

**RESOLUTION 2016-254**  
**A RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING**  
**PAID FANTASY SPORTS GAMES UNDER IND. CODE CH. 4-33-24**

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted under Ind. Code ch. 4-33-24.

The Commission has considered the following factors:

1. Pursuant to Ind. Code §§ 4-33-4-3 and 4-33-24-13 and Ind. Code § 4-22-2-37.1, the Commission has the authority to adopt emergency rules.

2. Ind. Code §§ 4-33-4-3 and 4-33-24-13 authorize the Commission to adopt emergency rules if the Commission determines that: (1) the need for a rule is so immediate and substantial that rulemaking procedures under Ind. Code §§ 4-22-2-13 through -36 are inadequate to address the need; and (2) an emergency rule is likely to address the need.

3. Senate Enrolled Act 339, signed by Governor Pence on March 24, 2016, authorized paid fantasy sports games in Indiana.

4. On August 17, 2016, the Commission received approval from the Office of Management and Budget to promulgate an emergency rule concerning paid fantasy sports games pursuant to an exception to the Regulatory Moratorium.

5. On September 8, 2016, the Commission first approved an emergency rule regarding paid fantasy sports games. Also on that date, the Commission approved a 90 day extension of the emergency rule, meaning the current emergency rule regarding paid fantasy sports games is set to expire on or about March 11, 2017.

6. Meanwhile, the Commission anticipates that a final rule regarding paid fantasy sports games will not be fully promulgated until the spring or summer of 2017. Given the Commission's quarterly business meeting schedule, the instant resolution is adopted to ensure there is not a gap in coverage of regulation between the time the current emergency rule expires in March of 2017 and the date when the final administrative rulemaking is promulgated.

7. The instant resolution adopts emergency rules necessary to implement the legislative mandates created by SEA 339 and to effectively regulate paid fantasy sports contests until the final rule is effective.

8. The Commission finds that the need for an emergency rule regarding paid fantasy sports is immediate and substantial such that rulemaking procedures under Ind. Code §§ 4-22-2-13 through -36 are inadequate to address the need and that an emergency rule is necessary to address the need.

9. While the emergency rule is in effect, the Commission will complete the administrative final rulemaking process, including Ind. Code §§ 4-22-2-24 through -36.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

**SECTION 1: SCOPE**

This resolution applies to all paid fantasy sports operator licensees and paid fantasy sports operator applicants.

**SECTION 2: DEFINITIONS**

The definitions in Ind. Code §§ 4-33-2, 4-33-24, 4-35-2 and 68 IAC 1 apply throughout this document.

**SECTION 3: ADOPTION OF THE EMERGENCY RULE**

Pursuant to Ind. Code § 4-22-2-37.1, the Commission adopts this rule as an emergency rule for the initial ninety day period as well as for the optional ninety day extension period. The Commission further adopts any stylistic, grammatical, typographical, or other non-substantive changes that the Commission or the Legislative Services Agency may make to this emergency rule. The Commission shall file the proposed emergency rule and submit it for publication with the Legislative Services Agency.

**SECTION 4: EFFECTIVE DATE**

The emergency rule adopted in Section 3 of this resolution is to become effective upon acceptance of filing by the publisher.

**SECTION 5: EXPIRATION DATE**

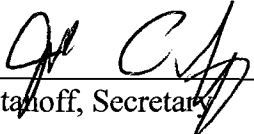
This resolution expires upon the final expiration of the emergency rule adopted herein.

**ADOPTED, THIS 17<sup>th</sup> DAY OF NOVEMBER, 2016.**

**THE INDIANA GAMING COMMISSION:**

  
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Cris Johnston, Chair

ATTEST:

  
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Joseph Svetanoff, Secretary