

disable all gaming activity on a client terminal whenever it is removed from the property boundaries; and

2. Internet gaming shall only occur within the State of New Jersey, unless the conduct of such gaming is not inconsistent with Federal law, law of the jurisdiction, including any foreign nation, in which the participating patron is located, or such gaming activity is conducted pursuant to a reciprocal agreement to which this State is a party that is not inconsistent with Federal law.

(f) A client terminal used for Internet or mobile gaming shall not contain patron account information or game logic that determines the outcome of any game.

(g) Client terminal software used for Internet or mobile gaming shall not contain unauthorized data collection, file extraction, malware, or any other feature that compromises the integrity of the client terminal or the data contained therein.

(h) Software utilized for Internet or mobile gaming shall either:

1. Continuously display the current time in the time zone where the game server is physically located and the time elapsed while in the current patron session; or

2. Cause a pop-up notification, at least every half-hour, to be prominently displayed on the client terminal advising the patron of the current time and the amount of time elapsed since his or her log on.

(i) A casino licensee offering Internet wagering shall have an Internet gaming manager responsible for the operation and integrity of Internet gaming and reviewing all reports of suspicious behavior. A casino licensee offering mobile wagering shall have a mobile gaming manager responsible for ensuring the operation and integrity of mobile gaming and reviewing all reports of suspicious behavior. The Internet or mobile gaming manager shall be a key employee, however nothing shall preclude a casino licensee from having one key employee perform the functions of both the Internet and mobile gaming managers. The Internet and mobile gaming manager(s) shall immediately notify the Division upon detecting any person participating in Internet or mobile wagering who is:

1. Engaging in or attempting to engage in, or who is reasonably suspected of cheating, theft, embezzlement, collusion, money laundering, or any other illegal activities, including those activities prohibited in Article 9 of the Act;

2. Required to be excluded pursuant to N.J.S.A. 5:12-71, 5:12-71.2, or any person who is prohibited from entering a casino or a casino simulcasting facility pursuant to N.J.S.A. 5:12-119(a); or

3. Prohibited by the casino licensee from Internet wagering.

(j) A licensee shall file with the Division, internal controls for all aspects of Internet and mobile gaming operations prior to implementation and any time a change is made thereafter. The internal controls shall include detailed procedures for system security, operations, accounting, and reporting of problem gamblers.

(k) A casino licensee offering Internet or mobile gaming shall describe in its internal controls the method for securely issuing, modifying, and resetting a patron's account password, Personal Identification Number (PIN), or other approved security feature, where applicable. Any method shall include notification to the patron following any modification via electronic or regular mail, text message, or other manner approved by the Division. Such method shall include at a minimum:

1. Proof of identity, if in person;
2. The correct response to two or more challenge questions; or
3. Strong authentication.

(l) All terms and conditions for Internet or mobile gaming shall be included as an appendix to the internal controls of the licensee addressing all aspects of the operation, including the following:

1. Name of the party or parties with whom the patron is entering into a contractual relationship, including any licensee;
2. Patron's consent to have the licensee confirm the patron's age and identity;
3. Rules and obligations applicable to the patron other than rules of the game including, but not limited to:
 - i. Prohibition from allowing any other person to access or use his or her Internet or mobile gaming account;
 - ii. Prohibition from engaging in Internet or mobile wagering activity, unless they are physically present in New Jersey;
 - iii. Consent to the monitoring and recording by the operator and/or the Division of any wagering communications and geographic location information;
 - iv. Consent to the jurisdiction of the State of New Jersey to resolve any disputes arising out of Internet or mobile gaming; and
 - v. Prohibition against utilizing automated computerized software or other equivalent mechanism, such as a "bot," to engage in play.
4. Full explanation of all fees and charges imposed upon a patron related to gaming transactions;

5. Availability of account statements detailing patron account activity;

6. Privacy policies, including information access;

7. Legal age policy, including a statement that it is a criminal offense to allow a person who is under the age of 21 to participate in Internet or mobile wagering;

