



**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 177  
OREGON STATE LOTTERY

**FILED**

02/06/2020 4:36 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Rulemaking for Lottery's sports betting game, Scoreboard, and requirements for digital play generally

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/16/2020 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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500 Airport Road SE  
Salem, OR 97301

Filed By:  
Kris Skaro  
Rules Coordinator

**HEARING(S)**

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 03/16/2020

TIME: 10:00 AM - 12:00 PM

OFFICER: Kris Skaro

ADDRESS: Oregon State Lottery

500 Airport Road SE

Pacific Room

Salem, OR 97301

**SPECIAL INSTRUCTIONS:**

The Lottery Commissioners will not attend this hearing, but will receive a summary of any testimony received. Please contact kris.skaro@state.or.us for information about commenting to the Commission directly.

**NEED FOR THE RULE(S):**

The Oregon State Lottery Commission has authorized, under its constitutional authority, a new digital sports betting game called Scoreboard. Scoreboard is intended to meet consumer demand for a sports betting product and bring in new revenue for the public purpose.

ORS chapter 461 requires Lottery to adopt rules to govern aspects of Lottery games such as the types of games offered, how to win a prize, and Lottery's method for determining winners. Additionally, Lottery needs administrative rules about digital game play and Scoreboard for transparency and to govern in the event of disputes.

Lottery initially adopted temporary rules on October 1, 2019, to meet these needs. Lottery now needs to adopt permanent rules described in this Notice of Proposed Rulemaking. These proposed rules meet the needs described above by:

- Explaining the requirements for digital player accounts and funding accounts, including eligibility requirements, player and Lottery rights and responsibilities, limitations of liability, etc.
- Codifying in rule elements of Lottery's privacy policy to provide transparency about how Lottery will handle personally identifiable information it may have as Lottery offers non-anonymous play options;
- Explaining the requirements of Lottery's newest game, Scoreboard, including eligibility, how to purchase a share, how to place a bet, how to win a prize, etc.; and
- Repealing obsolete Scoreboard game rules to avoid confusion.

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#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

- ORS chapter 461 available at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors461.html](https://www.oregonlegislature.gov/bills_laws/ors/ors461.html)
- Oregon State Constitution, Article XV, § 4 available at [https://www.oregonlegislature.gov/bills\\_laws/Pages/OrConst.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/OrConst.aspx)
- HB 5029 (2019) budget report available at <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureAnalysisDocument/52318>
- SB 1049 (2019) available at <https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB1049>
- Information about the Employer Incentive Fund available at <https://www.oregon.gov/pers/EMP/Pages/Employer-Incentive-Fund.aspx>

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#### FISCAL AND ECONOMIC IMPACT:

Voters created the Oregon State Lottery to sell tickets and shares in Lottery games and transfer the net proceeds after prizes and administrative expenses to the Economic Development Fund (EDF) to be used for various public purposes. The Lottery Commission has authorized Scoreboard to respond to consumer demand for sports betting product and generate additional revenue for public purposes. Therefore, Lottery estimates the rules in this notice will have a net positive fiscal impact on state agencies, units of local government, and the public by increasing revenue available to support public programs and services. Lottery's estimated economic impact is discussed further in the cost of compliance statement below.

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#### COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

The rules in this Notice support the new Lottery game, Scoreboard, which Lottery estimates will have a net positive fiscal impact on Lottery, which is estimated to result in an additional \$18 to \$22 million to transfer to the EDF by the close of the 2021-2023 biennium. This revenue projection is subject to various assumptions about the size of the sports betting market overall, industry competition, player adoption rates, administrative costs, and the like, and is therefore subject to change, but represents Lottery's current best effort to forecast the fiscal and economic impact to the state of Scoreboard after start-up costs and related expenses.

Lottery estimates that any increased revenue into the EDF will have a positive fiscal impact on some state agencies and units of local government. However, Lottery is unable to provide an estimate of economic impact to specific state agencies or units of local government because Lottery has no discretion over how Lottery funds are appropriated from the EDF. SB 1049 (2019) dedicates sports betting revenue to the Employer Incentive Fund (EIF) to offset pension costs for Public Employees Retirement System (PERS) employers, which include participating units of local government such as counties, cities, and school districts. If projections materialize, the EIF would receive \$18 to \$22 million by the close of the 2021-2023 biennium in sports betting revenue. However, once sports betting revenue is transferred to the EDF, it may be subject to constitutional distributions as well, so it is possible some sports betting revenue will accrue to constitutional beneficiaries, which might include state agencies and units of local government, depending on how DAS and the Legislature appropriate money from the EDF.

In lieu of estimating the impact to particular beneficiaries of Lottery funds, Lottery provides the general breakdown of Lottery funds below to help the public understand how additional Lottery revenue might be appropriated. Additionally, Lottery refers readers to the budget report for HB 5029 (2019) available at <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureAnalysisDocument/52318> to see how the Legislature has historically appropriated EDF funds.

The Oregon Constitution appropriates the following percentages of net Lottery proceeds (see Oregon Constitution, Article XV, Section 4 at [https://www.oregonlegislature.gov/bills\\_laws/Pages/OrConst.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/OrConst.aspx))

- o 18% Education Stability Fund
- o 15% Parks and Natural Resources Fund
- o 1.5% Veterans' Services Fund

Statutory Beneficiaries (subject to legislative appropriation/discretion)

- o After constitutional distributions are made, an amount equal to 100% of sports betting revenue transfers to the Employer Incentive Fund (EIF; see SB 1566 (2018) at <https://olis.leg.state.or.us/liz/2018R1/Measures/Overview/SB1566> and SB 1049 (2019) at <https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB1049>)
- o 4% outdoor school programs (up to maximum \$5.5 million per quarter adjusted for inflation) (see OR Laws 2017, ch 2, § 4 at [https://www.oregonlegislature.gov/bills\\_laws/lawsstatutes/2017orlaw0002.pdf](https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2017orlaw0002.pdf))
- o 2.5% net video lottery receipts to county economic development programs (see ORS 461.543 at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors461.html](https://www.oregonlegislature.gov/bills_laws/ors/ors461.html); note this appropriation does not include non-video lottery revenue such as sports betting revenue)
- o 1% gambling addiction treatment programs (see ORS 461.549 at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors461.html](https://www.oregonlegislature.gov/bills_laws/ors/ors461.html))
- o 1% public university sports programs and academic scholarships (see ORS 461.543 at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors461.html](https://www.oregonlegislature.gov/bills_laws/ors/ors461.html))
- o 1% up to a maximum of \$1.53 million annually adjusted for inflation for county fair programs (see ORS 565.447 at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors565.html](https://www.oregonlegislature.gov/bills_laws/ors/ors565.html))

Other

- o Lottery bonds/debt service
- o Remaining EDF subject to legislative discretionary spending

MISC IMPACT TO OTHER STATE AGENCIES – STATE TAXES AND STATE DEBT OFFSETS

Pursuant to ORS 316.194, 461.715, and 461.719, Lottery withholds money from prizes in excess of \$600 for the purpose of applying all or part of the prize amount to certain state debts and withholding state taxes. The launch of Scoreboard means additional prizes may be eligible for withholding and transfer to other state agencies, including the Department of Justice Child Support Division (DCS) for child support debts, the Department of Human Services Overpayment Recovery Unit (OPAR) for DHS and Oregon Health Authority overpayments, and the Oregon Department of Revenue (ODR) for state taxes. Therefore, Lottery estimates offering Scoreboard will have a positive fiscal impact on those state agencies that will increase over time as more people play Scoreboard and win prizes. Between the launch of Scoreboard in October 2019 and the end of the year, Lottery withheld about \$6,000 in Scoreboard prizes to be applied against DCS and OPAR debts. Additionally, about \$130,000 was withheld from Scoreboard prizes for state taxes and transferred to ODR.

## PLAYERS

Lottery estimates that in FY 2020, eligible Scoreboard players will spend nearly \$178 million to play Scoreboard (called the "handle") and Lottery will pay nearly \$167 million back to players as prizes. The difference between the handle and prizes is the gross gaming revenue (GGR) which translates to a negative fiscal impact to Scoreboard players as a whole of nearly \$11 million in FY 2020. Lottery estimates GGR from Scoreboard will increase to nearly \$21 million in FY 2021 and over \$31 million in FY 2022. Lottery is unable to estimate the fiscal or economic impact to any particular player who may win or lose money depending on the element of chance. Lottery offers games for entertainment purposes only. Lottery provides responsible gaming messaging and tools to help mitigate the negative economic impact to any particular player such as the ability to set personal loss limits or even temporary or permanent self-exclusion from Scoreboard.

## LIMITATIONS AND ADDITIONAL INFORMATION

Scoreboard is a unique product: a digital sports betting game offered by an Oregon state agency. Therefore, the fiscal and economic impact estimates provided in this Notice reflect the Lottery's best effort to forecast the impact based on available information, but the projections are uncertain and come from a myriad of assumptions that may or may not be relevant to a state-operated mobile game in Oregon.

ORS 461.100 and 461.140 require regular reporting on Lottery expenses and revenue. The fiscal impact of Scoreboard will be reflected in Lottery's financial reports that are available at <https://www.oregonlottery.org/about/public-interaction/commission-director>. Additionally, information about Lottery revenue that is transferred to the state for public purposes is available at <https://www.oregon.gov/das/oea/Pages/Index.aspx>.

(2) Effect on small businesses:

(a) Estimate the number and type of small businesses subject to these rules;

These rules govern the rights and responsibilities of Lottery and players with respect to digital player accounts and Scoreboard. Therefore, Lottery estimates there are no small businesses subject to these rules.

(b) Describe the expected reporting, recordkeeping, and administrative activities and cost required to comply with the rules;

No small businesses are subject to these rules; therefore, Lottery estimates no reporting, recordkeeping, and administrative activities and costs required for small businesses to comply with these rules.

(c) Estimate the cost of professional services, equipment supplies, labor, and increased administration required to comply with the rules;

No small businesses are subject to these rules; therefore, Lottery estimates no costs of professional services, equipment supplies, labor, or increased administration for small businesses no comply with these rules.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

No small businesses were involved in the development of these rules, but Lottery welcomes input from small businesses during the public comment period.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Lottery used other means of obtaining public views during the drafting of these proposed permanent rules; for example, Lottery considered Scoreboard player feedback to Lottery customer service. Additionally, information about the Scoreboard and digital player account rules was provided at several Lottery Commission meetings and a public comment period is provided at every other Lottery Commission meeting. Lottery continues to welcome public input on these rules during the rulemaking process.

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RULES PROPOSED:

177-010-0003, 177-010-0115, 177-046-0015, 177-046-0020, 177-046-0022, 177-046-0027, 177-046-0060, 177-046-0090, 177-046-0100, 177-046-0110, 177-046-0120, 177-046-0155, 177-046-0170, 177-091-0000, 177-091-0010, 177-091-0020, 177-091-0030, 177-091-0040, 177-091-0050, 177-091-0060, 177-091-0070, 177-091-0080, 177-091-0090, 177-091-0100, 177-091-0110, 177-092-0000, 177-092-0010, 177-092-0015, 177-092-0020, 177-092-0025, 177-092-0030, 177-092-0035, 177-092-0040, 177-092-0045, 177-092-0050, 177-092-0055, 177-092-0060

AMEND: 177-010-0003

RULE SUMMARY: This rule about definitions that are applicable to this division of rules and other divisions in OAR chapter 177 is being amended to update definitions to: (1) accurately reflect Lottery's current game portfolio and the addition of gaming on personal digital devices; (2) define terms applicable to Lottery's data privacy and security policy; and (3) make other updates and non-substantive improvements to defined terms to improve readability and grammar and ensure accuracy. Lottery may make other changes to this rule in response to public comment or other information

received during the public rulemaking process.

