

OFFICE OF LOTTERY AND GAMING

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Executive Director of the Office of Lottery and Gaming (Office), pursuant to the authority set forth in Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 36-601.06(a), 36-621.02, and 36-621.11(2016 Repl.)), and Office of the Chief Financial Officer Management Control Order No. 21-08, effective August 30, 2021, hereby gives notice of the following emergency amendments to Chapter 20 (District Operated Sports Wagering) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The emergency rulemaking implements the requirements for District operated sports wagering conducted using the FanDuel platform.

The Executive Director has determined that emergency rulemaking action, pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, D.C. Official Code § 2-505(c)), is necessary for the welfare of District of Columbia residents. Emergency action is necessary to promote the immediate preservation of the health, safety, and welfare of District residents.

These emergency rules were adopted by the Executive Director on April 12, 2024, took effect immediately, and will remain in effect for up to one hundred twenty (120) days from adoption, expiring August 10, 2024.

The Executive Director also gives notice of intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the District of Columbia Register.

Title 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended as follows:

Amend the title of chapter 20 read as follows:

Chapter 20 DISTRICT OPERATED SPORTS WAGERING USING THE GAMBETDC PLATFORM

Amend to add new chapter 26 to read as follows:

Chapter 26 DISTRICT OPERATED SPORTS WAGERING USING THE FANDUEL PLATFORM

2601 USE OF DISTRICT OPERATED SPORTS WAGERING'S MOBILE APPLICATION OR WEBSITE

2601.1 To Deposit funds and/or place a wager using the District operated sports wagering mobile application or website a player must:

- (a) Be at least 18 years of age;
- (b) Have a valid account;
- (c) Have sufficient funds in their account to wager;
- (d) Be able to be positively identified by the Office's Know Your Customer (KYC) procedures;
- (e) Be physically located within the legal boundaries of District of Columbia and in a location within those boundaries of the District of Columbia not otherwise prohibited by law to place a wager; and
- (f) Be in compliance with all applicable District, federal, state, and local laws, rules, and regulations.

2601.2 A player shall not use or attempt to use the Services in any way that:

- (a) Violates any District, federal, state, or local law, regulation, or court order;
- (b) Misrepresents the player's identity or personal information;
- (c) Circumvents any method the Office uses to verify information about the player's age, identity, or physical location;
- (d) Impersonates another person, business, entity, physical location, or IP address;
- (e) Allows any third party to use the player's account;
- (f) Attempts to reverse, deny, charge-back, or otherwise block our receipt of any funds the player has Deposited into their account;
- (g) Deposits or attempts to Deposit any funds derived from an unlawful or fraudulent activity into the player's account, including money laundering;
- (h) Accesses or attempts to access, collects, or stores personal information of another person;
- (i) Accesses or attempts to access or circumvents any security measures;
- (j) Gains or attempts to gain unauthorized access to the Services or any of the Office's, or its contractors, computers, networks, servers, data, code, or other equipment or information of any kind;
- (k) Damages or overburdens any of the Office's, or its contractors, computers, network, servers, data, code, or other equipment, or information of any kind;
- (l) Modifies or interferes with the use or operation of the Services;
- (m) Alters, damages, deletes, or otherwise affects any software or code used for the Services;

- (n) Introduces a computer virus or other disruptive, damaging, or harmful files or programs;
- (o) Violates the Office's, or its contractors, proprietary or intellectual property rights in any way; or
- (p) Violates any rule, regulation, or directive of the Office or any specific game rules.

2602 ACCOUNTS

2602.1 To apply for an account, a player must provide all information requested on the registration form including the player's full legal name, address, date of birth, and last four digits of the player's social security number.

2602.2 By applying for an account, a player represents and warrants that:

- (a) They are applying for an account in their own name;
- (b) They are using their own personal information;
- (c) The information they provide is true, complete, and accurate to the best of their knowledge;
- (d) They will keep their username and password confidential;
- (e) They do not already have an open account;
- (f) They are not prohibited from gambling, wagering on Sports Events, or otherwise prohibited from using the Services; and
- (g) They are not opening the account for any illegal purpose.

2602.3 The Office may require a player to provide additional information, provide copies of documents, or appear in person at the Office's headquarters or other specified location in order to complete the account application.

2602.4 The Office may require a player to change or update account information at any time, including the player's username and password.

2602.5 Players may not open more than one account using the FanDuel platform.

2602.6 By applying for an account, a player consents to the Office's use of any age-verification and identity-verification technology or method the Office deems appropriate to validate age and identification. A player may be required to show additional evidence of the player's age and identification, provide copies of documents, or appear in person at the Office's headquarters.

2602.7 A player's application for an account shall be denied if the player's age or identity cannot be verified.

2602.8 A player may close their account at any time except that the account must remain in pending closure status if there are outstanding confirmed wagers, such as a wager on a future Sports Event.

2603 GEOLOCATION

- 2603.1 Players consent to the Office transmitting, collecting, maintaining, processing and using their location data to provide and improve location-based Services. Players may withdraw this consent at any time by turning off the location settings on their device or by notifying the Office in writing that they would like to withdraw such consent; however, a player who withdraws consent to providing location data will not be able to place wagers.
- 2603.2 The Office’s ability to geolocate a player may require a high-speed internet connection. The Office is not responsible for any charges associated with a player’s use of high-speed internet connection.
- 2603.3 In some cases, a player’s location may need to be verified through their browser location services. A player’s location will only be obtained from the browser with additional consent from them. If verification through a player’s browser is required, an interactive message will appear when they try to purchase a wager through the Services.
- 2603.4 Information relating to a player’s location and the location of their device may be shared with Office contractors, sub-contractors, affiliates and other third parties for a variety of reasons, including but not limited to: providing the product, service or transaction the player requested, legal compliance purposes, and marketing purposes. A record confirming the player’s location may be retained by the Office.

2604 INCORPORATION OF PRIVATELY OPERATED SPORTS WAGERING RULES

- 2604.1 District operated sports wagering shall be subject to the following sections of 30 DCMR ch. 21 (as appropriate certain sections apply to sports wagering facilities at Office approved retail locations and online sports wagering offered via mobile app or website):
 - (a) 30 DCMR § 2109;
 - (b) 30 DCMR §§ 2110.1 (d) and (e);
 - (c) 30 DCMR § 2110.2;
 - (d) 30 DCMR § 2115
 - (e) 30 DCMR § 2116;
 - (f) 30 DCMR § 2121;
 - (g) 30 DCMR § 2122;
 - (h) 30 DCMR § 2126;
 - (i) 30 DCMR § 2127;
 - (j) 30 DCMR § 2128;
 - (k) 30 DCMR § 2129;

- (l) 30 DCMR § 2130; and
- (m) 30 DCMR §§ 2131.1 through 2131.4.

2605 **HOUSE RULES**

2605.1 Specific terms and conditions governing District operated sports wagering and operations (House Rules) shall be posted on or be made available on the sports wagering mobile application and website.

2606 **REPORTS OF TRANSACTIONS IN CURRENCY**

2606.1 The Office shall have procedures and processes to ensure compliance with currency transaction reporting requirements under 31 CFR §§ 1021.300 et seq.

Persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Antar Johnson, Senior Counsel, Office Lottery and Gaming, 2235 Shannon Place S.E., Washington, D.C. 20020, or e-mailed to SWRules@dc.gov. Copies of the proposed rules may be obtained between 8:30 a.m. and 5:00 p.m. at the address stated above. Questions may be directed to (202) 645-8026.