8. Notification that if the patron's Internet gaming account remains dormant for a period of one year any funds remaining on deposit and any pending wagers shall be forfeited;

9. Patron's right to set responsible gaming limits and to self-exclude;

10. Patron's right to suspend his or her account for a period of no less than 72 hours;

11. Actions that will be taken in the event a patron becomes disconnected from the Internet or mobile gaming system during game play;

12. Notice that a malfunction voids all pays;

13. Estimated time period for withdrawal of funds from Internet or mobile account; and

14. Information to be displayed on a patron protection page. The patron protection page shall be accessible to a patron during a patron session. The patron protection page shall contain, at a minimum, the following:

i. A prominent message, which states "If you or someone you know has a gambling problem and wants help, call 1-800-Gambler";

ii. A direct link to the Council on Compulsive Gambling New Jersey, Inc. and one other organization based in the United States dedicated to helping people with potential gambling problems; and

iii. The following responsible gaming information:

(1) A clear statement of the Internet gaming operator's policy and commitment to responsible gaming;

(2) Information regarding the subjects in (D)14iii(2)(A) through (D) below, or a direct link to information regarding the following subjects, if available, from an organization based in the United States dedicated to helping people with potential gambling problems:

(A) Practical tips to stay within safe limits;

(B) Myths associated with gambling;

(C) Information regarding the risks associated with gambling; and

(D) The potential signs of a gambling problem;

(3) Rules governing self-imposed responsible gaming limits;

iv. Method for changing or retrieving a password or other approved access security feature and the ability to choose "strong authentication" log in protection;

v. Method for filing a complaint with the licensee;

vi. Method for filing with the Division an unresolved complaint after all reasonable means to resolve the complaint with the licensee have been exhausted utilizing the Internet Dispute Form on the Division's website;

vii. Method for obtaining a copy of the terms and conditions agreed to when establishing an Internet or mobile gaming account;

viii. Method for the patron to obtain account and game history from the licensee;

ix. Notification that underage gambling is a criminal offense and that anyone who facilitates someone under the age of 21 to gamble has committed a criminal offense and shall be prohibited from Internet gaming;

x. Notification that the patron is responsible to configure his or her client terminal's auto-lock feature to protect the client terminal from unauthorized use;

xi. Notification that a patron is prohibited from allowing any other person to access or use his or her Internet or mobile gaming account;

xii. Notification of Federal prohibitions and restrictions regarding Internet gaming, specifically, any limitations upon Internet gaming as set forth in 18 U.S.C. §§ 1084 et seq. (The Wire Act) and 31 U.S.C. §§ 3163 through 3167 (UIEGA). The notice shall explicitly state that it is a Federal offense for persons physically located outside of New Jersey to engage in Internet wagering through a New Jersey casino, unless explicitly authorized by the Division; and

xiii. Notification that for mobile gaming if the mobile device is removed from the property boundaries of the casino hotel facility the connection will be terminated.

(m) Whenever the terms and conditions that apply to Internet or mobile gaming are changed, the licensee shall require a patron to acknowledge acceptance of such change. Unless otherwise authorized by the Division, the patron's acknowledgement shall be date and time stamped by the Internet or mobile gaming system, as applicable.

(n) A casino operator's primary gaming equipment used to conduct Internet or mobile gaming shall be located, with the prior approval of the Division, in a restricted area on the premises of the casino hotel within the territorial limits of Atlantic City, New Jersey. Subject to Division approval, a casino operator may use backup equipment located in a restricted area on the premises of a casino hotel facility within

the territorial limits of Atlantic City to conduct Internet gaming for a time period not to exceed 60 days unless otherwise authorized by the Division.

(o) Internet or mobile gaming systems shall require a patron after 15 minutes of user inactivity, as measured by the Internet or mobile gaming system, to re-enter his or her username and password.

(p) A casino licensee offering Internet or mobile gaming shall comply with all Federal requirements including, but not limited to, suspicious activity reporting and W2-G reporting.

