CHAPTER 876. iLOTTERY GAMES—TEMPORARY REGULATIONS

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Authority
The temporary provisions of this Chapter 876 issued under 4 Pa.C.S. § 503(b); and section 303(a) of the State Lottery Law (72 P.S. § 3761-303(a)), unless otherwise noted.

Source
The temporary provisions of this Chapter 876 adopted March 30, 2018, effective March 31, 2018, expire no later than 2 years following publication, 48 Pa.B. 1829, unless otherwise noted.

§ 876.1. Scope.
This chapter establishes procedures for the notification of iLottery game rules, iLottery registration and participation requirements, and iLottery self-exclusion requirements.

§ 876.2. Definitions.
The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

iLottery—A system that provides for the distribution of lottery products through numerous channels that include web applications, mobile applications, mobile web, tablets and social media platforms that allows players to interface through a portal for the purpose of obtaining lottery products and ancillary services, such as account management, game purchase, game play and prize redemption.

iLottery game—
(i) Internet instant games and other lottery products offered through iLottery.
(ii) The term does not include games that represent physical, Internet-based or monitor-based interactive lottery games which simulate casino-style lottery games, specifically including poker, roulette, slot machines and blackjack.

Internet instant game—A lottery game of chance in which, by the use of a computer, tablet computer or other mobile device, a player purchases a play, with the result of play being a reveal on the device of numbers, letters or symbols indicating whether a lottery prize has been won according to an established methodology as provided by the Lottery.

Lottery account—An account established by an individual with the Bureau that shall be used to register for and participate in iLottery.

Play—An opportunity, for a predetermined price, to participate in an iLottery game.

Registered iLottery player—An individual who created a lottery account with the Bureau, registered for iLottery and is approved for participation in iLottery.

§ 876.3. Notice of iLottery game rules.

The Secretary will publish a notice in the Pennsylvania Bulletin with the following minimum information about iLottery game rules:

(1) Definitions.
(2) Operation of the iLottery game.
(3) Price range for a play.
(4) Eligibility requirements.
(5) Procedures for purchasing a play.
(6) Procedures for claiming and payment of prizes.
(7) Funding for prizes.
(8) Retention of unclaimed prizes.
(9) Purchase and prize restrictions.
(10) Governing law.
(11) Termination of the game.
(12) Applicability.

Cross References
This section cited in 61 Pa. Code § 876.9 (relating to iLottery terms and conditions).

§ 876.4. iLottery game description.

The Secretary will post an iLottery game descriptions on the Pennsylvania Lottery’s iLottery web site for each iLottery game with the following minimum information:

(1) The name of the iLottery game.
(2) The purchase price of a play for the iLottery game.
(3) The chances of winning the iLottery game and the prizes which can be won.
iLottery game instructions.
(5) The existence of a finalist, grand prize, second chance or other offering, if applicable, and the procedure for the conduct of the same, if applicable.
(6) The existence of a bonus game, mini-game or a game within a game, if applicable, and the procedure for conduct of the same, if applicable.
(7) Other information necessary for the conduct of the iLottery game.

Cross References
This section cited in 61 Pa. Code § 876.5 (relating to price); and 61 Pa. Code § 876.9 (relating to iLottery terms and conditions).

§ 876.5. Price.
The purchase price of a play for each iLottery game will be included in the iLottery game description for each game, as provided for under § 876.4 (relating to iLottery game description).

§ 876.6. Governing law.
By registering to participate in iLottery, the registered iLottery player agrees to comply with and abide by Federal and State law, this chapter, the terms and conditions for registration and participation in iLottery, and final decisions of the Secretary. Revenues generated by iLottery games will be apportioned as provided by 4 Pa.C.S. § 503(f) (relating to iLottery authorization) and section 311 of the State Lottery Law (72 P.S. § 3761-311).

§ 876.7. General provisions.
(a) An individual shall establish a lottery account and register for iLottery as provided for under § 876.10 (relating to iLottery registration and participation) to purchase plays.
(b) An individual shall accept, consent, acknowledge and agree to the iLottery terms and conditions as provided for under § 876.9 (relating to iLottery terms and conditions) to register for iLottery and purchase a play.
(c) An individual shall be located in this Commonwealth to purchase a play.
(d) An individual shall be 18 years of age or older to register for iLottery or to purchase a play.

