotional funds, or player account funds and may be conducted from a Kiosk, a Ticket Writer Station or other window locations located in the Authorized Location, or through the use of a Mobile App or Site as approved by the Commission.
- D. The object of the wager is to make a correct prediction on the result of one or more indicated events. According to their contents, wagers may be:
- 1) Simple Wager: A single wager that is placed on a single result of a single event.
  - 2) Multiple or Combined Wager: A single wager that links together two or more simple wagers and is dependent on all of those wagers winning together.
- E. The player shall have an opportunity to review and confirm the options selected for a particular wager before the wager is submitted. This does not preclude the use of “single-click” wagering where opted in by the player.
- F. No player may place a wager if the amount for that wager is greater than the current balance of the player’s account or the other currently available funds of the player.

- G. There shall be a clear indication provided to the player that a wager has been accepted.
- H. A confirmation containing details of the wager shall be provided to the player.
- I. The player's account balance or the other currently available funds of the player is to be debited by the amount of the wager once the wager is submitted.
- J. Where allowed by the Commission and offered by the operator, the player may perform a "cash-out" or redemption of their wager for an adjusted payout before event conclusion. Such adjusted payout shall be made known to the player prior to them choosing this option

#### **Section 5.5. Wagering Periods**

Internal Controls shall be in place to provide how the wagering period is controlled. This would include any cases where the wagering period is first opened, when it is closed, or any other time in between where a wager is unable to be placed (e.g., odds/payouts and prices are being updated). As of the time a wagering period closes, no further wagers shall be accepted in connection with that Sports Event or Special Event.

#### **Section 5.6. Wager Results and Winning Wager Payment**

- A. The player must be able to view the results of their wagers of any completed Sports Event or Special Event, once they have been confirmed.
  - 1) For wagers on virtual events, a visualization of the virtual event shall be made available to the player which displays an accurate representation of

- the outcome(s) of the virtual event as it's determined by a Random Number Generator (RNG).
- 2) Players must be able to view any change of results, due to statistical data corrections
- B. The determination of prize values is done according to
- 1) For fixed odds wagering, the multiplication of the wager amount by the odds/payout multiplier defined in the wagering rules.
  - 2) For pari-mutuel wagering, the application of a percentage of the total amount of the wagers placed on that event.
  - 3) For exchange wagering, the matching of one or more wager offers and one or more counter-bet offers made by players, where the prize is the event's total gross income after subtracting the takeout or fees established by the operator and defined in the wagering rules.
- C. Once the results of the event are entered and confirmed, the player may receive payment for their winning wagers either by having the prize credited to their account, or by redeeming a winning wager ticket. This does not preclude the ability for the player to perform a redemption for an adjusted payout before event conclusion as mentioned in subsection (A).
- D. Players with winning wagers associated with their player account shall have the prize deposited into their player account or be paid by other means approved by the Executive Director within 48 hours from the end of the event. If the prize is unable to be placed in a player account, such prize must then be handled in accordance with procedures identified in the internal controls.

- E. The operator may refuse to award a prize to a player upon a good-faith determination, following reasonable investigation, that the player misrepresented their identity or location in order to place a wager, provided, however, that such prize must then be handled in accordance with procedures identified in the internal controls.

### **Section 5.7. Wagering at an Authorized Location**

#### **A. Wager Ticket and Voucher Functionality on the Sports Betting System**

Where such functionality is supported, the Sports Betting System must perform the following functions:

- 1) Validate the type and format of all data entered in essential fields of each wager ticket or voucher and reject all corrupted data.
- 2) Process wager ticket and voucher issuance and redemption correctly according to the secure communication protocol implemented
- 3) Allow the automatic and independent recording of essential data when generating and redeeming wager tickets or vouchers, including the details that must be included on a wager ticket or voucher in accordance with the provisions of this section.
- 4) Use a suitable encryption system for the transmission of vital data, such as:
  - a) Transmissions that include a unique wager ID or a unique voucher ID.
  - b) Communication information from the ticket writer or kiosk.

- c) Any other information used to calculate or verify Adjusted Gross Revenue.

**B. Issuance of Wager Tickets and Vouchers**

The design specifications for wager tickets and/or vouchers and the verification methodologies used must comply with the provisions of this section. Wager tickets and vouchers must be designed and have sufficient graphics or other security measures to allow, to the extent possible, proper verification.

- 1) For sports betting occurring at an Authorized Location, once a wager has been placed, the player will receive a wager ticket containing the following information.
  - a) The date and time the wager was placed
  - b) The date and time the event is expected to occur (if known);
  - c) Player selections involved in the wager:
    - i. Wager selection (e.g., each athlete or participant);
    - ii. Event and line postings (e.g., money line bet, point spreads, over/under amounts, etc.);
    - iii. Any special condition(s) applying to the wager;
  - d) Total amount wagered, including any promotional/bonus credits
  - e) Total amount of potential prize, including any promotional/bonus credits
  - f) Unique Kiosk ID, Ticket Writer Station ID, or user ID of employee which accepted the wager;
  - g) Unique wager ID.

- h) A barcode or similar symbol or marking, corresponding to the unique wager ID;
  - i) For a printed wager ticket, it is permissible for this information to be contained on the wager ticket stock itself, if not generated on the wager ticket:
    - i. The name of the Operator and/or Authorized Location
    - ii. Indication if the wager ticket is a “reprint”;
    - iii. The places where the wager ticket can be redeemed, as well as any restrictions on the redemption, such as redemption period of 90 days from the wager's outcome.
- 2) For redemption of winning wager tickets as well as other player funds (e.g. account withdrawals), the player may request a voucher from the Sports Betting System (including through Kiosks) that reflects all redeemed winning wager tickets or other player funds. The voucher shall include the following information
- a) The date and time of issuance
  - b) Unique Kiosk ID, Ticket Writer Station ID, or user ID of employee which issued the voucher;
  - c) The numeric amount of the voucher;
  - d) Unique voucher ID (and which for a printed voucher, must appear on the leading edge of the voucher).
  - e) A barcode or similar symbol or marking, corresponding to the unique voucher ID;



- f) If the voucher can be redeemed at a Kiosk
    - i. The alpha amount of the voucher;
    - ii. The voucher sequence number;
  - g) For a printed voucher, it is permissible for this information to be contained on the voucher stock itself, if not generated on the voucher:
    - i. The name of the Operator and/or Authorized Location
    - ii. Indication if the voucher is a “reprint”; and
    - iii. The places where the wager ticket can be redeemed, as well as any restrictions on the redemption, such as an expiration date of 90 days from the issue date
  - h) Type of transaction or other method of differentiating voucher types (assuming multiple voucher types are available). Additionally, it is strongly recommended that whenever the voucher type is itself a non-cashable item and/or just a receipt, that the voucher explicitly states that it has “no cash value” or other equivalent wording;
- 3) As supported, winning wager tickets and vouchers may be redeemed for payment or inserted in another kiosk and wagered, if applicable, during the specified time period.

**C. Winning Wager Ticket and Voucher Redemption**

The player may redeem a winning wager ticket or voucher at a Kiosk or Ticket Writer Station as supported.

- 1) Internal controls must be established, and procedures must be implemented to:
  - a) Verify the authenticity of each winning wager ticket or voucher redeemed.
  - b) If the winning wager ticket or voucher is valid, verify that the player is paid the appropriate amount.
  - c) Document the payment of a claim on a winning wager ticket or voucher that is not physically available or a winning wager ticket or voucher that cannot be validated such as a mutilated, expired, lost, or stolen voucher.
  - d) Retain payment documentation for reconciliation purposes.
- 2) Upon presentation of a winning wager ticket or voucher for redemption, the ticket writer or kiosk will use the system to verify the validity of the winning wager ticket or voucher by scanning the barcode of the wager ticket or voucher via an optical reader or equivalent, or by entering the unique wager ID or unique voucher ID manually. This information shall be communicated to the system, which will verify the authenticity of the winning wager ticket or voucher and the record of the unredeemed winning wager ticket or voucher to be verified by a source that records and maintains the transaction data separately, such as a transaction log or other compensation procedure approved by the Commission.

- 3) The system shall independently verify the authenticity of the winning wager ticket or voucher and communicate directly to the redeemer of the winning wager ticket or voucher
- 4) No funds are issued to the player prior to confirmation of the winning wager ticket or voucher validity.
- 5) For manual payment of a winning wager ticket or voucher in an amount established by management and approved by the Commission, require a supervisory employee to verify the validity of the winning wager ticket or voucher prior to payment.
- 6) If invalid, the redeemer of the winning wager ticket or voucher shall refuse payment to the player and notify a supervisor of the invalid condition. The supervisor shall resolve the dispute. The system shall have the ability to identify and provide a notification in the case of invalid or unredeemable winning wager tickets or vouchers for the following conditions:
  - a) Wager ticket is not a winner;
  - b) Winning wager ticket or voucher cannot be found on file (stale date, forgery, etc.);
  - c) Winning wager ticket or voucher has already been paid; or
  - d) The amount of winning wager ticket or voucher differs from amount on file (requirement can be met by display of winning wager ticket or voucher amount for confirmation during the redemption process).
- 7) If valid, the redeemer of the winning wager ticket or voucher pays the player the appropriate amount and the winning wager ticket or voucher is

electronically noted “paid” in the system. The “paid” voucher shall remain in the Ticket Writers’ bank for reconciliation purposes. The system shall electronically reconcile the Ticket Writer’s banks for the paid winning wager tickets or vouchers.

- 8) The system shall update the winning wager tickets or voucher status on the database during each phase of the redemption process accordingly. In other words, whenever the winning wager ticket or voucher status changes, the system shall update the database.

### **Section 5.8. Geolocation Requirements**

The operator must use technologically and commercially reasonable measures to determine the physical location of individuals when placing wagers. An Operator may use a third-party Location Service Provider (LSP) to provide the border control technology.

- A. The border control technology must incorporate a mechanism to detect methods used to circumvent location detection, following best practice security measures to:
  - 1) Detect and block location data fraud prior to placing wagers;
  - 2) Examine the IP Address upon each connection to a network on a specific computer or mobile device to ensure a known Virtual Private Network (VPN) or proxy service is not in use; and
  - 3) Monitor and flag for investigation any placing of wagers by a single Player Account from geographically inconsistent locations (e.g., participation locations were identified that would be impossible to travel between in the time reported).

- B. The operator shall implement and abide by protocols and procedures to ensure a player is not utilizing a known virtual private network (VPN), proxy server, spoofing, or other means to disguise their physical location or their computer or mobile device's physical location when placing wagers. The operator shall use, at a minimum:
- 1) Geolocation and geofencing techniques and capability; and
  - 2) Commercially reasonable standards for the detection and restriction of proxy servers, virtual private networks, spoofing, or other means of disguising one's location.
- C. The operator shall use commercially and technologically reasonable measures to prevent the use of proxy servers and deny placing wagers if a player is utilizing any means to disguise his identity or physical location or his computer or device's physical location or attempting to act as a proxy for another player in order to engage in Sports Betting.
- D. If the operator discovers a player utilizing any means to disguise their identity or physical location or their computer's or mobile device's physical location or acting as a proxy for another player, the operator shall immediately terminate the player's participation in any Sports Betting and follow protocols to restrict the player from future access and account privileges and shall maintain a record of all information, documentation, or evidence of such activity.
- E. The operator shall promptly notify the commission of any wagers made when the player was located in a prohibited location and shall provide the commission with all information, documentation, and other evidence of such activity.