(q) Each casino licensee offering Internet gaming shall perform an annual system integrity and security assessment conducted by an independent professional selected by the licensee, subject to the approval of the Division. The independent professional's report on the assessment shall be submitted to the Division annually and shall include:

1. Scope of review;
2. Name and company affiliation of the individual(s) who conducted the assessment;
3. Date of the assessment;
4. Findings;
5. Recommended corrective action, if applicable; and
6. Casino licensee's response to the findings and recommended corrective action.

(r) A casino licensee shall investigate each patron complaint related to Internet gaming and provide a response to the patron within five calendar days. For complaints that cannot be resolved to the satisfaction of the patron, related to patron accounts, game outcomes, and/or illegal activity, a copy of the complaint and licensee's response including all relevant documentation shall be provided to the Division. All other complaints and responses related to Internet gaming (for example, password problems, online chat disputes and technical matters) shall be provided biweekly or with such frequency approved by the Division.

(s) An Internet or mobile gaming system may offer games that do not require a wager or payment from a patron's Internet gaming account to patrons who have not exceeded any daily time-based limit, provided that the games comply with the following requirements:

1. Any game substantially similar to a game approved by the Division shall utilize a payout percentage equal to or less than the lowest payout percentage of the approved game;
2. Any game not substantially similar to a game approved by the Division shall prominently display the following prior to the start of the game and during game play:

- i. The game is offered for entertainment purposes only;
- ii. The game is not approved by the Division; and
- iii. The game outcomes may not be representative of those for a Division-approved game; and

3. Games traditionally played on social networks that may require a payment for certain game features (social games) shall not be fundable or accessible from a patron's Internet gaming account.

(t) An Internet or mobile gaming system shall not induce a patron to continue placing wagers when play is in session, when the patron attempts to end a session, or when the patron wins or loses a bet.

(u) If a patron is prohibited by the permit holder or the Internet gaming intermediary from engaging in Internet wagering for reasons other than those enumerated in (i) above, the casino licensee shall notify the Division within 24 hours of the patron's prohibited status and suspend the Internet gaming account of that patron and prohibit such patron from creating an Internet gaming account. If an account suspended pursuant to this section is reinstated, the casino licensee shall notify the Division within 24 hours of the reinstatement.

(v) An Internet or mobile gaming system shall allow patrons to access a player protection page at all times while logged into their Internet or mobile gaming account. The player protection page shall include all features listed in (l)14 above.

(w) Employees of an Internet gaming operator who perform activities such as Internet casino accounting, patron identification and verification, problem gaming detection, anti-money laundering detection, fraud prevention, or other similar functions and that require access to confidential patron account information shall be physically present in New Jersey.

(x) Internet gaming operators and related vendors shall be prohibited from retaining patron account information without the expressed written consent of the Internet gaming permit holder.

(y) All Internet gaming operators with employees who have direct contact with patrons via phone, e-mail, electronic chat, or other means, shall implement training for those employees, at the start of their employment and at regular intervals thereafter, addressing areas set forth in (y)1 through 3 below. If the training requirement under this subsection follows the standards set forth by the Council on Compulsive Gambling of New Jersey it shall be deemed sufficient.

1. Recognizing the nature and symptoms of problem gambling behavior and how to assist players in obtaining information regarding help for a gambling problem and self-exclusion programs;

2. Responding to patrons who may disclose that they have a gambling problem; and

3. Responding to reports from third parties, such as family members, about patrons who may have a gambling problem.

(z) The authorization to conduct Internet gaming shall expire on October 21, 2020.

Amended by R.2014 d.129, effective August 18, 2014.

See: 46 N.J.R. 843(a), 46 N.J.R. 1817(c).

Rewrote (k); in (n), inserted the first occurrence of "gaming", and substituted "in a restricted area on the premises of a casino hotel facility within" for "outside"; in (r), inserted "that cannot be resolved to the satisfaction of the patron,"; rewrote (s) and (u); added new (w) and (x), and recodified former (w) as (y).