#### CHANGES TO RULE:

177-010-0003

#### Definitions ¶¶

- (1) "Business day" means the period beginning at 5 a.m. of a calendar day and ending at 4:59 a.m. on the morning of the next calendar day.¶¶
- (2) "Business week" means the period beginning at 5 a.m. on a Sunday and ending at 4:59 a.m. the following Sunday morning.¶¶
- (3) "Business year" means the period beginning at 5 a.m. on the Sunday immediately following the last Saturday in June, and ending at the end of the business day of the last Saturday of the following June.¶¶
- (4) "Commissioner" has that ~~definition as defined~~ meaning given in ORS 461.010(1).¶¶
- (5) "Director" has that ~~definition as defined~~ meaning given in ORS 461.010(2).¶¶
- (6) "Drawing coordinator" means the Lottery employee designated by the Assistant Director for Security, subject to the approval of the Director, to develop and implement procedures for conducting drawings.¶¶
- (7) "Gaming device" means any type of equipment or method, including any electronic or manual equipment or combination thereof, or video device, on which a game authorized by the Oregon State Lottery Commission is played. The device must display the amount that may be won, the amount wagered and any play credits available to the player. A gaming device may include a device that is intended primarily for personal or business use. A gaming device does not include a Video Lottery game terminal.¶¶
- (8) "Gaming device game" means any procedure authorized by the Oregon State Lottery Commission that is a game on a gaming device, whereby the opportunity to win includes a wagering process using a methodology that is based predominantly on chance to determine the outcome of the wager. The outcome of the wager may involve skill, as long as the element of chance plays a predominant role. The methodology used must be testable by an independent testing laboratory.¶¶
- (9) "Immediate family" and "family member" mean a natural person's spouse, child, brother, sister, or parent by blood or adoption.¶¶
- (10) "Lottery" or "State Lottery" has that ~~definition as defined~~ meaning given in ORS 461.010(3).¶¶
- (11) "Lottery Commission" or "Commission" has that ~~definition as defined~~ meaning given in ORS 461.010(4).¶¶
- (12) "Lottery contract" means any contract entered into by the Lottery for the purchase, lease, or sale of goods or services.¶¶
- (13) "Lottery contractor" or "contractor" has that ~~definition as defined~~ meaning given in ORS 461.010(5).¶¶
- (14) "Lottery game" or "game" has that ~~definition as defined~~ meaning given in ORS 461.010(6).¶¶
- (15) "Lottery game retailer" or "retailer" has that ~~definition as defined~~ meaning given in ORS 461.010(7).¶¶
- (16) "Lottery Headquarters" means the Debbs Potts Oregon State Lottery Commission building located at 500 Airport Road SE, Salem, Oregon.¶¶
- (17) "Lottery Kiosk" means a location, other than Lottery Headquarters, designated by the Director as a Lottery Kiosk, where Lottery tickets or shares are sold directly to the public by Lottery employees.¶¶
- (18) "Lottery sales location" means a Lottery Kiosk, Lottery Headquarters, any location designated by the Director for the sale of Lottery tickets and shares, or sales by the Lottery through electronic means.¶¶
- (19) "Lottery vendor" or "vendor" has that ~~definition as defined~~ meaning given in ORS 461.010(8).¶¶
- (20) "Person" has the meaning given in ORS 461.010(89).¶¶
- (20~~1~~) "Person" ~~has that definition as defined in ORS 461.010(9)~~ ally identifiable information" means personal information as defined in ORS 646A.602 and the following information whether or not it is combined with an individual's name, other data, or a security or access code:¶¶
  - (a) Information associated with an individual that contains personal financial information, including information relating to salary or wages, payment cards, or accounts held by the individual at a financial institution;¶¶
  - (b) Information associated with an individual that relates to the individual's playing of Lottery games, including,

but not limited to, frequency of play and amounts paid for tickets or shares, non-taxable prizes, ticket scans, and entries into second-chance drawings;¶

(c) Biometric information including, but not limited to, imagery of the iris, retina, fingerprint, face, hand, palm, and voice recordings, from which an identified template, such as a faceprint, a minutiae template, or a voiceprint can be extracted; and¶

(d) Signature, IP address, Internet browsing or search history, online tracking data, geolocation data, or passwords.¶

(22) "Privacy policy" means a statement that discloses the type of information Lottery may collect and how Lottery will secure, use, and disclose information that is periodically updated and published on the Lottery website .¶

(213) "Prize" means any award of economic value, monetary or otherwise, that may be distributed to a Lottery player for submitting a valid claim based on a winning Lottery ticket or share, or for a winning entry in a second chance drawing.¶

(224) "Retailer contract" means any written contract entered into by the Lottery with a retailer for selling Lottery tickets or shares to the public.¶

(235) "Second Chance Drawing" or "2nd Chance Drawing" means a drawing in which an eligible non-winning Oregon Lottery ticket or share is submitted to the Lottery for entry into a drawing for a chance to win a prize.¶

(246) "Share" means an opportunity to win a prize in a Lottery game that does not use certificates or tokens, such as in Video Lottery or sports betting games.¶

(257) "Ticket" means a certificate or token of the opportunity to win a prize in a Lottery game.¶

(268) "Traditional Lottery games" means the following lottery games offered by the Oregon State Lottery:¶

(a) Scratch-its;¶

(b) Lottery Raffle Game;¶

(c) Megabucks;¶

(d) Pick 4;¶

(e) Lucky Lines;¶

(f) Powerball;¶

(g) Sports Action;¶

(h) Scoreboard;¶

(i) Win for Life;¶

(j) Keno;¶

(k) Mega Millions;¶

(l) Second chance drawing; and¶

(m) Any other Lottery game designated by the Oregon State Lottery Commission as a Traditional Lottery game.¶

(279) "Unclaimed prize" means any prize offered in a Lottery game which has not been submitted to the Lottery for validation and prize payment within the specified prize claim period and for which the Lottery has data or evidence that the ticket or share was sold or distributed to the public.¶

(2830) "Video Lottery game" means any procedure authorized by the Oregon State Lottery Commission that is a game on a Video Lottery game terminal, whereby the opportunity to win includes a wagering process using a methodology that is based predominantly on chance to determine the outcome of the wager. The outcome of the wager may involve skill, as long as the element of chance plays a predominant role. The methodology used must be testable by an independent testing laboratory.¶

(2931) "Video Lottery game retailer" or "Video Lottery retailer" has that definition as defined meaning given in ORS 461.217.¶

(302) "Video Lottery game terminal" means a type of video device for the playing of Video Lottery games which is in a console that contains a game platform with a video display and a random number generator, is connected to and monitored by a central system, and accepts cash payments to permit a person to play the Video Lottery games offered on the terminal for the opportunity to win a prize. Unless the context or a specially applicable definition indicates otherwise, any reference to a "Video Lottery terminal", "video lottery terminal", or "video terminal" in

OAR chapter 177, a Lottery retailer contract, or Lottery form in effect or in use on or after the effective date of this rule shall be deemed to refer to a "Video Lottery game terminal" as defined in this section. Video Lottery Game Terminal does not include any personal mobile phone, tablet, or computer or any other device determined by the Oregon State Lottery Commission not to be a Video Lottery game terminal.¶

(313) "Website" means the Lottery's Internet address at [www.oregonlottery.org](http://www.oregonlottery.org), or any other website that may be specified by the Lottery for a particular game, promotion, or promotional program.¶

(324) "Winner claim form" means a form provided by the Lottery to a player for the purpose of claiming a prize.

Statutory/Other Authority: ~~ORS 461~~ & OR Const. Art. XV, § 4(4)(a), ORS 461.120, 461.210, 461.260

Statutes/Other Implemented: ~~ORS 461.02~~ Const. Art. XV 4(4), ORS 461.010, 461.020, 461.050, 461.100, 461.120, 461.150, 461.210, 461.215, 461.217, 461.220, 461.250



ADOPT: 177-010-0115

RULE SUMMARY: Lottery is proposing to adopt this rule to put elements of Lottery's data privacy and security policies into administrative rule. The need for this rule is to provide information to the public about how Lottery handles information it may be in possession of, such as, but not limited to, taking reasonable efforts to secure personally identifiable information and only disclosing such information under limited circumstances described in the proposed rule. Lottery may make additional changes to this rule in response to comment or other information received during the public rulemaking process to provide guidance to Lottery and transparency to the public about handling personal information and other data.

CHANGES TO RULE:

177-010-0115

Data Privacy and Security Policy

(1) The Lottery may be in possession of personally identifiable information that may be submitted voluntarily by a person creating a player account or filling out a prize claim form or automatically collected when a person uses the mobile app, website, or site.¶

(2) The Lottery will comply with ORS 646A.622 and take reasonable efforts to ensure personally identifiable information is secure from loss, unauthorized access, illegal use, or unauthorized disclosure, including through the use of encryption software, storing personally identifiable information in secure locations, and using and disclosing information only as allowed or required by law and in accord with Lottery policies and procedures.¶

(3) The Lottery will not sell personally identifiable information.¶

(4) The Lottery will maintain a privacy policy.¶

(5) The Lottery will not disclose personally identifiable information except as follows:¶

(a) In the aggregate such that no individual can be identified;¶

(b) As described in OAR 177-046-0130 as it relates to prize winners; and¶

(c) When required by law.¶

(6) When a person voluntarily submits personally identifiable information, participates in a promotion, uses the mobile app, or browses the website or site, the person consents to the collection, storage, use, and disclosure of the information in accordance with this rule, OAR 177-010-0100, applicable laws, and Lottery's privacy policy.

Statutory/Other Authority: OR Const. Art. XV ? 4(4)(a), ORS 461.120

Statutes/Other Implemented: ORS 192.018, 192.314, 461.100, 461.120, 461.150, 646A.622, OR Const. Art. XV ? 4(4)

RULE SUMMARY: Lottery is proposing to amend this rule about definitions that apply to terms used throughout OAR chapter 177. The purpose of the amendments is to ensure definitions fit the new digital gaming environment, such as adding terms applicable to the new digital player accounts and funding accounts. Current definitions may also be amended to ensure accuracy. Non-substantive changes may be made to improve grammar and update OAR and ORS references. The Lottery may make additional changes based on comment or information received during the public rulemaking process to ensure this rule accurately reflects current practice; is grammatically correct; and is otherwise readable and accurate.

CHANGES TO RULE:

177-046-0015

Definitions ¶¶

For purposes of divisions 10, 46, 50, 52, 69, 70, 75, 81, 83, 85, 92, 94, 98, and 99, and if specifically cross-referenced in division 200, the following definitions apply, unless another definition is specifically provided or the context requires otherwise:¶¶

(1) "~~Cash~~" means ~~United States currency.~~¶¶

~~(2) "Bonus" means free plays or similar promotional incentives that Lottery credits to the player balance at Lottery's discretion. Bonuses can be used to play Lottery games subject to limitations, but bonuses have no cash value.~~¶¶

(2) "~~Cash~~" means United States currency.¶¶

(3) "~~Digitally~~" means an action done through a player account on the mobile app or site.¶¶

(4) "Drawing" means the procedure whereby the Lottery, or a drawing agent, selects the winner or the winning combination in accordance with the rules of the game.¶¶

(35) "Drawing agent" means a Lottery vendor or other designee who, subject to the approval of the Director, is designated by the Assistant Director of Security to conduct specified drawings on behalf of the Lottery.¶¶

(46) "Electronic drawing" means any drawing that involves the use of a random number generator or other computer-driven or computer-assisted device to determine winners or winning combinations, and manual interaction is incidental to the selection process.¶¶

(57) "Electronic drawing equipment" includes any computer-driven or computer-assisted device used by the Lottery, or a drawing agent, for the purpose of determining winners or winning combinations, including, but not limited to, devices used by the Lottery's central gaming system for Lottery's Draw games, or for the Lottery's periodic internet entry, raffle, second-chance drawings, or promotional games.¶¶

(68) "~~Funding account~~" means ~~a player's bank account established by the player with a financial institution as described in OAR 177-046-0027 that is linked to the player account for the purpose of establishing the player balance credited to the player account.~~¶¶

(9) "~~Funds balance~~" means ~~the amount in the funding account including deposits and prizes (after required withholdings are successfully completed) but not bonuses.~~¶¶

(10) "Highest Prize" means the highest level of prize according to the rules applicable to the game in which the prize is won, including but not limited to, a Jackpot prize won in the Mega Millions game, a Grand Prize in the Megabucks game or a High Tier prize in the Powerball game.¶¶

(711) "Lottery Branch" means Wilsonville Payment Center or such other office as the Director may designate.¶¶

(812) "Lottery Headquarters" means the Player Services Office of the Oregon State Lottery located at 500 Airport Road SE, Salem, Oregon 97301.¶¶

(913) "Lottery Kiosk" means a location, other than Lottery Headquarters, designated by the Director as a Lottery Kiosk, where Lottery tickets or shares are sold directly to the public by Lottery employees.¶¶

(104) "Mailing Address" means P.O. Box 14515, Salem, Oregon 97309.¶¶

(145) "Manual drawing" means any drawing that does not involve the use of a random number generator or any other computer-driven or computer-assisted device to determine winners or winning combinations, and manual

interaction is primary to the selection process.¶¶

(126) "Manual equipment" includes any mechanical equipment or non-electronic method used by the Lottery, or a drawing agent, for the purpose of determining winners or winning combinations, including, but not limited, to Lottery's periodic raffle games.¶¶

(137) "Mobile app" means application software operated by Lottery that is designed to operate on a mobile device or tablet through which a player can access their player account and play Lottery games.¶¶

(18) "Payment Device" means an electronically loaded card or other device loaded with or representing Lottery prize winnings or other dollar amounts of \$20,000 or less, which may include, but is not limited to a debit card with a corresponding player account.¶¶

(149) "Person" means a natural person 18 years of age or older.¶¶

(1520) "Player account" means a digital gaming account that an individual 21 years of age or older opens as described in OAR 177-046-0022 that allows eligible players to play games digitally through a platform provided by the Lottery's contractor.¶¶

(21) "Player balance" means the amount available for the player to play games digitally. The player balance is a reflection of the funds balance plus any bonuses.¶¶

(22) "Private express carrier" has the meaning given in ORS 293.660.¶¶

(1623) "Random number generator" means a computer-driven electronic device capable of producing numbers at random.¶¶

(24) "Site" means any website operated by the Lottery through which a player can access their player account and play Lottery games.

