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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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IN THIS ISSUE:

[Statement of Ownership, Management, and Circulation](#) . . .1257

EMERGENCY RULES

Department of Public Safety

Missouri Gaming Commission1261

Department of Health and Senior Services

Office of the Director1277

Division of Community and Public Health1279

Department of Insurance, Financial Institutions and Professional Registration

Insurance Licensing1280

State Board of Registration for the Healing Arts1286

Missouri Consolidated Health Care Plan

Health Care Plan1296

PROPOSED RULES

Department of Conservation

Conservation Commission1300

Department of Natural Resources

Petroleum and Hazardous Substance Storage Tanks1308

Department of Public Safety

Missouri Gaming Commission1309

Department of Social Services

Children’s Division1324

Family Support Division1335

Department of Corrections

State Board of Probation and Parole1335

Department of Health and Senior Services

Office of the Director1337

Division of Community and Public Health1343

Department of Insurance, Financial Institutions and Professional Registration

Insurance Licensing1343

Missouri Dental Board1351

State Board of Registration for the Healing Arts1351

State Board of Pharmacy1376

Missouri Consolidated Health Care Plan

Health Care Plan1380

ORDERS OF RULEMAKING

Office of Administration

Commissioner of Administration1384

Division of Facilities Management, Design and

Construction1385

Purchasing and Materials Management1386

Department of Conservation

Conservation Commission1388

Department of Elementary and Secondary Education

Missouri Commission for the Deaf and Hard of Hearing . .1390

Department of Mental Health

Director, Department of Mental Health1391

Division of Developmental Disabilities1392

Department of Social Services

MO HealthNet Division1392

Elected Officials

State Auditor1392

Retirement Systems

The Public School Retirement System of Missouri1439

Department of Insurance, Financial Institutions and Professional Registration

Missouri Board of Occupational Therapy1439

IN ADDITIONS

Department of Economic Development

Division of Energy1440

Department of Social Services

Children’s Division1440

Department of Health and Senior Services

Missouri Health Facilities Review Committee1441

DISSOLUTIONS

.1442

SOURCE GUIDES

[RULE CHANGES SINCE UPDATE](#)1445

[EMERGENCY RULES IN EFFECT](#)1450

[EXECUTIVE ORDERS](#)1452

[REGISTER INDEX](#)1453

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
June 1, 2016 June 15, 2016	July 1, 2016 July 15, 2016	July 31, 2016 July 31, 2016	August 30, 2016 August 30, 2016
July 1, 2016 July 15, 2016	August 1, 2016 August 15, 2016	August 31, 2016 August 31, 2016	September 30, 2016 September 30, 2016
August 1, 2016 August 15, 2016	September 1, 2016 September 15, 2016	September 30, 2016 September 30, 2016	October 30, 2016 October 30, 2016
September 1, 2016 September 15, 2016	October 3, 2016 October 17, 2016	October 31, 2016 October 31, 2016	November 30, 2016 November 30, 2016
October 3, 2016 October 17, 2016	November 1, 2016 November 15, 2016	November 30, 2016 November 30, 2016	December 30, 2016 December 30, 2016
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year’s schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.



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suspension of periodicals authorization.***

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration**

EMERGENCY AMENDMENT

11 CSR 45-1.100 Waivers and Variances. The commission is amending section (1).

PURPOSE: *This amendment adds references to a new Code of State Regulations chapter and a new Missouri Revised Statutes section.*

EMERGENCY STATEMENT: *This emergency amendment is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.*

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an

annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment adds reference to a new Code of State Regulations chapter and a new Missouri Revised Statutes section to include regulatory procedures regarding waivers and variances requested by fantasy sports contest applicants and licensed operators.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) The commission may waive or grant a variance from the provisions of Title 11, Division 45, Chapters 1-[31] 40 of the *Code of State Regulations* upon a licensee's written application, if the commission determines that the waiver or variance is in the best interests of the public. Any waiver or variance granted pursuant to this section constitutes an order of the commission pertaining to gaming, violation of which subjects a licensee to discipline under section 313.812.14(2) and 313.1010, RSMo.

AUTHORITY: section[s] 313.004, RSMo Supp. 2014, [and] section 313.805, RSMo [2000] Supp. 2013, and section 313.1010, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Original rule filed Aug. 27, 2004, effective March 30, 2005. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 3—Records**

EMERGENCY AMENDMENT

11 CSR 45-3.010 Commission Records. The commission is amending section (5).

PURPOSE: This amendment adds a statutory citation for fantasy sports.

EMERGENCY STATEMENT: This emergency amendment is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for “grandfathering in” fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players’ funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player’s age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fan-

tasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment addresses the limitations on disclosure of records of fantasy sports contest applicants and licensed operators by the commission.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(5) Except as otherwise required under sections 313.847.1 and 313.1000.1, RSMo, all investigatory, proprietary or application records, information, and summaries in the possession of the commission or its agents may be treated by the commission as closed records not to be disclosed to the public.

AUTHORITY: section[s] 313.004, RSMo Supp. 2014, section 313.805, RSMo Supp. 2013, [and] section 313.847, RSMo 2000, and section 313.1000, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

EMERGENCY RULE

11 CSR 45-13.054 Fantasy Sports Contest Hearings

PURPOSE: This rule sets forth procedures for hearings related to Fantasy Sports Contest applicants and licensees.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for “grandfathering in” fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them

to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule sets forth procedures for hearings related to fantasy sports contest applicants and licensed operators.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) A person whose application for a fantasy sports contest operator license has been denied or against whom a disciplinary action has been initiated may request a hearing under this chapter. The rules in this chapter shall be read together with Chapter 536, RSMo.

(2) The commission may authorize the director to investigate and make the initial finding of unsuitability or to issue a proposed order for disciplinary action with regard to any applicant for, or holder of, a license of the type that may be issued by the director pursuant to 11 CSR 45-40.

(3) Whenever the commission finds an applicant unsuitable or ineli-

gible for licensing, the commission shall notify the applicant in writing outlining the reasons for the finding. This notice shall be sent to the party's last known address by certified mail, return receipt requested, or by another means of personal service.

(4) When notified of facts sufficient to support disciplinary action against a fantasy sports contest operator licensee under the applicable statutes or rules, the commission may propose disciplinary action against a licensee. If the commission proposes disciplinary action, it shall notify the licensee of the proposed disciplinary action, in writing, outlining the reasons for the proposed discipline. This notice shall be sent to the party's last known address by certified mail, return receipt requested, or by another means of personal service.

(5) Any licensee who receives a notice of commission action shall respond to the commission within thirty (30) days of the date the notice is mailed from the commission.

(A) If the licensee does not respond to the commission within thirty (30) days of the date the notice is mailed, the commission may petition the Administrative Hearing Commission (AHC) for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(B) If the licensee responds to the commission within thirty (30) days of the date the notice is mailed, the commission may take any action it deems appropriate, including, but not limited to, dismissing the matter, initiating settlement negotiations pursuant to 11 CSR 45-13.065, or petitioning the AHC for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(6) Hearings before the AHC shall be governed by Chapter 536, RSMo and the rules in 1 CSR 15-3. The AHC shall, after opportunity for hearing, issue findings of fact and conclusion of law and refer the matter back to the commission.

(A) If the AHC does not find a factual basis to support the notice of commission action, the matter will be dismissed and no action will be taken against the licensee.

(B) If the AHC issues its findings of fact and conclusions of law supporting cause to discipline, the case will be returned to the commission to convene a hearing to consider and determine the appropriate disciplinary action, and enter a final order.

(7) Upon receiving findings of fact and conclusions of law supporting cause to discipline from the AHC, the commission shall set the matter for a hearing pursuant to 11 CSR 45-13.030 before the commission's hearing officer in accordance with this chapter. The notice of hearing shall be in writing and shall notify the licensee of the time and place of the hearing, unless a waiver of hearing is filed by the licensee or the parties reach a settlement, negating the need for a hearing. Service of the hearing notice shall be sent by mail to the party's last known address. Following the hearing the hearing officer shall make a recommendation of discipline or other action to the commission as authorized and set forth by 11 CSR 45-13.020.

AUTHORITY: sections 313.920, 313.970, and 313.1010, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

EMERGENCY AMENDMENT

11 CSR 45-13.055 Emergency Order Suspending License Privileges—Expedited Hearing. The commission is amending section (1).

PURPOSE: This amendment adds entities that conduct fantasy sports contests to the list of licensees against which the commission can act to immediately suspend the privileges under a license where the public health, safety, or welfare is endangered and preservation of the public interest or statutory provisions requires such suspension of privileges.

EMERGENCY STATEMENT: This emergency amendment is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for “grandfathering in” fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players’ funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player’s age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment provides regulatory procedures for immediately suspending the privileges under a fantasy sports contest operator license where the public health, safety, or

welfare is endangered and preservation of the public interest or statutory provisions require such suspension of privileges.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) Upon a finding that sufficient facts exist to show that a licensee has violated a provision of sections 313.004 to 313.090, RSMo, [or] sections 313.800 to 313.850, RSMo, or sections **313.900 to 313.1020, RSMo**, or any rule promulgated by the commission under 11 CSR 30, et seq. or 11 CSR 45, et seq. as may be amended from time-to-time and that such facts constitute an immediate threat to the public health, safety, or welfare, the director may issue an emergency order immediately suspending the privileges under the license that allow the licensee to—

(F) Sell or manufacture bingo supplies[.]; or

(G) Conduct fantasy sports contests.

The director shall have notice of the emergency order personally served upon the licensee or, if the licensee is not available personally, it may be served by certified mail or overnight express mail, postage prepaid.

AUTHORITY: sections 313.004[,] and 313.800, *RSMo Supp. 2014*, sections 313.052[,] and 313.560, *RSMo 2000*, [and] section 313.805, *RSMo [1994] Supp. 2013*, and sections 313.920, 313.970, and 313.1010, *HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016*. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Feb. 24, 2000. Emergency amendment filed Nov. 30, 2006, effective Dec. 10, 2006, expired June 7, 2007. Original rule filed Dec. 17, 1999, effective July 30, 2000. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 13—Hearings

EMERGENCY AMENDMENT

11 CSR 45-13.065 Settlements. The commission is amending sections (1) and (2).

PURPOSE: This amendment adds fantasy sports contests operators to the types of licensees who would be covered by this rule.

EMERGENCY STATEMENT: This emergency amendment is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for “grandfathering in” fantasy sports contest operators

already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment provides regulatory procedures for fantasy sports contest operators to follow regarding settlements and settlement offers.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) The parties may initiate settlement negotiations at any stage of the proceedings, including prior to the initiation of the proceedings before the Administrative Hearing Commission in the case of a bingo or fantasy sports contest hearing, or prior to the entry of a final order of the commission.

(2) If the parties initiate settlement negotiations in a bingo or fantasy

sports contest hearing, then the provisions of section 621.045, RSMo shall be followed. All other settlements not involving a bingo or fantasy sports contest licensee shall be governed by Chapter 313, RSMo, and the rules in this chapter.

AUTHORITY: sections 313.052 and 313.560, RSMo 2000, sections 313.805 and 621.045, RSMo Supp. 2013, [and] sections 313.004 and 313.800, RSMo Supp. 2014, and sections 313.920, 313.970, and 313.1010, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Dec. 12, 1997, effective Dec. 22, 1997, expired June 19, 1998. Original rule filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions**

EMERGENCY AMENDMENT

11 CSR 45-17.030 Procedure for Entry of Names onto List of Disassociated Persons. The commission is amending section (1).

PURPOSE: This amendment allows the disclosure of the List of Disassociated Persons to licensed fantasy sports contest operators.

EMERGENCY STATEMENT: This emergency amendment is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must

also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment provides regulatory procedures for the disclosure of the List of Disassociated Persons and notice to fantasy sports contest operators under certain conditions.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) Upon filing of an application for placement on the List of Disassociated Persons (List), the director may file a Notice of Placement on the List. Such notice shall be a closed record to the extent provided for in sections 313.847, **313.1000**, and 610.021, RSMo;/, provided the application and notice may be disclosed to all Class B licensees and licensed fantasy sports contest operators, and their agents and employees.

AUTHORITY: section[s] 313.004, *RSMo Supp. 2014*, [and] section 313.813, *RSMo 2000*, [and] section 313.805, *RSMo Supp. [2011] 2013*, and sections 313.1000 and 313.1020, *HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016*. Original rule filed April 18, 1996, effective Dec. 30, 1996. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions**

EMERGENCY AMENDMENT

11 CSR 45-17.040 Confidentiality of List of Disassociated Persons. The commission is adding a new section (4).

PURPOSE: This amendment adds confidentiality requirements for fantasy sports contest operators.

EMERGENCY STATEMENT: This emergency amendment is necessary to address statutory sections enacted in HB 1941 (2016), specif-

ically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment provides regulatory procedures for fantasy sports contest operators to follow regarding the confidentiality requirements associated with the List of Disassociated Persons.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is

fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(4) The director may notify each licensed Fantasy Sports Contest Operator (FSCO) of the placement of any person on the List of Disassociated Persons (List), or the removal of any person from the List pursuant to 11 CSR 45-17.060, and may disclose to the licensed FSCO and any of its agents or employees any or all information contained on the person's application(s).