Amended by R.2016 d.040, effective May 2, 2016.

See: 47 N.J.R. 1300(a), 48 N.J.R. 716(a).

In (l)14ii, inserted "and" at the end; added new (l)14iii and (y); recodified former (l)14iii as (l)14iii(3); and recodified former (y) as (z).

13:690-1.3 Internet or mobile gaming accounts

(a) Prior to engaging in Internet or mobile gaming, a patron shall establish an Internet or mobile gaming account. The Internet or mobile gaming system shall be required to display a message stating that those casino key employees and casino employees prohibited from wagering in any casino or simulcasting facility in the State shall not be permitted to establish an Internet or mobile account.

(b) In order to establish an Internet or mobile gaming account, a casino licensee shall:

1. Create an electronic patron file, which shall include at a minimum:

- i. Patron's legal name;
- ii. Patron's date of birth;
- iii. Entire or last four digits of the patron's Social Security number, if voluntarily provided, or equivalent for a foreign patron such as a passport or taxpayer identification number;
- iv. Patron's Internet and/or mobile account number;
- v. Patron's address;
- vi. Patron's electronic mail address;
- vii. Patron's telephone number;
- viii. Any other information collected from the patron used to verify his or her identity;
- ix. The method used to verify the patron's identity; and
- x. Date of verification.

2. Encrypt all of the following information contained in an electronic patron file:

i. Patron's Social Security number or equivalent for a foreign patron such as a passport or taxpayer identification number;

ii. Patron's passwords and/or PINs; and

iii. Credit card numbers, bank account numbers, or other personal financial information.

3. Verify the patron's identity in accordance with:

i. N.J.A.C. 13:69D-1.5A and, in addition, record the document number of the government issued credential examined; or

ii. Other methodology for remote multi-sourced authentication, which may include third-party and governmental databases, as approved by the Division.

4. Require the patron to establish a password or other access security feature as approved by the Division and advise the patron of the ability to utilize "strong authentication" log in protection;

5. Verify that the patron is of the legal age of 21, not self-excluded, on the exclusion list, or otherwise prohibited from participation in gaming;

6. Record the patron's acceptance of the licensee's terms and conditions to participate in Internet or mobile gaming;

7. Record the patron's certification that the information provided to the operator by the individual who registered is accurate;

8. Record the patron's acknowledgement that the legal age for Internet or mobile gaming is 21 and that he or she is prohibited from allowing any other person to access or use his or her Internet or mobile gaming account; and

9. Notify the patron of the establishment of the account via electronic mail or regular mail.

(c) A patron shall have only one Internet or mobile gaming account for each Internet gaming intermediary. Each Internet or mobile gaming account shall be:

1. Non-transferable;
2. Unique to the patron who establishes the account; and
3. Distinct from any other account number that the patron may have established with the casino licensee.

(d) A patron's Internet or mobile gaming account may be funded through the use of:

1. A patron's deposit account pursuant to N.J.A.C. 13:69D-1.24;
2. A patron's credit or debit card;
3. A patron's deposit of cash, gaming chips, or slot tokens at a cashiering location approved by the Division.

4. A patron's reloadable prepaid card, which has been verified as being issued to the patron and is non-transferable;

5. Cash complimentarys, promotional credits, or bonus credits;

6. Winnings;

7. Adjustments made by the licensee with documented notification to the patron; or

8. Any other means approved by the Division.

(e) Prior to any withdrawal, if a patron used a credit or debit card to fund an Internet or mobile gaming account, any remaining balance in the account up to the amount of the deposit shall be refunded to the patron's credit or debit card account used to fund the Internet or mobile gaming account provided that a credit or debit card issuer permits the return of a withdrawal from an Internet or mobile gaming account funded by the credit or debit card of the issuer.