Statutory/Other Authority: ORS 461.120, 461.210, 461.250, 461.260, OR Const. Art. XV, ¶ 4(4)(a)

Statutes/Other Implemented: ORS 461.020, 461.100, 461.120, 461.130, 461.150, 461.210, 461.220, 461.230, 461.240, 461.250, OR Const. Art. XV, ¶ 4(4)

AMEND: 177-046-0020

RULE SUMMARY: Lottery is proposing to amend this rule about the sales of Lottery tickets and shares to add digital sales as one of several authorized means of distributing Lottery tickets or shares to the public. Statutory references are also updated. Lottery may make additional changes to this rule based on comment or information received during the public rulemaking process.

CHANGES TO RULE:

177-046-0020

#### Sale of Lottery Tickets and Shares ¶¶

(1) General: The Director may contract with retailers for the sale of Lottery tickets and shares. Except as provided in section (3) of this rule, only a retailer under contract with the Lottery may sell Lottery tickets or shares. Nothing in this section shall be construed to prevent a person who lawfully purchases or possesses a Lottery ticket or share from making a gift of such ticket or share to another.¶¶

(2) Retailer Sales Locations: Unless authorized by the Lottery, Lottery tickets or shares may only be sold by a Lottery retailer at the location listed in the retailer contract.¶¶

(3) Lottery Sales: The Lottery may designate its agents or employees to sell Lottery tickets or shares directly to the public, either in person at Lottery Headquarters, digitally through a mobile app or site, at a Lottery kiosk, other locations designated by the Director for the sale of Lottery tickets and shares, or sales by the Lottery through electronic means. For purposes of Lottery's traditional lottery game rules, reference to a "retailer," "Lottery retailer," or "Lottery On-line retailer" includes Lottery sales unless the context or a specially applicable provision indicates otherwise.¶¶

(4) Future Drawings: A player may purchase a ticket or tickets for future consecutive drawings to the extent permitted by the Lottery for each Lottery game. The player must specify at the time of purchase that the ticket or tickets include future consecutive drawings.¶¶

(5) Sales Are Final: Unless otherwise provided in OAR chapter 177, the sale of all Lottery tickets and shares is final. A player may not return a Lottery ticket or share for a refund of the purchase price or exchange unless the specific game rules provides otherwise. The Lottery is not liable for Lottery tickets or shares that are purchased in error.¶¶

(6) Distribution: The Director is authorized to arrange for the direct distribution of Lottery equipment, ticket stock, and supplies shipped directly from the manufacturer or supplier to an authorized retailer.

Statutory/Other Authority: ORS 461-~~8~~.120, 461.210, 461.260, OR Const. Art. XV, Sec. ~~2~~ 4(4)(a)

Statutes/Other Implemented: ORS 461.020, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260, OR Const. Art. XV ~~2~~ 4(4)

RULE SUMMARY: Lottery is proposing to adopt this rule about player accounts to establish the requirements to open a player account; describe the respective rights and responsibilities of players and the Lottery with respect to the player account; prohibit certain conduct; explain player account closure; limit Lottery's liability; and address other applicable provisions about player accounts. Lottery may make additional changes based on comments or information received during the public rulemaking process.

CHANGES TO RULE:

177-046-0022

Player Account

(1) General: To play Lottery games digitally, an individual must establish a player account by accurately completing the registration form provided on the mobile app or site.¶

(2) Eligibility: To be eligible to create a player account and play games digitally, an individual must:¶

(a) Be at least 21 years of age;¶

(b) Open a player account only in the individual's own legal name, for their sole benefit, and not on behalf of anyone else;¶

(c) Have a high-speed Internet connection and consent to the use of geolocation technologies to verify the individual's location when playing a Lottery game on a mobile app or site and to the verification of the individual's identifying information, including the release of information provided by the individual to third parties to verify such information;¶

(d) Establish a funding account as described in OAR 177-046-0027; and¶

(e) Agree to the terms and conditions, as they are updated from time to time, provided on the mobile app or site.¶

(3) Verification. Within 30 days of an individual's initial registration with the Lottery to create a player account, the Lottery must be able to verify the individual's identity. This includes sharing information provided by the individual with third-parties for the purpose of verifying the information. The player may need to provide additional documentation to the Lottery or a third-party including, but not limited to, government-issued photo identification and proof-of-address documentation.¶

(4) Player Account Maintenance Responsibility. A player must ensure that the player account information is kept updated. The player is responsible for all activity on their player account. The player must take reasonable efforts to protect the privacy of the player account password and prevent unauthorized access to the player account including, but not limited to, logging out of the player account when not in use. The player must immediately notify the Lottery if the player suspects unauthorized access to the player account.¶

(5) Prohibited Conduct. A player may not engage in any conduct prohibited by this rule or other applicable rule, law, or the terms and conditions. Without limiting the forgoing, a player may not:¶

(a) Use the player account for any other purpose than its intended purpose, which is to facilitate playing Lottery games digitally; this includes, but is not limited to, use of the player account for any commercial purpose or in a way that impairs, interrupts, or damages the mobile app or site or to promote any products or services or distribute any communications, including any defamatory, offensive, or obscene content;¶

(b) Use (or upload to the mobile app or site) any form of malware or engage in any automatic game playing or similar manipulation of game;¶

(c) Allow, facilitate, or encourage a person who is under 21 years of age to play Lottery games that require a player account;¶

(d) Engage in or attempt any illegal, fraudulent, or dishonest activity in connection with a player account or funding account, including, without limitation, using a stolen payment card, forgery, collusion, cheating, bribery, bookmaking, money laundering, and providing false information to the Lottery;¶

(e) Take unfair advantage of or exploit any technical fault or loophole on the mobile app or site or an error by the Lottery or its contractor or in the Lottery's or its contractor's software.¶

(6) Player Account Monitoring and Reporting: The Lottery may monitor the use of a player account to ensure the player is not engaging in any prohibited conduct. The Lottery may report information on such activities to law

enforcement or the appropriate regulatory authorities and other third parties.¶

(7) Player Account Denial, Closure, or Suspension by the Lottery:¶

(a) Player accounts are offered at the discretion of the Lottery to facilitate digital game play. The Lottery may refuse to open, suspend, deny access to, or close a player account at any time and without prior notice in order to protect the fairness, integrity, security, and honesty of the Lottery, including, but not limited to, for any of the following reasons:¶

(A) The Lottery is unable to verify the accuracy of the information provided by a player at registration:¶

(B) A player breaches or violates any Lottery administrative rule, applicable law, or the terms or conditions of the mobile app or site:¶

(C) A request by law enforcement or other government agencies:¶

(D) Unexpected technical or security issues or problems, including any suspected compromise or breach of the player account security:¶

(E) A player engages in any of the prohibited conduct described in this rule:¶

(F) A player has more than one player account:¶

(G) A player account has had no player-initiated activity for at least 12 months:¶

(H) Lottery monitoring of player account activity indicates the player account is not being used for its intended purpose; or¶

(I) At the discretion of the Lottery for any other reason.¶

(b) If a player account is suspended or closed by the Lottery, the player will be unable to play games but may still access the related funding account. Any purchases by a player of tickets or shares that are pending or unconfirmed bets, bonuses, and entries in promotions or competitions will be void. If a player has confirmed purchases of tickets or shares at the time of account suspension or closure, such confirmed tickets or shares will stand. If the confirmed tickets or shares are for future events or games (such as a bet on a future sporting event or a ticket for a future drawing), the Lottery will credit any prizes to the funding account during account suspension or closure.¶

(c) The Lottery will notify a player if a player account is refused, suspended, or closed or a player is denied access to games. This notice is a decision of the director and is a final order in other than a contested case under ORS 183.484.¶

(8) Account Closure by Player:¶

(a) Except as provided in subsection (b) of this section, a player may close their player account at any time for any reason as provided in the mobile app or site.¶

(b) The Lottery may delay closure of a player account in certain circumstances including, but not limited to, when the player account has a negative balance, has confirmed purchases of tickets or shares on future events (such as a bet on a future sporting event or a ticket for a future drawing), or the player account has been suspended by the Lottery.¶

(c) At the time a player closes the player account, any purchases by a player of tickets or shares that are pending or unconfirmed bets, bonuses, and entries in promotions or competitions will be void. If a player has confirmed purchases of tickets or shares at the time a player closes the player's account, such confirmed tickets or shares will stand. If, at the time the account is closed, the confirmed tickets or shares are for future events or games (such as a bet on a future sporting event or a ticket for a future drawing), the Lottery will credit any prizes to the player's funding account.¶

(d) If a player closes the player account, the player will be prompted to withdraw any remaining funds in the funding account. If the player has confirmed purchases of tickets or shares or confirmed bets on future events, the funding account will remain open pending settlement of those purchases to allow the Lottery to pay the player in the event the player wins a prize at a future date.¶

(9) Limitation of Liability: In addition to other limitations on the Lottery's liability in OAR chapter 177:¶

(a) The Lottery is not liable for any loss or damage arising from any use of or access to the player's account, including, without limitation, any authorized or unauthorized use of the player account or funding account. All purchases and activity on a player account are the sole responsibility of the player account registrant.¶

(b) The Lottery shall take reasonable precautions to protect the privacy of the player's username, password,

account information, and all financial information. The Lottery may not and does not guarantee or warrant that information transmitted through the Internet is secure or that such transmissions are free from delay, interruption, interception, or error.<sup>¶</sup>

(c) The Lottery shall take reasonable care to provide players with digital access to their player account and Lottery games. However, the Lottery may not and does not guarantee or warrant the accuracy, availability, completeness, or timeliness of any content available through the mobile app or site. The Lottery is not liable for any damages or losses resulting from unavailable, inaccurate, inadequate, incomplete, or untimely content. The Lottery does not promise the mobile app or site will have uninterrupted availability or be free of malfunctions, bugs, or other errors. The Lottery is not liable for any disruption in access to the mobile app or site.

Statutory/Other Authority: ORS 461.120, 461.260, OR Const. Art. XV § 4(4)(a)

Statutes/Other Implemented: OR Const. Art. XV § 4(4), ORS 461.020, 461.120, 461.210, 461.215, 461.217, 461.220, 461.250, 461.260

RULE SUMMARY: Lottery is proposing to adopt this rule about funding accounts to state that successfully opening a funding account is required as part of opening a player account and enabling an eligible person to play Lottery games digitally. The funding account is needed to hold a player's funds and establish a player balance to play Lottery games. (Lottery, as a state agency, does not hold player funds; the funding account allows a player's funds to be protected in a separate insured and regulated account for the player's sole benefit.) The rule explains other aspects of how the funding account works and limitations and restrictions relating to the flow of funds through the account. Lottery may make additional changes in response to comment or information received during the public rulemaking process to ensure this rule explains relevant information with respect to the funding account.

CHANGES TO RULE:

177-046-0027

Funding Account

(1) Funding Account Required: To play Lottery games digitally through the player account, the player must establish an account for the player's benefit and link this funding account to their player account. To establish the funding account, a player must agree to the terms and conditions of the financial institution that holds the funding account. The funding account will be used to provide digital credits to the player account that may be used by the player to purchase tickets or shares and receive prizes.¶¶

(2) Funding Account Fees. The Lottery does not charge for deposits or withdrawals from the funding account. The player is responsible for any currency exchange conversions, charges, or fees that may be charged by any payment processor, card issuer, bank, or other financial institution.¶¶

(3) Player Credits. A player may only purchase tickets or shares up to the player balance; under no circumstances will the Lottery extend credit to a player. A player is not entitled to funds incorrectly allocated to the player account. The Lottery is entitled to reverse such credits from the player account and recover any funds that may have been withdrawn from the funding account related to any over crediting of the player account.¶¶

(4) Bonuses: Lottery may, in its sole discretion, from time to time, offer bonuses or similar promotional incentives. Bonuses appear as digital credits in the player account and may be used to play Lottery games subject to limitations, but bonuses have no cash value and are not available to withdraw.¶¶

(5) Prizes: For Lottery games played digitally, prizes are claimed, validated, and paid digitally according to the rules for the particular game and OAR 177-046-0110.¶¶

(6) Withdrawals:¶¶

(a) Once a player's prize is deposited in the funding account, Lottery considers the prize claimed by the player. A player may withdraw from their funding account at any time up to the funds balance, subject to any limitations in the terms and conditions of the financial institution holding the funding account or other payment processors used by the player.¶¶

(b) The player is responsible for providing accurate and updated information to the bank holding the funding account and for providing accurate information when requesting to withdraw. Lottery is not responsible for delays or losses caused by incorrect payment method information provided by the player. Once a withdrawal is approved, Lottery is not responsible for any third-party financial clearing processes that may delay or prevent the player's receipt of any withdrawn funds.¶¶

(7) The money in a player's funding account is held solely for the benefit of the player and is not monitored or managed by the Lottery for the player. The funding account associated with an inactive player account may be considered abandoned. Any abandoned funds in the funding account may be subject to escheat or similar laws regarding dormant bank accounts or abandoned property under the laws of the jurisdiction where the funding account is established.