- F. The operator shall take commercially and technologically reasonable measures to detect and prevent one player from acting as a proxy for another. Such measures shall include, without limitation, use of geolocation technologies to prevent simultaneous logins to a single account from geographically inconsistent locations.
- G. The operator should implement procedures to disable account access if the operator receives information that an account is being accessed from a location that indicates that there is a likelihood of unauthorized or improper access.
- H. The Commission may issue additional technical specifications for Location Detection and any specific requirements related to geolocation and may also issue such requirements in the form of MICS.

#### **Section 5.9. Data and Reporting**

##### **A. Data Retention**

Upon request, the Operator shall provide the Commission access to the data required to be maintained by this section.

- 1) The Operator's internal controls shall include the processes for maintaining the recorded transactional data information for a period of five (5) years, including, but not limited to:
  - a) Information sufficient to trace the deposits into and withdrawals out of a player's account for at least five (5) years from the date of deposit or withdrawal; and

- b) Data about the winner(s) of each wager and the amount of any prizes awarded to the winner(s) for at least five (5) years from the date of the Sports Event or Special Event.
- 2) The Operator shall provide a mechanism for the Commission to request in a format required by the Commission (e.g., CSV, XLS), all transactional data for the purposes of data analysis and auditing/verification.
  - 3) The following data shall be retained for each player account registration, as applicable:
    - a) Unique player ID and username (if different);
    - b) Personally identifiable information (PII) of the player, such as:
      - i. The information collected by the operator to register a player and create the account, including, the legal name, residential address, and date of birth;
      - ii. Encrypted PII, including the government identification number (social security number, taxpayer identification number, passport number, or equivalent), authentication credential (password, PIN, etc.), and personal financial information (debit instrument numbers, credit card numbers, bank account numbers, etc.);
    - c) The date and method of identity verification, including, where applicable, a description of the identification credential provided by a player to confirm their identity and its date of expiration;
    - d) The date of player agreement to the operator's terms and conditions

- and privacy policy;
  - e) Account details and current balance, including any promotional/bonus credits. All restricted promotional/bonus credits and promotional/bonus credits that have a possible expiration shall be maintained separately;
  - f) Previous accounts, if any, and reason for de-activation;
  - g) The date and method from which the account was registered (e.g., remote vs. on-site);
  - h) The date and time of account is accessed by any person (player or operator), including IP Address;
  - i) The current status of the player account (e.g., active, inactive, closed, excluded, etc.).
- 4) The following data shall be retained for each player account who has exclusions and/or limitations, as applicable:
- a) Unique player ID;
  - b) The date and time of the request;
  - c) Description and reason of exclusion/limitation;
  - d) Type of exclusion/limitation (e.g., involuntary exclusion, self-limitation on deposits per week, etc.);
  - e) The date exclusion/limitation commenced;
  - f) The date exclusion/limitation ended (blank if unknown);
- 5) The following data shall be retained for each player account's financial transactions, as applicable:



- a) Unique player ID;
  - b) Unique transaction ID;
  - c) Type of transaction (e.g., deposit, withdrawal, adjustment);
  - d) The date and time of the transaction;
  - e) Amount of transaction;
  - f) Total account balance before/after transaction;
  - g) Unique Kiosk ID, Ticket Writer Station ID, or user ID of employee which handled the transaction;
  - h) Transaction status (pending, complete, etc.);
  - i) Method of deposit/withdrawal;
  - j) Deposit authorization number;
  - k) Relevant location information;
  - l) For adjustments to the account, the reason for the adjustment;
- 6) The following data shall be retained for each player's wager on a Sports Event or Special Event, as applicable:
- a) Unique player ID;
  - b) Unique wager ID;
  - c) Unique event ID;
  - d) The date and time the wager was placed;
  - e) Player selections involved in the wager:
    - i. Wager selection (e.g., each athlete or participant);
    - ii. Event and line postings (e.g., money line bet, point spreads, over/under amounts, etc.);

- iii. Any special condition(s) applying to the wager;
  - f) Any event results related to determining the results of the wager (blank until confirmed);
  - g) The results of the wager (blank until confirmed);
  - h) Total amount wagered, including any promotional/bonus credits;
  - i) Total amount of potential prize, including any promotional/bonus credits;
  - j) Takeout or fees collected;
  - k) Relevant location information;
  - l) Unique Kiosk ID, Ticket Writer Station ID, or user ID of employee which accepted the wager, if assisting the player;
  - m) Redemption period;
  - n) The date and time the wager was redeemed
  - o) Total amount redeemed, including any promotional/bonus credits, if different than the value in subsection (i);
  - p) Unique Kiosk ID, Ticket Writer Station ID, or user ID of employee which redeemed the wager, if assisting the player;
  - q) Wager status (active, cancelled, unredeemed, pending, void, invalid, redemption in progress, redeemed, etc.);
- 7) The following data shall be retained for each Sports Event or Special Event, as applicable:
- a) Unique event ID;

- b) The type of event (e.g., NFL, NBA, MLB, NCAA by Sports Event, Special Event, etc.) and description
  - c) Event status (in progress, suspended, etc.);
  - d) The date and time that the event started or is scheduled to start;
  - e) The date and time that the event ended or is scheduled to end (blank if unknown);
  - f) The date and time the results were confirmed (blank until confirmed);
  - g) The number of wagers submitted;
  - h) The results of the event (blank until confirmed);
  - i) The total amount of wagers collected, including separate amounts for promotional/bonus credits
  - j) The total amount of winnings paid to players, including separate amounts for promotional/bonus credits and/or prizes
  - k) The total amount refunded from wagers voided or cancelled, including separate amounts for promotional/bonus credits
  - l) Total amount of takeout and fees collected from wagers
  - m) Other amounts and description of other amounts collected by the operator; and
  - n) Event status (in progress, suspended, complete, confirmed, etc.).
- 8) The following data shall be retained for each bonus or promotional offer, as applicable:
- a) Unique bonus or promotional offer ID;

- b) The date and time the bonus or promotional was made available;
  - c) Current balance for bonus or promotional awards;
  - d) Total amount of bonus or promotional awards issued;
  - e) Total amount of bonus or promotional awards redeemed;
  - f) Total amount of bonus or promotional awards expired;
  - g) Total amount of bonus or promotional award adjustments;
  - h) The current status of the bonus or promotional offer (active, disabled, decommissioned, etc.); and
  - i) The date and time the bonus or promotional offer was or is scheduled to be decommissioned (blank until known).
- 9) The following data shall be retained for each voucher issued at an Authorized Location, as applicable:
- a) Unique voucher ID, only the last four (4) digits may be displayed on all system menus, printed reports, and displays for all unpaid and unexpired vouchers;
  - b) The date and time of issuance;
  - c) Amount of the voucher;
  - d) Unique Kiosk ID, Ticket Writer Station ID, or user ID of employee which issued the voucher;
  - e) Expiration date of the voucher;
  - f) Unique Kiosk ID, Ticket Writer Station ID, or user ID of employee which redeemed the voucher (blank until known).
  - g) The date and time of redemption;

- h) Voucher status (i.e. valid, unredeemed, pending, void, invalid, redemption in progress, redeemed, etc.);

**B. Reporting Requirements**

- 1) The operator must be able to prepare reports supporting Adjusted Gross Revenue, operator liability, wager ticket redemption, and such other information relating to Sports Betting in Puerto Rico as deemed necessary by the Commission. Such reports shall distinguish information by type and status where applicable.
- 2) The operator shall timely file with the Commission data records or reports required by these regulations.

**C. Backup and Contingency Plan**

- 1) The operator shall conduct a complete data backup to an off-site location a minimum of once a month. For purposes of this Section, the operator shall submit the name, location, and security controls of the off-site storage facility to the Commission. The operator shall submit changes to the location and security controls of the off-site storage facility at least 30 days prior to the change. Any changes less than 30 days in advance must include justification for the late submission. If the operator uses managed cloud service provider backups, the name of the cloud service provider and region where the primary copy of the data shall be provided at the time of licensure and at the time of any change thereafter. A complete system data backup includes, but is not limited to the data recorded in subsection (A):

- 2) The operator shall have a written contingency plan in the event of a system failure or other event resulting in the loss of system data. The plan shall address backup and recovery procedures and shall be sufficiently detailed to ensure the timely restoration of data in order to resume operations after a hardware or software failure or other event that results in the loss of data.

## **ARTICLE 6 OPERATOR PROCEDURES AND PRACTICES**

### **Section 6.1. Authorized Players**

The Sports Betting Operator will be required to have strict controls to prevent access by minors under eighteen (18) years of age. Only people eighteen (18) years of age or older may participate in Sports Betting. To corroborate that the player is not a minor, the Commission will oblige the operator to take the necessary measures to guarantee the identity of the player and that they are a person eighteen (18) years of age or older. For this exercise, the Commission will consider the most advanced technological tools and will establish suitable parameters to guarantee player authentication.

### **Section 6.2. Participation Prevention and Restriction**

#### **A. Prevent Participation by Prohibited Players**

Sports Betting may not be directed at minors or other Prohibited Players excluded by the Law.

- 1) The operator's internal controls shall describe the method to prevent Prohibited Players from participating in Sports Betting.

- 2) The operator shall make these restrictions known to all affected individuals and corporate entities.
- 3) Identity will be verified during the registration process as described in Section 7.1.C.
- 4) The internal controls shall detail the following responsibilities for the handling of a person who is identified to be a Prohibited Player:
  - a) The operator shall refuse to accept a wager to any individual that the operator has identified as a Prohibited Player or a person such operator suspects of being one.
  - b) The operator shall promptly notify the Commission, or its designee, if a Prohibited Player attempts to place or is discovered to have placed a wager.
  - c) The operator shall deny access to bonus or promotional offers, player loyalty programs, and other similar benefits to a Prohibited Player;
  - d) The operator shall deny a Prohibited Player from any winnings derived from participating in Sports Betting. Where reasonably possible, the operator shall withhold from the individual in a lawful manner or shall refuse to pay any such winnings derived from participating in Sports Betting. Upon withholding or refusing to pay a Prohibited Player, the operator shall promptly notify the Commission.
  - e) If the operator becomes or is made aware that a Prohibited Player

has participated in Sports Betting, the operator shall promptly suspend the player's account, regardless of whether or not the Prohibited Player has engaged in or attempted to engage in Sports Betting.

**B. Restrict Participation by Athletes, Participants, and Associates**

- 1) The following may not participate in Sports Betting determined, either in whole or in part, by the accumulated statistical results of that individual or the individual's real-life team or the Sports Event or Special Event in which the individual participates;
  - a) Any person, from Puerto Rico, the United States or any part of the world who is recognized as a professional athlete or participant, coach, referee or director of a Sports Governing Body or equivalent or any of its member teams
  - b) A Sports Governing Body or equivalent or any of its member teams
  - c) An athlete or participant, or a referee personnel member, in, or on, any Sports Event or Special Event supervised by that individual's Sports Governing Body or equivalent
- 2) The following may not participate in Sports Betting that they may benefit from, may have confidential information, or any other insider information identified by the Commission.
  - a) A person who occupies a position of authority or influence sufficient to exercise it over the athletes and participants in a Sports Event or



- Special Event, including, but not limited to, coaches, managers, handlers, athletic trainers or sports trainers in general;
- b) A person with access to certain types of confidential information about any Sports Event, Special Event, or Sports Betting;
  - c) A person identified by any list provided by the Sports Governing Body or equivalent to the Commission in Puerto Rico.
- 3) Any employee of a Sports Governing Body or equivalent or its member teams who is not prohibited from participating must, however, notify the Commission before participating in Sports Betting.
- 4) The direct or indirect legal or beneficial owner of a Sports Governing Body or equivalent or any of its member teams may not place any bets involving a Sports Event or Special Event in which any member team of that Sports Governing Body or equivalent participates.
- 5) In determining which individual, group of individuals or entity is to be excluded from participation, the internal controls shall describe how the operator uses publicly available information, any information or lists that the Sports Governing Body or equivalent may provide to the Commission and which the Commission or Sports Governing Body or equivalent provides to the operator
- 6) The operator will not be held liable for a violation of these regulations if:
- a) The operator makes commercially reasonable efforts to prevent prohibited persons from participating in Sports Betting
  - b) The operator makes these restrictions known to all affected

individuals and corporate entities;

- c) The Sports Governing Body or equivalent for the Sports Event or Special Event in which such individuals participate, maintains and enforces a policy that excludes such individuals from entering Sports Betting in that Sports Event or Special Event; and
- d) The operator, upon learning of a violation of these regulations, immediately bars the individual committing the violation from Sports Betting by suspending such individual's account and banning such individual from further play, terminates any existing promotional agreements with such individual and refuses to make any new promotional agreements that compensate such individual.