(f) Funds may be withdrawn from a patron's Internet or mobile gaming account for the following:

1. The funding of game play;

2. Cash-out at the cashier's cage immediately upon patron request;

3. A cash-out transfer to a patron's deposit account established pursuant to N.J.A.C. 13:69D-1.24;

4. A cash-out transfer to a patron's reloadable prepaid cash card, which has been verified as being issued to the patron and is non-transferable;

5. Adjustments made by the licensee with documented notification to the patron;

6. Cash-out transfers directly to the patron's individual account with a bank or other financial institution (banking account) provided that the licensee verifies the validity of the account with the financial institution; or

7. Any other means approved by the Division.

(q) Unless otherwise approved by the Division, a record of all bonus and promotional wagering offers related to Internet gaming shall be maintained in an electronic file that is readily available to the Division. All bonus and promotional wagering offers shall be stated in clear and unambiguous terms and shall be readily accessible by the patron. Offer terms and the record of all offers shall include at a minimum:

1. The date and time presented;
2. The date and time the offer is active and expires; and
3. Patron eligibility and redemption requirements.

(r) Manual adjustments by a casino licensee to Internet or mobile gaming data shall only be made by a software application approved by the Division.

(s) When a patron's lifetime deposits exceed \$2,500, the Internet or mobile gaming system shall immediately prevent any wagering until the patron acknowledges the following:

1. The patron has met the Division's gaming deposit threshold of \$2,500;
2. The patron has the capability to establish responsible gaming limits or close his or her account; and
3. The availability of 1-800-GAMBLER.

(t) The acknowledgement prescribed in (s)2 and 3 above shall be required on an annual basis thereafter.

Amended by R.2014 d.129, effective August 18, 2014.
See: 46 N.J.R. 843(a), 46 N.J.R. 1817(c).

In (j)1, substituted "72" for "24"; in the introductory paragraph of (k), inserted "the licensee shall not remove funds from the account without prior approval from the Division and"; and in (t), inserted "2 and 3".

13:690-1.5 Server-based gaming system; server-based games (table games, slot machines, and peer-to-peer gaming)

(a) A server-based gaming system shall:

1. Comply with N.J.A.C. 13:69D-2;
2. Ensure continued operation in the event of a temporary power failure via an Uninterrupted Power Supply (UPS);
3. Maintain the integrity of the hardware, software, and data contained therein in the event of a shutdown;
4. Ensure the system recovers to the state it was in prior to any system outage;
5. Have physical and logical controls, as appropriate, to ensure that only authorized hardware components are connected to the system;
6. Ensure only approved client terminal software is used to conduct gaming activity;
7. Ensure that client terminals meet minimum compatibility requirements in order to conduct gaming activity; and

8. Be designed with a method for the Division to approve all game software installations before the game software may be offered to patrons.

(b) Any software used in server-based gaming shall be designed with a method to permit the validation of software using a Gaming Authentication Tool (GAT) or other method approved by the Division.

(c) A server-based gaming system shall perform an authentication process on all control programs on demand and at least once every 24 hours.

(d) Server-based gaming systems shall provide a mechanism to notify the operator whenever an authentication process has failed. The operator shall immediately cease operation of the software and immediately notify the Division.

(e) Client terminals used with a server-based gaming system may be installed in a fixed location in the casino hotel facility as approved by the Division, and may be configured to offer multiple and simultaneous wagering opportunities to patrons. The Division may require such location to be used in the calculation of casino floor space.

(f) A server-based gaming system shall be designed with a methodology approved by the Division to ensure secure communications between a client terminal and a server-based gaming system.

(g) Server-based gaming systems shall notify patrons, via the client terminal, of software that is scheduled for or ordered to be removed by the Division. Unless otherwise authorized by the Division, the system shall:

1. Immediately disable a game, which has been ordered to be removed by the Division; or
2. Notify the patron that the game will be removed at the conclusion of the round of play.

(h) A server-based gaming system shall be designed with a method to automatically identify potential collusion or cheating activity and shall provide a method for a patron to report such activity to the licensee.

