

**RESOLUTION CONCERNING ADOPTION OF EMERGENCY
AMENDMENT TO SPORTS BETTING RULE 9,
1 C.C.R. 207-2**

WHEREAS, on May 10, 2022, the Colorado General Assembly passed House Bill (HB) 22-1402, concerning measures to promote responsible gaming and also creating a Responsible Gaming Grant Program, establishing funding mechanisms to support the Responsible Gaming Grant Program, and making an appropriation;

WHEREAS, on June 7, 2022, Governor Jared S. Polis signed HB 22-1402;

WHEREAS, HB 22-1402 took effect at 12:01 a.m. on August 10, 2022 (the day following the expiration of the ninety-day period after final adjournment of the General Assembly on May 11, 2022);

WHEREAS, HB 22-1402 requires retail gaming licensees, sports betting operators, and internet sports betting operators to annually submit reports to the director of the Division of Gaming, describing the efforts of the licensee/operator to promote responsible gaming in the preceding state fiscal year and plans concerning promotional efforts in the current fiscal year;

WHEREAS, in order for retail gaming licensees, sports betting operators, and internet sports betting operators to begin preparing annual reports for submission in 2023, the Colorado Limited Gaming Control Commission (the "Commission") finds it is necessary to promulgate emergency rules detailing criteria for sufficient promotion of responsible gaming to be submitted by retail gaming licensees, sports betting operators, and internet sports betting operators;

WHEREAS, HB 22-1402 also requires the Division of Gaming to operate a program in which certain individuals may be excluded from retail gaming activities and/or sports betting activities in the State of Colorado on and after January 1, 2023;

WHEREAS, HB 22-1402 requires that the Commission promulgate rules regarding the exclusion program of certain individuals from retail gaming activities and/or sports betting activities and the operation of the program by the Division on or before November 1, 2022;

WHEREAS, since the passage of HB 22-1402, the Division of Gaming has engaged in lengthy and meaningful discussions with stakeholders and the public to craft the proposed rules for the Commission to consider in order to implement the provisions of HB 22-1402;

WHEREAS, a temporary or emergency rule may be adopted if an agency finds that immediate adoption of a rule is imperatively necessary and that

compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest;

WHEREAS, the immediate adoption of the emergency amendments to Regulation 9.1 *Display of Responsible Gaming Logo*, Regulation 9.2 *Sports Betting Operations Self-exclusion*, Regulation 9.3 *Direct Marketing to Prohibited Sports Betting Participants*, Regulation 9.4 *Responsible Advertising and Promotions*, Regulation 9.5 *Exclusion List – Duties and Responsibilities*, and Regulation 9.6 *Establishment of Responsible Gaming Best Practices* under Rule 9 are imperatively necessary to implement the exclusion program of certain individuals from retail gaming activities and/or sports betting activities and the requirements for the submission of responsible gaming reports by retail gaming licensees, sports betting operators, and internet sports betting operators as required by HB 22-1402, and so compliance with the requirements of § 24-4-103, C.R.S., would be contrary to public interest; and

WHEREAS, a permanent change could be achieved no sooner than January 2023 given the process for notice and promulgation of the rules pursuant to the provisions of § 24-4-103, C.R.S.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Colorado Limited Gaming Control Commission, based on the facts recited above, as follows:

The immediate adoption of the emergency rule amendments for sports betting Rule 9 under 1 C.C.R. 207-2, effective October 27, 2022, is imperatively necessary to properly regulate and control sports betting in Colorado and to ensure the regulated community, stakeholder, and the public have clear guidance regarding changes following HB 22-1402, and the delay resulting from strict compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest.

RESOLVED AND ENTERED this 27 day of October, 2022.

COLORADO LIMITED GAMING
CONTROL COMMISSION

By:



Richard Nathan, Chair