AUTHORITY: section[s] 313.004, RSMo Supp. 2014, [and] section 313.813, RSMo 2000, [and] sections 313.805 and 610.021, RSMo Supp. [2011] 2013, and sections 313.1000 and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Original rule filed April 18, 1996, effective Dec. 30, 1996. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.010 Definitions

PURPOSE: This rule provides definitions for terms used relating to Fantasy Sports Contests (FSCs).

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from

awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides definitions for terms used relating to fantasy sports contests.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

- (1) Authorized internet website—an internet website or any platform operated by a licensed operator.
- (2) Entry fee—anything of value including, but not limited to, contest credit, free entry, cash or a cash equivalent, that a fantasy sports contest operator collects in order to participate in a fantasy sports contest.
- (3) Fantasy sports contest (FSC)—any fantasy or simulated game or contest with an entry fee, conducted on an internet website or any platform, in which:
 - (A) The value of all prizes and awards offered to the winning participants is established and made known in advance of the contest;
 - (B) All winning outcomes reflect in part the relative knowledge and skill of the participants and are determined predominantly by the accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and
 - (C) No winnings outcomes are based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.
- (4) Fantasy sports contest operator (FSCO)—any person or entity that offers FSCs for a prize.
- (5) Highly experienced player— a person who has either:
 - (A) Entered more than one thousand (1,000) contests offered by a single FSCO; or
 - (B) Won more than three (3) fantasy sports prizes of one thousand dollars (\$1,000) or more.

(6) Key person—an officer, director, trustee, or principal salaried executive staff officer.

(7) Licensed operator—a FSCO licensed pursuant to section 313.920, RSMo to offer FSCs for play on an authorized internet website in Missouri.

(8) Net revenue—for all FSCs, the amount equal to the total entry fees collected from all participants entering such FSCs less winnings paid to participants in the contests, multiplied by the resident percentage.

(9) Officer—the president, vice-president, treasurer, secretary, and other officer identified in an entity's bylaws or incorporation documents, a member or manager of a limited liability company, a sole proprietor, or a partner.

(10) Principal salaried executive staff officers—means the president, any vice president in charge of a principal business unit, division, or function (such as sales, administration or finance), any other officer who performs a policy making function, or any other person who performs similar policy making functions for the FSCO. Executive officers of subsidiaries may be deemed executive officers of the FSCO if they perform such policy making functions for the FSCO.

(11) Prize—anything of value including, but not limited to, cash or a cash equivalent, contest credits, merchandise, or admission to another contest in which a prize may be awarded.

(12) Resident percentage—for all fantasy sports contests, the percentage, rounded to nearest one-tenth of one percent (.1%), of the total entry fees collected from Missouri residents divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests.

AUTHORITY: sections 313.1010 and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.020 Application for Fantasy Sports Contest Operator License

PURPOSE: This rule provides requirements for becoming licensed as a fantasy sports contest operator (FSCO).

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing

them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow when applying for a license.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Fantasy Sports Contest Operator Application and the FSCO Personal Disclosure Form may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) A fantasy sports contest operator (FSCO) license is a license granted by the Missouri Gaming Commission (commission) to allow a person or entity to offer fantasy sports contests (FSCs) for play by Missouri residents in accordance with the Missouri Fantasy Sports Consumer Protection Act (The Act).

(2) Application for licensure shall be made on the Fantasy Sports Contest Operator Application (Application), which the commission adopts and incorporates by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The Application does not incorporate any subsequent amendments or additions as adopted by the commission on July 27, 2016.

(3) The applicant shall be responsible for ensuring the FSCO Personal Disclosure Form is completed by each key person, employee, and any other individual as directed by the commission. The requested FSCO Personal Disclosure Forms and the required fingerprint sets shall be submitted within thirty (30) days of the commission's request. The commission adopts and incorporates by reference herein, the FSCO Personal Disclosure Form, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The FSCO Personal Disclosure Form does not incorporate any subsequent amendments or additions as adopted by the commission on July 27, 2016.

(4) The applicant shall be responsible for keeping the Application current at all times. The applicant shall notify the commission in writing within ten (10) days of any changes to any response in the Application, and this responsibility shall continue throughout any period during which an Application is being considered by the commission. All updates to Applications must be submitted by exhibit so that each affected exhibit is resubmitted with the updated information and with the date of resubmission. If any Application update is not made in this manner, the commission may deem the update ineffective.

(5) The commission may require an affidavit, signed on behalf of the applicant or licensee, to be submitted as an addendum to the Application, regarding matters related to the applicant or licensee or the proposed operation, including but not limited to, the involvement of any individual in the proposed or licensed operations of the applicant or licensee.

(6) No license shall be issued to an applicant until the applicant has provided all of the required forms and requested documents pursuant to this rule.

(7) The FSCO license expires one (1) year after the date of issuance. The licensed FSCO shall submit the renewal application at least four (4) months prior to the expiration date of the FSCO license.

AUTHORITY: sections 313.920, 313.950, 313.970, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.030 Commission Approval of Procedures

PURPOSE: This rule establishes the process for approval of fantasy sports contest operators' procedures.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding submission and approval of their procedures, in accordance with the statutory requirements.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri

Register. *The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.*

(1) Prior to operating in Missouri, each applicant for a Fantasy Sports Contest Operator (FSCO) License shall submit procedures to the commission that—

(A) Prevent unauthorized withdrawals from a registered player's account by the licensed operator or others;

(B) Make clear that funds in a registered player's account are not the property of the licensed operator and are not available to the licensed operator's creditors;

(C) Segregate player funds from operational funds;

(D) Maintain a reserve in the form of cash or cash equivalents in the amount of the deposits made to the accounts of fantasy sports contest players for the benefit and protection of the funds held in such accounts;

(E) Ensure any prize won by a registered player from participating in a fantasy sports contest is deposited into the registered player's account within forty-eight (48) hours of winning the prize;

(F) Ensure registered players can withdraw the funds maintained in their individual accounts, whether such accounts are open or closed, within five (5) business days of the request being made, unless the licensed operator believes in good faith that the registered player engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.1020, RSMo, in which case the licensed operator may decline to honor the request for withdrawal for a reasonable investigatory period until its investigation is resolved if it provides notice of the nature of the investigation to the registered player. For the purposes of this provision, a request for withdrawal will be considered honored if it is processed by the licensed operator but delayed by a payment processor, credit card issuer, or by the custodian of a financial account;

(G) Allow a registered player to permanently close their account at any time for any reason; and

(H) Offer registered players access to their play history and account details.

(2) Each applicant shall submit the written description of its procedures and all supporting documents designed to satisfy the requirements of section (1) of this rule to the commission with the initial application, unless otherwise directed by the commission.

(3) The commission shall review each submission required by section (2) of this rule and Chapter 313, RSMo and shall determine whether it conforms to the requirements of section (1) of this rule and whether the procedures submitted satisfy the requirements. If the commission finds any insufficiencies, they shall be specified in writing to the licensee, who shall make appropriate alterations. No FSCO license shall be issued unless and until the procedures are approved by the commission.

(4) Once approved, no licensed operator shall alter its procedures unless and until the change is approved by the commission.

(5) Each licensed operator shall submit to the commission any change to the approved procedures no less than fifteen (15) days prior to the planned implementation date of the change. The proposed change to the procedures shall be approved or disapproved by the commission. Upon approval, the change may be implemented. If the change is disapproved, the licensed operator shall not implement the change.

(6) If at any time the commission determines that a licensed operator's procedures are inadequate or do not comply with the requirements of this chapter or Chapter 313, RSMo, the commission shall notify the licensed operator in writing. Within fifteen (15) days after receiving the notification, the licensed operator shall amend its procedures accordingly and shall submit a copy of the procedures, as amended, and a description of any other remedial measures taken.

(7) If a licensed operator plans to disseminate the List of Disassociated Persons (DAP List), the operator shall submit to the commission a plan for the dissemination of the information regarding persons placed on the DAP List, as well as persons who have been removed from the DAP List. The plan shall be designed to safeguard, as best as is reasonably possible, the confidentiality of the information but shall include dissemination to at least the personnel responsible for removing a person on the DAP List from all individually targeted advertising or marketing. Licensed operators may not disclose the name of, or any information about, a person who has been placed on or removed from the DAP List to anyone other than employees and agents of the licensed operator whose duties and functions require access to the information. The plan must be approved by the commission prior to disseminating the information. All information disclosed to any licensed operator regarding anyone placed on or removed from the DAP List shall be deemed a closed record; however, the information may be disclosed as authorized by the individual seeking placement on the DAP List, by law, and through the provisions contained in 11 CSR 45-17.

AUTHORITY: sections 313.930, 313.940, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.040 Fantasy Sports Contest Operator Responsibilities

PURPOSE: This rule establishes the commission's access to information, the applicant's duty to disclose changes in information, and the licensed operator's duty to report and prevent misconduct. This rule is designed to assure that the commission receives timely information that may impact on an applicant's or licensee's suitability.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the

Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding providing the commission access to licensee and applicant information, the licensee's and applicant's duty to disclose changes in information, as well as the licensed operator's duty to report and prevent misconduct and provide such information to the commission in a timely manner, as it may impact the suitability of an applicant or licensee.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) All licensed operators shall provide all information requested by the commission. Access to this information shall be immediate and copies of the information shall be delivered within seven (7) days, or less if the commission so orders.

(2) All licensed operators of and applicants for Fantasy Sports Contest Operator (FSCO) licenses issued by the commission shall have a continuing duty to disclose in writing, within ten (10) calendar days for an applicant and thirty (30) calendar days for a licensee, any

material change in the information provided in the application forms and requested materials submitted to the commission. Any change in information that is not material must be disclosed to the commission during the licensee's next subsequent application for license renewal.

(3) The duty to disclose changes in information shall continue throughout any application period or period of licensure granted by the commission. This duty shall be in addition to any other reporting requirements.

(4) For the purposes of this rule, "material change" shall mean any change in personal identification or residence information, such as name, address, and phone number; information required in section 313.1000, RSMo; or other information that might affect an applicant or licensed operator's suitability to hold a FSCO license, including, but not limited to, significant changes in financial condition, legally defaulting on a debt owed to the State of Missouri, arrests, convictions, guilty pleas, disciplinary actions, or license denial, suspension, or revocation in other jurisdiction(s).

(5) Licensed operators shall promptly report to the commission any facts which the licensed operator has reasonable grounds to believe indicate a violation of law or commission rule committed by licensed operators, their key persons, or their employees, including, without limitation, the performance of licensed activities different from those permitted under their license.

(6) In addition to all other reporting requirements, FSCO license applicants and licensed operators shall notify the commission within fifteen (15) days after receiving notification that any of the following persons has received a subpoena or is the target of, has been disciplined by, or has been charged in connection with an investigation by a regulatory, administrative, or prosecutorial agency of a violation of a rule, regulation, or statute relating to licensed gambling, fantasy sports contests, Securities and Exchange Commission (SEC) regulations, or criminal offenses:

- (A) The applicant or licensed operator;
- (B) The applicant's or licensed operator's parent corporation;
- (C) Any subsidiary of the applicant's or licensed operator's parent corporation;
- (D) The applicant's or licensed operator's key persons or employees;
- (E) Any key person of the applicant's or licensed operator's parent corporation; or
- (F) Any key person of any subsidiary of the applicant's or licensed operator's parent corporation.

AUTHORITY: sections 313.920, 313.930, 313.950, 313.960, 313.970, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.050 Operational Requirements for Fantasy Sports Contest Operators

PURPOSE: This rule provides operational requirements for fantasy sports contest operators (FSCOs).

EMERGENCY STATEMENT: This emergency rule is necessary to

address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding operational requirements, as well as requirements for licensees to maintain and provide the commission with documentation of its procedures for complying with the provisions of Chapter 313, RSMo.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections

extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) Each licensed operator shall maintain on file with the commission the following:

(A) A current set of procedures for a registered player to report complaints to the licensed operator regarding whether his or her account has been misallocated, compromised, or otherwise mishandled, and a procedure for the licensed operator to respond to those complaints;

(B) A current detailed description of the security standards utilized to prevent access to fantasy sports contests (FSC) by a person whose location and age have not been verified in accordance with section 313.940, RSMo;

(C) A detailed description of measures used to determine the true identity, date of birth, and address of each player seeking to open an account;

(D) A detailed description of the measures taken and procedures implemented to clearly and conspicuously publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any FSC;

(E) A detailed description of the standards and procedures used to monitor FSC to detect the use of unauthorized scripts and restrict players found to have used such scripts from further FSC;

(F) A detailed description of its procedures and measures taken to clearly and conspicuously identify highly experienced players in FSC by a symbol attached to a player's username, or by other easily visible means, on the licensed operator's authorized internet website; and

(G) A detailed description of its online self-exclusion process.

