

205 CMR 251: SPORTS WAGERING OPERATION CERTIFICATE

Section

251.01: Issuance and Posting of Operation Certificate

251.02: Operation Certificate: Test Period

251.03: Operation Certificate: Effective Date: Duration

251.01: Issuance and Posting of Operation Certificate

(1) Before a Sports Wagering Operator may conduct Sports Wagering, other than for testing purposes in accordance with 205 CMR 251.02, a Sports Wagering Operator must request and obtain from the Commission an Operation Certificate. The Operation Certificate shall not issue until the Commission has conducted all reviews, including, for Category 1 Sports Wagering Operators and Category 2 Sports Wagering Operators, on-site tests and inspections required in accordance with 205 CMR 251.00 or otherwise deemed necessary by the Commission. The Commission may authorize a designee to issue a conditional Operation Certificate, subject to ratification by the full Commission, subsequent to a successful test period in accordance with 205 CMR 251.02 and satisfaction of any other outstanding condition.

(2) The Operation Certificate shall be in the form prescribed by the Commission and shall be conspicuously posted within a Category 1 or Category 2 Sports Wagering Facility, or prominently displayed on a Category 3 Sports Wagering website or mobile application.

(3) An Operation Certificate shall not issue unless the Sports Wagering Operator has demonstrated to the Commission that it has complied with all requirements of M.G.L. c. 23N, 205 CMR, and all applicable laws. Such compliance includes, but is not limited to:

- (a) Approval of its system of internal controls including implementation of all approved policies and procedures required;
- (b) Provision of a current list of all Sports Wagering employees, Sports wagering Vendors, and Non-Sports Wagering Vendors;
- (c) For a Category 1 or Category 2 Sports Wagering Licensee, the Sports Wagering facility has been built and is of a superior quality and complies with any applicable conditions of licensure;
- (d) For a Category 1 or Category 2 Sports Wagering Licensee, a copy of an emergency response plan that includes, but is not limited to, the elements listed in 205 CMR 151.01(3)(g), and which is filed with the Commission and with fire department and police department of the Host Community; or an update to such plan already filed pursuant to 205 CMR 151.01;
- (e) For a Category 1 or Category 2 Sports Wagering Licensee, a copy of the certificate of occupancy issued by a building commissioner or inspector of buildings of the Host Community in accordance with 780 CMR 111.00: *Certificate of Occupancy* that includes an approval under 521 CMR: *Architectural Access Board*, indicating the necessary use and occupancy to operate the Sports Wagering Facility; as well as copies of any other permits required to be issued by the Host Community prior to the opening of a like facility; and
- (f) Compliance with any other condition imposed by the Commission to secure the objectives of M.G.L. c. 23N and 205 CMR.

251.02: Operation Certificate: Test Period

(1) Prior to the issuance of an Operation Certificate, a Sports Wagering Operator shall successfully complete an evaluation and test period in accordance with such terms and conditions as are reasonably calculated by the Commission to allow the Commission to assess whether the licensee is in compliance with M.G.L. c. 23N and 205 CMR 251.00.

(2) The Commission will provide the Sports Wagering Operator with the terms and conditions of the test period promptly upon receipt of the licensee's request for an Operation Certificate.

(3) The terms and conditions of the test period as determined by the Commission, or its designee, shall incorporate, at a minimum, the following:

- (a) The dates and times of the test period; provided, said schedule may be increased or decreased by the Commission or its designee as necessary;

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- (b) Any physical areas of a Sports Wagering facility that will be tested, inspected, and reviewed including a review of the layout of the Sports Wagering facility; and
- (c) Any actions necessary to preserve and to assure an effective evaluation of the Sports Wagering Operator during such test period.

251.03: Operation Certificate: Effective Date; Duration

- (1) Upon the successful completion of the test period in accordance with 205 CMR 251.02 the Commission shall establish the effective date of the Operation Certificate and the scope of the Sports Wagering Operator's authority to conduct Sports Wagering.
- (2) Each certificate, once issued, shall remain in effect throughout the term of the Sports Wagering Operator License under such terms and conditions as the Commission may impose, but may be revoked, suspended, limited, or otherwise altered by the Commission.
- (3) Each Sports Wagering licensee to which an Operation Certificate is issued shall conduct Sports Wagering strictly in accordance with the terms of its original Operation Certificate and shall not change any of the items to which the Operation Certificate applies except as otherwise approved by the Commission.

REGULATORY AUTHORITY

205 CMR 251.00: M.G.L. c. 23N.