**C. Prevent Sharing Confidential Information that May Affect Sports Betting**

- 1) The operator must implement commercially reasonable procedures to prevent Confidential Information that may affect the participation in Sports Betting from being shared with third-parties, before the information is available to the public.
- 2) No operator employee, principal, officer, director, or contractor may disclose confidential information that may affect Sports Betting to any person permitted to participate in such wagering.
- 3) The operator shall prohibit the disclosure of confidential information by all operator employees and contractors that may affect the result of wager to any person permitted to engage in Sports Betting;

- 4) The operator shall not knowingly allow a player to place a wager after that player has been provided with confidential information that may affect the result of Sports Betting by an athlete or participant, sports agent, team employee, referee, or league official;
- 5) The operator shall regularly monitor its Sports Betting for evidence of activity that indicates that a player has access to confidential information; and
- 6) On learning of a violation of this regulation, the operator shall permanently bar the player receiving such information from participating in any Sports Betting operated by the operator, close the player's account, and ban such individual(s) from further play. The operator shall also terminate any existing individual promotional agreements with any athlete or participant, sports agent, team employee, referee or league official that violates these regulations and shall refuse to make any new individual promotional agreements that compensate such individual.
- 7) The operator shall make these restrictions known to all affected individuals and corporate entities.

**D. Prevent Extension of Credit or Promotion Thereof**

The operator shall not extend credit to players for Sports Betting or allow the deposit of funds into an account that is derived from the extension of credit by affiliates or agents of the operator. For purposes of this subsection, credit shall not be deemed to have been extended where, although funds have been deposited into

an account, the operator is awaiting actual receipt of such funds in the ordinary course of business.

### **Section 6.3. Responsible Play**

- A. The Mobile App or Site shall not induce players to continue participation when the player attempts to end a session. Communications with players shall not intentionally encourage players to increase the amount of time spent or funds in player accounts beyond pre-determined limits, participate continuously, re-play winnings, and chase losses.
- B. The Mobile App or Site shall avoid reinforcing myths, particularly related to frequency or extent of winning.
- C. The Mobile App or Site shall display a responsible play logo or information to direct players to the operator's player protection page, which shall include, at a minimum:
  - 1) Information provided by the Mental Health and Addiction Prevention Services Authority (ASSMCA) on their Compulsive Gamblers Assistance Program, including signs and symptoms of problems and addictions related to participation in Sports Betting.
  - 2) A statement of potential risks associated with excessive play and where to seek help if the player develops a problem (e.g. " If playing causes you financial, family and occupational problems, call the ASSMCA PAS line at 1-800-981-0023." "Si jugar le causa problemas económicos, familiares y ocupacionales, llame a la línea PAS de ASSMCA 1-800-981-0023.")

- 3) A statement that no underage persons are permitted to play (e.g. “Only for players over the age of eighteen (18) years.” “Solo para jugadores Mayores de dieciocho (18) Años.”);
  - 4) A list of the available player protection measures that can be invoked by the player, such as self-limitation and self-exclusion, and information on how to invoke those measures;
  - 5) Mechanisms in place which can be used to detect unauthorized use of their account, such as reviewing credit card statements against known deposits;
  - 6) The method of contacting the operator for questions and complaints; and
  - 7) The method of contacting the Commission and/or a link to their website.
- E. The Mobile App or Site shall include a direct link to at least one player protection organization and at least one organization dedicated to helping people with potential compulsive play problems. Links to these organizations are to be regularly tested by the operator. Participating may not occur where the links used to supply information on responsible play are not displayed or are not operational. Where the link is no longer available or not available for a significant period of time, the operator shall provide an alternative support service.

**Section 6.4. Operator Reserves**

- A. The operator shall document in the internal controls a description of procedures used for maintaining and protecting adequate reserves, as determined by the Commission, including segregated accounts of funds held for player accounts and any operational funds used to cover all other operator liability.

- B. The operator shall maintain a reserve that equals or exceeds the greater of twenty-five thousand dollars (\$25,000) or the sum of the following amounts:
- 1) The total cashable balances held by the operator for Player Accounts and pending withdrawals;
  - 2) The aggregate amounts accepted by the operator as wagers on events whose outcomes have not been determined; and
  - 3) The amounts owed but unpaid by the operator on winning wagers through the period established by the operator for honoring winning wagers.
- C. Before beginning operations, each newly-licensed operator must establish a reserve of at least the greater of \$25,000 or the amount the Commission projects will at least equal the sum of the amounts specified in subparagraphs (1), (2), and (3) of subsection (B) at the end of the first week of the operator's operation. After the operator begins operations, the operator's reserve must comply with subsection (B).
- D. The operator shall calculate their reserve requirements on a monthly basis. In the event the operator determines that their reserve is not sufficient to cover the calculated requirement, the operator must promptly notify the Commission of this fact and must also indicate the steps the operator has taken to remedy the deficiency.
- E. These reserve funds may take the form of cash, cash equivalents, irrevocable letters of credit, bonds, accounts receivable, and payment processing reserves, or a combination of these;
- 1) If a reserve is maintained in the form of cash, cash equivalent, or an irrevocable letter of credit, it must be held or issued, as applicable, by a federally insured financial institution.

- 2) If the reserve is maintained in the form of a bond, it must be written by a bona fide insurance carrier
- F. The reserve must be established pursuant to a written agreement between the operator and the financial institution or insurance carrier
- G. The operator may engage a third-party service provider or employee acceptable to the Executive Director to deal with the financial institution or insurance carrier, in which event the reserve may be established pursuant to written agreements between the operator and the intermediary and between the intermediary and the financial institution or insurance carrier

**Section 6.5. Protection of Player Funds**

- A. The operator shall have processes in place to ensure funds in an operator account are either held in trust for the player in a federally insured financial institution Segregated Account or in a special purpose Segregated Account that is maintained and controlled by a properly constituted corporate entity that is not the operator and whose governing board includes one or more corporate directors who are independent of the operator and of any corporation related to or controlled by the operator. Said corporate entity must require a unanimous vote of all corporate directors to file bankruptcy and must have articles of incorporation that prohibit commingling of funds with those of the operator except as necessary to reconcile the player accounts with sums owed by those players to the operator. Said special purpose corporate entity must also be:

- 1) Restricted from incurring debt other than to players pursuant to the rules that govern their accounts as participants in Sports Betting;
  - 2) Restricted from taking on obligations of the operator other than obligations to players pursuant to the rules that govern their accounts as consumers of Sports Betting; and
  - 3) Prohibited from dissolving, merging or consolidating with another Commission (other than a special purpose corporate entity established by another operator that meets the requirements of this section) while there are unsatisfied obligations to players.
- B. The operator shall implement processes and procedures that:
- 1) Ensure that funds generated from Sports Betting are safeguarded and accounted for;
  - 2) Make clear that the funds in the segregated account do not belong to the operator and are not available to creditors other than the player whose funds are being held;
  - 3) Prevent commingling of funds in the segregated account with other funds including, without limitation, funds of the operator;

## **Section 6.6. Risks and Controls**

### **A. Risk Management Procedures**

Each set of internal controls submitted to the Commission for approval shall contain a description of the operator's risk management framework, including but not limited to:



- 1) Automated and manual risk management procedures;
- 2) Employee management, including access controls and segregation of duties;
- 3) Information regarding identifying and reporting fraud and suspicious conduct;
- 4) Controls ensuring regulatory compliance;
- 5) Procedures for identifying and preventing persons who are under eighteen (18) years of age from engaging in Sports Betting;
- 6) Procedures to prevent participation by Prohibited Players;
- 7) Description of Anti-Money Laundering (AML) compliance standards including procedures for detecting structuring to avoid reporting requirements;
- 8) Description of all software applications that comprise the Sports Betting System;
- 9) Description of all types of Sports Betting available to be offered by the operator;
- 10) Description of the method to prevent accepting wagers after the wagering period is closed;
- 11) Description of all software applications that comprise the system;
- 12) Description of all integrated third-party service providers; and
- 13) Any other information required by the Commission.

**B. Suspension of Wagering**

- 1) There shall be established procedures for manually suspending wagering on that Sports Event or Special Event. These procedures must be documented in the internal controls and involve several levels of authority for manual controls. Logs and other audit trails must exist to prevent possible misuse of authority.
- 2) When wagering is manually suspended for an active Sports Event or Special Event, an entry shall be made in an audit log that includes the date and time of suspension and its reason. This doesn't apply to momentary suspensions where the odds/payouts and prices are being automatically adjusted by statistical data updates.

**C. Wager Cancellations and Voids**

- 1) Procedures shall be delineated in the internal controls for handling cancelled Sports Events, or Special Events, including voiding or cancelling wagers and providing refunds to players who were not refunded automatically by the system.
- 2) All voided or cancelled wagers and all refunds of any voided or cancelled wager pursuant to these Regulations shall be logged at the time they occur, indicating the void or cancellation and identity of the employee or automated process.
  - a) The system shall render the voided or cancelled wager as nonredeemable.

- b) The voided or cancelled wager shall be refunded to the player and that amount shall be deducted from the Adjusted Gross Revenue.
- 3) The internal controls shall delineate how the operator reserves the right to void or cancel any wager if the operator has reasonable basis to believe there was obvious error in the placement or acceptance of the wager. Those errors include, but are not limited to:
  - a) The wager was placed using incorrect statistical data;
  - b) Human error in the placement of the wager;
- 4) The operator shall prevent modifications of wagers (including rescinding, voiding or canceling) after the outcome of an event is known, except as approved by the Commission. The modifications of wagers under these circumstances will be evaluated on a case-by-case basis in conjunction with the wagering rules.
- 5) A player may request that the Commission or their designee review any wager declared void by the operator. If the Commission or their designee concludes there is no reasonable basis to believe there was obvious error in the placement or acceptance of the wager, the Commission or their designee may order the operator to honor the wager.

**D. Taxation Reporting**

The operator shall comply with all applicable tax laws and regulations including, without limitation, laws and regulations applicable to tax withholding and laws and regulations applicable to providing information about winnings and withholdings to taxing authorities and to players.

**E. Monitoring and Managing Risks**

Internal or external information about Sports Events or Special Events that may be unfair must be logged and processed in a formal manner to avoid single-person oversight or over-reaction. Logs must be audited periodically and controls in place to ensure their integrity.

**F. Identifying and Reporting Fraud and Suspicious Conduct**

The operator shall develop and implement an Integrity Monitoring System for monitoring sports betting activity and detecting irregularities in volume or swings in statistical data, odds/payouts or prices that could signal Unusual or Suspicious Activities that should require further investigation, fraud, suspicious behavior and cheating or collusion.