(2) The information required by section (1) and all supplemental documents shall be submitted with the initial application and within five (5) days of any subsequent revision.

(3) Upon request, each licensed operator shall provide the commission with a current and accurate list of Missouri residents who have submitted the operator's online self-exclusion form, which the licensed operator developed pursuant to section 313.940, RSMo.

(4) Each licensed operator shall take commercially and technologically reasonable measures to comply with the provisions of sections 313.930 and 313.940, RSMo regarding the verification of each FSC player's true identity, date of birth, and address, including, but not limited to, independent verification of age using information obtained from independent sources outside of the player seeking to open an account. Third party services may be used to verify the age of a player. Each licensed operator shall use such information, at a minimum, to prevent underage individuals from establishing accounts, to verify state of residence, and to prevent players from establishing more than one (1) account or username or playing anonymously.

(5) Upon discovery of a registered account held by a minor, the FSCO shall promptly refund any money held in a minor's account, whether or not the minor has engaged in or attempted to engage in game play. A FSCO may refuse to award a prize to a minor upon a good-faith determination, following reasonable investigation, that the minor misrepresented his or her age in order to enter the FSC, provided, however, that such prize must then be awarded to another participant in the contest who would have won the prize had the minor not participated.

(6) Prior to conducting any individually targeted advertising or marketing, but not more than once a week, the licensed operator shall do the following:

(A) Download the current List of Disassociated Persons (DAP List) and the MGC Excluded Persons List from the designated MGC server;

(B) For email marketing campaigns, compare the email addresses from the marketing list to the DAP List and the MGC Excluded Persons List and remove anyone whose email address is found to be on either List (DAP or Excluded);

(C) For direct mail marketing campaigns to non-registered players, search and remove from the marketing list any person who has the same name and address of any person found to be on either List (DAP or Excluded); and

(D) For direct mail marketing campaigns to registered players, search and remove from the marketing list any player who has the same date of birth, first or last name, and address of an individual on either List (DAP or Excluded).

(7) If a licensed operator ceases offering fantasy sports contests in Missouri, the licensed operator shall notify the commission of the date of cessation. Notice shall be provided within ten (10) days of the cessation.

AUTHORITY: sections 313.930, 313.940, 313.950, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.060 Cash Reserve and Segregated Account Requirements

PURPOSE: This rule addresses the minimum cash reserve and segregated account requirements and the required procedures and documentation for those reserves and segregated accounts.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for “grandfathering in” fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players’ funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit

to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player’s age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule establishes regulatory procedures for fantasy sports contest operators to follow regarding the minimum cash reserves requirement, as well as setting forth the required documentation.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) The licensed operator shall maintain in the form of cash or cash equivalents the amount of the deposits made to the accounts of Missouri fantasy sports contest players for the benefit and protection of the funds held in such accounts. For purposes of this rule cash equivalents are investments with an original maturity of three (3) months or less.

(2) Funds held in player accounts of Missouri residents shall be protected as set forth herein. A fantasy sports operator shall maintain a reserve in the form of cash, cash equivalents, or a combination thereof to protect player funds in one (1) of the following ways:

(A) Cash Reserve.

1. The amount of the reserve shall be equal to, at a minimum, the sum of all registered players’ funds held in player accounts of Missouri residents.

2. The reserve agreements must reasonably protect the reserve against claims of the operator’s creditors other than the authorized players for whose benefit and protection the reserve is established, and must provide the following:

A. The reserve shall be established and held in trust for the benefit and protection of authorized players to the extent the licensed

operator holds money in player accounts for players;

B. The reserve must not be released, in whole or in part, except upon written instruction or approval of the commission. The reserve must be available within ninety (90) days of written demand or written instruction. If the reserve is released to the commission, the commission may interplead the funds in the circuit court of Cole County for distribution to the authorized players for whose protection and benefit the account was established and to the other such persons as the court determines are entitled thereto, or shall take such other steps as necessary to effect the proper distribution of the funds, or may do both;

C. The licensed operator may receive income accruing on the reserve, without obtaining permission from the commission; and

D. The licensed operator has no interest or title to the reserve.

3. The reserve must be held or issued by a federally insured financial institution and must be established pursuant to a written agreement between the licensed operator and the financial institution.

4. The proposed reserve arrangement is not effective for purposes of complying with section 313.930.3(4), RSMo until the commission's written approval has been obtained.

5. The reserve arrangement agreements may be amended only with the prior written approval of the commission; and

(B) Special purpose segregated account with a separate corporate entity.

1. A fantasy sports contest operator may establish a special purpose segregated account that is maintained and controlled by a properly constituted corporate entity that is not the fantasy sports contest operator and whose governing board includes one (1) or more corporate directors who are independent of the fantasy sports contest operator and of any corporation related to, or controlled by, the fantasy sports contest operator.

2. The special purpose segregated account with a separate corporate entity must hold, at a minimum, the sum of all authorized player funds held in player accounts of Missouri residents for use in fantasy sports contests.

3. The special purpose segregated account must reasonably protect the funds against claims of the operator's creditors other than the authorized players for whose benefit and protection the special purpose segregated fund is established, and must provide that—

A. The segregated account is established and held in trust for the benefit and protection of authorized players;

B. The fantasy sports contest operator may receive income accruing on the segregated account. However, the fantasy sports contest operator has no interest in or title to the segregated account; and

C. The funds in the segregated account held for the benefit of Missouri residents may only be distributed for the following:

(I) For payment to players upon completion of fantasy sports contests or otherwise for the reconciliation of player accounts;

(II) For income earned on the account, to the fantasy sports contest operator;

(III) To the Missouri Gaming Commission in the event that the fantasy sports operator's license expires, is surrendered, or is otherwise revoked. The Missouri Gaming Commission may interplead the funds in the Cole County Circuit Court for distribution to the authorized players for whose protection and benefit the account was established and to other such persons as the court determines are entitled thereto, or shall take such other steps as necessary to effect the proper distribution of the funds, or may do both; or

(IV) As authorized in writing in advance by any agreement approved by the Missouri Gaming Commission.

4. The corporate entity must require a unanimous vote of all corporate directors to file bankruptcy.

5. The corporate entity must obtain permission from the Missouri Gaming Commission prior to filing bankruptcy or entering into receivership.

6. The corporate entity must have articles of incorporation that prohibit commingling of funds with that of the fantasy sports contest

operator except as necessary to reconcile the accounts of players with sums owed by those players to the fantasy sports contest operator.

7. The corporate entity must be restricted from incurring debt other than to fantasy sports players pursuant to the rules that govern their accounts for contests.

8. The corporate entity must be restricted from taking on obligations of the fantasy sports contest operator other than obligations to players pursuant to the rules that govern their accounts for contests.

9. The corporate entity must be prohibited from dissolving, merging, or consolidating with another company without the written approval of the Missouri Gaming Commission while there are unsatisfied obligations to fantasy sports contest players.

(3) If, at any time, the licensed operator's total available cash and cash equivalent reserve is less than the amount required by section 313.930, RSMo, the licensee shall notify the commission of this deficiency within forty-eight (48) hours.

(4) Each licensed operator shall continuously monitor and maintain a record of all player deposits and its cash reserves to ensure compliance with the cash reserves requirement.

(5) The licensed operator shall provide the commission with documentation of both the amount of deposits in players' accounts and the amount in cash reserves as of the last day of each month by the fifteenth day of the following month.

AUTHORITY: sections 313.930, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 40—Fantasy Sports Contests

EMERGENCY RULE

11 CSR 45-40.070 Operational Fees

PURPOSE: This rule addresses the calculation, documentation, and the filing requirement of the annual operation fee to be paid by licensed operators.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a

reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding the calculation, documentation, and filing requirement of the annual operation fee.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Annual Operation Fee (AOF) report may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) A licensed operator shall pay an annual operation fee by April 15 of each year in a sum equal to eleven and one-half percent (11.5%) of the licensed operator's net revenue from the previous calendar year. All revenue collected under this section shall be placed in the gaming

proceeds for education fund created under section 313.822, RSMo. If a licensed operator fails to pay the annual operation fee by April 15, the licensed operator shall have its license immediately suspended by the commission until such payment is made.

(2) The applicant or licensed operator shall file an Annual Operation Fee (AOF) report and all required supporting documentation with the commission by January 15 of each year for the previous calendar year. The annual operation fee shall be reported on the AOF report, which the commission adopts and incorporates by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The AOF report does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 313.920, 313.970, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.090 Records and Record Retention

PURPOSE: This rule establishes requirements for records and record retention.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from

awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding the maintenance and retention of its records.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) Each licensed operator shall maintain complete, accurate, legible, and permanent records of all transactions pertaining to its revenues, expenses, assets, liabilities, and equity. Records shall be sufficient to adequately reflect total entry fees, entry fees collected from Missouri residents, net revenue, winnings paid, prizes awarded, and other fantasy sports contest transactions which accurately reflect the requirements and restrictions contained in this chapter and in Chapter 313, RSMo.

(2) The licensed operator's accounting records shall be maintained in accordance with generally accepted accounting principles using a double entry system of accounting, with transactions recorded on the accrual basis and supported by detailed, supporting, and subsidiary records.

(3) Unless the commission approves or requires otherwise in writing, each licensed operator shall retain records required by this chapter and Chapter 313, RSMo, for at least five (5) years after they are made.

(4) Each licensed operator shall maintain a record, by date, of the total entry fees received from players residing in the United States, grouped by resident state, and the total entry fees received from players residing outside the United States.

AUTHORITY: sections 313.920, 313.960, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.100 Audits

PURPOSE: This rule establishes standards for audits.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding the financial and website audits required by statute.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) Independent certified public accountants (C.P.A.s), shall conduct annual financial and authorized internet website audit of each licensed operator.

(2) The annual financial and authorized internet website audit shall be conducted in accordance with generally accepted auditing standards as follows:

(A) Audit the licensed operator's annual financial statements in order to report on the fair representation of such amounts. The C.P.A. shall reconcile these audited amounts to similar amounts on the annual financial reports and system reports;

(B) Audit the annual total entry fees, entry fees from Missouri residents, resident percentage calculation, winnings paid, net revenue, and the annual operation fee from the most recently filed Annual Operation Fee report, in order to report on the fair representation of such amounts. The C.P.A. shall reconcile these audited amounts to similar amounts on the annual financial reports and system reports; and

(C) Audit the licensed operator and its authorized internet website for compliance with each requirement set forth in sections 313.900 to 313.1020, RSMo and Chapter 11 CSR 45-40.

(3) The C.P.A. shall prepare an audit report which shall be submitted to the commission by March 1 of each year following the close of the licensed operator's fiscal year. The report shall contain the C.P.A.'s assessment of the accuracy of the financial statements and the Annual Operation Fee report. In addition, the report shall include the licensed operator's compliance with each requirement set forth in sections 313.900 to 313.1020, RSMo and Chapter 11 CSR 45-40.

AUTHORITY: sections 313.920, 313.930, 313.990, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 10—Office of the Director
Chapter 10—Vital Records**

EMERGENCY RULE

19 CSR 10-10.130 Missouri Adoptee Rights

PURPOSE: This rule provides the process for an adoptee to receive a copy of his or her original birth certificate, the process for a birth parent to state his or her preference regarding whether and how the adoptee can contact him or her, and the process for completion of a medical history form by a birth parent.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by

reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

EMERGENCY STATEMENT: Section 193.125, RSMo, directs the Department of Health and Senior Services (department) to seal the original birth certificates for persons born in Missouri who were adopted in Missouri. Section 193.135, RSMo, directs the department to seal the original birth certificates for persons born in Missouri who were adopted in another state or country. Senate Committee Substitute for House Committee Substitute for House Bill 1599 (the "Missouri Adoptee Rights Act") went into effect on August 28, 2016. This act amends section 193.125 and adds a new section 193.128 to allow persons born in Missouri who were adopted or their attorneys to obtain a copy of the adopted person's original birth certificate. Such adoptees born prior to 1941 may access their original birth certificates beginning August 28, 2016. Adoptees born in or after 1941 may access their original birth certificates beginning January 1, 2018. In addition, beginning August 28, 2016, birth parents of adoptees may file a contact preference form indicating they do not wish to be contacted or only wish to be contacted through an intermediary. The birth parents' preference as listed on the form determines whether identifying information is to be redacted from the copy of the original birth certificate given to the adoptee. In order to make a decision as to whether or not to consent to contact, the birth parents need to know how their identifying information and the original birth certificate will be released. In order to implement the provisions relating to adoptees born prior to 1941 and birth parents who may wish to file contact preference and medical history forms, and allow the department sufficient time to process the contact preference and medical history forms prior to an adoptee's request for copies of the forms, the forms must be available on August 28, 2016, or as soon as possible thereafter.