(i) Server-based gaming systems shall provide a patron with the ability to view the outcome and subsequent account balance changes for the previous game including a game completed subsequent to an outage (for example, network disconnection or client terminal malfunction).

(j) The following information shall be readily available through a client terminal before a patron begins play on an Internet or mobile gaming system and at all times during play, where applicable:

1. Sufficient information to identify the specific game selected;

2. Game play and payout rules, which shall not rely on sound to convey their meaning; and

3. All charges imposed on patrons, such as fees, rake, and vigorish.

(k) Server-based gaming systems with client terminals that utilize a bill changer or are connected to a gaming voucher system shall:

1. Be permitted exclusively on approved casino floor space;

2. Comply with all applicable Division rules governing slot machines and electronic table games; and

3. Provide for revenue reporting separately as server-based games on the Slot Win Report pursuant to N.J.A.C. 13:69D-1.43A.

(l) Game play shall be initiated only after a patron has affirmatively placed a wager and activated play. No auto play feature shall be permitted in game software unless authorized by the Division.

(m) Unless otherwise authorized by the Division, all server-based table games shall:

1. Accurately represent the layout and equipment used to play its corresponding authorized non-electronic table game including, when applicable, wagering areas, cards, dice, or tiles;

2. Function in accordance with approved rules for its corresponding authorized non-electronic table game;

3. Function as approved by the Division pursuant to the software submission process;

4. Conspicuously indicate minimum and maximum wagers; and

5. Contain help screens that provide information and rules regarding approved variations, such as the number of decks used, special odds, and supplemental wagers.

(n) Server-based table games may be designed to permit a patron to occupy more than one betting position at an individual game, provided that same option is available in its authorized non-electronic version.

(o) All server-based slot machine games shall comply with standards established by N.J.A.C. 13:69E-1.28A and 1.28G.

(p) Server-based games shall operate in accordance with rules submitted to and approved by the Division, which describe procedures in case of patron disconnection from the network server during a game in accordance with the following:

1. Where no patron input is required to complete the game, the game shall produce the final outcome as determined by the RNG and the patron's account shall be updated accordingly;

2. For single patron games, where patron input is required to complete the game, the game shall:

i. Upon subsequent activation, return the patron to the game state immediately prior to the interruption and allow the patron to complete the game; or

ii. After an approved period of time, cancel the game resulting in either the forfeiture of the patron's wager or the return of funds to the patron in accordance with a methodology approved by the Division; or

iii. Make a selection on behalf of the patron in order to complete the game; and

3. For games with multiple patrons, where the result is affected by the time to respond to a game event, such as poker or blackjack, the game shall, after an approved period of time, make a selection on behalf of the patron in order to complete the game.

(q) Unless otherwise authorized by the Division, server-based table game software used to conduct peer-to-peer gaming, such as poker, shall:

1. Be prohibited from utilizing automated computerized patrons to compete with patrons; and

2. Provide a patron the option to be randomly assigned to a table where all patrons have been selected at random.

(r) Unless otherwise authorized by the Division, server-based table games with multiple patrons, where the result is affected by the time to respond to a game event, such as poker or blackjack, shall be designed with a game recall feature which allows the patron to recall the last five game outcomes and associated wagers. The game recall information shall be viewable from the client terminal.

(s) A server-based gaming system utilizing an approved data warehouse shall be designed to securely transmit a copy of all transactions received from a server-based gaming system's primary gaming equipment to the data warehouse. The data stored in the data warehouse shall be owned by the Internet gaming permit holder.

(t) Equipment used by a server-based gaming system for the sole purpose of restoring data following a disaster shall be located in the State of New Jersey.

(u) All wagers pending disposition under (p)2i above shall be held in a pending wager account.

(v) One or more Internet gaming operators may, with prior approval of the Division, participate in an Internet gaming network in accordance with a written agreement that has been executed by each Internet gaming operator. The agreement shall:

1. Designate the party responsible for the operation and administration of the network;