Statutory/Other Authority: OR Const. Art. XV ¶ 4(4)(a), ORS 461.120, 461.210, 461.230, 461.250, 461.260

Statutes/Other Implemented: OR Const. Art. XV ¶ 4, ORS 461.020, 461.120, 461.150, 461.210, 461.250, 461.260



AMEND: 177-046-0060

RULE SUMMARY: Lottery is proposing to amend this rule about cancellation of Lottery tickets and shares to clarify that the cancellation process described in this rule does not apply to Scoreboard. Statutory references are also updated. Lottery may make additional changes to this rule based on comment or information received during the public rulemaking process.

CHANGES TO RULE:

177-046-0060

Cancellation of Lottery Tickets and Shares ¶

(1) General: ~~Where~~Except as provided in section (2) of this rule, if a specific rule provides that the purchaser of a Lottery ticket or share may cancel the purchase, the following is the procedure for cancellation:¶

(a) To cancel a purchase of a Lottery ticket or share, the player must return it to the selling retailer on the day of purchase before wagers are disabled prior to the first drawing or other winner determination time as applicable.¶

(b) The player shall receive a refund from the retailer equal to the purchase amount of the Lottery ticket or share.¶

(c) If a Lottery ticket or share cannot be cancelled because the Lottery's central computer system does not record the cancellation in a timely manner due to a mechanical or electronic transmission malfunction, credit may still be given to the retailer provided the following steps are taken:¶

(A) The retailer attempts to cancel the Lottery ticket or share before wagers are suspended and a computer record of the attempt is created.¶

(B) The retailer calls the Retailer Services Hotline and gives the Lottery ticket or share's identifying number to the operator, and¶

(C) The retailer mails the Lottery ticket or share to the Lottery within two weeks from the date of purchase.¶

(2) ~~Exchange Tickets or Shares: Notwithstanding~~Notwithstanding section (1) of this rule or any other rule, e:¶

(a) Exchange tickets or shares cannot be cancelled under any circumstances.¶

(b) A player may not cancel a confirmed bet in Scoreboard. Lottery may refund a confirmed bet only as provided in OAR chapter 177, division 92.

Statutory/Other Authority: ~~ORS 461 & OR Const. Art. XV, Sec. 4(4) ¶ 4(4)(a), ORS 461.120, 461.260~~

Statutes/Other Implemented: OR Const. Art. XV ¶ 4, ORS 461.020, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

AMEND: 177-046-0090

RULE SUMMARY: Lottery is proposing to amend this rule about validation requirements for Lottery tickets and shares to clarify that a ticket or share must be validated on the Lottery's Instant Ticket System (ITS) only when applicable; in other words, this is not applicable to all Lottery tickets and shares. Statutory references are also updated. Lottery may make additional changes to this rule based on comment or information received during the public rulemaking process.

CHANGES TO RULE:

177-046-0090

#### Validation Requirements ¶¶

- (1) General: Each type of Lottery game rule may specify unique or additional requirements necessary for validation for that specific game.¶¶
- (2) Requirements: In general, to be a valid Lottery ticket or share:¶¶
- (a) The ticket or share must not be counterfeit or a forgery in whole or in part.¶¶
  - (b) The Lottery must have issued the ticket or share in an authorized manner.¶¶
  - (c) The ticket or share must not be altered, unreadable, reconstituted, or tampered with in any manner and must meet all of the Lottery's security requirements.¶¶
  - (d) The ticket or share must not appear on any list of omitted, inactive, missing, previously paid, or stolen tickets on file at the Lottery, and, if applicable, the Lottery's Instant Ticket System (ITS) must accept and validate the ticket or share as a winner.¶¶
  - (e) The ticket or share must not be blank or partially blank, misregistered, non-scratchable, or printed or produced in error.¶¶
  - (f) The ticket or share is subject to all additional confidential validation tests of the Lottery including validation through the Lottery's computer system.¶¶
- (3) Proof of Play: A Lottery ticket or share is the only proof of a game play or plays and the submission of a winning ticket or share to the Lottery or an authorized retailer is the sole method of claiming a prize or prizes unless otherwise provided in OAR chapter 177. A play slip or a copy of a ticket or share has no pecuniary or prize value and does not constitute evidence of ticket or share purchase or otherwise represent an opportunity to win a prize.
- Statutory/Other Authority: ~~ORS 461.0~~ OR Const. Art. XV, ~~Sec. 4(4) ¶ 4(4)(a)~~, ORS 461.120, 461.250
- Statutes/Other Implemented: ~~ORS 461.0~~ Const. Art. XV ¶ 4, ORS 461.020, 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

AMEND: 177-046-0100

RULE SUMMARY: Lottery is proposing to amend this rule about ownership of Lottery tickets and shares to clarify that when a Lottery game is played digitally through a player account, only the registrant of the player account can claim ownership of a ticket, share, confirmed bet, or prize purchased through the player account. The purpose of this change is to distinguish tickets and shares purchased digitally through a player account from tickets and shares in most other Lottery games, which are (generally) bearer instruments until a name is placed on the ticket or share. Lottery may make additional changes to this rule based on comment or information received during the public rulemaking process.

CHANGES TO RULE:

177-046-0100

#### Ownership of Lottery Tickets and Shares ¶

(1) Bearer Instrument: Except for a Lottery ticket or share claimed jointly in accordance with the provisions of OAR 177-046-0110(6) of this rule, until such time as a name of an individual or individuals is placed upon a physical Lottery ticket or share, the ticket or share is a bearer instrument and is owned by the bearer of the ticket or share. When a name or names is placed on the ticket or share, the ticket or share ceases to be a bearer instrument and the individual whose name appears on the ticket or share is the owner of the ticket or share. Only a natural person at or above the age of game eligibility may own a ticket or share and claim a prize.¶

(2) Multiple Names: Multiple individuals at or above the age of game eligibility may jointly own, possess, and claim a prize as owners of a winning ticket or share. Multiple individuals hold the ticket or share as tenants in common. Multiple individuals may specify the percentage of ownership each person holds. Each person must hold \$1.00 of the prize at a minimum.¶

(3) ~~Second Chance Drawing:~~ Notwithstanding sections (1) and (2) of this rule, ~~e~~:¶

(a) Second Chance Drawing: Only one natural person can claim ownership of a non-winning ticket or share used to enter a second chance drawing. Non-winning tickets submitted and accepted as a valid entry in a Lottery second chance drawing cannot be jointly owned. Only the person who claims ownership may submit the non-winning ticket as an entry to a second chance drawing and only that person may claim the prize if the person's entry is selected as a winning entry in a second chance drawing.¶

(b) In any Lottery game played digitally, only the registrant of the player account can claim ownership of a ticket, share, confirmed bet, or prize purchased through the player account.

Statutory/Other Authority: ~~ORS 461 &~~ OR Const. Art. XV; Sec. 4(4)(a), ORS 461.120, 461.230

Statutes/Other Implemented: ~~ORS 461.0~~ Const. Art. XV ¶ 4, ORS 461.020, 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

RULE SUMMARY: Lottery is proposing to amend this rule about payment of prizes to address prize payment when a Lottery game is played digitally. The purpose of this rule change is to distinguish prize payment in digital games played through a player account because in such cases, game play is not anonymous and the prize is claimed and paid digitally. This means traditional methods for claiming a prize (such as, but not limited to, presenting a winning ticket in person at Lottery headquarters) is not appropriate or required for Lottery to do all verification and other due diligence requirements. The proposed changes clarify that prizes are claimed, validated, and paid after offsets (taxes and debt offsets) digitally through the player account and funding account. Lottery also proposes to clarify that claiming a prize through a power of attorney is not applicable to digital prizes. Lottery may make additional changes to this rule based on comment or information received during the public rulemaking process to ensure the prize payment process is clear for digital play.

CHANGES TO RULE:

177-046-0110

Payment of Prizes ¶

(1) General: All winning Lottery tickets or shares may be presented to the Oregon State Lottery for payment, or if permitted by the applicable game rule, some winning tickets or shares for prizes of \$600 or less may also be presented for payment to the appropriate Lottery retailer.¶

(2) Retailer Validation and Payment of Prizes: To determine whether a physical Lottery ticket or share presented for payment entitles the holder to a prize, a retailer must validate the claim with the Lottery by scanning the bar code or manually entering the bar code number printed on each Lottery ticket or share into equipment provided by the Lottery, and, if authorized by the Lottery, pay the holder the prize amount due.¶

(a) Retailer Payment: Unless the prize has multiple owners, a retailer is authorized to pay a prize of \$600 or less and shall pay that prize in cash or check, or any combination thereof.¶

(b) Dishonored Check: If a retailer's prize payment check is dishonored, the payee of the check may seek payment from the Lottery by presenting a copy of the dishonored check at Lottery Headquarters or a Lottery Branch during Lottery business hours, or by mailing a copy of the dishonored check with a winner claim form to the Lottery Mailing Address. If the Lottery determines that payment of the prize is authorized, the retailer has not paid the prize, and it is unlikely that the retailer will pay the prize, the Lottery may then issue a check to the payee of the dishonored check in the amount of the prize due. Lottery may require submission of the original check issued by the retailer prior to making payment to the payee.¶

(c) Retailer Sanction: A retailer that pays a prize with a check that is dishonored may be subject to termination of its Lottery Retailer Contract.¶

(3) Submission of Prize Claim to Lottery: The holder of a winning ticket or share may claim a prize by submitting the winning ticket or share using one of the methods described below, unless a different method is provided for claiming a Highest Prize in the specific rules for the game from which the Highest Prize is derived. A winner claim form may be obtained from any Lottery retailer, from a Lottery kiosk, from the Lottery Headquarters or a Lottery Branch, or may be downloaded from the Lottery's website.¶

(a) Presenting Claim at Lottery Headquarters or Lottery Branch: A claimant may bring and present a ticket or share at Lottery Headquarters or a Lottery Branch during Lottery business hours, unless the ticket or share, or a Lottery rule, specifies that the ticket or share may only be presented at Lottery Headquarters.¶

(b) Presenting Claim by Mail: A claimant may present a claim by mail by signing the ticket ~~or~~ share, writing the claimant's mailing address on the ticket or share, completing a winner claim form, and mailing it together with the winning ticket or share to the Lottery Mailing Address. Registered mail is recommended.¶

(c) Presenting Claim by Private express carrier: A claimant may present a claim by private express carrier by signing the ticket or share, writing the claimant's mailing address on the ticket or share, completing a winner claim form, and depositing it together with the winning ticket or share with the express carrier with instructions to

deliver the ticket or share and claim form to Lottery Headquarters.¶

(d) Electronic Claim Form: If provided for in the rules for a specific game, a winner may submit an electronic claim form through the Internet, if a winning ticket or share has already been presented using one of the methods specified in OAR 177-046-0110 (3)(a)-(c). If the winners submits an electronic claim, the form is received by the Lottery only when the claim enters the Lottery's information processing system in a form that is retrievable by the Lottery and at the time and date noted by the Lottery's information processing system. The Lottery is not responsible for any electronic transmission failures or errors. An electronic winner claim form must include the winner's electronic signature that meets the requirements specified by the Lottery on the instructions for the winner claim form.¶

(e) Claiming Through the Player Account: For any Lottery game played digitally, a prize is considered claimed immediately upon validation by the Lottery that the ticket or share is a winning ticket or share as determined by the rules for the particular game. Upon such validation, the player will be the owner of the prize and the Lottery will withhold any taxes or other offsets required by law before the prize is deposited, less such withholdings, if any, in the player's funding account. There are no unclaimed prizes in Lottery games played digitally and prizes in such games may only be claimed as provided in this subsection.¶

(f) Facsimile Claim Form: A winner claim form may be submitted by facsimile transmission, if a winning ticket or share has already been presented using one of the methods specified in OAR 177-046-0110 (3)(a)-(c). The claim will be deemed received by the Lottery only if it is successfully transmitted to (503) 540-1001 and receipt of the successful transmission is generated by the Lottery's facsimile machine. The Lottery is not responsible for non-receipt of a claim form due to failure of transmitting equipment or otherwise.¶