As a result of the immediate effective dates and the importance of the public notification period, the Department of Health and Senior Services finds a compelling governmental interest which requires an early effective date for this rule. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under these circumstances. A proposed rule which covers the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) For purposes of this rule only, unless the context clearly indicates otherwise, the following terms mean:

(A) "Adoptee," an adopted person who was born in Missouri and is at least eighteen (18) years of age;

(B) "Applicant," the adoptee or the adoptee's attorney;

(C) "Attorney," a currently-licensed member of the Missouri Bar or bar of another state of the United States;

(D) "Birth parent," the parent(s) identified on the adoptee's original birth certificate;

(E) "Birth Parent Contact Preference Form," a form used by a birth parent to indicate his or her preference about contact with the adoptee;

(F) "Birth Parent Medical History Form," a form used by a birth parent to provide his or her medical history information to the adoptee;

(G) "Department," the Missouri Department of Health and Senior Services;

(H) "Identifying information," the name, date of birth, age, race, place of birth, occupation/industry/business, and address of the birth parent(s); any part of the child's name or any other name containing

surnames of either birth parent; and informant name;

(I) “Intermediary,” the person or agency identified by the birth parent to act as a means of contact between the birth parent and adoptee;

(J) “Original birth certificate,” the adoptee’s registered birth certificate sealed upon court order at the time of adoption;

(K) “Redact,” to obscure or remove identifying information.

(2) Birth Parent Contact Preference Form. A birth parent may state his or her preference for contact with the adoptee by completing a Cover Sheet for Birth Parent Contact Preference Form and a Birth Parent Contact Preference Form which are incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. Completed forms may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) A birth parent shall provide to the department adequate information as requested on the Cover Sheet for Birth Parent Contact Preference Form so that the department can identify the correct sealed file in which to place the form. A birth parent shall also pay a non-refundable fee for processing the form and searching for the original birth record in an amount equal to the fee for a certified copy of a birth certificate. If the department is unable to identify the correct sealed file based upon the information provided by the birth parent on the Cover Sheet for Birth Parent Contact Preference Form, the department shall return the Cover Sheet for Birth Parent Contact Preference Form and the Birth Parent Contact Preference Form to the birth parent.

(B) A birth parent may change his or her contact preference by completing a new Cover Sheet for Birth Parent Contact Preference Form and Birth Parent Contact Preference Form. A birth parent shall also pay a non-refundable fee for processing the form and searching for the original birth record in an amount equal to the fee for a certified copy of a birth certificate. The forms and fee shall be mailed or delivered to the department at the address listed in section (2) above. If the department is unable to identify the correct sealed file based upon the information provided by the birth parent on the Cover Sheet for Birth Parent Contact Preference Form, the department shall return the Cover Sheet for Birth Parent Contact Preference Form and the Birth Parent Contact Preference Form to the birth parent.

(C) A birth parent may request that an adoptee contact him or her only through an intermediary, rather than be contacted directly by the adoptee, as indicated by the birth parent on the Birth Parent Contact Preference Form. In this case, the birth parent shall write the name and contact information of the intermediary on the Birth Parent Contact Preference Form.

(D) If a birth parent has filed a Birth Parent Contact Preference Form with the department, the department shall provide a copy of the form to the applicant.

(E) If a birth parent has filed more than one (1) Birth Parent Contact Preference Form, the department shall issue a copy of only the most recently dated Birth Parent Contact Preference Form to the applicant.

(F) The Birth Parent Contact Preference Form issued to the adoptee shall not include the Cover Sheet for Birth Parent Contact Preference Form.

(G) The department shall not issue a copy of the original birth certificate to the applicant when—

1. The applicant does not meet the requirements of section 193.125, RSMo, and this rule; or

2. Both birth parents have filed a Birth Parent Contact Preference Form indicating that they prefer not to be contacted or prefer contact through an intermediary.

(H) The department shall issue a non-certified, unredacted copy of the original birth certificate stamped “For genealogical purposes only—not to be used for establishing identity” upon request to a qualified applicant when—

1. The original birth certificate lists two (2) parents and neither birth parent has filed a Birth Parent Contact Preference Form;

2. The original birth certificate lists two (2) parents and both birth parents have filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted;

3. The original birth certificate lists two (2) parents and one (1) parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted and the other parent has not filed a Birth Parent Contact Preference Form;

4. The original birth certificate only lists one (1) parent and that parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted; or

5. The original birth certificate only lists one (1) parent and that parent has not filed a Birth Parent Contact Preference Form.

(I) The department shall issue a non-certified copy of the original birth certificate stamped “For genealogical purposes only—not to be used for establishing identity” to the applicant with the identifying information redacted for the birth parent who indicated they preferred not to be contacted or preferred to be contacted by an intermediary when—

1. The original birth certificate only lists one (1) parent and that parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact by an intermediary;

2. The original birth certificate lists two (2) parents and one (1) parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact through an intermediary and the other parent has not filed a Birth Parent Contact Preference Form; or

3. The original birth certificate lists two (2) parents and one (1) parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact through an intermediary and the other parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted.

(3) Birth Parent Medical History Form. A birth parent may provide or update his or her medical history by completing a Cover Sheet for Birth Parent Medical History Form and a Birth Parent Medical History Form which are incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. Completed forms may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) A birth parent shall furnish to the department adequate information as requested on the Cover Sheet for Birth Parent Medical History Form so that the department can identify the correct sealed file in which to place the Birth Parent Medical History Form. If the department is unable to identify the correct sealed file based upon the information provided on the Cover Sheet for Birth Parent Medical History Form, the department shall return the Cover Sheet for Birth Parent Medical History Form and the Birth Parent Medical History Form to the birth parent.

(B) A birth parent may change or update the Birth Parent Medical History Form by completing a new Cover Sheet for Birth Parent Medical History Form and Birth Parent Medical History Form and delivering or mailing the forms to the department at the address listed in section (3) above.

(C) A birth parent shall provide information regarding only him or herself, and his or her blood relatives, such as mother, father, sisters, brothers, grandparents, and other biological children on the Birth Parent Medical History Form.

(D) If a birth parent has filed more than one (1) Birth Parent Medical History Form, the department shall release to the applicant a copy of only the most recently dated form.

(E) The department shall not use the information on the Cover Sheet for Birth Parent Medical History Form or Birth Parent Medical History Form for statistical or any other purposes and shall not disclose the

information to anyone other than the adoptee or the adoptee's attorney.

(F) The copy of the Birth Parent Medical History Form issued to the adoptee shall not include the Cover Sheet for Birth Parent Medical History Form.

(4) Adoptees born before 1941. An adoptee born before 1941, or the adoptee's attorney, may request a copy of the adoptee's original birth certificate beginning August 28, 2016, by completing an Application for Non-Certified Copy of an Original Birth Certificate form which is incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. The application shall include a non-refundable fee in an amount equal to the fee for a certified copy of a birth certificate. Completed forms and fees may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) If the adoptee's attorney submits the Application for Non-Certified Copy of an Original Birth Certificate form, the attorney shall provide the department with a statement signed by the adoptee or other documentation establishing the attorney's authority to act on behalf of the adoptee.

(B) The applicant shall furnish to the department adequate information as requested on the Application for Non-Certified Copy of an Original Birth Certificate form so that the department can identify the correct sealed file containing the original birth certificate.

(C) The department shall issue copies of the birth certificate as provided in subsections (2)(G)–(I) of this rule. If the department cannot locate the original birth certificate, the department shall issue to the applicant a written statement that no record was found.

(D) The copy of the original birth certificate issued to the applicant shall be stamped "For genealogical purposes only—not to be used for establishing identity."

(E) If the adoptee's parent(s) have provided a Birth Parent Contact Preference Form or Birth Parent Medical History Form to the department, the department shall provide a copy to the applicant.

(5) Adoptees born in or after 1941. An adoptee born in or after 1941, or the adoptee's attorney, may request a copy of the adoptee's original birth certificate beginning January 1, 2018. To make a request, an applicant shall complete the Application for Non-Certified Copy of an Original Birth Certificate form which is incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. The application shall include a non-refundable fee in an amount equal to the fee for a certified copy of a birth certificate. Completed forms and fees may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) If the adoptee's attorney submits the Application for Non-Certified Copy of an Original Birth Certificate form, the attorney shall provide the department with a statement signed by the adoptee or other documentation establishing the attorney's authority to act on behalf of the adoptee.

(B) The applicant shall furnish to the department adequate information as requested on the Application for Non-Certified Copy of an Original Birth Certificate form so that the department can identify the correct sealed file containing the original birth certificate.

(C) The department shall issue copies of the birth certificate as provided in subsections (2)(G)–(I) of this rule. If the department cannot locate the original birth certificate, the department shall issue to the applicant a written statement that no record was found.

(D) The copy of the original birth certificate issued to the applicant shall be stamped "For genealogical purposes only—not to be used for establishing identity."

(E) If the adoptee's parent(s) have provided a Birth Parent Contact

Preference Form or Birth Parent Medical History Form to the department, the department shall provide a copy to the applicant.

(6) Applicants, birth parents, or others shall not send to the department items other than the forms prescribed by this regulation (e.g., letters, papers, photos, mementos, etc). Any such items sent to the department shall be discarded.

(7) The department shall not issue copies of vital records, including birth, death, marriage, or divorce records, for the birth parents to an adoptee.

(8) The department shall not amend the adoptee's original birth certificate as defined in this rule.

AUTHORITY: sections 193.035 and 193.045, RSMo 2000, and section 193.128, SCS for HCS for HB1599, Ninety-eighth General Assembly, Second Regular Session 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health Chapter 20—Communicable Diseases

EMERGENCY AMENDMENT

19 CSR 20-20.020 Reporting Communicable, Environmental, and Occupational Diseases. The department is amending subsection (2)(A) and section (5).

PURPOSE: This amendment will bring the communicable disease reporting requirements into compliance with the current federal Centers for Disease Control guidelines as required by section 192.139, RSMo 2000, and updates the rule to require reporting of Carbapenem-resistant enterobacteriaceae (CRE) infections as provided by a legislative amendment to section 192.020 that went into effect August 28, 2016.

EMERGENCY STATEMENT: This emergency amendment amends the current list of communicable and infectious diseases reportable to the Missouri Department of Health and Senior Services to specifically include Zika, Chikungunya, and carbapenem-resistant enterobacteriaceae (CRE). This emergency amendment is necessary to protect the public health, safety, and welfare of Missourians as early reporting of these conditions minimize the impact of these diseases on individual patients and help prevent infections in additional Missourians.

The Centers for Disease Control and Prevention (CDC) added Zika and Chikungunya to their list of required reportable (nationally notifiable) diseases in 2016 when Zika was declared an epidemic in the western hemisphere and cases were reported in the United States whereby transmission had occurred within the epidemic regions. CDC has confirmed a link between Zika and microcephaly (a condition in which the brain does not develop properly) and other neurological abnormalities in infants born to Zika-infected mothers. Besides microcephaly in infants, Zika infection may result in fetal death, Guillain-Barre Syndrome (GBS), and other neurological conditions in infected individuals. In addition, sexual transmission of the infection between individuals is also possible. Zika virus is an emerging arboviral infection for which there is no cure or vaccine. Zika is spread primarily through mosquito bites, or in some instances, sexual contact with an individual with an active Zika infection. Zika cases have been reported in all fifty (50) states. Until July 2016, those cases were primarily contracted by individuals who had traveled outside the United States to areas where the Zika virus was found.

In July 2016, the first locally acquired case of Zika in the United

States was reported in southern Florida. That individual had not traveled outside the United States, but was bitten by a mosquito in Florida that carried the Zika virus. Since that time, the number and location of locally acquired cases and the locations in Florida have increased significantly. The University of Florida recently released a research study that predicts that locally acquired cases of Zika will occur in states neighboring Missouri prior to the end of summer. Given the potential for the rapid spread of locally acquired cases in the United States and the fact that Missouri's mosquito season will not end until late fall, it is not unreasonable to suspect that the southern portion of Missouri may experience locally acquired cases of Zika virus prior to the end of the year. Therefore, an emergency amendment is necessary to ensure reporting of any Zika detected cases in Missouri.

Specifically requiring state-level reporting of Zika infection will help detect and track cases/outbreaks for the purpose of providing medical care, instituting public health interventions, and educating the public on preventive measures. The department is proposing to also add Chikungunya to the reportable disease list because mosquitoes that carry the Zika virus can also carry Chikungunya disease and Dengue. CDC requests that when health care providers suspect a patient may have one (1) of these diseases, that laboratories tests for Zika, Chikungunya, and Dengue all be performed because they are all mosquito-borne illnesses, have similar symptoms, and are found in the same geographic regions and are of serious concern. Dengue was recently added to the reportable disease list. Therefore, Chikungunya needs to be added as a reportable condition along with Zika.

It is imperative that public health authorities be rapidly notified when these infections are suspected in order to facilitate public health interventions which assists the individual with the diagnosis and mitigates the risk of transmission to others. As a result, the Department of Health and Senior Services finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest which requires this emergency action.

