

Change list for LSA 12-659, a Rule concerning Promotional Events

The Casino Association of Indiana submitted written comments and expressed concern that the timeframe for promotional marketing submissions was too far in advance and removed the flexibility to plan promotions on shorter notice in response to market conditions. Accordingly, the Commission has made four (4) changes to the proposed rule after considering the CAI's comments. These changes would give more flexibility to casinos than in the original proposed rule and addresses the CAI's concerns:

1. The number of days to submit a promotional event to the Commission was decreased from thirty (30) to fifteen (15) days prior to an event, giving the casinos licensees more flexibility to conduct promotional events an shorter notice.
2. The number of days to make substantial changes prior to an event was also decreased from ten (10) to two (2) days, allowing substantive changes to occur as close as two days prior to an event.
3. Commission staff also added a provision that would permit licensees to obtain approval from a gaming enforcement agent on-site if the Commission's central staff is unavailable less than two (2) days prior to an event.
4. The Commission clarified that an event could be cancelled at any time prior to the start of the event by notifying the Commission's staff, including a gaming enforcement agent assigned to the property.

The changes between the initial proposed rule and the proposed final rule are reflected in bold below. *Note:* Only proposed section 68 IAC 1-12.5-2 had any changes from the original proposed rule.

68 IAC 1-12.5-2 Submission of promotional events

Authority: IC 4-33-4; IC 4-35-4

Affected: IC 4-33; IC 4-35

Sec. 2. (a) A casino licensee shall submit a promotional event to the commission for approval or review if the promotional event is listed under sections 1(d) or 1(e) of this rule.

- (1) A casino licensee shall submit a promotional event under this subsection to the commission at least ~~thirty (30)~~ **fifteen (15) business** days prior to the promotional event.
- (2) ~~A casino licensee has fifteen (15) days from the date of the commission's decision to make changes to its submission, but may not make changes to the submission within ten (10) business days prior to the start of the event.~~ **Any substantial changes to the submission must be submitted to**

the commission in writing at least two (2) days prior to the start of the event.

(3) If there are substantial changes less than two days prior to an event and the commission's staff is unavailable to review the submission, a casino licensee shall submit the request to a gaming enforcement agent assigned to the property.

(4) A casino licensee may cancel an event at any time prior to the start of the event by notifying the commission's staff, including a gaming enforcement agent assigned to the property.

(b) A submission for approval or review under subsection (a) must be submitted on the appropriate forms prescribed by the commission.

(c) A submission for approval or review under subsection (a) must include the following:

- (1) A copy of the official rules.
- (2) A detailed description of the ways a patron can win.
- (3) A copy of the marketing materials.
- (4) A copy of documents used in the implementation of the promotional event.
- (5) The signature of the casino licensee's general manager or designee.

(d) A casino licensee shall submit written notice to the commission for promotional events that are listed in section 1(f) of this rule.

(1) Written notice under this subsection may take whatever form the casino licensee prefers.

(2) A casino licensee shall submit notice of a promotional event under this subsection to the commission at least fifteen (15) business days prior to the promotional event.

(3) Notice under this subsection shall include the following:

- (A) The date of the promotional event.
- (B) The time of the promotional event.
- (C) The location of the promotional event.
- (D) A general description of the promotional event.

(e) A submission shall be deemed filed when the casino licensee has submitted the completed submission forms, including required documents, and the commission has stamped the submission as received.

(f) A misrepresentation or omission made with respect to the submission may be grounds for denial of the promotional event.

(g) The casino licensee is under a continuing duty to disclose changes in the submission, subject to the limitations in subsection (a). (*Indiana Gaming Commission; 68 IAC 1-12.5-3*)