(fg) Timing and Deadline for submitting a Claim: Any winning draw game ticket of \$50,000 and over is not eligible for prize payment until the next Lottery business day after it is issued. Whether a claim for a prize is submitted to a retailer or to the Lottery by mail, express carrier or by an individual personally presenting the claim, the winning ticket or share (including the completed claim form, if applicable) must be received by the retailer or the Lottery within one-year of the date that the ticket or share was issued, unless a shorter time period is specified by the Lottery for a particular game. If the final day of the one-year claim period falls on a day when the Lottery Headquarters or Lottery Branch are not open to the general public, such as a weekend, Lottery holiday, furlough closure day, or unforeseen circumstances, the claim period shall be extended until 5:00 p.m. on the next day the Lottery Headquarters or Lottery Branch are open to the general public.¶

(gh) Failure of delivery: The claimant of a prize bears all risk associated with the method chosen to submit a claim, the timeliness of the claim submission and, in the case of submission by mail or private express carrier, failure of the claim to be received by the Lottery or a retailer.¶

(4) Lottery and Prize Payment Methods: Upon validation of a winning Lottery ticket or share presented to the Lottery for payment, the Director may pay the amount of the prize due to the owner of the ticket or share. If the Director determines that the ticket or share is invalid, or a non-winning ticket or share, or the claim is invalid, the Director shall deny the claim and notify the claimant. An invalid ticket or share will not be returned to the claimant and is not eligible for any second chance or promotional drawing. A non-winning ticket will only be returned to the claimant if the claimant provides return postage and a self-addressed envelope or mailing container in which to return the ticket.¶

(a) Lottery Cash Payment: Cash prize payments made at Lottery Headquarters or Lottery Branch are limited to \$50 per person per day. Any prize payment balance remaining above \$50 shall be paid by check or payment device. Lottery will not mail cash.¶

(b) Lottery Kiosk Payment: Cash prize payments made at a Lottery kiosk are limited to \$100 per transaction. Any prize payment balance remaining above \$100 shall be paid by payment device.¶

(c) Prize Payments over \$20,000: Any prizes in an amount that is over \$20,000 will be paid by the Lottery using the method that it determines is most secure and effective in light of the circumstances of the winner and the Lottery. Any merchandise prizes valued in excess of \$20,000 will be paid as merchandise.¶

(d) Prize Payments via Player Account: In any Lottery game played digitally, the Lottery pays prizes by crediting the player account after the withholding of any amounts required by law and depositing an equivalent amount to

the funding account.¶

(5) Claiming Lottery Tickets or Shares Jointly: If more than one name appears on a Lottery ticket or share, or if a Lottery ticket or share is owned by two or more claimants, the prize must be claimed in accordance with the following:¶

(a) General: All persons claiming ownership of the winning Lottery ticket or share must complete and sign the Lottery's Request to Divide and Release Form or Release of Ownership Form at ~~the time~~ the prize is claimed. Each of the claimants signing the form must indicate his or her proportionate share of the prize. Each claimant must receive at least \$1.00. At least one of the claimants of the ticket or share must sign the ticket or share. That person's signature must also appear on the request and release form. If a winning ticket or share is mailed to the Lottery with multiple signatures on it, the Director will mail the request and release form to each of the claimants.¶

(b) Relinquishment of Interest: If a person has signed a Lottery ticket or share to relinquish the person's ownership interest in the Lottery ticket or share, that person must sign the Lottery's release of ownership form relinquishing the person's ownership interest to the person the owner designates on the form. In no event will a person be permitted to relinquish ownership interest once it is determined that the person owes money for child support, other legal attachment has taken place or other amounts are otherwise required to be withheld by law. Once the Lottery receives the release of ownership form, it is irrevocable.¶

(c) Deceased Signatories: A deceased signatory who dies before signing the request and release form will be presumed to have an ownership interest equal to that of the other signatories. In the event there is a deceased signatory, the Director may withhold payment for 60 days from the date of validation to allow co-owners the opportunity to seek a declaratory ruling from a court.¶

(d) Issuance of Prize Checks to Multiple Owners: If a validated winning Lottery ticket or share is claimed by multiple owners who are sharing a single prize, the Director will pay each owner claiming a share of the prize amount that portion of the prize amount claimed by each owner, with the total shares paid not to exceed the total prize amount. No cash payments will be made to multiple owners. However, the Director reserves the right to issue a single prize payment to an owner whose name appears on the ticket or share instead of multiple prize payments to the owners of the ticket or share if the value of each separate prize share would be less than \$50 or if the number of owners claiming a share of the prize exceeds 100 people. The Lottery shall pay multiple owners of a Lottery prize only at the Lottery Headquarters or a Lottery Branch. Lottery retailers are not authorized to pay multiple owners who share a single winning prize.¶

(e) Payment to Multiple Owners at Lottery Kiosk: Notwithstanding subsection (5)(d) of this rule, the Lottery may pay multiple owners of a single Lottery prize at a Lottery kiosk if the total amount of the prize is \$600 or less. Payment shall be made as set forth in paragraph (4)(a)(B) of this rule.¶

(f) Conflicting Information or Discrepancies: If there is conflicting information or discrepancies between the names on a winning Lottery ticket or share and the names on a claim form, the Lottery may withhold prize payment until the conflicting information has been researched and resolved or assigned to Lottery Security Section for investigation and resolution. Discrepancies include, but are not limited to: Names or addresses scratched out or erased, or unreadable or altered names or addresses.¶

(g) Investigations: At the discretion of the Director, the Lottery may conduct an investigation to aid in the determination of the rightful owners prior to payment of any prize.¶

(h) Determinations: The Director's decisions regarding the determination of a winning Lottery ticket or share, or the determination of the rightful owner or owners of a prize, or of any other dispute or matter arising from payment or awarding of prizes are final and binding on all parties claiming an ownership interest in a prize.¶

(6) Second Chance Drawing Prize: Sections (5) and (8) of this rule are not applicable to a prize claim from a second chance drawing. Prizes awarded by the Lottery from second chance drawings must be claimed in accordance with the provisions of OAR 177-052-0060 and only the person who submitted the winning entry in a second chance drawing may claim and be paid the prize.¶

(7) Social Security Numbers or Individual Taxpayer Identification Numbers (ITIN): Each United States resident or nonresident alien who is to receive a payment of winnings greater than \$600 shall furnish to the Lottery the

information required on the Internal Revenue Service Form W-2G (or any other form required by the IRS,) including but not limited to the winner's name, address, and social security number or ITIN. This disclosure is mandatory and the authority for such disclosure is 42 USC 405(c)(2)(C), 26 CFR 31.3402(q)-1(e), and ORS 461.715(1)(a). A winner's social security number or ITIN will be used for the purpose of identifying child support obligors and payments owed and to administer state and federal tax laws, including collection of tax. ¶

(8) Power of Attorney. ¶

(a) General: The owner of a winning ticket or share may designate in a written power of attorney an agent to act on the owner's behalf and to receive a prize payment on behalf of the owner. The Director shall confirm both the written authorization and the agent. An owner is encouraged to select a bonded agent. The Director may pay a prize to an agent for the owner of a winning ticket or share only if the Director determines that the agent has presented a valid power of attorney under Oregon law authorizing the Lottery to disburse a winning prize amount to the agent on behalf of the owner named on the winning ticket or share. The Director may require that any power of attorney submitted to the Lottery be in a form prescribed by the Lottery. The Director will accept a power of attorney for a winning ticket or share only when there is a single owner of the ticket or share. The owner of the ticket or share for whom a claim is submitted under a power of attorney must be a natural person over the age prescribed in the applicable game rules and be otherwise eligible to play Lottery games and claim a Lottery prize. ¶

(b) Method of Payment: The Lottery will not disburse cash to an agent for a winner. The Lottery will disburse payment to the designated agent for a ticket owner only by check, payment card or other method payable to the named owner of the ticket or share, not to the name of the agent. ¶

(c) Power of Attorney Form: A power of attorney submitted to the Lottery must, at a minimum: (i) be in written form, (ii) specify the name, address and telephone number of the owner of the ticket or share; (iii) be dated with a date that is later than the determination of the winner for the game in which a winning prize is being claimed, (iv) specifically identify the winning prize and the game won, (v) specify the name, address and telephone number of the agent who is authorized to claim the prize for the owner; and (vi) clearly state that the agent may complete a claim form and sign the ticket or share in the name of the owner and receive payment of the prize for the owner. The Director, in his or her discretion, may also accept a general power of attorney form for a disabled or incompetent player if the Director determines that the general power of attorney is valid under Oregon law and that payment to the agent of a Lottery prize is within the authority conferred upon the agent under the general power of attorney. ¶

(d) Identification of Owner: The Director may confirm to the Director's satisfaction that the agent is authorized to claim a prize on behalf of the owner of a winning ticket or share. The Director may attempt to verify or contact the owner of a winning ticket or share that is being claimed by an agent. The Director may request copies of additional documentation to establish the identity of the owner and the validity of the power of attorney including, without limitation, a driver's license, passport or similar identification and documents pertaining to the identity and signature of the owner in order to verify the validity of the power of attorney. ¶

(e) Appearance: An agent may not present a winning ticket or share through the mail or by private express carrier, but must physically present the winning ticket or share with the power of attorney and any supporting documentation at the Lottery Headquarters to claim the prize payment on behalf of the owner. Subsequent to receipt of acceptable identification, along with a completed claim form from the agent, and the Director's review and approval of the power of attorney and other supporting documentation required by this rule or requested by the Director, the agent, in the presence of a duly authorized Lottery official, shall sign the owner's name on the winning Lottery ticket or share in the place indicated on the ticket or share and immediately return it to the Lottery. The Director shall then disburse payment as provided in these rules. ¶

(f) Discharge of Lottery from Liability: The owners of lottery tickets or shares are responsible for safeguarding their tickets or shares and assume the risk of an agent with apparent authority from the owner presenting a claim for payment from the Lottery on behalf of the owner. The State of Oregon, its agents, officers, employees, and representatives, including but not limited to, the Oregon Lottery, its Director, agents, officers, employees, and representatives, are discharged of all liability upon payment to an apparent agent for the owner of a winning ticket

or share in accordance with this rule. The Lottery is not responsible in any way for the fulfillment or completion of any agreement or power of attorney between the owner and the agent. The Director's decisions regarding the determination that a Lottery ticket or share is, or is not, a winning ticket or share or any question or dispute arising from the payment of such a prize is final and binding on all parties. In the event a question or issue arises regarding payment of a prize through an agent, the Director may withhold payment until the question or issue is resolved. The Lottery, the owner or the purported agent may petition a court of competent jurisdiction for judicial resolution of the matter.¶¶

(g) This section does not apply to any Lottery game played digitally. Prizes may not be claimed through a power of attorney; provided, however, moneys may be withdrawn from a funding account through a power of attorney, if the form of power of attorney is approved and given effect by the financial institution holding the funding account.¶¶

(9) Payment Decisions: The Director shall make the final decision on whether any prize is paid or any annual prize payment is made. All prizes shall be paid within a reasonable time after they are validated, unless the Director delays a prize payment. The Director may, at any time, delay any prize payment in order to review the validity of a prize claim, or review a change of circumstances relative to the prize awarded, the payee, or the claim, or review any other relevant matter that may come to the Director's attention. Except as set forth in OAR 177-098-0060, for any prize requiring annual payments, all payments after the first payment shall be made on the anniversary date of the first payment in accordance with the type of prize awarded. Any delayed annual payment will be brought up to date immediately when payment is authorized by the Director.¶¶

(10) Validation and Payment of Lost, Damaged or Destroyed Tickets or Shares: If a player of a game cannot submit an intact winning ticket or share because a retailer lost, damaged, or destroyed the ticket or share while attempting to perform validation procedures on the game ticket or share, or because the ticket or share was otherwise damaged so that it cannot be validated through Lottery's central computer system or because it is otherwise unreadable, a prize claim based on such lost, damaged, or destroyed ticket or share may still be validated provided the claim is made before the end of the applicable claim period. For purposes of this rule, a ticket or share is unreadable if there is insufficient information remaining on the ticket or share for the Lottery's Security Section to reconstruct and validate the ticket or share.¶¶

(a) Player Form and Affidavit: To claim a prize based on a lost, damaged, or destroyed ticket or share, the player must obtain, complete, and sign a winner claim form and a claim affidavit furnished by the Lottery. The player shall submit the two completed forms along with any other evidence of the validation attempt that is in the player's possession (including, but not limited to, any slips, receipts or other evidence of play produced by the terminal at the time of the validation attempt) to the Lottery either by mail to the Lottery Mailing Address (registered mail recommended) or in person at the Lottery Headquarters or a Lottery Branch during Lottery business hours.¶¶