In addition, Senate Bill 579 (Ninety-eighth General Assembly, Second Regular Session (2016)) went into effect August 28, 2016. In this bill is an amendment to 192.020, RSMo, which requires the department to include carbapenem-resistant enterobacteriaceae (CRE) in its list of communicable or infectious diseases which must be reported to the department. As a result of the immediate effective date, the Department of Health and Senior Services finds a compelling governmental interest which requires an early effective date for this amendment. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(2) Reportable within one (1) day, diseases or findings shall be reported to the local health authority or to the Department of Health and Senior Services within one (1) calendar day of first knowledge or suspicion by telephone, facsimile, or other rapid communication. Reportable within one (1) day, diseases or findings are—

(A) Diseases, findings, or agents that occur naturally, or from accidental exposure, or as a result of an undetected bioterrorism event:

- Animal (mammal) bite, wound, humans
- Brucellosis
- Chikungunya**
- Cholera
- Dengue virus infection
- Diphtheria
- Glanders (Burkholderia mallei)
- Haemophilus influenzae*, invasive disease
- Hantavirus pulmonary syndrome

- Hemolytic uremic syndrome (HUS), postdiarrheal
- Hepatitis A
- Influenza-associated mortality
- Influenza-associated public and/or private school closures
- Lead (blood) level greater than or equal to forty-five micrograms per deciliter ($\geq 45 \mu\text{g/dl}$) in any person
- Measles (rubeola)
- Melioidosis (Burkholderia pseudomallei)
- Meningococcal disease, invasive
- Novel Influenza A virus infections, human
- Outbreaks (including nosocomial) or epidemics of any illness, disease, or condition that may be of public health concern, including any illness in a food handler that is potentially transmissible through food

- Pertussis
- Poliovirus infection, nonparalytic
- Q fever (acute and chronic)
- Rabies (animal)
- Rubella, including congenital syndrome
- Shiga toxin-producing Escherichia coli (STEC)
- Shiga toxin positive, unknown organism
- Shigellosis
- Staphylococcal enterotoxin B
- Syphilis, including congenital syphilis
- T-2 mycotoxin
- Tetanus
- Tuberculosis disease
- Tularemia (all cases other than suspected intentional release)
- Typhoid fever (Salmonella typhi)
- Vancomycin-intermediate Staphylococcus aureus (VISA), and Vancomycin-resistant Staphylococcus aureus (VRSA)
- Venezuelan equine encephalitis virus neuroinvasive disease
- Venezuelan equine encephalitis virus nonneuroinvasive disease
- Viral hemorrhagic fevers other than suspected intentional (e.g., Viral hemorrhagic fever diseases: Ebola, Marburg, Lassa, Lujo, new world Arenavirus (Guanarito, Machupo, Junin, and Sabia viruses), or Crimean-Congo)
- Yellow fever[;]
- Zika;**

(5) Reportable quarterly diseases or findings shall be reported directly to the Department of Health and Senior Services quarterly. These diseases or findings are[;]—

Carbapenem-resistant enterobacteriaceae (CRE), nosocomial Methicillin-resistant Staphylococcus aureus (MRSA), nosocomial Vancomycin-resistant enterococci (VRE), nosocomial.

AUTHORITY: sections 192.006, 210.040, and 210.050, RSMo 2000, and section 192.020, [RSMo Supp. 2013] SB 579, Ninety-eighth General Assembly, Second Regular Session 2016. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 700—Insurance Licensing Chapter 1—Insurance Producers

EMERGENCY RULE

20 CSR 700-1.170 Licensing Procedures and Standards for Limited Lines Self-Service Storage Insurance Producers

PURPOSE: This rule prescribes the license application process, fee, and initial training for limited lines self-service storage insurance producers. This rule also prescribes the register for listing individuals that offer self-service storage insurance on the behalf of the licensed limited lines self-service storage insurance producer. Any form referenced in this regulation may be accessed at the department's website at www.insurance.mo.gov.

*EMERGENCY STATEMENT: This emergency rule incorporates changes to the law effected by section 379.1640, SS SCS HCS HB 2194, 98th General Assembly, 2016, effective on August 28, 2016. This emergency rule is necessary to preserve the compelling governmental interest of facilitating access to the new licensure created by legislation and providing clarity to license applicants. A proposed rule identical in substance is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of Insurance, Financial Institutions and Professional Registration believes this emergency rule is fair to all interested persons and parties under the circumstances. The Missouri Self Storage Owners Association, whose mission is to represent the owners and managers of self-storage facilities in Missouri, contacted the department to encourage the promulgation of a rule to effectuate section 379.1640, part of House Bill 2194 that will go into effect on August 28, 2016. The department sought input regarding the proposed regulation identical in substance to this emergency rule from the Missouri Self Storage Owners Association. The department also contacted Stormart Insurance, a provider of self-storage contents insurance regarding the proposed rule. This emergency rule was filed August 18, 2016, becomes effective August 28, 2016, and expires February 23, 2017.*

(1) Application and Fees. Application for a limited lines self-service storage insurance producer license shall include the following:

(A) A completed application form, included herein as Exhibit 1 of this rule, or any form that substantially comports with the specified form; and

(B) One hundred dollar (\$100) application fee.

(2) Qualified Training Program.

(A) Applicants for a limited lines self-service storage insurance producer license shall complete a training course approved by the director, as listed on the department's limited lines self-service storage insurance producer webpage at www.insurance.mo.gov.

(B) An individual licensed in Missouri as an insurance producer with the property insurance line of authority shall be deemed as having completed the qualified training program requirement described in subsection (2)(A).

(3) Register of Individuals Offering Self-Service Storage Insurance on Limited Lines Self-Service Storage Insurance Producer's Behalf.

(A) Contents of register to be established, maintained, and updated by the limited lines self-service storage insurance producer.

1. Each limited lines self-service storage insurance producer shall establish at the time of licensure, and thereafter maintain and update annually, a self-service storage register that shall include the following:

A. Name, address, telephone number, and email address of the limited lines self-service storage insurance producer;

B. Name, address, telephone number, and email address of any officer or person who directs or controls the limited lines self-service storage insurance producer's operations;

C. Name, address, telephone number, and email address of each individual that offers self-service storage insurance on behalf of the limited lines self-service storage insurance producer;

D. The self-service storage facility's federal tax identification number; and

E. Dated signature by the limited lines self-service storage insurance producer, under penalty of perjury, certifying that each individual listed on the self-service storage register complies with 18 U.S.C. Section 1033.

(B) The limited lines self-service storage insurance producer shall submit the self-service storage register within thirty (30) days upon request by the department.

(4) The limited lines self-service storage insurance producer shall require each employee and authorized representative of the self-service storage insurance producer to receive a program of instruction or training that has been reviewed and approved by the director. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.

EXHIBIT 1



MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
LICENSING SECTION
**APPLICATION FOR LIMITED LINES SELF-SERVICE
STORAGE INSURANCE PRODUCER LICENSE**

P.O. BOX 690 OR
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

PLEASE PRINT OR TYPE

1. SOCIAL SECURITY NUMBER				2. DATE OF BIRTH				
3. LAST NAME		JR./SR., ETC.		4. FIRST NAME		5. MIDDLE NAME		
6. RESIDENCE/HOME ADDRESS (PHYSICAL STREET)			7. P.O. BOX	8. CITY		9. STATE	10. ZIP CODE	11. COUNTRY
12. HOME TELEPHONE NUMBER			13. MOBILE TELEPHONE NUMBER			14. PERSONAL EMAIL ADDRESS		
15. GENDER (CHECK ONE) <input type="checkbox"/> Male <input type="checkbox"/> Female		16. ARE YOU A CITIZEN OF THE UNITED STATES? (CHECK ONE) (IF NO, PLEASE ATTACH DOCUMENTATION THAT PROVES YOUR ELIGIBILITY TO WORK IN THE UNITED STATES) <input type="checkbox"/> Yes <input type="checkbox"/> No If no, of which country are you a citizen? _____						
17. BUSINESS ENTITY NAME								
18. BUSINESS ENTITY ADDRESS (PHYSICAL STREET)			19. P.O. BOX	20. CITY		21. STATE	22. ZIP CODE	23. COUNTRY
24. BUSINESS TELEPHONE NUMBER (INCLUDE EXT.)		25. BUSINESS FAX NUMBER		26. BUSINESS EMAIL ADDRESS			27. BUSINESS WEBSITE ADDRESS	
28. APPLICANT'S MAILING ADDRESS		29. P.O. BOX	30. CITY		31. STATE	32. ZIP CODE	33. COUNTRY	
34A. LIST ALL OTHER ASSUMED, FICTITIOUS, ALIAS, MAIDEN OR TRADE NAMES YOU HAVE USED IN THE PAST.								
34B. LIST ALL TRADE NAMES UNDER WHICH YOU ARE CURRENTLY DOING BUSINESS OR INTEND TO DO BUSINESS.								

EMPLOYMENT HISTORY

35. Account for all time for the past five years. List all employment experience starting with your current employer working back five years. Include full and part-time work, self-employment, military service, unemployment, and full-time education.

NAME	CITY	STATE	COUNTRY	FROM		TO		POSITION HELD
				MONTH	YEAR	MONTH	YEAR	

BACKGROUND INFORMATION

36. The Applicant must read the following very carefully and answer every question. All written statements submitted by the Applicant must include an original signature.

1. Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime? YES NO

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions. You must include felony DUI and DWI convictions.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

BACKGROUND INFORMATION

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence – sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document that demonstrates the resolution of the charges or any final judgment.

2. Have you ever been named or involved as a party in an administrative proceeding or action regarding any professional or occupational license or registration, or regarding the lack of such license or registration? YES NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, a voluntary forfeiture, a cease and desist order, a prohibition order, a consent order, or being placed on probation. "Involved" also includes the act of surrendering a license to resolve an administrative proceeding or action. "Involved" also means being named as a party to an administrative or arbitration proceeding that is related to a professional or occupational license or is related to the lack of such license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You must INCLUDE any business so named because of your actions or because of your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document that demonstrates the resolution of the charges and/or a final judgment.

3. Has any demand been made or judgment rendered against you or any business of which you are or were an owner, partner, officer or director, or member or manager of a Limited Liability Company, for overdue monies by a provider, an administrator, an insurer, an insured, or a producer? YES NO

Have you or any business of which you are or were an owner, partner, officer or director, or member or manager of a Limited Liability Company ever been subject to a bankruptcy proceeding? YES NO

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of the demand or judgment,
- b) a certified copy of the judgment, a copy of the demand, and copies of any other relevant documents,
- c) a certified copy of the official document that demonstrates the resolution of the demand or judgment,
- d) a written statement detailing the case number, type of bankruptcy, the court it was filed before, and summarizing the details of the indebtedness and arrangements for repayment,
- e) a certified copy of the "Notice of Bankruptcy" or its equivalent, and
- f) a certified copy of the "Order Discharging Debtor" or its equivalent.

4. Have you failed to pay state or federal income tax? YES NO

Have you failed to comply with an administrative or court order directing payment of state or federal income tax? YES NO

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each administrative or court order,
- b) copies of all relevant documents (i.e. demand letter from the Department of Revenue or Internal Revenue Service, etc.),
- c) a certified copy of each administrative or court order, judgment, and/or lien, and
- d) a certified copy of the official document that demonstrates the resolution of the tax delinquency (i.e. tax compliance letter, etc.).

5. Are you currently a party to, or ever been found liable in, any lawsuit, arbitration or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty? YES NO

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) a certified copy of the Petition, Complaint or other document that commenced the lawsuit and/or arbitration, or mediation proceedings, and
- c) a certified copy of the official document that demonstrates the resolution of the charges and/or a final judgment.

BACKGROUND INFORMATION

6. Have you ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? YES NO
- Has any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? YES NO
- Have you or any business in which you are or were a member or manager of a Limited Liability Company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? YES NO
- If you answer yes, you must attach to this application:
- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving a motor vehicle extended service contract producer license, and
 - b) copies of all relevant documents.
7. Do you currently have or have you had a child support obligation? YES NO
- If you answer yes:
- a) are you in arrearage? YES NO
 - b) by how many months are you in arrearage? _____ months
 - c) what is the total amount of your arrearage? _____
 - d) are you currently subject to a repayment agreement to cure the arrearage? (If you answer yes, provide documentation showing an approved repayment plan from the appropriate state child support agency.) YES NO
 - e) are you in compliance with said repayment agreement? (If you answer yes, provide documentation showing proof of current payments from the appropriate state child support agency.) YES NO
 - f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.) YES NO
 - g) have you ever been convicted of a misdemeanor or felony for failure to pay child support? YES NO

APPLICANT'S CERTIFICATION AND ATTESTATION

37. The Applicant must read the following very carefully:
1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
 2. I further certify that I grant permission to the Director to verify my information with any federal, state and/or local government agency, current or former employer, or insurance company.
 3. I further certify, under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 36.4.
 4. I further certify, under penalty of perjury, that a) I have no child support obligation, b) I have a child support obligation and I am currently in compliance with that obligation, or c) I have a child support obligation that is in arrears, I am in compliance with a repayment plan to cure the arrears, and I have provided all information and documentation requested in Background Information Question 36.7.
 5. I authorize the Director to give any information concerning me, as permitted by law, to any federal, state or municipal agency, or any other governmental organization. I further release the Director and all persons acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.
 6. I acknowledge that I understand and will comply with the self-service storage laws and regulations of Missouri and of any other jurisdiction to which I apply for licensure.
 7. Non-Resident License Applicants: I certify that I am licensed and in good standing in my home state/resident state for the lines of authority requested from Missouri. (Applies only if Applicant's home state/resident state issues licenses that authorize the marketing of limited lines self-storage insurance.)