§ 876.8. Applicability.
This chapter applies only to iLottery as offered by the Department and the Bureau.

§ 876.9. iLottery terms and conditions.
(a) The terms and conditions for registration and participation in iLottery will be available on the Pennsylvania Lottery’s iLottery web site and other locations as determined by the Secretary.

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The terms and conditions for registration and participation in iLottery will include all of the following:

1. Acknowledgment, consent, agreement and acceptance by the individual to all of the following:
   
   i. Confirmation by the Bureau of the applicant’s age and identity.
   
   ii. The use of a mechanism by the Bureau to detect the physical location of a registered iLottery player in compliance with 4 Pa.C.S. § 503(h)(1) (relating to iLottery authorization).
   
   iii. The terms of the end user license agreement for the software and terms and conditions of any third-party services used for the implementation and operation of iLottery and the provision of iLottery games.
   
   iv. The monitoring and recording by the Department or the Bureau of any iLottery communications and geographic location information.
   
   v. The jurisdiction of the Commonwealth to resolve disputes arising out of the conduct of iLottery.
   
   vi. The forfeiture and escheatment of funds remaining on deposit in the registered iLottery player’s account if that account has been dormant for 3 years.
   
   vii. The registered iLottery player’s account may be suspended or closed for reasons established by the Secretary, including any of the following:

   A. Violations of the iLottery terms and conditions as provided for under this chapter.

   B. The registered iLottery player has been charged with or convicted of an offense under 18 Pa.C.S. §§ 4106, 5111 and 5512—5514 or 4 Pa.C.S. (relating to amusements) or conspiracy to commit offenses under 18 Pa.C.S. § 903 (relating to criminal conspiracy), or equivalent crimes under Federal law or the law of another state.
   
   viii. Other terms and conditions that may apply related to registration and participation in iLottery.

   ix. Lottery winnings are subject to Federal and State withholding taxes, and prizes awarded to the registered iLottery player will be reduced by the amount of withholding required under applicable law.

   x. Lottery winnings are subject to certain deductions as required by law and that prizes awarded to the registered iLottery player will be reduced by any amount required to be deducted under applicable law.

   xi. To receive certain iLottery prizes, as identified and described in the iLottery game rules provided for under § 876.3 (relating to notice of iLottery game rules) or iLottery game description as provided for under § 876.4 (relating to iLottery game description) or promotional prize notices provided for under § 811.41 (relating to promotional prizes), the registered iLottery player may be required to take additional measures to claim a prize, including to appear in person at a specified Pennsylvania Lottery claim center.
(xii) Use of electronic communications to establish a lottery account, for iLottery registration, communications regarding the lottery account and other communications related to iLottery as determined by the Bureau.

(xiii) Ability of the registered iLottery player to establish responsible gambling limits including a deposit limit, spend limit or time-based limit, as available, through the lottery account.

(xiv) Ability of the registered iLottery player to self-exclude from iLottery.

(xv) Methods by which funds or credits may be deposited and under what circumstances funds or credits may be deposited into the registered iLottery player’s lottery account.

(xvi) Moneys or credits deposited and held in the registered iLottery player’s account do not earn interest.

(xvii) Methods by which funds or credits may be withdrawn and under what circumstances funds or credits may be withdrawn from the registered iLottery player’s lottery account.

(xviii) Reporting of suspected fraudulent or unlawful activity related to the operation of iLottery.

(xix) Dispute resolution procedures related to iLottery.

(xx) Information provided to the Department during the establishment, use, access or closure of the lottery account is true and correct.

(2) Rules and obligations applicable to the registered iLottery player, other than rules of individual games, including all of the following:

(i) Prohibition from allowing another person to access or use the registered iLottery player’s account.

(ii) Prohibition from purchasing a play unless the registered iLottery player is physically located in this Commonwealth.

(iii) Prohibition against utilizing automated computerized software or other equivalent mechanisms to engage in iLottery.

(iv) Prohibition against participation in iLottery by a person under 18 years of age.

(v) Prohibition of a person who self-excluded from iLottery from participating in iLottery.

(vi) Prohibition against the sale of a play or the award of a prize as follows:

(A) To an officer or employee of the Bureau.

(B) To a spouse, child, brother, sister or parent residing as a member of the same household as an officer or employee of the Bureau.