(b) Evidence: The evidence submitted by the claimant must corroborate any validation attempt of the ticket or share by a retailer including, but not limited to, identification of the Lottery game retailer or clerk who attempted to validate the prize, the time and date of the validation attempt, the ticket or share validation number, the terminal number, and the prize amount.¶¶

(c) Investigation: The Assistant Director for Security will conduct an investigation to determine if the claim and winning game ticket or share are valid.¶¶

(d) Retailer Affidavit: A retailer who is the subject of an investigation conducted under this section must complete and provide to the Lottery a retailer affidavit form explaining the events in question.¶¶

(e) Director's Determination: Based upon all the facts and information available, the Director shall determine whether prize payment is warranted and authorized.¶¶

(f) Payment of Prize: Upon the Director's determination that the ticket or share submitted under this section is a valid, winning ticket or share, and that the player is the proper person to whom a prize is payable, the Lottery shall present or mail a check to the claimant in the amount or the prize due to the claimant.¶¶

(g) Restriction of Payment: Payment of claims submitted under this section is restricted to the prize amount. A winner is not entitled to lost interest earnings or any other form of damages due to a delay in a payment of a prize while the validation process described in this rule is completed.¶¶



(h) Retailer Sanctions: The Director may sanction a Lottery game retailer for the loss, damage or destruction of a winning ticket or share including, but not limited to imposing, a requirement for training for the retailer or the retailer's employees, and any other actions that the Lottery may take in response to a retailer's failure to perform contract duties or requirements as described in the Lottery retailer contract.¶¶

(i) Notification of Denial: If the Director determines that the ticket or share is invalid, or a non-winning ticket or share, or the claim is invalid, the Director shall deny the claim and notify the claimant. An invalid ticket or share will not be returned to the claimant and is not eligible for any second chance or promotional drawing. A non-winning ticket or share will be returned to the claimant if the claimant provides return postage and a self-addressed envelope or mailing container in which to return the ticket or share. If a claim is denied, the Director may, in his or her discretion, provide the claimant with one or more replacement tickets as provided by OAR 177-046-0160.¶¶

(11) Deductions from Prize Amount Paid: When a prize claim is submitted or claimed digitally through a player account, Lottery will reduce the amount of the prize actually paid to the winner by any amounts required by law to be withheld from payment, including without limitation applicable tax withholding, a writ of garnishment or other legal attachment, child support or other obligations owed to the State of Oregon. A winner will not be entitled to the full prize amount in such cases and the amounts withheld will be transferred or retained by Lottery as required by law.

Statutory/Other Authority: ~~ORS 461.1~~ & OR Const. Art. XV, Sec. 4(4)(a), ORS 461.120, 461.210, 461.230, 461.250, 461.715, 461.719

Statutes/Other Implemented: OR Const. Art. XV ¶ 4, ORS 461.0240, 461.250, ORS 120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.560, 461.715, 461.719

RULE SUMMARY: Lottery is proposing to amend this rule about prize payment after the death of a winner to address how the death of a winner is handled when the prize at issue was won digitally through a player account. As described in other rule changes in this Notice, when a game is played digitally, prizes are claimed automatically when Lottery determines a ticket or share is a winning ticket or share and at that time, after applicable offsets for taxes and certain state debts, Lottery considers the prize paid and accrued to the registrant of the player account. If the registrant is deceased, the funds in the funding account (including prizes paid by Lottery) can be accessed by the estate of the player or other legal entity in accord with the procedures of the financial institution holding the funding account. Lottery may make additional or alternate changes to this rule based on comment or information received during the public rulemaking process.

CHANGES TO RULE:

177-046-0120

Prizes Payable after Death ¶¶

(1) General: If the ~~person~~ winner of a Lottery game dies before claiming his or her prize, the decedent's claim may be presented and validated as provided in this rule within any applicable deadlines for claiming the prize. If a prize winner dies after the prize has been claimed and validated, but before the prize has been entirely paid (such as an annuity prize payment), the remaining prize amount may be paid to the estate of the deceased prize winner as provided in this rule, unless a rule specific to that prize provides otherwise. The Director may rely on the presentment of certified copies of the court's appointment of a personal representative, the death certificate for the deceased prize winner, or other evidence of person(s) entitled to payment of the decedent's prize winnings and may make payment to the estate of the deceased winner once the Director is satisfied that such payment is lawful and proper.¶¶

(2) Release Form: For a deceased prize winner, the personal representative of the winner's estate, or all the parties listed on a beneficiary designation form if one is on file, must sign the Lottery's release form before payment of the prize or any remaining portions of the prize.¶¶

(3) Court Petition: The Director reserves the right to petition any court of competent jurisdiction to determine the proper payment of any prize winnings due to a deceased prize winner.¶¶

(4) Any amounts held in a funding account upon the death of a player may be withdrawn by the estate of the player, a trust established by the player or other heirs or devisees of the player, in accord with the procedures established by the financial institution holding the account for the withdrawal of amounts held in the account of a decedent.

Statutory/Other Authority: ~~ORS 461 & OR Const. Art. XV, Sec. 4(4) ¶ 4(4)(a)~~, ORS 461.120

Statutes/Other Implemented: ORS 461.020, 461.120, 461.150, 461.210, 461.220, 461.230, 461.240, 461.250,  
OR Const. Art. XV ¶ 4

ADOPT: 177-046-0155

RULE SUMMARY: The Lottery is proposing to adopt this rule about responsible gaming to commit Lottery to comply with the Responsible Gambling Code of Practices Act by providing responsible gaming tools in the player account. The Lottery may make additional changes to this rule based on comment or information received during the public rulemaking process to ensure the rule reflects Lottery's commitment to responsible gaming practices.

CHANGES TO RULE:

177-046-0155

Responsible Gaming

(1) General: Lottery shall comply with the Responsible Gambling Code of Practices Act. The Lottery will support players in positive play behaviors as outlined in the Lottery's Responsible Gambling Code of Practice by providing responsible gaming features within games and may offer additional outreach and messaging to players from time to time.¶

(2) Self-imposed Limits: When a person creates a player account, they must establish a personal deposit limit. Additional self-imposed limits and temporary or permanent self-exclusion may be selected by the player within the player account. When such limits are effective, neither the player or Lottery can override them.

Statutory/Other Authority: OR Const. Art. XV ¶ 4(4)(a), ORS 461.120

Statutes/Other Implemented: OR Const. Art. XV ¶ 4, ORS 461.120, 461.800 to 461.820

AMEND: 177-046-0170

RULE SUMMARY: This rule about what law governs Lottery games is being amended to clarify that additional terms and conditions may be provided to players and the public digitally. The rule previously said terms and conditions may be printed on the ticket itself, which is not sufficient to cover digital games, which do not currently provide physical tickets and shares. Additional or alternative changes may be made to this rule based on comment or information received during the public rulemaking process to ensure the rule is accurate.

CHANGES TO RULE:

177-046-0170

Governing Law ¶¶

- (1) General: All players or persons purchasing or possessing any Lottery ticket or share must comply with and are bound by all applicable laws, rules, and procedures and any additional terms and conditions found on the ticket or share itself or provided digitally. In the event of a conflict between the additional terms and conditions found on the back of a ticket or share or provided digitally with the Lottery's rules, the rules control.¶¶
- (2) Lottery Materials: All materials distributed by the Lottery for playing Lottery games must be used solely for playing the game described by these rules. Any use or reproduction of the materials for purposes other than those permitted by these rules may constitute a violation of the gambling laws of the State of Oregon.¶¶
- (3) Director's Decisions: All decisions of the Director regarding Lottery games are final.

Statutory/Other Authority: ~~ORS 461 & OR Const. Art. XV, Sec. 4(4) ¶ 4(4)(a)~~, ORS 461.120

Statutes/Other Implemented: ~~ORS 461.02~~ Const. Art. XV ¶ 4, ORS 461.020, 461.120, 461.150, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

REPEAL: 177-091-0000

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0000~~

~~Purpose and Disclaimer~~

~~(1) Purpose: These rules establish the procedures and requirements for playing Oregon Lottery Scoreboard, a lottery game operated by the Oregon State Lottery and authorized by the Oregon State Lottery Commission, which is based upon the results of sporting events.~~

~~(2) Disclaimer: Scoreboard is not associated with, sponsored, or authorized by the National Football League, its member clubs, or any other professional or amateur sports league or organization.~~

~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~

~~Statutes/Other Implemented: ORS 461.213~~

REPEAL: 177-091-0010

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0010~~

~~Definitions~~

~~For the purposes of division 91, the following definitions apply except as otherwise specifically provided in OAR chapter 177, or unless the context requires otherwise:¶¶~~

- ~~(1) "Game ticket" or "ticket" means a computer-generated, printed paper issued by a terminal as a receipt for the sporting event and game play selections made by a player and that contains, but is not limited to, the following data: The caption "Scoreboard", the dates of the sporting events for which the ticket is played, an identifying number, the price of the ticket, a six-digit retailer number, a serial number, and a bar code.¶¶~~
- ~~(2) "Official Scoreboard results" means the Lottery's list of the final sporting event scores.¶¶~~
- ~~(3) "Quick pick" means the random selection by a terminal of the numbers played on a ticket.¶¶~~
- ~~(4) "Draw game terminal" or "Terminal" has the meaning set forth in OAR 177-070-0005(4).¶¶~~
- ~~(5) "Ticket validation" or "validation" means the process of determining whether a ticket presented for payment is a winning ticket as set forth in OAR 177-070-0035.~~

~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~

~~Statutes/Other Implemented: ORS 461.213~~

REPEAL: 177-091-0020

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0020~~

~~Game Description~~

~~(1) General: Scoreboard is a Lottery game based on the outcome of sporting events in which a player must match quick pick numbers to the last digit of the final score for each team in each period of play, including, but not limited to, quarters, innings, rounds, and periods, in a sporting event selected by the Lottery. These scores may be commonly known as the "box score", but only the Lottery's official Scoreboard results are used to determine winners. The final score includes any overtime play.~~

~~(2) Name of Game: Lottery may from time to time use variations of the name Scoreboard including, but not limited to, such names as "Monday Scoreboard", "Monday Night Scoreboard."~~

~~(3) Game Changes: The Director reserves the right to suspend or cancel the Scoreboard game at any time. The Director's decisions are final.~~

~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~

~~Statutes/Other Implemented: ORS 461.213~~

REPEAL: 177-091-0030

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0030~~

~~Play Dates and Times-~~

~~Scoreboard shall support up to twenty sporting events. Dates and times to purchase a ticket will vary depending on the times of the sporting events selected by the Lottery during the Lottery's Scoreboard season.~~

~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~

~~Statutes/Other Implemented: ORS 461.213~~



REPEAL: 177-091-0040

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0040~~

~~Price-~~

~~The minimum price of a Scoreboard ticket is \$2. The maximum price of a ticket is \$20. A player may choose to wager \$2, \$3, \$4, \$5, \$10, or \$20 per ticket.~~

~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~

~~Statutes/Other Implemented: ORS 461.213~~

REPEAL: 177-091-0050

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0050~~

~~Ticket Purchase, Restrictions, and Characteristics~~

- ~~(1) General: Scoreboard tickets must be purchased during the Oregon Lottery's Scoreboard season which will be determined by the Lottery and announced by reasonable means before or during the season.¶¶~~
  - ~~(2) Authorized Retailer: Scoreboard tickets are sold at retailer locations that have a Lottery contract to sell Scoreboard tickets.¶¶~~
  - ~~(3) Age of Player: A player must be at least 18 years of age to purchase a Scoreboard ticket.¶¶~~
  - ~~(4) Ticket Purchase: A ticket may be purchased either from a clerk-operated terminal, or a player-operated terminal. All Scoreboard tickets are quick-picks.¶¶~~
    - ~~(a) Purchasing a Ticket from a Clerk-Operated Terminal: The player informs the clerk of the event, the number of tickets desired, and the amount of money to be played on each ticket. After the player submits the request and the money to the clerk, the clerk uses the terminal to issue the requested tickets to the player.¶¶~~
    - ~~(b) Purchasing a Ticket from a Player-Operated Terminal: A player may purchase Scoreboard tickets from a player-operated terminal by following the instructions appearing on the touch screen of the terminal. Once the player has completed the player's selection and inserted the price of the tickets into the terminal, the terminal issues the tickets to the player.¶¶~~
  - ~~(5) Ticket Description: On each ticket purchased by the player, four sets of two single-digit numbers for each of the specified event's periods of play will be printed. The single-digit numbers produced will range from zero through nine. No two sets of numbers in any period of play will be duplicated.¶¶~~
  - ~~(6) Ticket Characteristics: A ticket is the only acceptable evidence of the selections made by a player and the only valid receipt for claiming a prize. A copy of a ticket has no pecuniary or prize value and does not constitute evidence of ticket purchase or the selections made by a player.~~
- ~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~
- ~~Statutes/Other Implemented: ORS 461.213~~