APPLICANT'S CERTIFICATION AND ATTESTATION (CONTINUED)

APPLICANT'S ORIGINAL SIGNATURE
FULL LEGAL NAME (PRINTED OR TYPED)
MONTH/DAY/YEAR

NOTARY		
NOTARY PUBLIC EMBOSSEY OR BLACK INK RUBBER STAMP SEAL	STATE	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS	
	DAY OF	YEAR
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
NOTARY PUBLIC NAME (TYPED OR PRINTED)		USE RUBBER STAMP IN CLEAR AREA BELOW.

INSTRUCTIONS

1. All applicants must submit a nonrefundable \$100 application fee in the form of a check or money order, made payable to DIFP - Insurance.
2. Mail completed application to: MO DIFP – Insurance
P.O. Box 4001
Jefferson City, MO 65102-4001

AUTHORITY: sections 374.045, RSMo Supp. 2013, and section 379.1640, SS SCS HCS HB 2194, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 18, 2016, effective Aug. 28, 2016, expires Feb. 23, 2017. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

EMERGENCY RESCISSION

20 CSR 2150-2.080 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of the fees which the chapter authorized not to exceed the cost and expense of administering the chapter.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed

September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: sections 334.090.2 and 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-2.080. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

EMERGENCY RULE

20 CSR 2150-2.080 Physician Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of the emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency amendment, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

- (A) Physician
 - 1. Assistant Physician
 - A. Licensure Fee \$300
 - B. Renewal Fee \$135
 - C. Prescriptive Authority Fee \$ 50
 - 2. Contiguous State License
 - A. Licensure Fee \$ 25
 - B. Renewal Fee \$ 25
 - 3. Limited License
 - A. Licensure Fee \$ 25
 - B. Renewal Fee \$ 25
 - 4. Permanent Physician
 - A. Licensure Fee \$ 75
 - B. Reinstatement Fee \$ 75
 - C. Renewal Fee \$100
 - 5. Temporary Physician
 - A. Conditional Temporary License Fee \$ 25
 - B. Temporary License Fee \$ 25
 - C. Temporary License Renewal Fee \$ 25
 - 6. Visiting Professor
 - A. Licensure Fee \$ 25
 - B. Renewal Fee \$ 25
- (B) General Fees
 - 1. Continuing Medical Education Extension Fee \$ 25
 - 2. Duplicate License Fee \$ 0
 - 3. Endorsement of State Test Scores \$ 25
 - 4. Late Renewal Fee (Delinquent Fee) \$ 25
 - 5. Returned Check Fee \$ 25
 - 6. Verification of Licensure Fee \$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.090.2, RSMo Supp. 2013, and section 334.125, RSMo Supp. 2014. This rule originally filed as 4 CSR 150-2.080. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the Missouri Register.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

EMERGENCY RESCISSION

20 CSR 2150-3.080 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of fees which Chapter 334, RSMo authorized not to exceed the cost and expense of administering Chapter 334, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is

statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board’s five- (5-) year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees; removing section (3) of the current rule with reference to money drawn on a United States bank, as this language in rule is unnecessary; and removing language that limits the type of payment that can be submitted.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rescission, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: sections 334.090, 334.125, and 334.580, RSMo 2000 and sections 334.540, 334.550, 334.560, and 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.080. Original rule filed Aug. 10, 1983, effective Nov. 11, 1983. For intervening history, please consult the Code of State Regulations. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the Missouri Register.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

EMERGENCY RULE

20 CSR 2150-3.080 Physical Therapists Licensure Fees

PURPOSE: *The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.*

EMERGENCY STATEMENT: *The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.*

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Physical Therapist	
1. Licensure by Examination Fee	\$25
2. Licensure by Reciprocity Fee	\$25
3. Temporary License Fee	\$10
4. Renewal Fee	\$50
5. Reinstatement of an Inactive License Fee	\$25
(B) General Fees	
1. Continuing Education Extension Fee	\$25
2. Duplicate License Fee	\$ 0
3. Endorsement of Board Scores	\$25
4. Late Renewal Fee (Delinquent Fee)	\$25
5. Return Check Fee	\$25
6. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise deter-

mined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: *section 334.580, RSMo 2000, sections 334.090, 334.540, 334.550, 334.560, and 334.687, RSMo Supp. 2013, and section 334.125, RSMo Supp. 2014. This rule originally filed as 4 CSR 150-3.080. Original rule filed Aug. 10, 1983, effective Nov. 11, 1983. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the Missouri Register.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2150—State Board of Registration for the Healing Arts

Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

EMERGENCY RESCISSION

20 CSR 2150-3.170 Physical Therapist Assistant Licensure Fees. This rule established the fees the Missouri State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Pursuant to Chapter 334, RSMo, the board was directed to set by rule the amount of fees which Chapter 334, RSMo authorized not to exceed the cost and expense of administering Chapter 334, RSMo.

PURPOSE: *The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.*

EMERGENCY STATEMENT: *The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees; removing section (3) of the current rule with reference to money drawn on a United States bank, as this language in the rule is unnecessary; and removing language that limits the type of payment that can be submitted.*

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning

October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: section 334.125, RSMo 2000 and sections 334.655, 334.660, 334.670, and 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.170. Original rule filed Sept. 4, 1997, effective March 30, 1998. For intervening history, please consult the **Code of State Regulations**. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

EMERGENCY RULE

20 CSR 2150-3.170 Physical Therapist Assistant Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board’s five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board’s fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency amendment, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maxi-

um fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons or parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

- (A) Physical Therapist Assistant
 - 1. Licensure by Examination Fee \$25
 - 2. Licensure by Reciprocity Fee \$25
 - 3. Temporary License Fee \$10
 - 4. Renewal Fee \$50
 - 5. Reinstatement of an Inactive License Fee \$25
- (B) General Fees
 - 1. Continuing Education Extension Fee \$25
 - 2. Duplicate License Fee \$ 0
 - 3. Endorsement of Board Scores \$25
 - 4. Late Renewal Fee (Delinquent Fee) \$25
 - 5. Return Check Fee \$25
 - 6. Verification of Licensure Fee \$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.125, RSMo 2000, and sections 334.655, 334.660, 334.670, and 334.687, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-3.170. Original rule filed Sept. 4, 1997, effective March 30, 1998. For intervening history, please consult the **Code of State Regulations**. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

EMERGENCY RESCISSION

20 CSR 2150-4.060 Fees. This rule established the fees for speech pathologists or audiologists, or both.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to

preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board’s five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board’s fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees and removing language that limits the type of payment that can be submitted. Additionally, due to the implementation of SB107 of the 98th General Assembly (2015), fees related to the provisional licensure are being rescinded.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: sections 345.015, 345.022, 345.030, 345.045, and 345.055, RSMo Supp. 2007 and section 345.051, RSMo 2000. This rule originally filed as 4 CSR 150-4.060. Original rule filed July 1, 1988, effective Oct. 27, 1988. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**
**Division 2150—State Board of Registration for the
Healing Arts**
**Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

EMERGENCY RULE

**20 CSR 2150-4.060 Speech-Language Pathology and Audiology
Licensure Fees**

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board’s five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board’s fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees. Additionally, due to the implementation of SB107 of the 98th General Assembly (2015), fees related to the provisional licensure are being rescinded.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

- (A) Speech-Language Pathologist and Audiologist
 - 1. Licensure Fee \$25
 - 2. Reinstatement Fee \$25
 - 3. Renewal Fee \$50
- (B) Speech-Language Pathology and Audiology Aide
 - 1. Registration Fee \$25
 - 2. Reinstatement Fee \$25
 - 3. Renewal Fee \$20
- (C) Speech-Language Pathology Assistant
 - 1. Registration Fee \$25
 - 2. Reinstatement Fee \$25
 - 3. Renewal Fee \$20
- (D) General Fees
 - 1. Continuing Education Extension Fee \$25
 - 2. Duplicate License Fee \$ 0
 - 3. Return Check Fee \$25
 - 4. Verification of Licensure Fee \$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 345.015 and 345.051, RSMo Supp. 2015, and sections 345.030, 345.045, and 345.055, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-4.060. Original rule filed July 1, 1988, effective Oct. 27, 1988. For intervening history, please consult the *Code of State Regulations*. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 6—Licensure of Athletic Trainers

EMERGENCY RESCISSION

20 CSR 2150-6.050 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts charged pursuant to Chapter 334, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees and removing language that limits the type of payment that can be submitted.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning

October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: section 334.125, RSMo 2000 and section 334.706.3(2), RSMo Supp. 2007. This rule originally filed as 4 CSR 150-6.050. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 6—Licensure of Athletic Trainers

EMERGENCY RULE

20 CSR 2150-6.050 Athletic Trainer Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1,

2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Athletic Trainer	
1. Licensure Fee	\$25
2. Renewal Fee	\$25
(B) General Fees	
1. Duplicate License Fee	\$ 0
2. Late Renewal Fee (Delinquent Fee)	\$25
3. Return Check Fee	\$25
4. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.125, RSMo 2000, and section 334.706.3(2), RSMo Supp. 2013. This rule originally filed as 4 CSR 150-6.050. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. For intervening history, please consult the *Code of State Regulations*. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 7—Licensing of Physician Assistants

EMERGENCY RESCISSION

20 CSR 2150-7.200 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of the fees which Chapter 334, RSMo, authorized not to exceed the cost and expense of administering that chapter.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to

preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees and removing language that limits the type of payment that can be submitted.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: sections 334.125, 334.736, 334.738, and 334.743, RSMo 2000 and section 334.735, RSMo Supp. 2010. This rule originally filed as 4 CSR 150-7.200. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 7—Licensing of Physician Assistants

EMERGENCY RULE

20 CSR 2150-7.200 Physician Assistant Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized

by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board’s five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board’s fund at a level that is authorized by section 334.090, RSMo. The rescission and re-adoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and re-adoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the Missouri State Board of Registration for the Healing Arts in conjunction with the director of the Division of Professional Registration:

- (A) Physician Assistant
 - 1. Licensure Fee \$25
 - 2. Renewal Fee \$25
 - 3. Temporary Licensure Fee \$25
 - 4. Temporary Licensure Renewal Fee \$25
 - 5. Certificate of Controlled Substance Prescriptive Authority Fee \$25
- (B) General Fees
 - 1. Duplicate License Fee \$ 0
 - 2. Late Renewal Fee (Delinquent Fee) \$25
 - 3. Return Check Fee \$25
 - 4. Verification of Licensure Fee \$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 334.125 and 334.735, RSMo Supp. 2014, and

sections 334.736, 334.738, and 334.743, RSMo 2000. This rule originally filed as 4 CSR 150-7.200. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. For intervening history, please consult the *Code of State Regulations*. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 8—Licensing of Clinical Perfusionists

EMERGENCY RESCISSION

20 CSR 2150-8.060 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 324, RSMo. Under the provisions of Chapter 324, RSMo, the board was directed to set by rule the amount of fees, which Chapter 324, RSMo authorized not to exceed the cost and expense of administering Chapter 324, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and re-adoption is also being done to preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board’s five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board’s fund at a level that is authorized by section 334.090, RSMo. The rescission and re-adoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees and removing language that limits the type of payment that can be submitted.