- 1) The operator shall take measures delineated in the internal controls to reduce the risk of collusion or fraud, including having procedures for:
  - a) Identifying and/or refusing to accept suspicious wagers which may indicate cheating, manipulation, interference with the regular conduct of an event, or violations of the integrity of any event on which wagers were made;
  - b) Reasonably detecting irregular patterns or series of wagers to prevent player collusion or the unauthorized use of scripts; and
- 2) The operator shall promptly report to the Commission any facts or circumstances which the operator has reasonable grounds to believe indicate a violation of law or Commission rule committed by the operator, their key persons, or their employees, including without limitation the

performance of licensed activities different from those permitted under their license. The operator is also required to provide a detailed written report from the discovery for any of the following:

- a) Criminal or disciplinary proceedings commenced against the operator or its employees in connection with the operator conducting Sports Betting;
  - b) Abnormal activity or patterns that may indicate a concern about the integrity of Sports Betting;
  - c) Any other conduct with the potential to corrupt an outcome of Sports Betting for purposes of financial gain, including but not limited to match fixing; and
  - d) Suspicious or illegal activities, including the use of funds derived from illegal activity, deposits of money to participate in Sports Betting to conceal or launder funds derived from illegal activity,
  - e) The use of employees to participate in Sports Betting or use of false identification.
- 3) The Commission is required to share any information received pursuant to this paragraph with the division of criminal investigation, any other law enforcement entity upon request, or any regulatory agency the Commission deems appropriate. The Commission shall promptly report any information received pursuant to subparagraph 2(c) of this section with any sports team or Sports Governing Body or equivalent as the Commission deems appropriate but shall not share any information that would interfere with an

ongoing criminal investigation.

### **Section 6.7. Test Accounts**

An operator may establish test accounts to be used to test the various components and operation of a Sports Betting System pursuant to internal controls adopted by operator, which, at a minimum, must address all of the following:

- A. The procedures for issuing funds used for testing, including the identification of who may issue the funds and the maximum amount of funds that may be issued;
- B. The procedures for assigning each test account for use by only one (1) individual. However, an operator may establish a specific scenario or instance of a test account that may be shared by multiple users if each user's activities are separately logged;
- C. The maintenance of a record for all test accounts, to include when they are active, to whom they are issued, and the employer of the individual to whom they are issued; and
- D. The procedures for auditing testing activity by the operator to ensure the accountability of funds used for testing and proper adjustments to Adjusted Gross Revenue.

## **ARTICLE 7 PLAYER ACCOUNT MANAGEMENT**

### **Section 7.1. Player Account Registration**

An individual must have an established player account with the Sports Betting Operator in order to participate in Sports Betting in Puerto Rico in accordance with Article 3.9 of the Law via a process approved by the Commission. This registration is an essential condition

for participation on any Sports Betting on the internet. In the event that a player has already established an account with the operator in another jurisdiction, that player may utilize their existing account and only shall need to acknowledge acceptance of the privacy policy and terms and conditions for participation in Sports Betting in Puerto Rico. Anonymous participation in Sports Betting is prohibited.

A. Before allowing an individual to create an account as a player, including for free play mode, the operator must first:

- 1) Collect the following Personally Identifiable Information (PII) from the individual
  - a) The name of the individual;
  - b) The individual's date of birth showing the individual is 18 years of age or older;
  - c) The physical address where the individual resides (a post office box is not acceptable); and
  - d) Any other information required by the operator to independently verify the identity of the player.
- 2) Have the individual affirm that:
  - a) The information provided to the operator by the individual to register is accurate;
  - b) The individual has been informed, and acknowledges, that as a player they are prohibited from allowing any other person access to or use of their player account; and
  - c) The individual acknowledges that their account activity and

winnings may be disclosed to the Commission, the Department of Revenue and any other applicable local or federal entities.

- B. To ensure that Player Accounts cannot be opened by a Prohibited Player, the operator shall use commercially and technologically reasonable means to independently verify the true identity and age of the individual creating the player account. Such identity verification measures may include requiring the use of a reputable independent third-party Identity Verification Service Provider.
- C. If the operator determines that the information provided by a player to is inaccurate or incapable of verification, or violates its policies and procedures, the operator shall, within ten days, require the submission of additional information that can be used to verify the identity of the player. If such information is not provided or does not result in verification of the player’s identity, the operator shall:
  - 1) Immediately exclude the player account;
  - 2) Retain any winnings attributable to the player;
  - 3) Refund the balance of deposits made to the account; and
  - 4) Deactivate the account.

**Section 7.2. Restriction to One Account per Player**

The operator shall not allow a player to establish more than one username or more than one account on a single portal. Where an operator has multiple portals, they must state clearly how a player who manages their account on one portal may be managed on the operator’s other portals.

- A. The operator shall implement rules and procedures to terminate all accounts of any



player that establishes or seeks to establish more than one username or more than one account, whether directly or by use of another person as a proxy.

- B. The operator may allow a player that establishes or seeks to establish more than one username or more than one account, for one time only, to retain one account provided that the operator investigates and makes a good faith determination that the player's conduct was not intended to obtain a competitive advantage. A player who has established more than one username or account will not be entitled to retain any winnings earned from any account during the time period that more than one username or account is active.
- C. If a player is allowed to retain one account in accordance with subdivision (b) above and subsequently establishes or attempts to establish another account, the operator, upon discovery of the duplicative account or attempt, must terminate the player's account and prohibit that player from establishing or seeking to establish a new account for a period of two years.
- D. The operator shall implement procedures for closing each account previously held by a player when a new account is opened by that same player while carrying over any designations applicable to that account.

**Section 7.3. Terms and Conditions and Privacy Policies**

All terms and conditions and privacy policies for player accounts must be included in the internal controls of the operator and shall be readily accessible to the player before and after registration and noticed when materially updated (i.e. beyond any grammatical or other minor changes).

- A. All terms and conditions for player accounts must address all aspects of the Sports Betting Operation, including, but not limited to all of the following:
- 1) Information about account deposits, withdrawals, and the disposition of player funds
  - 2) Statement that only individuals legally permitted by their respective jurisdiction can participate in Sports Betting
  - 3) Specifications advising players to keep their authentication credentials secure.
  - 4) Disclosure of all processes for dealing with lost authentication credentials, forced password changes, password strength and other related items;
  - 5) Statement that no individuals under 18 years of age are permitted to participate in Sports Betting.
  - 6) Description of the possible repercussions for a minor who circumvents or attempts to circumvent controls to prevent underage play, such as immediate stoppage of play, account closure, and confiscation of winnings
  - 7) Statement that an account is declared dormant after it has had no player-initiated activity for a period of three (3) years, and explain what actions will be undertaken on the account once this declaration is made
  - 8) A clear definition of what happens to a player's pending wagers placed on an event prior to any self-exclusion or involuntary exclusion, including the refund of all paid wagers to the player or settling all wagers, as appropriate.
  - 9) Specification of the handling of wagers:
    - a) Where the wager of a player is canceled; or

- b) For events that are voided or abandoned.
- B. All privacy policies for player accounts must address all aspects of the personal identifying information (PII) protection, including, but not limited to all of the following:
  - 1) The PII that is collected;
  - 2) The purpose for PII collection;
  - 3) The period in which the information is stored;
  - 4) The conditions under which information may be disclosed; and
  - 5) An affirmation that measures are in place to prevent the unauthorized or unnecessary disclosure of the information.

#### **Section 7.4. Protection of Player Accounts**

- A. The operator shall implement and maintain reasonable security procedures and practices that are appropriate to ensure the confidentiality and integrity of the PII and to protect the Player Account from unauthorized access, use, modification or disclosure.
- B. Any PII obtained in respect to the Player Account must be done in compliance with the privacy policy and local privacy regulations and standards observed by the Commission.
- C. Any information about player accounts which is not subject to disclosure pursuant to the privacy policy must be kept confidential, except where the release of that information is required by law.

- D. All PII must be securely erased from hard disks, magnetic tapes, solid state memory and other devices before the device is properly disposed of by the operator. If erasure is not possible, the storage device must be destroyed.
- E. The player must be provided with (or create) authentication credentials such as a digital certificate or an account description and a password to access their player account using the Mobile Site or App.
  - 1) The operator must allow players to change their authentication credentials.
  - 2) Where a player has forgotten their authentication credentials, the operator must provide a secure process for the re-authentication of the player and the retrieval and/or resetting of their authentication credentials. Any and all processes for dealing with lost authentication credentials must be clearly described to the player and be sufficiently secure.
- F. If player account is also utilized at an Authorized Location, players may access their accounts there using methods authorized by the Commission.
- G. Changes to player accounts other than through an automated process related to actual play must be sufficiently documented (including substantiation of reasons for increases) and authorized or performed by employees. An addition, deletion, or change to a player account of \$500 or more must be authorized by licensed employees and documented and randomly verified by authorized personnel on a quarterly basis. All other changes to player accounts must be appropriately documented and reviewed by a licensed employee on a quarterly basis.

#### **Section 7.5. Player Funds Maintenance**

- A. The operator shall not allow a player to directly transfer funds, including bonus or promotional credits, from one player account to any other player account.
- B. Procedures shall be in place to ensure all financial transactions using a Payment Service Provider (PSP) are conducted in accordance with local and federal commerce regulations and requirements mandated by the Commission
- C. The player shall have fee-free methods to deposit funds to or withdraw funds from their player account
  - 1) The deposit methods available to players to fund accounts may include:
    - a) Cash deposits made directly with the operator if the player account is also utilized at an Authorized Location;
    - b) Personal checks, cashier's checks, wire transfer and money order deposits made directly or mailed to the operator;
    - c) Debits from the player's debit card or credit card, other than prepaid debit cards or prepaid credit cards when the origin of the funds is unknown;
    - d) Transfers from another account verified to be controlled by the player through the Automated Clearing House (ACH deposit) or another mechanism designed to facilitate electronic commerce transactions (e.g. PayPal);
    - e) Cash complimentary, promotional credit, or bonus credit;
    - f) Winnings;
    - g) Adjustments made by the operator with documented notification to the player;

- h) A transaction at a Kiosk if the player account is also utilized at an Authorized Location; or
  - i) Any other means approved by the Commission.
- 2) The withdrawal methods available to players to cash out accounts may include:
  - a) Wagers;
  - b) Cash withdrawal made directly with the operator if the player account is also utilized at an Authorized Location;
  - c) Personal check, cashier's check, wire transfer and money order by the operator made payable to the player and issued directly or delivered to the player's address on file in a manner approved by the Commission;
  - d) Credits to the player's debit card or credit card;
  - e) Transfers to another account verified to be controlled by the player through the automated clearing house (ACH withdrawal) or another mechanism designed to facilitate electronic commerce transactions (e.g. PayPal);
  - f) Adjustments made by the operator with documented notification to the player;
  - g) A transaction at a Kiosk if the player account is also utilized at an Authorized Location; or
  - h) Any other means approved by the Commission.

- D. A player's request for withdrawal of funds (i.e., deposited and cleared funds and funds won) is completed by the operator within a timeframe of five business days of the request or ten business days of submission of any tax reporting paperwork required by law unless there is a pending unresolved player complaint or investigation.
- 1) The operator may hold any withdrawal if it is suspected that a Player may be engaging in or have engaged in fraudulent, collusive, unlawful or improper activity, in which case
    - a) The operator shall provide notice of the nature of the investigation of the account to the player pending completion of an investigation.
    - b) Funds for withdrawal may be withheld from withdrawal until the funding transaction clears or the chargeback period ends.
    - c) Such investigation shall be documented by the operator and available for review by the Commission.
  - 2) For the purposes of this regulation a request for withdrawal will be considered honored if it is processed by the operator but delayed by a PSP, credit card issuer or by the custodian of a financial account
- E. The operator shall not allow a player's account to be overdrawn unless caused by payment processing issues outside of the control of the operator.