(C) To an officer or employee of a contractor or subcontractor who is directly involved in the operation of iLottery or the provision of iLottery related services.
(D) To a spouse, child, brother, sister or parent residing in the same household as an officer or employee of a contractor or subcontractor who is directly involved in the operation of iLottery and the provision of iLottery related services.

(3) Any other terms and conditions the Secretary deems necessary and relevant for the conduct of iLottery.

Cross References
This section cited in 61 Pa. Code § 876.7 (relating to general provisions); and 61 Pa. Code § 876.10 (relating to iLottery registration and participation).

§ 876.10. iLottery registration and participation.

(a) An individual may not participate in iLottery without first creating a lottery account and registering to participate in iLottery through the Bureau as described in this chapter.

(b) A registered iLottery player agrees to be bound by the terms and conditions in § 876.9 (relating to iLottery terms and conditions).

(c) The following information will be required to register for iLottery:

(1) Name as it appears on a valid government-issued identification or on tax documents.

(2) Date of birth.

(3) Entire or last four digits of the individual’s Social Security number, or equivalent for a foreign person such as a passport or taxpayer identification number.

(4) Home address.

(5) Telephone number.

(6) E-mail address.

(7) Any other information as determined by the Secretary to be necessary to verify the age and identity of the individual.

(d) An individual may be required to provide additional information or documentation to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(e) The lottery account will require a username and password.

(f) Access to the lottery account and participation in iLottery is limited to the lottery account holder.

(g) An individual will be prohibited from registering for iLottery if one or more of the following occurs:

(1) The Department is unable to verify the age of the individual.

(2) The Department in unable to verify the identity of the individual.

(3) The individual fails to agree to the iLottery terms and conditions as provided for under § 876.9.

(4) The information provided to the Bureau is false or misleading.
(5) Other reasons as set forth in the terms and conditions as provided for under § 876.9.

(h) A registered iLottery player may not purchase a play if the Bureau is unable to verify the registered iLottery player is physically located within the geographical borders of this Commonwealth.

(i) An individual may not open, access, maintain or otherwise utilize more than one lottery account for participation in iLottery.

(j) An individual may not register or attempt to register for iLottery utilizing more than one account.

Cross References
This section cited in 61 Pa. Code § 876.7 (relating to general provisions).

§ 876.11. Purchase and prize restrictions.
(a) Individuals must be at least 18 years of age to register for iLottery or to purchase a play.

(b) Registered iLottery players shall be located within the geographical boundaries of this Commonwealth to purchase a play.

(c) A play may not be purchased by and a prize may not be awarded to the following:

(1) An officer or employee of the Bureau.

(2) A spouse, child, brother, sister or parent residing in the same household as an officer or employee of the Bureau.

(3) An officer or employee of a contractor or subcontractor who is directly involved in the operation of iLottery or the provision of iLottery related services.

(4) A spouse, child, brother, sister or parent of an officer or employee of a contractor who is directly involved in the operation of iLottery or the provision of iLottery related services.

Prizes may be awarded by check, draft or electronically through the registered iLottery player’s account.

§ 876.13. Withholding.
Federal and State withholding taxes will be withheld by the Bureau from prize payments as required by law.

In addition to any withholding required by Federal and State law, the Department will deduct amounts from iLottery prize winnings as required by law.
§ 876.15. Termination of a game.
The Secretary may terminate an iLottery game at any time and without notice.

§ 876.16. Self-exclusion from iLottery.
(a) A registered iLottery player may request self-exclusion from iLottery under this section.
(b) A registered iLottery player may request self-exclusion through the registered iLottery player’s lottery account.
(c) A registered iLottery player may select from the predetermined periods of self-exclusion offered through the lottery account.
(d) During a period of self-exclusion, a self-excluded registered iLottery player may not purchase plays, deposit or withdraw funds from the registered iLottery player’s account, or otherwise participate in iLottery and iLottery promotions prior to the conclusion of the self-exclusion period.
(e) During a period of self-exclusion, a registered iLottery player elects not to receive e-mails or other communications about iLottery.

§ 876.17. iLottery promotional prizes.
The Secretary may authorize iLottery promotions and issue the terms and conditions related thereto under this part and § 811.41 (relating to promotional prizes).

§ 876.18. Retailer promotion programs.
Retailer incentive and marketing promotion programs may be implemented at the discretion of the Secretary. Funds for the programs, if needed, will be drawn from the Lottery Fund.