REPEAL: 177-091-0060

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0060~~

~~Cancellation of Tickets~~

~~A player may not cancel a Scoreboard ticket.~~

~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~

~~Statutes/Other Implemented: ORS 461.213~~

REPEAL: 177-091-0070

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0070~~

~~Prize Structure~~

~~The following table sets forth the prize structure and the estimated probability of winning a Scoreboard prize for a sporting event with four quarters of play. Quarters are defined as first quarter, second quarter, third quarter, and final score. Payouts on this table are based on a \$2 wager. Payouts increase proportionally based on the amount wagered by the player. [Table not included. See ED. NOTE.]¶¶~~

~~[ED. NOTE: Tables referenced are available from the agency.]~~

~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~

~~Statutes/Other Implemented: ORS 461.213~~

REPEAL: 177-091-0080

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0080~~

~~Payment of Prizes; Ticket Validation Requirements~~

~~(1) Payment of Prizes: A prize payment for a winning Scoreboard ticket must be claimed, and shall be made, in accordance with the provisions of OAR 177-070-0025.¶~~

~~(2) Validation of Tickets: To be a valid ticket and eligible to receive a prize, a ticket must:¶~~

~~(a) Be validated in accordance with the provisions of OAR 177-070-0035; and¶~~

~~(b) Be a winner under OAR 177-091-0100.¶~~

~~(3) Limitation on Prizes Paid: A player shall receive only the highest prize available for each winning ticket.~~

~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~

~~Statutes/Other Implemented: ORS 461.213~~

REPEAL: 177-091-0090

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0090~~

~~Probability of Winning~~

~~The number of prizes for Scoreboard is not pre-determined by the Lottery. The overall prize percentage payout for Scoreboard prizes is estimated at 70 percent over time but will vary from week to week, as well as from year to year, due to factors which include, but are not limited to, the number of players participating each week and the number of winning wagers.~~

~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~

~~Statutes/Other Implemented: ORS 461.213~~

REPEAL: 177-091-0100

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0100~~

~~Determination of Winners~~

~~(1) General: A player wins by correctly matching the numbers on the player's ticket to the last digit of the score of the specified sporting event for the specified period of play.~~

~~(2) Official Game Results: The scores in a sporting event become official for the purpose of playing Scoreboard when adopted by the Lottery and listed in the Lottery's official game results. The Lottery shall not recognize protests or overturned decisions.~~

~~(3) Availability of Results: The Lottery shall make Scoreboard results available at all retailer locations that sell Scoreboard tickets after each sporting event has ended.~~

~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~

~~Statutes/Other Implemented: ORS 461.213~~

REPEAL: 177-091-0110

RULE SUMMARY: Lottery is proposing to repeal the rules in OAR chapter 177, division 91 that govern an Oregon Lottery game called Scoreboard that is no longer offered. The Lottery has a new game also called Scoreboard that launched in 2019 and is governed by rules in OAR chapter 177, division 92. Therefore, the rules in division 91 for the obsolete game need to be repealed because they are no longer needed and may cause confusion to players about which rules govern Lottery's current Scoreboard game.

CHANGES TO RULE:

~~177-091-0110~~

~~Sporting Event Cancellation, Rescheduling, or Suspension~~

- ~~(1) Cancellation of Sporting Event: If a sporting event is canceled prior to the start, or during the course of play, and it is not declared final and it is not rescheduled by the governing body for that event, the Director shall authorize the refund of the purchase price of a player's ticket for that sporting event to the player.¶¶~~
- ~~(2) Sporting Event Rescheduled: If a sporting event is rescheduled prior to the start, or during the course of play, by the governing body for that event, play on the Scoreboard tickets purchased for that sporting event may continue for the sporting event at the rescheduled time, or in the exercise of the Director's discretion, the Director may authorize the refund of the purchase price of a player's ticket for that sporting event to the player.¶¶~~
- ~~(3) Suspension of Sporting Event After Play Has Started: If a sporting event is suspended after play has started and the governing body for that event does not reschedule the event and declares the results of that event as official/final, the Lottery shall adopt the score from the last completed period of play as the score for any remaining unplayed periods of play as well as the final score of that sporting event. For example, if a professional football game ends after two quarters of play, and the National Football League declares the game official, the score at the end of the second quarter of play also becomes the score for the unplayed third quarter and the final game score.~~

~~Statutory/Other Authority: OR Const. Art. XV, Sec. 4(4), ORS 461~~

~~Statutes/Other Implemented: ORS 461.213~~



ADOPT: 177-092-0000

RULE SUMMARY: This rule is adopted to state the purpose of this new division of rules, which is to establish the game Scoreboard and set out the requirements for the game.

CHANGES TO RULE:

177-092-0000

Purpose

These rules establish Scoreboard as an Oregon State Lottery game authorized by the Oregon State Lottery Commission and describe how the game works, how players can purchase a share and place bets, and how Lottery determines winners and pays prizes.

Statutory/Other Authority: OR Const. Art. XV § 4(4)(a), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

Statutes/Other Implemented: OR Const. Art. XV § 4, ORS 461.120, 461.200, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

ADOPT: 177-092-0010

RULE SUMMARY: This rule is adopted to define terms applicable to the game Scoreboard. Newly defined terms include, but are not limited to, "bet," "confirmed," "governing body," "official event results," and "sporting event." The Lottery may add, remove, or clarify definitions if needed to ensure accuracy based on information received during the public rulemaking process.

CHANGES TO RULE:

#### 177-092-0010

##### Definitions

(1) "American odds" means a way of representing the probability that something will happen using a baseline of \$100. For example, a bet with odds of +585 means a player needs to bet \$100 to win \$585 and a bet with odds of -760 means a player would need to bet \$760 to win \$100.¶

(2) "Bet" means the amount of money paid by a player for a share in Scoreboard and risked on a particular outcome of a sporting event. A bet may be one of a variety of types including, but not limited to, pre-game, live, or parlay. Available bets are determined by Lottery and displayed to players within Scoreboard on the mobile app or site.¶

(3) "Bonus" has the meaning given in OAR 177-046-0015.¶

(4) "Confirmed" means a bet was placed by a player, the Lottery accepted the bet, the bet amount was successfully debited from the player balance, the bet was recorded by the Lottery, and the player received a bet identification number or similar confirmation number.¶

(5) "Digitally" has the meaning given in OAR 177-046-0015.¶

(6) "Duplicative or identical bets" means a series of bets that contain the same identical selections made by the same person or a group of people in their favor.¶

(7) "Eligible player" means a person who is eligible to play Scoreboard pursuant to OAR 177-046-0022 and OAR 177-092-0020.¶

(8) "Funding account" has the meaning given in OAR 177-046-0015.¶

(9) "Funds balance" has the meaning given in OAR 177-046-0015.¶

(10) "Governing body" means a recognized organization that has regulatory or sanctioning authority or control over a particular sport.¶

(11) "In-game rules" means general betting and sport-specific information available to players on the Scoreboard mobile app or site.¶

(12) "Mobile app" has the meaning given in OAR 177-046-0015.¶

(13) "Official event results" means the results of a sporting event that Lottery determines will be used to determine winning bets as described in OAR 177-092-0040.¶

(14) "Player account" has the meaning given in OAR 177-046-0015.¶

(15) "Player balance" has the meaning given in OAR 177-046-0015.¶

(16) "Share" has the meaning given in OAR 177-010-0003.¶

(17) "Site" has the meaning given in OAR 177-046-0015.¶

(18) "Sporting event" means a game, match, race, or similar competitive event associated with a governing body in its entirety or a particular live occurrence such as, but not limited to, a particular play or score.

Statutory/Other Authority: OR Const. Art. XV § 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

Statutes/Other Implemented: OR Const. Art. XV § 4, ORS 461.120, 461.200, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

ADOPT: 177-092-0015

RULE SUMMARY: This rule is adopted to provide a brief explanation of the type of game Scoreboard is and direct players to other applicable rules including other Lottery administrative rules and general in-game rules and terms and conditions available on the mobile app or site or upon request from the Lottery.

CHANGES TO RULE:

177-092-0015

General Game Description

(1) Scoreboard is a game of chance authorized by the Oregon Lottery Commission that allows eligible players to purchase shares and place bets on sporting events digitally. To purchase a share in Scoreboard, an eligible player places a bet on a sporting event. The odds and prize associated with each bet amount are disclosed to the player before the bet is placed. The Lottery determines winning bets based on the official event results.¶

(2) In addition to this division of rules, Scoreboard is subject to other applicable Lottery rules in OAR chapter 177. In the event of a conflict, the specific Scoreboard rules in this division of rules supersede the general rules.¶

(3) Scoreboard is governed by additional terms and conditions and in-game rules on betting and pertaining to particular sporting events. These are available to players on the mobile app or site and upon request from Lottery.

Statutory/Other Authority: OR Const. Art. XV ¶ 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

Statutes/Other Implemented: ORS 461.120, 461.200, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260, OR Const. Art. XV ¶ 4

ADOPT: 177-092-0020

RULE SUMMARY: This rule is adopted to describe the basic eligibility requirements to play Scoreboard such as, but not limited to, being 21 years of age.

CHANGES TO RULE:

177-092-0020

Eligibility

To be eligible to purchase a share in Scoreboard and win a prize, an individual must:

(1) Be 21 years of age or older;

(2) Have a player account that complies with all the requirements as described in OAR 177-046-0022; and

(3) Not be prohibited by law, contract, policy, or administrative rule from playing Lottery games.

Statutory/Other Authority: OR Const. Art. XV § 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

Statutes/Other Implemented: ORS 461.120, 461.200, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260, OR Const. Art. XV § 4

RULE SUMMARY: This rule is adopted to explain the requirements, limitations, and similar policies with respect to placing bets in Scoreboard. For example, a bet can only be placed digitally by an eligible player who is physically within the state of Oregon and not on tribal lands. This rule also: gives Lottery the sole discretion to determine at any given time what bets are available; limits bets to sporting events with a recognized governing body; and prohibits duplicative or identical bets. The rule describes bonus funds or free bets and allows Lottery to offer "Bet Back" or "Cash Out" as a feature on some bets at Lottery's discretion. Other sideboards about betting are described in the rule, and the Lottery may add or clarify the betting process based on information received during the public rulemaking process.

CHANGES TO RULE:

177-092-0025

Purchasing a Share and Placing a Bet

- (1) An eligible player purchases shares in Scoreboard and places a bet on a sporting event through their player account on the mobile app or site.¶
  - (2) The odds and prize amount or "winnings" associated with each bet are determined by Lottery and must be digitally displayed to the player before the bet is confirmed.¶
  - (3) Lottery only accepts bets placed digitally.¶
  - (4) A bet may only be placed when the player is physically located within the geographic boundary of the state of Oregon and not on tribal lands.¶
    - (a) Lottery must be able to verify the physical location of the player when the bet is placed. Players must consent to Lottery's use of geolocation technologies as described in OAR 177-046-0022.¶
    - (b) Lottery will use official, publicly available data sources to geolocate tribal lands and prohibit mobile gaming therein. For purposes of this rule, "tribal lands" means federal Indian reservations, lands held in trust by the federal government for the benefit of federally recognized tribes, and lands held in fee by federally recognized tribes.¶
  - (5) The bet amount may not exceed the player balance; under no circumstances will Lottery extend credit to a player.¶
  - (6) Lottery may, in its sole discretion, from time to time, offer bonuses, free bets, or similar promotional incentives. These appear in the player balance and may be used to place bets but have no cash value and are not eligible for withdrawal. (The prize from a winning bet placed using bonus funds or free bets is eligible for withdrawal subject to applicable rules about prizes and prize payment.) Each bonus or promotional offer is subject to terms and conditions and limitations that will be disclosed to players on the mobile app or site such as, but not limited to, the requirement to use the full amount of the bonus in a single transaction or forfeit the unused portion. Players must comply with any additional terms and conditions to be eligible to use bonuses, free bets, and similar promotional incentives.¶
  - (7) Bets may only be placed on sporting events associated with a recognized governing body. Lottery determines available bets at any given time at Lottery's sole discretion. Available bets are displayed to players on the mobile app or site. The Lottery may refuse a bet at any time for any reason.¶
  - (8) Placing duplicative or identical bets is prohibited.¶
  - (9) Once confirmed, a bet cannot be cancelled or changed by the player. It is the sole responsibility of the player to verify the accuracy of the bet prior to confirmation. Lottery is not responsible for any bet placed in error.¶
  - (10) Some bets may, from time to time, display an option to settle a confirmed bet early for a certain percentage of the original bet. This feature is known as "Cash Out" or "Bet Back" and is available only at Lottery's sole discretion on some bets at some times.¶
  - (11) Disputes regarding player eligibility, the amount of a bet, the time a bet was placed, odds on a particular bet, whether a bet is a winning bet, and the amount of any prize are resolved at the sole discretion of the director of the Oregon State Lottery or the director's designee.
- Statutory/Other Authority: OR Const. Art. XV ¶ 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240,

461.250, 461.260

Statutes/Other Implemented: ORS 461.120, 461.200, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260,  
OR Const. Art. XV § 4

ADOPT: 177-092-0030

RULE SUMMARY: This rule is adopted to state that the price to purchase a share in Scoreboard is the amount the player chooses to bet, except that this amount is subject to several limitations described in the rule. The Lottery may clarify or add limitations based on information received during the public rulemaking process.