**Section 7.6. Dormant and Closed Accounts**

- A. A Player Account is considered to be dormant after it has had no player-initiated activity, such as logging into the player's account, placing a wager, making an

account deposit, or withdrawing funds for a period of three (3) years as specified in the terms and conditions. Procedures shall be in place to:

- 1) Protect dormant accounts that contain funds from unauthorized access, changes or removal.
  - 2) Deal with unclaimed funds from dormant accounts, including returning any remaining funds to the player where possible.
  - 3) Close a Player Account if the player has not logged into the account for six (6) consecutive months after it has become dormant; and
  - 4) Notify the player that the account has been closed when an account has been closed due to inactivity
- B. No operator shall charge an administration fee or maintenance fee for any dormant player account at any time for any reason.
- C. If a dormant player account remains unclaimed for three years after the balances are payable or deliverable to the player, the operator shall presume the account to be abandoned. The provisions of Act No. 36 of July 28, 1989 as amended, known as the Act of Abandoned or Unclaimed Money and Other Liquid Assets, shall apply for these accounts.

#### **Section 7.7. Limitations and Exclusions**

##### **A. Self-Limitations**

Self-limitation shall be offered as a player-initiated restriction on their ability to participate in Sports Betting.



- 1) Players must be provided with a process available on the Mobile App or Site or via direct communications with the operator to set daily, weekly or monthly financial deposit limits, limits on the amount of a single wager being placed, or limits on total wagers placed in a given period
- 2) Upon receipt, any self-limitation order must be employed correctly and immediately or at the point in time (e.g., next login, next day) that was clearly indicated to the player;
- 3) The self-limitations set by a player must not override more restrictive involuntary limitations. The more restrictive limitations must take priority;
- 4) Once established by a player and implemented, the operator shall prohibit an individual from participating over the limit they have set.
- 5) Any changes increasing the severity of the self-limitations shall be effective immediately or at the point in time (e.g., next login, next day) that was clearly indicated to the player. No changes shall take effect reducing the severity of the self-limitations until the expiration of the current time period for the limit (e.g., day, week, month, etc.).

**B. Imposed Limitations**

The Operator must be capable of imposing responsible play limits including, but not limited to, deposit limits, and spending limits as established by the Commission through regulations to that effect. Where required by the Commission, it is the operator's responsibility is to discuss with the Commission any procedures implemented to assess the financial capacity of the players so that it can set and update these limits correlatively to their income where required by the commission.

- 1) Players must be notified in advance of any involuntary limits or updates and their effective dates. Once updated, involuntary limits must be consistent with what is disclosed to the player;
- 2) Upon receiving any involuntary limitation order or update, the Operator must ensure that all specified limits are correctly implemented immediately or at the point in time (e.g., next login, next day) that was clearly indicated to the player;

**C. Self-Exclusions**

Self-exclusion shall be offered as a player-initiated restriction on their ability to participate in Sports Betting.

- 1) Players must be provided with a process available on the Mobile App or Site to self-exclude from participating in Sports Betting for life or for a specified period of one (1), three (3), or five (5) years. Operators may also provide additional processes in their internal controls to allow players to self-exclude. Additionally, a player may request a temporary “timeout” for a specified period of at least seventy-two (72) hours.
- 2) Immediately upon receiving the self-exclusion order and until such time as the order has been removed, the player shall be prevented from participating in Sports Betting and depositing funds into their account. In addition, the player shall have access to the following information:
  - a) About available addiction resources (e.g., helpline number, blocking software, counseling), such as the Mental Health and Addiction Prevention Services Authority (ASSMCA) or equivalent services.

- b) That outlines the conditions of the self-exclusion, which includes:
  - i. Length of self-exclusion
  - ii. The closure process for any accounts opened by the player and restrictions on opening new accounts during the self-exclusion
  - iii. Requirements for reinstatement at the conclusion of the length selected for self-exclusion
  - iv. The manner in which bonus or promotional credits and remaining player account balances are handled; and
  - v. Help access points shall a problem exist
- 3) In the event a player has a pending wager and then self-excludes, the wagers shall be handled according to the internal controls.
- 4) The player's account shall be closed or suspended during self-exclusion so that no account deposits or wagers can be made. Any new accounts detected following a player's self-exclusion shall be closed so that no account deposits or wagers can be made.
- 5) In the event of lifetime self-exclusion, the operator must ensure that the player is paid in full for the player's account balance within a reasonable time provided that the operator acknowledges that the funds have cleared.
- 6) Temporary self-exclusion, regardless of the length, shall be irrevocable during the period of time specified. Self-exclusion shall stay in effect until the player completes a reinstatement process after the period of time passes.

- 7) There shall be a process in place for players to request reinstatement at the conclusion of the length selected for temporary self-exclusion. Information on reinstatement requests and tools for responsible play shall be provided to the player along with addiction resources (e.g. tips on determining risks, as well as frequency and volume of participation and encouragement to use the Mobile App or Site's responsible play features).
- 8) Players shall be able to renew or extend their temporary self-exclusion. Players who renew or extend their self-exclusion shall, at the time of renewal or extension, receive information concerning compulsive play and help resources.
- 9) All lifetime and temporary self-exclusion requests made by a player to the operator must be immediately notified to the Commission for their review, and addition to their Voluntary Exclusion List as covered in Section 9.2 of these Regulations.

**D. Suspension or Imposed Exclusions**

- 1) The operator must be capable of suspending a player from participating in Sports Betting:
  - a) When required by the Commission;
  - b) Upon a determination that a player is a Prohibited Player; or
  - c) When initiated by the operator that has evidence that indicates illegal activity, a negative account balance, after five (5) failed ACH deposit attempts in a twenty-four (24) hour period, or a violation of the terms and conditions has taken place on a player account.

- 2) Immediately upon receiving the suspension order and until such time as the order has been removed, the player shall be prevented from participating in Sports Betting and depositing funds into their account. In addition, the player shall not be prevented from withdrawing any or all of their account balance, provided that the operator acknowledges that the funds have cleared, and that the reason(s) for suspension would not prohibit a withdrawal.
- 3) The suspension order may be removed
  - a) When permission is granted by the Commission;
  - b) When the player is no longer a Prohibited Player; or
  - c) When the operator has lifted the suspended status.
- 4) All permanent suspensions must be promptly notified to the Commission for their review, and addition to their Involuntary Exclusion List as covered in Section 9.3 of these Regulations.

**E. Commission's Exclusion Lists**

- 1) The Commission's Voluntary Exclusion List and Involuntary Exclusion List set forth in Article 9 may only be accessed by individuals authorized in accordance with the internal controls.
- 2) Except as authorized or required by these Regulations, the Commission's Exclusion Lists shall be kept confidential and the operator shall not disclose the names included on these lists.
- 3) The Commission's Exclusion Lists shall not be publicly disclosed by the operator, employee, affiliate or other person authorized to access the lists.

However, the operator may share the lists with other designated operators in the territory or its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible play programs.

- 4) The operator shall establish procedures to enable the Commission to provide to them their Exclusion Lists to add into their system. If the operator utilizes an internal management system to track individuals on the Exclusion Lists, they shall update that system at least every seventy-two (72) hours with names of individuals being added or removed from the Exclusion Lists.
- 5) The operator shall adopt and implement a process to review and deactivate accounts of newly enrolled players of the Commission's Voluntary Exclusion List and Involuntary Exclusion List. The operator must ensure that the player is paid in full for the player's account balance provided that the operator acknowledges that the funds have cleared.

#### **Section 7.8. Account Information Access**

- A. The player must be able to access information listing the time and date of the following player activity that have taken place in their account over the last thirty (30) days. In addition, the operator shall, upon request, be capable of providing to a player a summary statement of the following player activity during the past year:
  - 1) Account details including all deposits amounts, withdrawal amounts and bonus or promotional information including how much is left on any pending bonus or promotional offer and how much has been released to the

player, restrictions such as exclusion events and limits, and net outcomes including total won or lost.

2) Play history including wagers made, amounts won, and net wins/losses.

B. The player must have the ability to view updates during play about money spent on wagers for confirmed events and account balances in currency as well as the amount available (if any) of pending bonus or promotional offer. In addition, the player must have the ability to view updates during play about wagers for future events.

### **Section 7.9. Account Closure**

The operator shall implement processes and procedures that allow any player to permanently close an account at any time and for any reason. The procedures will allow for cancellation by any means including, without limitation, by a player on any Mobile App or Site used by that player to make deposits into a player account. The operator shall return all unrestricted player funds from a closed account to the player within five (5) business days. Closure of the Player Account will render participation in a bonus or promotional offer void and the value of restricted player funds remaining will be removed from the Player Account. For the purposes of this regulation the return of all unrestricted player funds shall be deemed timely if it is processed by the operator within five (5) business days of account closure but is delayed by a payment service provider, credit card issuer or by the custodian of a financial account.

## **ARTICLE 8 AUTHORIZED LOCATION OPERATIONS**

### **Section 8.1. Sports Betting and Account Transactions at Authorized Locations**

Sports Betting may be carried out by Sports Betting Operators physically in casinos, hotels without casinos, inns, racetracks, horse betting agencies, cockpits and any other venue approved by the Commission.

A. Player accounts may be accessed and/or Sports Betting may be conducted in an Approved Location from a Kiosk, a Ticket Writer Station or other window locations.

- 1) The Authorized Location may utilize the main cage to accept wagers for sports betting using cash, cash equivalent, vouchers, promotional funds, or using player account funds.
- 2) For the assisted wager, the Authorized Location must implement an authentication method that allows verifying the player's authentication credentials, with which it will be possible to access the player account, from which the wager will be made in order to ensure its registration with the same level of detail as the other wagers. In this event, the operator may issue a physical ticket as proof of the wager and verify that the wager corresponds to the player's selection, prior to registering it.
- 3) The payment of prizes in the Authorized Location will be made in the terms provided in section 5.7.
- 4) The Authorized Location may utilize the main cage to pay out winnings resulting from sports betting or withdrawals in a manner approved by the Executive Director.
- 5) For the deposits and withdrawal of funds in the Authorized Location, assistance may be provided, for which the player account must be accessed



with the authentication method implemented in subsection (2) and deliver a receipt as proof of the transaction.

- B. The Commission may issue additional specifications for Sports Betting and player account transactions occurring at Authorized Locations and may also issue such requirements in the form of MICS.

### **Section 8.2. Authorized Location Authorization**

- A. Authorized Locations must be organized in ways that promote optimal security for Sports Betting and for all parties that intervene in the industry to avoid tax evasion, money laundering and any other criminal conduct typified as such in the corresponding statutes.
- B. The Commission will not authorize new Authorized Locations under the following circumstances:
  - 1) Using a criterion based on a particular commercial industry;
  - 2) If the new location is located less than one hundred (100) meters from a school, religious center, or public or private rehabilitation site for addicts of controlled substances or alcoholic beverages. However, if all of these places consent in writing to the granting of an authorization of a new Authorized Location, the Commission may grant it, with the conditions that it deems necessary so that both establishments can carry out their activities.

### **Section 8.3. Location Inspections and Audits**

- A. The Authorized Location will be subject to compliance inspections by the Commission at all times. Authorized Commission employees shall be granted access to all portions of the Authorized Location or any location where Equipment used for Sports Betting is stored at all times for the purposes of conducting compliance inspections or enforcement actions.
- B. The Authorized Location will be required to meet the applicable aspects of the appropriate policy and/or procedure documents as determined by the Operator in consultation with the Commission. To maintain the integrity of the Sports Betting operation, the Authorized Location may be subject to an additional verification audit as required by the Commission.