Without this emergency rescission and re-adoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees

to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: section 324.159, RSMo 2000. This rule originally filed as 4 CSR 150-8.060. Original rule filed Dec. 2, 1998, effective June 30, 1999. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed April 30, 2002, effective Nov. 30, 2002. Moved to 20 CSR 2150-8.060, effective Aug. 28, 2006. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 8—Licensing of Clinical Perfusionists

EMERGENCY RULE

20 CSR 2150-8.060 Clinical Perfusionists Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any

agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Perfusionist	
1. Licensure by Examination Fee	\$25
2. Licensure by Grandfather Clause Fee	\$25
3. Licensure by Reciprocity Fee	\$25
4. Provisional License Fee	\$25
5. Provisional License Renewal	\$25
6. Renewal Fee	\$25
(B) General Fees	
1. Continuing Education Extension Fee	\$25
2. Duplicate License Fee	\$ 0
3. Late Renewal Fee (Delinquent Fee)	\$25
4. Return Check Fee	\$25
5. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 324.159, RSMo 2000. This rule originally filed as 4 CSR 150-8.060. Original rule filed Dec. 2, 1998, effective June 30, 1999. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed April 30, 2002, effective Nov. 30, 2002. Moved to 20 CSR 2150-8.060, effective Aug. 28, 2006. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 9—Licensing of Anesthesiologist Assistants

EMERGENCY RESCISSION

20 CSR 2150-9.080 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of fees which Chapter 334, RSMo authorized, not to exceed the cost and expense of administering Chapter 334, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board’s five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board’s fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees and removing language that limits the type of payment that can be submitted.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: section 334.125, RSMo 2000, and section 334.414, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-9.080. Original rule filed Jan. 17, 2006, effective Aug. 30, 2006. Moved to 20 CSR 2150-9.080, effective Aug. 28, 2006. Amended: Filed July 1, 2014, effective Oct. 30, 2014. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 9—Licensing of Anesthesiologist Assistants

EMERGENCY RULE

20 CSR 2150-9.080 Anesthesiologist Assistant Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board’s five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board’s fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts and are payable in the form of a personal check, cashier’s check, or money order:

- (A) Anesthesiologist Assistant
 - 1. Licensure by Examination Fee \$25
 - 2. Licensure by Reciprocity Fee \$25
 - 3. Reinstatement Fee \$25
 - 4. Temporary License Fee \$25
 - 5. Renewal Fee \$25
- (B) General Fees
 - 1. Continuing Education Extension Fee \$25
 - 2. Duplicate License Fee \$ 0
 - 3. Late Renewal Fee (Delinquent Fee) \$25
 - 4. Return Check Fee \$25
 - 5. Verification of Licensure Fee \$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.125, RSMo 2000, and section 334.414, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-9.080. Original rule filed Jan. 17, 2006, effective Aug. 30, 2006. Moved to 20 CSR 2150-9.080, effective Aug. 28, 2006. Amended: Filed July 1, 2014, effective Oct. 30, 2014. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership
EMERGENCY RESCISSION**

**22 CSR 10-2.094 Tobacco-Free Incentive Provisions and
Limitations**

PURPOSE: This rule is being rescinded and readopted to include detailed language to clarify Tobacco-Free Incentive Provisions and Limitations.

EMERGENCY STATEMENT: This emergency rescission must be in place by October 1, 2016, in accordance with the new plan year. Therefore, this emergency rescission is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and will allow members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rescission be filed as an emergency rescission to maintain the integrity of the current health care plan. This emergency rescission must become effective October 1, 2016, to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This rescission reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rescission complies with the protections extended by the *Missouri and United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rescission was filed August 26, 2016, becomes effective October 1, 2016, and expires March 29, 2017.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership
EMERGENCY RULE**

**22 CSR 10-2.094 Tobacco-Free Incentive Provisions and
Limitations**

PURPOSE: The rule establishes the policy of the board of trustees in regards to the Strive for Wellness[®] Tobacco-Free Incentive and the method and timeframes in which the requirements of the incentive must be completed and submitted.

EMERGENCY STATEMENT: This emergency rule must be in place

by October 1, 2016, in accordance with open enrollment for the new plan year. Therefore, this emergency rule is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and allows members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be filed as an emergency rule in order to maintain the integrity of the current health care plan. This emergency rule must become effective October 1, 2016 to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This emergency rule reflects changes made to the plan by the MCHCP Board of Trustees. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rule complies with the protections extended in the *Missouri and United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed August 26, 2016, becomes effective October 1, 2016, and expires March 29, 2017.

- (1) Strive for Wellness[®] Tobacco-Free Incentive—The Tobacco-Free Incentive is a voluntary program that eligible members may elect to participate in to earn a reduction in premium. Eligible members are responsible for completing requirements.
- (2) Tobacco-Free Incentive—The Strive for Wellness[®] Tobacco-Free Incentive is a reduction in premium of forty dollars (\$40) per month per eligible participant who is compliant with this rule.
- (3) Eligibility—The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP), Preferred Provider Organization (PPO), or Health Savings Account (HSA) Plan are eligible to participate in the Tobacco-Free Incentive:
 - (A) Active employee subscribers;
 - (B) Non-Medicare spouses covered by a Tobacco-Free Incentive eligible subscriber and Medicare primary spouses of active employee subscribers; and
 - (C) Non-Medicare subscribers.
- (4) Limitations and exclusions—The following members are not eligible to participate in the Tobacco-Free Incentive:
 - (A) Members under the age of eighteen (18) years;
 - (B) Dependent children;
 - (C) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage;
 - (D) Spouse (with the exception of spouse of active employee subscriber) who has Medicare as primary coverage;
 - (E) TRICARE Supplement Plan subscriber;
 - (F) Spouse covered by ineligible subscriber; and
 - (G) The subscriber and/or spouse will become ineligible to continue to participate the first day of the month in which Medicare becomes his/her primary payer.
- (5) 2016 Participation.
 - (A) Each eligible member must participate separately.
 - (B) In order to receive the Tobacco-Free Incentive, eligible members must complete one (1) of the following for the incentive to be effective the first day of the second month after MCHCP receives the Tobacco Promise form and the applicable requirements are completed:
 1. Submit a 2016 Tobacco-Free Promise form; or
 2. Submit a 2016 Quit Tobacco Promise form, enroll in an

MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course. Quit tobacco programs completed prior to December 1, 2015 shall not qualify for the 2016 incentive.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2015 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. Submit a 2016 Tobacco-Free Promise form; or
2. Submit a 2016 Quit Tobacco Promise form, enroll in an MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course.

(D) All forms can be completed through the eligible member's myMCHCP account or downloaded from MCHCP's website and printed for completion. Completed printed forms must be submitted to MCHCP by fax, mail, or uploaded to the eligible member's myMCHCP account.

(E) Eligible members participating in an MCHCP-approved quit tobacco program on the date MCHCP receives your Quit Tobacco Promise form, must complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course for the incentive to begin the first day of the second month following the completed coaching call or class.

(F) Eligible members participating in the Tobacco-Free Incentive whose coverage ends due to the subscriber's termination of all employment with the state and who then regains coverage effective in the same plan year because the subscriber is rehired as a new state employee, will receive the Tobacco-Free Incentive effective the first day his/her medical coverage is effective after the subscriber is rehired if one (1) of the following is completed:

1. Eligible members with a Tobacco-Free Promise form submitted in the same plan year have no further requirements;
2. Eligible members with a Quit Tobacco Promise form submitted in the same plan year, but who did not complete an MCHCP-approved quit tobacco program prior to the date the medical coverage terminated, must re-enroll in a quit tobacco program and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course within thirty-one (31) days of his/her medical coverage effective date after the subscriber is rehired.

(G) MCHCP-approved quit tobacco programs include:

1. Quit tobacco coaching program provided by MCHCP's vendor; or
2. Strive for Wellness[®] quit tobacco course (when available, for active employee subscribers only).

(H) An eligible member will lose the Tobacco-Free Incentive for the remainder of the plan year effective the first day of the second month after MCHCP learns the eligible member failed to remain tobacco-free or failed to complete an MCHCP-approved quit tobacco program or course. Failure to complete an MCHCP-approved quit tobacco program or course means the eligible member failed to—

1. Complete six (6) progressive quit tobacco program coaching calls; or
2. Attend six (6) Strive for Wellness[®] quit tobacco course classes during the scheduled course timeframe.

(I) Eligible members who completed the Tobacco-Free Promise form and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day.

(J) The 2016 Tobacco Free Incentive shall begin January 1, 2016 and end December 31, 2016.

(K) MCHCP will verify an eligible member's quit tobacco program or course participation.

(L) Eligible members who first complete a Quit Tobacco Promise form, November 1, 2016 through December 31, 2016, do not have to enroll in an MCHCP-approved quit tobacco program or course. The date in which they complete their Quit Tobacco Promise form

will be used as completing all requirements to receive the incentive in accordance with the applicable timeline.

(6) 2017 Participation.

(A) Each eligible member must participate separately.

(B) In order to receive the Tobacco-Free Incentive, eligible members must complete one (1) of the following for the incentive to be effective the first day of the second month after MCHCP receives the Tobacco Promise form and applicable requirements are completed:

1. Submit a 2017 Tobacco-Free Promise form; or
2. Submit a 2017 Quit Tobacco Promise form and agree to receive the Quit Tobacco Road Map.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2016 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. Submit a 2017 Tobacco-Free Promise form; or
2. Submit a 2017 Quit Tobacco Promise form and agree to receive the Quit Tobacco Road Map.

(D) All forms can be completed through the eligible member's myMCHCP account or downloaded from MCHCP's website and printed for completion. Completed printed forms must be submitted to MCHCP by fax, mail, in person, or uploaded to the eligible member's myMCHCP account.

(E) Eligible members participating in the Tobacco-Free Incentive whose coverage ends due to the subscriber's termination of all employment with the state and who then regains coverage effective in the same plan year because the subscriber is rehired as a new state employee, will receive the Tobacco-Free Incentive effective the first day his/her medical coverage is effective after the subscriber is rehired.

(F) Eligible members who completed the Tobacco-Free Promise form and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day and MCHCP will mail the Quit Tobacco Road Map.

(G) The 2017 Tobacco Free Incentive shall begin January 1, 2017 and end December 31, 2017.

(7) A waiver may be granted if an eligible member requests a waiver in writing along with a provider's written certification that it is medically inadvisable for the eligible member to quit tobacco.

(8) MCHCP and/or its vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to loss of the Tobacco-Free Incentive and/or prosecution.

(9) MCHCP and/or its vendor may utilize participation data for purposes of offering additional programs in accordance with the MCHCP privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. A proposed rescission and rule covering the same material is published in this issue of the Missouri Register.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

EMERGENCY RESCISSION

**22 CSR 10-2.120 Partnership Incentive Provisions and
Limitations**

PURPOSE: This rule is being rescinded and readopted to include detailed language to clarify Strive for Wellness® Partnership Incentive Provisions and Limitations.

EMERGENCY STATEMENT: This emergency rescission must be in place by October 1, 2016, in accordance with the new plan year. Therefore, this emergency rescission is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and will allow members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rescission be filed as an emergency rescission to maintain the integrity of the current health care plan. This emergency rescission must become effective October 1, 2016, to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This rescission reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rescission complies with the protections extended by the *Missouri* and *United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rescission was filed August 26, 2016, becomes effective October 1, 2016, and expires March 29, 2017.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

EMERGENCY RULE

22 CSR 10-2.120 Partnership Incentive Provisions and Limitations

PURPOSE: This rule establishes the policy of the board of trustees in regards to the Strive for Wellness® Partnership Incentive and the method and timeframes in which the requirements of the incentive must be completed and submitted.

EMERGENCY STATEMENT: This emergency rule must be in place by October 1, 2016, in accordance with open enrollment for the new plan year. Therefore, this emergency rule is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and allows members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo

coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be filed as an emergency rule in order to maintain the integrity of the current health care plan. This emergency rule must become effective October 1, 2016 to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This emergency rule reflects changes made to the plan by the MCHCP Board of Trustees. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rule complies with the protections extended in the *Missouri* and *United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed August 26, 2016, becomes effective October 1, 2016, and expires March 29, 2017.

(1) Strive for Wellness® Partnership Incentive—The Partnership Incentive is a voluntary program that eligible members may elect to participate in to earn a reduction in premium. Eligible members are responsible for completing requirements.

(2) Partnership Incentive—The Strive for Wellness® Partnership Incentive is a reduction in premium of twenty-five dollars (\$25) per month per eligible member who is compliant with this rule.

(3) Eligibility—The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP), Preferred Provider Organization (PPO), or Health Savings Account (HSA) Plan are eligible to participate in the Partnership Incentive:

- (A) Active employee subscribers; and
- (B) Non-Medicare subscribers.

(4) Limitations and exclusions—The following members are not eligible to participate in the Partnership Incentive:

- (A) Subscribers under the age of eighteen (18) years;
- (B) Dependents;
- (C) TRICARE Supplement Plan subscribers;
- (D) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage; and
- (E) When Medicare becomes a subscriber's primary insurance payer, the subscriber (with the exception of active employee subscriber) is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes primary.

(5) 2016 Participation.

(A) In order to receive the Partnership Incentive, eligible members must complete all of the following for the incentive to be effective the first day of the second month after the requirements are completed:

- 1. The Partnership Promise; and
- 2. The Health Assessment.

(B) The requirements must be completed through the member's myMCHCP account.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2015 must complete all of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

- 1. The Partnership Promise; and
- 2. The Health Assessment.

(D) An employee earning the Partnership Incentive who then terminates all employment with the state and is rehired as a new state employee with medical coverage effective in the same plan year, will

receive the Partnership Incentive effective the first day his/her medical coverage is effective after s/he is rehired.