CHANGES TO RULE:

177-092-0030

Price

The price to purchase a share in Scoreboard is the amount the player chooses to bet subject to all of the following limitations:<sup>¶</sup>

(1) Bet Limits. In order to responsibly manage funds for the public purpose, Lottery reserves to right to impose minimum and maximum limits on the bet amount or prize amount at any given time based on the sport, odds, risk, and related factors. This will be communicated to the player when the player attempts to place a bet at a certain amount or for a certain prize payout that the Lottery will not accept.<sup>¶</sup>

(2) Additional Limitations on Bet Amount:<sup>¶</sup>

(a) Player Balance and Funding Account Limits: The bet amount may not exceed the player balance. The player balance is further limited by the player's deposit limit and any limits set by the financial institution that holds the funding account or any other financial institution or payment processor involved in the transaction.<sup>¶</sup>

(b) Personal Limits: The player may establish personal deposit, bet, or loss limits using the responsible gaming tools in the player account. When in effect, the player may not deposit or bet above the personal limit.

Statutory/Other Authority: OR Const. Art. XV § 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

Statutes/Other Implemented: ORS 461.120, 461.200, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260, OR Const. Art. XV § 4

ADOPT: 177-092-0035

RULE SUMMARY: This rule is adopted to explain Lottery's process for validating bets and determining winning bets. The Lottery may update, clarify, or add additional information to the bet validation process based on information received during the public rulemaking process to ensure transparency about how the Lottery determines winning bets in Scoreboard.

CHANGES TO RULE:

177-092-0035

Method for Validating Bets and Determining Winners

(1) An eligible player wins a prize in Scoreboard by placing a confirmed and validated winning bet. Lottery decisions regarding the validity of a bet are final and binding. Lottery has the sole discretion to determine winning bets based on the official event results.¶

(2) A bet in Scoreboard is valid if the bet was placed in accordance with OAR 177-092-0025 and other applicable rules by an eligible player through a valid player account, the bet was confirmed, and the bet is not otherwise voided or refunded by Lottery pursuant to any applicable rule, the in-game rules, or the terms and conditions.¶

(3) A validated bet is a winning bet if the outcome on which the shares were risked accords with the official event results as provided in this section and the in-game rules.¶

(a) Lottery has sole discretion to determine the official event results. The scores and results for a game become the official event results when the Lottery enters the results in the Lottery's sports betting platform. Lottery reserves the right to delay entering official event results when needed to review information relevant to the outcome of the sporting event. Some game results only become official after a certain time delay as determined by the applicable governing body for any given sporting event. Lottery will generally defer to the governing body for official event results but Lottery retains ultimate discretion to determine winners and pay prizes.¶

(b) If a sporting event is cancelled, suspended, abandoned, or interrupted or Lottery is for any reason unable to determine the outcome of a sporting event or particular occurrence within a sporting event on which bets were placed, then related bets may be voided at Lottery's sole discretion as provided in OAR 177-092-0050 and the in-game rules for the sporting event.

Statutory/Other Authority: OR Const. Art. XV ¶ 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

Statutes/Other Implemented: OR Const. Art. XV ¶ 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260



RULE SUMMARY: This rule is adopted to state that the number of prizes (unlike some Lottery games) is not predetermined by Lottery, but will vary among a variety of factors. The value of prizes in Scoreboard is also variable based on the amount bet and odds, but generally, the prize is equal to (with some exceptions) the "winnings" that is displayed to the player before they confirm their bet. "Winnings" usually includes the original bet amount that is returned to the player by the Lottery as a prize plus an additional prize amount. The prize amount or "winnings" is subject to legally required offsets for taxes and debt offsets as described in Oregon law (see ORS 316.194, 461.560, 461.715, 461.719) and other Lottery administrative rules (see OAR 177-010-0090, 177-010-0094, 177-046-0110.) The Lottery may provide additional clarity or add additional provisions with respect to prizes in Scoreboard based on information received during the public rulemaking process.

CHANGES TO RULE:

177-092-0040

Prizes

(1) The number of prizes for Scoreboard is not predetermined by Lottery. The overall prize percentage payout for Scoreboard will vary from bet to bet due to factors which include, but are not limited to, the number of players participating and the number of winning bets.¶

(2) Except as provided in section (3) of this rule, the value of the prize in Scoreboard is equal to the "winnings" that is digitally displayed to the player on the bet slip before the bet is confirmed:¶

(a) The prize amount or "winnings" is based on the amount of the bet selected by the player and the odds associated with the bet. The Lottery calculates the prize amount or "winnings" using American odds even if the player has selected to display odds in an alternative format.¶

(b) The prize amount or "winnings" digitally displayed to the player on the bet slip includes the original bet amount that the Lottery returns to the player as a prize plus any additional prize amount, unless the original bet was placed using all or part bonus or similar promotional incentive funds, in which case, the amount of bonus funds used is not returned to the player as a prize.¶

(c) The prize amount or "winnings" on a winning bet or a bet settled as a draw is subject to legally required offsets described in OAR 177-046-0110 and other applicable rules.¶

(3) Prize When Bet Settled as a Draw: Notwithstanding any other rule or the winnings amount that was displayed to the player before the bet was confirmed, the Lottery may settle a bet as a draw when the sporting event ends right on the listed point spread or finishes in a tie or draw. When a bet is settled as a draw, the prize is equal to the original bet amount and is subject to any legally required offsets as described in other applicable rules.

Statutory/Other Authority: ORS 461.715, 461.719, OR Const. Art. XV ¶ 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

Statutes/Other Implemented: OR Const. Art. XV ¶ 4, ORS 461.120, 461.200, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260, 461.715, 461.719

ADOPT: 177-092-0045

RULE SUMMARY: This rule is adopted to explain how prizes are paid in Scoreboard. The Lottery may update this rule based on information received during the public rulemaking process to ensure transparency about how Lottery pays prizes to winners in Scoreboard.

CHANGES TO RULE:

177-092-0045

Payment of Prizes

(1) The prize amount on a winning bet in Scoreboard is credited to the player account only after:¶

(a) The identity and eligibility of the player have been verified;¶

(b) The bet is validated and determined to be a winning bet or a bet settled as a draw; and¶

(c) All offsets or other deductions required by law as described in OAR 177-010-0090, 177-010-0094, and 177-046-0110 have been completed.¶

(2) After the net prize amount credits to the player account, the equivalent amount of money is deposited in the funding account, and the player may withdraw the amount from the funding account as described in OAR 177-046-0027.

Statutory/Other Authority: OR Const. Art. XV ¶ 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260, 461.715, 461.719

Statutes/Other Implemented: OR Const. Art. XV ¶ 4, ORS 461.120, 461.200, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260, 461.715, 461.719

RULE SUMMARY: This rule is adopted to address when Lottery may void a bet, when Lottery has discretion to issue refunds, and when resettlements might happen. The Lottery may continue to update this rule based on information received during the public rulemaking process to ensure all important aspects about voiding bets, providing refunds, and resettlements are covered in this rule.

CHANGES TO RULE:

177-092-0050

Voided Bets, Refunds, and Resettlements

(1) In order to maintain the fairness, integrity, security, and honesty of the Lottery and its operations, the Lottery reserves the right to void any share or bet at any time for any reason including, but not limited to:¶

(a) Lottery knows or has reason to believe that the player has engaged in conduct prohibited by any applicable source of law including, but not limited to, conduct prohibited by OAR 177-046-0022 or 177-092-0055;¶

(b) Lottery knows or has reason to believe that the player does not meet all of the eligibility requirements in OAR 177-046-0022 or 177-092-0020, or Lottery is unable to verify any of the information that the player provided in order to establish the player account;¶

(c) Lottery knows or has reason to believe the underlying integrity of the sporting event is in question. This includes, but is not limited to, when Lottery believes a sporting event has been fixed or an individual who placed the bet was in any way involved in the sporting event such as, but not limited to, as a participant, referee, or coach; or¶

(d) As provided in the in-game rules.¶

(2) A player may not initiate a refund on a confirmed bet in Scoreboard for any reason.¶

(3) Lottery has discretion to issue a refund to players on a confirmed bet only in the following circumstances:¶

(a) Lottery has voided a bet under section (1) of this rule.¶

(b) Lottery is unable to satisfactorily determine official event results because the sporting event was not held, meaning the sporting event was cancelled or abandoned before completion for reasons including, but not limited to, player illness or inclement weather.¶

(c) Lottery has reason to believe the bet was accepted, placed, or confirmed after the advertised start time (except for an in-play bet), the outcome of the sporting event is known, or a material advantage had been achieved, such as, but not limited to, scoring a goal or touchdown or expulsion of an athlete.¶

(d) The integrity of the sporting event itself is uncertain, such as, but not limited to, suspected cheating or athlete use of prohibited performance-enhancing drugs.¶

(e) When provided for in the in-game rules.¶

(4) Resettlements: From time to time, operator errors may occur or the governing body may overturn a call or change the final results or score of a sporting event.¶

(a) Operator error. A player is not entitled to a prize paid in error. Lottery may recover any such prizes.¶

(b) Change in official event results. If the governing body changes a sporting event result before making the result official, Lottery may resettle bets to align with the results of the governing body. However, once the governing body makes final results official and Lottery accepts them as the official event results, Lottery shall not recognize any changes to the final score or particular calls within the sporting event.

Statutory/Other Authority: OR Const. Art. XV ¶ 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

Statutes/Other Implemented: OR Const. Art. XV ¶ 4, ORS 461.120, 461.200, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

ADOPT: 177-092-0055

RULE SUMMARY: This rule is adopted to prohibit certain conduct that would negatively impact the fairness, integrity, security, and honesty of Scoreboard. The Lottery may update this rule based on information received during the public rulemaking process to ensure Scoreboard players are notified about any prohibited conduct and Lottery's authority to respond to such conduct to ensure the fairness, integrity, security, and honesty of Scoreboard.

CHANGES TO RULE:

177-092-0055

Prohibited Conduct

(1) Lottery has determined that the following conduct negatively impacts Lottery's constitutional mandate to ensure the fairness, integrity, security, and honesty of the Lottery. Therefore, in addition to prohibited conduct in relation to the player account (see OAR 177-046-0022), the following conduct is prohibited in Scoreboard:¶

(a) Using unfair external factors or influences on the game outcome;¶

(b) Using software, bots, or other automatic software to manipulate game results or the mobile app or site; or¶

(c) Placing duplicative or identical bets.¶

(2) In order to maintain the fairness, integrity, security, and honesty of the Lottery and its operations, Lottery may close or suspend a player account and will not pay prizes on such shares or bets if Lottery has any reason to believe that a player has engaged in prohibited conduct or the integrity of the underlying sporting event has been compromised.¶

(3) Notwithstanding Lottery's privacy policy or other personal information protections generally provided to individuals, Lottery reserves the right to inform relevant authorities and third parties including, but not limited to, law enforcement, credit card companies, and financial institutions when Lottery suspects or knows prohibited conduct has occurred or is occurring.

Statutory/Other Authority: OR Const. Art. XV ¶ 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

Statutes/Other Implemented: OR Const. Art. XV ¶ 4, ORS 461.120, 461.200, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

ADOPT: 177-092-0060

RULE SUMMARY: This rule is similar to other Lottery game rules about the director's authority and is adopted to reiterate that the decisions of the director or his designee with respect to Scoreboard are final and binding. The Lottery may update this rule based on information received during the public rulemaking process if needed to reflect the authority of the director with respect to Scoreboard.

CHANGES TO RULE:

177-092-0060

Decisions of the Director

As stated in OAR 177-046-0160, the decisions of the Lottery Director are final. This includes, but is not limited to, the amount or nature of a prize, the validity of a bet, whether a bet is a winner, whether it was submitted in error or by fraud, and whether a player has won a prize.

Statutory/Other Authority: OR Const. Art. XV § 4(4), ORS 461.120, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260

Statutes/Other Implemented: OR Const. Art. XV § 4, ORS 461.120, 461.150, 461.200, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260