**Section 8.4. Display of License and Signage**

- A. The license granted in accordance with this Regulation must be displayed in a place visible to the public at the Authorized Location.
- B. The Authorized Location shall also include signage that displays messages encouraging players to play responsibly which shall include the following statements or similar:
  - 1) “Only for players over the age of eighteen (18) years.” “Solo para jugadores Mayores de dieciocho (18) Años.”
  - 2) "If playing causes you financial, family and occupational problems, call the ASSMCA PAS line at 1-800-981-0023.” “Si jugar le causa problemas económicos, familiares y ocupacionales, llame a la línea PAS de ASSMCA 1-800-981-0023.”

**Section 8.5. Authorized Location Obligations**

A. The Authorized Location shall be obliged to:

- 1) Provide a safe place for the Kiosks and Ticket Writer Stations within the Authorized Location and keep them in the place approved by the Executive Director
- 2) Establish procedures to reasonably ensure a player who is in a state of intoxication or is otherwise impaired is prohibited from participating in Sports Betting. A "state of intoxication" means a state wherein a person's speech, balance, co-ordination or behavior is noticeably affected and there are reasonable grounds for believing this state to be induced by alcoholic beverages, narcotics or any intoxicating substance.
- 3) Where the Authorized Location sells alcoholic beverage, ensure that employees are trained in a responsible alcoholic beverage service policy and shall provide periodic training to such employees as required by the Commission
- 4) Keep enough money in cash in denominations accepted by the Kiosks and Ticket Writer Stations to be able to provide change for players;
- 5) Prohibit an Operator, director, officer, owner, and employee of the Operator from extending credit to an individual, group of individuals, or entity that places wagers with, the Operator or seeks to place wagers with the Operator.

In addition

- a) Credit providers such as small amount credit contracts (payday lending) must not be advertised or marketed to players.
  - b) A player must not be referred to a credit provider to finance their Sports Betting.
  - c) Personally Identifiable Information (PII) related to a player must not be provided to any credit provider.
- 6) Do not allow any unauthorized individual to interfere with or hinder the operation of any Kiosk and Ticket Writer Station or its equipment associated;
  - 7) Ensure that the Kiosks and Ticket Writer Stations are always connected to the electrical service and to the communication network between the Kiosks and Ticket Writer Stations and the Sports Betting System;
  - 8) Monitor the Kiosks and Ticket Writer Stations and establish and oversee the implementation of the measures of security necessary to prevent the access of persons under 18 years old at the Authorized Location;
  - 9) Ensure the operation of each printer on the Kiosk and Ticket Writer Station to not obstruct the exit of the paper;
  - 10) Report of every defect of Kiosks and Ticket Writer Stations and communications or power failures to the operator or the provider, as is required in the contract;
  - 11) Take all necessary action to comply with the applicable laws, regulations and any order issued by the Commission;

- 12) Display any promotion at the Authorized Location provided by the operator and remove it as requested by the operator or the Commission;
- 13) Attend to all the meetings, seminars and trainings related to Sports Betting that are required by the Executive Director or operator;
- 14) Supervise employees and activities of those on the job, to ensure they are complying with the provisions of this Regulation;
- 15) Keep electronically for each Kiosk and Ticket Writer Station all the information relevant and keep it for a period of six (6) months, supplying it to the Commission or the Executive Director when prompted;
- 16) Allow entry and access to the Authorized Location to the Commission, its researchers and representatives, the operator and technicians and any inspector appointed by the Executive Director to be carried to out one audit of inspection of the Kiosks and Ticket Writer Stations, the books and records. Such officials must be duly identified and will also present their credentials at that time;
- 17) Report periodically to the operator a list of all new employees who have been hired to work at the Authorized Location detailing their names, addresses, phone numbers and a list of all employees who have left employment at the location during the reporting period.
- 18) Comply with the "Bank Secrecy Act" and the regulations promulgated thereunder (BSA), Public Law 91-508, as amended, (codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, and 31 U.S.C. 5311-5332), and its regulations implementing Title 11 of the BSA (31 CFR, Part 103) and with the Currency

Transaction Report (CTR) requirements of the Internal Revenue Code. In addition, they must complete a Multiple Transactions Log (MTL) as part of their compliance with the BSA which must include Cash-In and Cash-Out transactions that may trigger the filing of CTR's on an operational or gaming day basis.

- 19) Comply with OFAC and Federal Trade Commission (FTC) regulations, and all local and federal laws that may be enacted from time to time.
- B. The Authorized Location and their employees must be previously approved for their designation by the operator and the Executive Director; provided, that the Authorized Location has the obligation to notify the Executive Director and the operator of any change in the personnel of the Authorized Location in the manner previously described, prior to the approval of these, under penalty of suspension or cancellation of operations at the Authorized Location.
  - C. The Authorized Location and their employees must receive periodic training on gambling disorders and problems and how to identify problem gamers who frequent their Authorized Location. The frequency of these trainings will be determined by the Commission. They will also be advised of their obligation to prevent minors under the age of eighteen (18) from placing or redeeming a wager or purchasing and consuming of alcoholic beverages. Employees who do not receive the training required by regulation will be prevented from renewing their license.

#### **Section 8.6. Kiosks**

**A. Kiosk Testing**

Before being deployed for use at an Authorized Location, all Kiosks must be submitted to an independent testing laboratory for testing and receive the required certification. The independent testing laboratory shall certify that the Kiosk meets or exceeds the adopted GLI-20 Standards for Kiosks, and the standards established by these Regulations.

**B. Kiosk Restrictions**

Kiosks shall be configured such that they are unable to:

- 1) Process deposits and withdrawals to Player Accounts of \$10,000 or more;
- 2) Issue or redeem a voucher with a value of \$1,500 or more;
- 3) Redeem a wager ticket with a value of \$1,500 or more; and
- 4) Redeem a wager ticket or voucher with a value which exceeds any Tax Reporting Thresholds.

**C. Kiosk Cash Storage Box**

Each Kiosk with a bill validator shall have contained in it a container known as a “cash storage box” in which shall be deposited all financial instruments inserted into the bill validator. Each cash storage box shall:

- 1) Have at least one lock securing the contents of the cash storage box, the key to which shall be different from the key utilized to secure the Kiosk.
- 2) Have an opening through which currency can be inserted into the cash storage box.
- 3) Have a mechanical arrangement or device that prohibits removal of financial instruments from the opening at any time.

- 4) Be fully enclosed, except for such openings as may be required for the operation of the bill validator or the cash storage box; provided, however, that the location and size of such openings shall not affect the security of the cash storage box, its contents, or the bill validator, and shall be approved by the Commission.

**D. Kiosk Currency Cassettes**

Employees shall complete the currency cassette replenishment at each Kiosk by:

- 1) Removing the currency cassette(s) and the reject bin and generate a credit receipt that, at a minimum, includes:
  - a) An identification number of the Kiosk;
  - b) The date and time;
  - c) The denomination of currency for each currency cassette removed from the kiosk; and
  - d) The total value of the total number of bills per denomination remaining in each currency cassette being replenished and the reject bin;
- 2) Inserting the replacement currency cassette(s) and currency cassette reject bin; and
- 3) Entering data into the Kiosk or Back-Office Platform that describes the fill and generating a fill receipt that, at a minimum, includes:
  - a) An identification number of the Kiosk;
  - b) The date and time;



- c) The denomination of currency for each currency cassette inserted into the kiosk; and
- d) The total value of the total number of bills per denomination, for each currency cassette being inserted into the kiosk;

**Section 8.7. Ticket Writer Stations**

- A. The Ticket Writer Station shall be secured through password, biometrics or other approved means where applicable.
- B. Whenever a Ticket Writer Station is opened/closed or turned over to a new Ticket Writer, the Ticket Writer signs on/off and the Back-Office Platform creates a record indicating the Ticket Writer's identity, the date and time, station number, and the fact that the station was opened/closed.
- C. The following transactions shall require supervisory approval
  - 1) Payouts exceeding any Tax Reporting Thresholds;
  - 2) Payouts of \$3,000 or more; and
  - 3) Deposits and withdrawals of \$10,000 or more.

**Section 8.8. Back-Office Platform for Kiosks and Ticket Writer Stations**

- A. Every Kiosk and Ticket Writer Station shall be connected to the Back-Office Platform, which may be integrated into the Sports Betting System, that communicates with Kiosks and Ticket Writer Stations to obtain information, activate kiosks and deactivate programs.

- B. The Supplier or Vendor may administer the Back-Office Platform in accordance with the terms agreed between the operator and the Supplier or Vendor.
- C. The Back-Office Platform will have the ability to monitor, read, and record financial information for each Kiosk and Ticket Writer Station. The following reconciliation information must be available upon demand for each day, shift, and drop cycle:
  - 1) Starting balance dollar amount per financial instrument;
  - 2) Starting balance number of items per financial instrument;
  - 3) Dollar amount per financial instrument issued;
  - 4) Number of items per financial instrument issued;
  - 5) Dollar amount per financial instrument redeemed;
  - 6) Number of items per financial instrument redeemed;
  - 7) Dollar amount per financial instrument increases;
  - 8) Number of items per financial instrument increases;
  - 9) Dollar amount per financial instrument decreases;
  - 10) Number of items per financial instrument decreases;
  - 11) Ending balance dollar amount per financial instrument; and
  - 12) Ending balance number of items per financial instrument.
- D. The Back-Office Platform will allow the monitoring and reading of reports of significant events, in order to guarantee direct scrutiny of conditions detected and reported by the Kiosk or Ticket Writer Station, among them the manipulation or alteration of locally stored data, malfunctions, the opening of the kiosk access door

to the currency cassettes or cash storage boxes, or the unauthorized opening of the ticket writer station drawer.

- E. All significant events that occur on a Kiosk or Ticket Writer Station will be transmitted to Back-Office Platform.
- F. Should an exception or event code, or a combination of both, be reported to Back-Office Platform, the operator may, at its discretion, deactivate the Kiosk or Ticket Writer Station.

## **ARTICLE 9 COMMISSION'S LISTS FOR INVOLUNTARY AND VOLUNTARY EXCLUSION**

### **Section 9.1. Purpose**

Programs and policies created by this section are intended to prevent compulsive play, treat problem gamers and promote responsible play. The sole remedy for failure to comply with this section shall be disciplinary actions imposed by the Commission. The Commission, and its Licensees, or employees thereof will not be liable for damages in any civil action, which is based on the following:

- A. Compliance or noncompliance with this section or a plan adopted pursuant to this section;
- B. An action or failure to take action under this section or a plan adopted under this section;
- C. Failure to withhold participation privileges from an individual; or
- D. Permitting an excluded individual to play.

**Section 9.2. Voluntary Exclusion List**

- A. The Commission shall maintain a Voluntary Exclusion List that consists of the names of people who wish to refrain from Sports Betting, and types of gambling offered by the Commission, to notify the Commission that they will accept responsibility for refraining from engaging in Sports Betting and gambling activities offered by the Commission and its Licensees. Each person seeking placement on the Voluntary Exclusion List acknowledges that it is their responsibility to refrain from engaging in Sports Betting and gambling activities under the jurisdiction of the Commission.
- B. An individual may request to have their name placed on the Voluntary Exclusion List by completing the application and following the procedure outlined in the Commission's website or printed material available from the Commission.
- C. An application for placement on the Voluntary Exclusion List may only be accepted, and an intake performed, by a designated agent approved by the Commission.
- D. Failure to provide any information or to execute any forms deemed necessary by the Commission may result in a denial of a request for placement in the Voluntary Exclusion List.
- E. Voluntary Exclusion List application forms may include a request to waive the liability of the Commission and its agents, operators, the Commonwealth and any person licensed pursuant to the Law, or other such persons as deemed necessary by the Commission, for any damages that may arise out of any act or omission related to placement on the Voluntary Exclusion List.

- F. Upon the filing of an application for placement on the Voluntary Exclusion List, the Commission may file a Notice of Placement in the Voluntary Exclusion List and such application and notice may be disclosed to operators and their employees, as approved by the Commission.
- G. Upon submission of an application, a designated agent shall review with the applicant the contents and statements contained in the application. If the application is complete, the designated agent shall sign the application indicating that the review has been performed and the application has been accepted.
- H. A designated agent may not sign an application if any required information is not provided or they are of the belief that the applicant is not capable of understanding the responsibilities and consequences of being placed on the Voluntary Exclusion List.
- I. The designated agent shall forward the signed application for Voluntary Exclusion to the Commission within forty-eight (48) hours of completion in a manner directed by the Commission.
- J. Upon receipt of an application, the Commission, or its designee, shall review it for completeness. If the application meets all requirements of this section, the application shall be approved, and the individual's name shall be added to the Voluntary Exclusion List. If the application is incomplete, the Commission, or its designee, may deny the application and make efforts to contact the applicant advising them of such.
- K. The Commission, or its designee, shall add to the Voluntary Exclusion List the name of any individual provided from a gaming jurisdiction outside of the

Commonwealth, with which the Commission has entered into an intergovernmental agreement, upon a determination that the individual voluntarily requested that their name be added to the list of the referring jurisdiction and that they were notified, either directly or by operation of law, that their name may be placed on similar lists in other jurisdictions.

- L. A person does not have to admit they are a problem gamer when placing themselves on the Voluntary Exclusion List.
- M. If the applicant has elected to seek services available within the Commonwealth, the Commission, or its designee, shall contact the designated coordinating organization for the provision of requested services. The Executive Director shall determine the information and forms to be required of a person seeking placement on the Voluntary Exclusion List. Such information shall include, but not be limited to, the following:
  - 1) Name, home address, email address, telephone number, date of birth, and Social Security number of the applicant;
  - 2) A passport-style photo of the applicant;
  - 3) Election of the duration of the exclusion in accordance with subsection (O) of this section;
  - 4) An acknowledgment by the applicant that the individual will not be participating in Sports Betting or any form of gambling offered by the Commission and that it is their sole responsibility to refrain from doing so;
  - 5) An acknowledgment by the applicant that the applicant shall not collect any winnings or recover any losses resulting from any Sports Betting or

gambling activity under the jurisdiction of the Commission for the duration of the exclusion period;

- 6) An acknowledgment by the applicant that the individual will forfeit all rewards or points earned through any player reward or another promotional program they engage in Sports Betting while on the Self-Exclusion List;
- 7) An offer by the Commission or the designated agent completing the Voluntary Exclusion application to assist the applicant to access information about gaming disorders, self-guided help or counseling services with a clinician approved by the Mental Health and Addiction Prevention Services Authority (ASSMCA);
- 8) An acknowledgment of understanding by the applicant that by placing their name on the Voluntary Exclusion List, the prohibitions identified in this section apply to all Sports Betting or gambling activities offered by the Commission or its Licensees or affiliates, whether within the Commonwealth or another jurisdiction, and that the Commission may share the Voluntary Exclusion List with other domestic or international gaming jurisdictions resulting in placement on those lists;
- 9) An acknowledgment by the applicant that the individual is submitting the application freely, knowingly, and voluntarily;
- 10) A statement that the individual is not under the influence of a substance or suffering from a mental health condition that would impair their ability to make an informed decision;

- 11) An acknowledgment by the applicant that if they knowingly violate their agreement to refrain participating in any Sports Betting or gambling activity offered by the Commission or its Licensees or affiliates during the exclusion period, the applicant shall notify the Commission of such violation within twenty-four (24) hours of such activity; and releasing the Commonwealth, the Commission and all affiliated employees, entities and persons licensed by the Commission and their affiliates, from any claims associated with their breach of the agreement;
- 12) An affidavit verifying that the applicant wishes to be placed on the Voluntary Exclusion List, that the Commission is specifically authorized and requested to release all contents of the person's application to persons who, in the sole discretion of the Commission, are necessary to implement the policies and procedures contained in this section. Such persons shall be subject to terms of confidentiality prescribed by the Commission, which shall be contained in the application. Such persons shall include, but not be limited to the following:
  - a) Employees or contractors of the Commission involved in the administration, supervision or activities related to the administration or supervision of this section;
  - b) Licensees of the Commission or their affiliates, agents and employees;
  - c) Designated agents; and



- d) Law enforcement personnel involved in the administration, supervision or investigation of activities contained in this section.
- 13) An acknowledgment by the applicant that once their name is placed on the Voluntary Exclusion List, they may be refused entry or ejected from areas specifically devoted to Sports Betting or forms of gambling under the jurisdiction of the Commission by a person licensed by the Commission, an agent of the Commission, or law enforcement personnel.
- N. The Commission may provide procedures permitting online self-exclusion if it determines that the goals, objectives and protections of the in-person self-exclusion process can be accomplished online.
- O. As part of the request for self-exclusion, the individual must select the duration for which they wish to be excluded. An individual may select the lifetime duration if their name has previously appeared on the Voluntary Exclusion List for at least six (6) months.
- P. An individual on the Voluntary Exclusion List may not apply to decrease the duration of exclusion. An individual who is on the Voluntary Exclusion List may submit a request to increase the minimum length of exclusion.
- Q. Upon expiration of the selected duration of exclusion, individuals may request that their name be removed from the Voluntary Exclusion List or petition for exclusion for a new duration. Individuals shall remain on the self-Exclusion List after the expiration of the selected duration of exclusion until such time as they submit a petition for removal, and it is approved by the Commission or its designee.

- R. At any time after the expiration of the selected duration of exclusion, an individual may request that their name be removed from the Voluntary Exclusion List by submitting a petition for removal on a form approved by the Commission. The petition shall include confirmation from a designated agent that the individual completed an exit session. Any petition for removal received by the Commission prior to the expiration of the duration of the selected exclusion period shall be denied.
- S. The Commission shall approve a completed petition for removal. An individual who has selected a lifetime duration may not submit a petition for the removal of their name from the Voluntary Exclusion List. An incomplete application, including one that fails to demonstrate completion of an exit session shall be denied until such time as the application is completed.
- T. To be eligible for removal from the Voluntary Exclusion List the petitioner shall participate in an exit session with a designated agent. The exit session shall include a review of the risks and responsibilities of participation, budget setting and a review of compulsive play resources should the petitioner wish to seek them. Upon completion of the exit session, the designated agent shall sign the individual's petition for removal from the Voluntary Exclusion List attesting to the fact that the exit session was conducted.
- U. Upon approval of a petition for removal from the Voluntary Exclusion List, a written notice of removal from the Voluntary Exclusion List shall be forwarded by the Commission, or its designee, to each Licensee and to the petitioner. Notice may be forwarded to the petitioner by email or first-class mail to the email address or

home address provided by the petitioner in the petition. The petitioner shall be deemed to be removed from the Voluntary Exclusion List when the notice is sent by the Commission or its designee.

- V. If a petitioner does not meet the eligibility requirements for removal from the Voluntary Exclusion List, the petition shall be denied. The petitioner shall be notified of the denial by email or first-class mail to the email address or home address provided by the petitioner in the petition. In the event of a denial of a petition, the individual shall remain on the Voluntary Exclusion List until such time as the eligibility requirements have been satisfied.
- W. An individual whose name has been removed from the Voluntary Exclusion List may reapply for placement on the Voluntary Exclusion List at any time by submitting an application in accordance with this section;
- X. An individual whose name was added to the Voluntary Exclusion List in the Commonwealth in accordance with this section shall be removed from the Voluntary Exclusion List upon receipt of written notice from the referring jurisdiction that the individual's name has been removed from that jurisdiction's list.
- Y. The Commission shall maintain an up-to-date database of the Voluntary Exclusion List. Licensees designated by the Commission shall be afforded access to the Voluntary Exclusion List. All information contained in approved applications for exclusion may be disclosed to a designated Licensee.
- Z. Except as authorized by this section, the Commission's Voluntary Exclusion List shall be kept confidential. The Commission may disclose de-identified information

from the Voluntary Exclusion List to one or more research entities selected by the Commission for the purpose of evaluating the effectiveness and ensuring the proper administration of the self-exclusion program.

**Section 9.3. Involuntary Exclusion List**

A. The Commission shall maintain an Involuntary Exclusion List that consists of the names of people who the Executive Director determines meet anyone of the following criteria:

- 1) Any person whose participation would be inimical to Sports Betting in the Commonwealth of Puerto Rico, including the following:
  - a) Any person who cheats;
  - b) Any person who poses a threat to the safety of the players or employees;
  - c) Persons who pose a threat to themselves;
  - d) Persons with a documented history of conduct involving the disruption of a Sports Event or Special Event;
  - e) Persons included on another jurisdiction's exclusion list;
  - f) Persons subject to a Court order excluding those persons from any Sports Betting;
  - g) Any felon or person who has been convicted of any crime or offense involving gambling or sports betting and whose participation would be inimical to Sports Betting in the Commonwealth of Puerto Rico;

- 2) Any person who enhances a risk of unfair or illegal practices in the conduct of Sports Betting; or
  - 3) Any person or entity included in the Specially Designated Nationals and Blocked Persons List issued by OFAC.
- B. The Executive Director's determination of inimicality may be based upon any of the following:
- 1) The nature and notoriety of the person to be excluded from the operator's Sports Betting System;
  - 2) The history and nature of the involvement of the person with the operator in the Commonwealth of Puerto Rico or any other jurisdiction or with any particular licensee or licensees or any related Commission of any licensee;
  - 3) The nature and frequency of any contacts or associations of the person with any licensee; or
  - 4) Any other factor reasonably related to the maintenance of public confidence in the regulatory process or the integrity of Sports Betting in the Commonwealth of Puerto Rico.
- C. The Involuntary Exclusion List shall contain the following information, if known, for each excluded person:
- 1) The full name and all known aliases and the date of birth;
  - 2) A physical description;
  - 3) The date the person's name was placed on the Involuntary Exclusion List;
  - 4) A photograph, if available;
  - 5) Social Security number, if available;

- 6) The person's occupation and current home and business addresses; and
  - 7) Any other relevant information as deemed necessary by the Commission.
- D. The Commission shall distribute the Involuntary Exclusion List to operators.
- E. The Commission shall attempt to provide notice to any person who is placed on the Involuntary Exclusion List.
- F. Each excluded person who has been listed on the Involuntary Exclusion List and wishes to contest being placed on the Involuntary Exclusion List may request a Mediation Hearing pursuant to the Adjudicatory Procedures Regulations of the Commission

## **ARTICLE 10 COMPLIANT REPORTING AND RESOLUTION PROCESS**

### **Section 10.1. Opportunities for Player Complaints**

The Sports Betting Operator shall develop and maintain procedures delineated in the internal controls on the complaint reporting and resolution process. A player may file a complaint with the operator about any aspect of a Sports Betting operation on a 24/7 basis.

### **Section 10.2. Responses to Complaints**

The operator shall implement processes and procedures that establish a protocol for responding to and reporting on complaints by players that their accounts have been misallocated, compromised or otherwise mishandled. The operator shall respond to such complaints in writing within ten business days. If the relief requested in the complaint will not be granted, the response to the complaint shall state the reasons with specificity.

**Section 10.3. Complaints Requiring Additional Information**

If the response to a complaint is that more information is needed, the form and nature of the necessary information shall be specifically stated. When additional information is received, further response shall be required within seven days.

**Section 10.4. Operator Retention of Complaints**

All complaints received by the operator from a player and the operator's responses to complaints shall be retained for at least five years.

**Section 10.5. Reporting to Commission of Complaints**

All complaints received by the operator from a player and the operator's responses to complaints shall be made available to the Commission within ten business days of any request by the Commission.

**Section 10.6. Beginning of the Adjudicative Procedure for the Settlement of Complaints**

- A. Except when otherwise established by law, the adjudicative procedure of any complaints related to Sports Betting shall be governed by the Adjudicatory Procedures Regulations, to the extent that they are not incompatible with the provisions of this section.
- B. The Executive Director or their authorized representative will keep a record of all the complaints presented, which will be registered in the order in which they are received, assigning each of them a registration number.

**Section 10.7. Mediation Hearing**

- A. In order to encourage the informal resolution of complaints related to Sports Betting in the most rapid, fair and economical way for the parties, upon the approval of all parties to the complaint, the Commission may hold a mediation hearing to encourage the parties to reach an agreement without the need to bring carry out further procedures.
- B. If a mediation hearing is held, the Commission will notify all parties or their authorized representatives in writing of the date, time and place where the mediation hearing will be held. The notification will be made by mail or in person with no less than fifteen (15) days prior to the date of the hearing, except that for justified reasons, consigned in the notification, it is necessary to shorten said period. All adjudicative processes will be deemed to be paralyzed when a mediation hearing is notified.
- C. The mediation hearing will be chaired by the Executive Director or their authorized representative.
- D. The function of the Executive Director or their authorized representative at the mediation hearing will be exclusively to promote that the parties reach an agreement without having to carry out subsequent procedures.

**Section 10.8. Conclusion of the Mediation Hearing**

- A. If at the mediation hearing the parties manage to reach an agreement, then they will submit to the Executive Director said agreement in writing and signed by the parties within a term not greater than ten (10) days after the conclusion of the hearing of



mediation, in which case the adjudicative process shall be deemed finished. Otherwise, the Executive Director shall submit the case to an examining officer within a term no greater than ten (10) days after the conclusion of the mediation hearing for adjudication.

- B. For the purposes of this section, the mediation hearing shall be deemed concluded on the day that:
- 1) The parties reach an agreement;
  - 2) The parties do not reach an agreement and a specific date is not set for the continuation of the mediation hearing;
  - 3) One or more of the parties fail to appear, without just cause, at the mediation hearing; or
  - 4) For any other reason that the Executive Director deems reasonable.

## **ARTICLE 11 ADOPTION, MODIFICATION AND REVOCATION OF REGULATIONS**

### **Section 11.1. Notice of the Proposed Amendment, Adoption or Revocation of a Regulation**

- A. The Commission shall follow the procedures stipulated in these regulations and in Act 38-2017, as amended, known as the “Uniform Administrative Procedures Act of the Government of Puerto Rico”, for the adoption, amendment, or revocation of any regulation related to the Sports Betting operation.
- B. The adoption, amendment and revocation of a regulation will be carried out in accordance with the following procedures:

- 1) At least thirty (30) days before holding a meeting of the Board of Directors of the Commission in which the adoption, amendment or revocation of a regulation for the purposes described in this section will be considered, the Commission will publish a notice of the proposed action in a newspaper of general circulation in Puerto Rico. Notice of the proposed adoption, amendment, or revocation must include:
  - a) A summary or brief explanation of the purposes of the proposed action;
  - b) A quote from the legal stipulation authorizing said action;
  - c) A declaration to the effect that any interested party will have at least thirty (30) days, counted from the date of publication of the notice, to send written comments regarding the regulation that is the object of the action;
  - d) The form, place, dates and times during which said written comments can be presented;
  - e) The place where the complete text of the regulation that will be adopted, amended or revoked will be available to the public.
- 2) The Commission will provide an opportunity to submit written comments for a period of not less than thirty (30) days from the date of publication of the notice described in subsection (1), above.
- 3) The Commission will call public hearings, which may be recorded or transcribed by stenographers. The official presiding over the hearings will

prepare a report for the Director's consideration, summarizing the comments made during the hearing.

- 4) The proposed regulation will be presented to the Board of Directors of the Commission for its approval. If the Board of Directors approves it, it will be sent to the Governor.
- 5) If the Governor approves the proposed regulation, it will be filed with the State Department in original and two copies and will come into effect from the date of its filing with the State Department.

### **Section 11.2. Content, Style and Form of the Regulations**

In addition to the text of the regulation, any regulation that is adopted or amended by the Commission must include the following information:

- A. A citation of the stipulation or legal stipulations authorizing the adoption or amendment;
- B. A brief and concise explanation of the purposes or reasons for such adoption or amendment;
- C. A reference to all regulations that are amended, revoked or suspended by such adoption;
- D. The date of its approval and
- E. The date of its adoption.

### **Section 11.3. Archive**

The Commission will keep available for public inspection an official file with all the information related to any proposal for the adoption of rules or regulations, as well as those that have been adopted or amended, which includes, among others:

- A. A copy of any publication related to said regulation;
- B. Any request, request, memorial or written comment sent to the Commission, as well as any written material considered by the Commission regarding the adoption of the applied procedures.
- C. Any report prepared by the official who presides over the hearing and which summarizes the content of the presentations;
- D. A copy of any regulatory analysis that has been prepared during the regulatory adoption procedures;
- E. A copy of the regulation and an explanation thereof, and
- F. All requests for exceptions, amendments, revocation or suspension of the regulations.

**Section 11.4. Request for Adoption, Amendment or Revocation of Regulations**

- A. Any interested person may submit a petition to the Commission to request the adoption, amendment or revocation of a regulation. The request must clearly and concisely indicate the following:
  - 1) The content and nature of the requested regulation, amendment or revocation;
  - 2) The reasons for the request and

- 3) The appointment of the legal stipulation that authorizes the Commission to take the requested action.
- B. The Commission may deny the request in writing or establish a period not exceeding forty-five (45) days from the date on which the Commission receives the notice of request, during which it must take action regarding said request.

### **Section 11.5. Regulation - Emergencies**

The provisions of Section 11.1 may not be taken into account in all cases in which the Governor certifies that, due to an emergency or any other circumstance that so warrants

## **ARTICLE 12 MISCELLANEOUS PROVISIONS**

### **Section 12.1. Sanctions**

- A. The Puerto Rico Law Enforcement Agencies shall have exclusive jurisdiction in relation to the application of criminal sanctions for any activity related to the Sports Betting Operations.
- B. The Commission may file lawsuits and / or take regulatory measures to compel compliance with the Law and Regulations by any person licensed under them.
- C. Any person who, deliberately, fails to inform, pay or comply with the procedure of any license application and to pay all fees for research or franchise rights stipulated by Law and Regulation, or who deliberately attempts to any form, evading or circumventing such rights, or their payment, will be subject to regulatory sanctions and will be subject to the imposition of a sanction of three (3) times the amount of

the license fee that he evaded or did not pay, which will be collected by the Commission.

- D. Any person who, without having obtained the indispensable license stipulated in these Regulations, works or is employed in a position whose functions require licensing in accordance with the provisions of these Regulations, will be subject to the imposition of sanctions and a fine of no more than twenty-five thousand dollars (\$25,000) and/or the suspension or revocation of the license.
- E. In addition to any monetary sanction, the Commission will have the authority to impose the following sanctions on any person licensed under the Law and these Regulations:
- 1) Revoke the license of any person found guilty of any crime, which will be disqualified in accordance with the provisions of these Regulations.
  - 2) Suspend the license of any person involved in a case that could conclude with a revocation of license, until the hearing takes place and a determination is reached.
  - 3) Suspend or revoke the franchise of all operators for violating any stipulation of the Law or these Regulations related to their operations.
  - 4) Impose the administrative fines that are necessary to punish the misconduct and discourage future infractions and said fines may not exceed the amount of twenty-five thousand dollars (\$25,000.00) per infraction.
  - 5) Send warning letters and reprimand or censure letters, which will become a permanent part of the file of each operator thus sanctioned or holder of a license.

- F. In considering the appropriate sanctions in a given case, the Commission will consider the following:
- 1) The danger to the public and the integrity of gaming operations created by the conduct of the person facing sanctions;
  - 2) The seriousness of the conduct and whether it was deliberate and with knowledge that it was a contravention of the Law and the Regulations;
  - 3) Any justification or excuse for such conduct;
  - 4) The previous history of the operator and / or license holder regarding compliance with the Law and the Regulations;
  - 5) The corrective measures taken by the operator or license holder to prevent similar misconduct from occurring in the future; and
  - 6) In case of monetary sanction, the amount of the fine in relation to the seriousness of the misconduct and the financial resources of the operator and / or franchise holder. The Commission may impose any terms or conditions of payment of said fine that they consider appropriate.
  - 7) The applicant or operator may not allege, in his defense, that he violated a stipulation of the Law or these Regulations by mistake, inadvertently or without knowing. Those elements will only be taken into account to determine the degree of the sanction to be imposed by the Commission.
- G. A violation of any provision of these Regulations that is a continuing violation will be considered a separate violation for each day on which it occurs. Nothing in this subsection shall be interpreted as preventing the Commission from determining that multiple violations of those provisions of the Regulations that establish

consistent violations of separate and different acts have been committed on the same day.

## **ARTICLE 13 TAXES**

### **Section 13.1. Tax Rates**

- A. The Sports Betting Operator which has in force a license issued by the Commission under the Law shall, in lieu of any other revenue contribution provided for in the Code or any other law, be subject to the fixed fee set forth in this Article with respect to Sports Betting conducted under the Law. Unless other values are given under the Law, the tax shall be calculated in accordance to the following percentage of the Adjusted Gross Revenue from the wagers placed:
- 1) For wagers made at an Authorized Location, seven percent (7%).
  - 2) For wagers made through Internet Betting, twelve percent (12%).
- B. It is provided that the Operator's income that does not come from the wagers placed in accordance with the Law shall be subject to the provisions of the Code or the applicable tax statute.

### **Section 13.2. Tax Collection**

- A. The Operator must timely pay the tax imposed under the Law. The tax for a month shall be transferred to the Commission on the fifth business day of the following month from the operators account.
- B. The operator must complete an electronic form through an internet portal provided by the Commission with the financial information for the period been paid. The



information of the form will be provided to the operators as approved by Commission.

- C. A report showing Adjusted Gross Revenue and tax amount calculations shall be submitted electronically to the Commission on the same day. These reports will be preapproved by the Commission before the operator begins to offer the Sports Betting.
- D. Reports could offset amounts from one month to the other during the Commission Fiscal Year. This period begins on July and ends in June of the next year, for a total of twelve months. All final adjustments should be included on the report of June.

## **ARTICLE 14 SEVERABILITY**

### **Section 14.1 Severability**

If any of the provisions of this Regulation is declared unconstitutional by a court of competent jurisdiction, said determination will not affect or invalidate the rest of the Regulation, but its effect will be limited to the part, section, paragraph, subsection, subparagraph or clause that is declared unconstitutional or illegal.

## **ARTICLE 15 EFFECTIVENESS**

### **Section 15.1 Effectiveness**

These Regulations shall take effect thirty (30) days after being filed with the Department of State, as provided for in Act No. 38-2017, as amended, known as the “Uniform Administrative Procedure Act of the Government of Puerto Rico”.


**ARTICLE 16 APPROVAL**

**Section 16.1 Approval**

Pursuant to the provisions of Act 81-2019, supra, and Act 38-2017, supra, the Commission APPROVES this Regulations today, October 18, 2021 in San Juan, Puerto Rico.




Manuel Cidre Miranda  
President




Ray J. Quiñones Vázquez  
Commissioner


Enrique Volckers Nin  
Commissioner



por: Carlos Mercado Santiago  
Commissioner



Carlos Rodríguez Mateo  
Commissioner



José Balasquide Córdova  
Commissioner



Cristóbal Méndez Bonilla  
Commissioner