(E) Eligible members who have earned the incentive may earn a *de minimis* gift for completing one (1) or more of the following MCHCP-approved health actions. An eligible member must report the completion of the health action to MCHCP by December 31, 2016 and may receive only one (1) gift per year. MCHCP-approved health actions are as follows:

1. Receiving a preventive lab screening such as cholesterol and blood sugar;
2. Receiving an annual preventive exam;
3. Attending two (2) online health education webinars provided by Strive for Wellness®;
4. Attending two (2) lunch-and-learn health education sessions provided by Strive for Wellness®;
5. Participating in a virtual health coaching program through the website of the MCHCP wellness vendor and achieving at least one (1) milestone;
6. Participating in physical activity such as walking, jogging, Zumba, yoga, or weight-training for one hundred fifty (150) minutes each week for three (3) months;
7. Standing for at least two (2) hours during each workday for three (3) months;
8. Complete the Governor's 100 Missouri Miles Challenge; or
9. Walking one (1) million steps.

(F) The 2016 Partnership Incentive shall begin January 1, 2016 and end December 31, 2016.

(G) Eligible members who first complete the 2016 Partnership Incentive requirements, October 1, 2016 through December 31, 2016, do not have to complete two (2) Health Assessments. The date in which they complete their Health Assessment will be used as meeting the requirement to complete a Health Assessment to receive the incentive for both 2016 and 2017 in accordance with the applicable timeline.

(6) 2017 Participation.

(A) In order to receive the Partnership Incentive, eligible members must complete all of the following for the incentive to be effective the first day of the second month after the requirements are completed:

1. The Partnership Promise;
2. The Health Assessment; and
3. The Health Education Quiz. A series of questions administered by MCHCP designed to measure understanding of MCHCP benefits and/or general health knowledge.

(B) The requirements must be completed through the member's myMCHCP account.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2016 must complete all of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. The Partnership Promise;
2. The Health Assessment; and
3. The Health Education Quiz.

(D) An employee earning the Partnership Incentive who then terminates all employment with the state and is rehired as a new state employee with medical coverage effective in the same plan year, will receive the Partnership Incentive effective the first day his/her medical coverage is effective after s/he is rehired.

(E) Eligible members who have earned the incentive may earn a *de minimis* gift for completing one (1) or more of the following MCHCP-approved health actions. An eligible member must report the completion of the health action to MCHCP by December 31, 2017 and may receive only one (1) gift per year. MCHCP-approved health actions are as follows:

1. Receiving a preventive lab screening such as cholesterol and blood sugar;
2. Receiving an annual preventive exam;

3. Attending three (3) Strive for Wellness® sponsored health education or physical activity events;

4. Participating in physical activity such as walking, jogging, Zumba, yoga, or weight-training for one hundred fifty (150) minutes each week for three (3) months;

5. Standing for at least two (2) hours during each workday for three (3) months; or

6. Walking one (1) million steps.

(F) The 2017 Partnership Incentive shall begin January 1, 2017 and end December 31, 2017.

(7) A waiver may be granted, in whole or in part, for the applicable plan year if a member requests a waiver of a requirement(s) in writing along with a provider's written certification that it is medically inadvisable for the member to participate in the applicable requirement(s).

(8) MCHCP and/or its vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to loss of the Partnership Incentive and/or prosecution.

(9) MCHCP and/or its vendor may utilize participation data for purposes of offering additional programs in accordance with MCHCP's privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. A proposed rescission and rule covering the same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

session of any endangered species of wildlife, or hides or other parts thereof, or the sale or possession with intent to sell of any article made in whole or in part from the skin, hide, or other parts of any endangered species of wildlife is prohibited; provided, that this rule shall not apply to legally acquired wildlife held under permit or held by a public zoo or museum or to articles manufactured before January 1, 1973. Endangered wildlife taken legally outside Missouri may be imported, transported, or possessed, but may not be sold or purchased without written approval of the director.

(2) The exportation, transportation, or sale of any endangered species of plant or parts thereof, or the sale of or possession with intent to sell any product made in whole or in part from any parts of any endangered species of plant is prohibited.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(A) Mammals: gray bat, Ozark big-eared bat, Indiana bat, **northern long-eared bat**, black-tailed jackrabbit, spotted skunk.

(F) Mussels: Curtis pearlymussel, Higgins' eye, pink mucket, fat pocketbook, ebonyshell, elephant ear, winged mapleleaf, sheepnose, snuffbox, scaleshell, **spectaclecase**, **Neosho mucket**, **rabbitsfoot**, **salamander mussel**, **slippershell mussel**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.111 Endangered Species. The commission proposes to amend sections (1) and (2) and subsections (3)(A) and (3)(F) of this rule.

PURPOSE: This amendment adds one (1) bat species and five (5) mussel species to the state endangered species list and corrects punctuation. The bat species were recently listed as threatened under the federal Endangered Species Act (ESA) due to significant declines in Missouri and the mussel species are being added because they are currently listed under the ESA or are being considered for listing.

(1) The importation, transportation, sale, purchase, taking, or pos-

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.210 Permits to be Signed and Carried. The commission proposes to amend this rule.

PURPOSE: This amendment allows the use of department-issued plastic cards as an accepted permit for use by persons hunting, fishing, or trapping.

All permits and method exemptions shall be signed and carried by the permittee in either paper, **department-issued plastic**, or electronic format. Acceptable electronic forms of permits include display of electronic images on a cellular phone or any other type of portable electronic device. Permits carried in an electronic format shall display either a digitized image of a handwritten signature or some other form of an electronic signature. All permits, or temporary permit

authorization number(s), and method exemptions shall be exhibited to any officer charged with the enforcement of this Code, or to any transportation company or postal employee when presenting wildlife for shipment.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Sept. 19, 1957, effective Dec. 31, 1957. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 29, 2016.*

PUBLIC COST: This proposed amendment will cost the Department of Conservation an estimated six thousand four hundred sixty dollars (\$6,460) for initial set up costs and computer system modifications.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

- I. Department Title: 3 - Department of Conservation**
- Division Title: 10 - Conservation Commission**
- Chapter Title: 5 – Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.210 Permits to be Signed and Carried
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Conservation	\$6,460.00 one-time set up costs

III. WORKSHEET

One Time Setup Fee: **\$ 1,510.00**

System Changes:

- 12 hrs. Sales Channel \$1,500.00 (12 hrs. @ \$125.00/hr.)
 - 12 hrs. File Export \$1,500.00 (12 hrs. @ \$125.00/hr.)
 - 6 hrs. Control Center \$750.00 (6 hrs. @ \$125.00/hr.)
 - 6 hrs. Project Mgmt. \$750.00 (6 hrs. @ \$125.00/hr.)
 - 6 hrs. QA \$450.00 (6 hrs. @ \$75.00/hr.)
- Total System Cost: **\$4,950.00**

TOTAL ONE-TIME COSTS: \$6,460.00

IV. ASSUMPTIONS

In order for the Department to issue plastic permit cards to hunters and anglers, the Department will have to incur costs associated with setting up proofs and printer settings for the new cards. Additionally, the Department will have to incur costs to compensate its permit vendor for one-time system changes required to implement the new plastic permit cards as an option for persons purchasing a permit on the Department’s web-based permit system. Once the system is implemented, the Department will incur appropriately \$2.00 per card, which will be paid by those permittees who desire to purchase a card. Purchase of the plastic card is not required.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.505 Black Bass. The commission proposes to amend subsections (1)(A)–(C) and paragraph (4)(A)2. and remove paragraphs (4)(A)3.–5. of this rule.

PURPOSE: This amendment consolidates all Smallmouth Bass Special Management Area regulations for smallmouth bass to a fifteen inch (15") minimum length limit, a daily limit of one (1), and expands the areas on the Big Piney, Jacks Fork, Big, and Meramec rivers.

(1) Daily Limit: Six (6) in the aggregate, including smallmouth bass, largemouth bass, spotted bass, and all black bass hybrids, except:

(A) The daily limit may include no more than one (1) smallmouth bass on the Big Piney River from Slabtown Access to [Ross Access] the confluence of the Gasconade River, the Eleven Point River from Thomasville Access to the Arkansas line, the Elk River, the Gasconade River from the Highway Y bridge (Pulaski County) to the Highway D bridge (Phelps County), the Jacks Fork River from the Highway 17 bridge to the [Highway 106 bridge] confluence of the Current River, the James River from the Hooten Town bridge (The Loop Road at Route O) to the Highway 413/Highway 265 bridge at Galena, Joachim Creek from the Highway V bridge to the Highway A bridge (Jefferson County), Osage Fork of the Gasconade River from the Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River, and Tenmile Creek from the Highway B bridge (Carter County) to its confluence with Cane Creek.

(B) The daily limit is two (2) black bass on Montrose Lake [and the Elk River].

(C) On the Meramec, Big, and Bourbeuse rivers and their tributaries, the daily and possession limit for black bass is twelve (12) in the aggregate and may include no more than six (6) largemouth bass and smallmouth bass in the aggregate, except that the daily limit may include no more than one (1) smallmouth bass on the Big River from [Leadwood Access] the Council Bluff Lake Dam to its confluence with the Meramec River, the Meramec River from [Scotts Ford] the Highway 8 bridge to the railroad crossing at Bird's Nest, and Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River.

(4) Length Limits.

(A) Streams: All black bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from the unimpounded portion of any stream, including Pools 20–26 on the Mississippi River, except as follows:

1. On the Meramec, Big, and Bourbeuse rivers and their tributaries, there is no length limit on spotted (Kentucky) bass./.; and

2. On the Big Piney River from Slabtown Access to [Ross Access] the confluence of the Gasconade River, the Eleven Point River from Thomasville Access to the Arkansas line, the Elk River, the Gasconade River from Highway Y bridge (Pulaski County) to Highway D bridge (Phelps County), the Jacks Fork River from Highway 17 bridge to the confluence of the Current River, the James River from Hooten Town bridge (The Loop Road at Route O) to Highway 413/Highway 265 bridge at Galena, Joachim Creek from the Highway V bridge to the Highway A bridge (Jefferson County), Osage Fork of the Gasconade River from the Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River, the Meramec River from [Scotts Ford] the Highway 8 bridge to the railroad crossing at Bird's Nest, the Big River from [Leadwood Access] the Council Bluff Lake Dam to

its confluence with the Meramec River, Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River, [Osage Fork of the Gasconade River from the Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River,] and Tenmile Creek from the Highway B bridge (Carter County) to its confluence with Cane Creek, all smallmouth bass less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught.

[3. On the Jacks Fork River from Highway 17 bridge to Highway 106 bridge and the Gasconade River from Highway Y bridge (Pulaski County) to Highway D bridge (Phelps County), all smallmouth bass less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught.

4. On the James River from Hooten Town bridge (The Loop Road at Route O) to Highway 413/Highway 265 bridge at Galena, all smallmouth bass and largemouth bass less than fifteen inches (15") must be returned to the water unharmed immediately after being caught.

5. On the Elk River, all black bass less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.530 Goggle-eye (Ozark Bass, Rock Bass, and Shadow Bass) and Warmouth. The commission proposes to amend the title by adding a comma after Rock Bass and section (4) of this rule.

PURPOSE: This amendment sets a statewide length limit of seven inches (7") on goggle-eye (Ozark bass, rock bass, and shadow bass) and warmouth and removes the Osage Fork of the Gasconade River from the Rock Bass Special Management areas.

(4) Length Limits: [No length limits] All goggle-eye (Ozark bass, rock bass, and shadow bass) and warmouth less than seven inches (7") in total length must be returned to the water unharmed immediately after being caught, except all goggle-eye less than eight inches (8") in total length must be returned to the water unharmed immediately after being caught on the Big Piney River from Highway 17 bridge (Texas County) to its confluence with the

Gasconade River, Courtois Creek from Highway 8 bridge (Crawford County) to its confluence with Huzzah Creek, the Eleven Point River from Thomasville Access to the Arkansas line, Huzzah Creek from Willhite Road (Crawford County) to its confluence with the Meramec River, Meramec River from Highway 19 bridge (Dent County) to Pacific Palisades Conservation Area [and the Osage Fork of the Gasconade River from Skyline Drive bridge near Orla (Laclede County) to its confluence with the Gasconade River].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The commission proposes to amend subsection (3)(H) and the authority section of this rule.

PURPOSE: This amendment adds alligator gar (*Lepisosteus spatula*) to the Approved Aquatic Species List, reorders the list of approved aquatic species for consistency, and corrects an inaccurate reference in the authority section.

(3) Fish and crayfish may be bought, sold, transported, propagated, taken, and possessed by any person without permit throughout the year in any number or size and by any method providing—

(H) Approved Aquatic Species List.

1. Fishes.

[A. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)

B. Paddlefish (*Polyodon spathula*)

C. Spotted gar (*Lepisosteus oculatus*)

D. Longnose gar (*Lepisosteus osseus*)

E. Shortnose gar (*Lepisosteus platostomus*)

F. Bowfin (*Amia calva*)

G. American eel (*Anguilla rostrata*)

H. Gizzard shad (*Dorosoma cepedianum*)

I. Threadfin shad (*Dorosoma petenense*)

J. Rainbow trout (*Oncorhynchus mykiss*)

K. Golden trout (*Oncorhynchus aquabonita*)

L. Cutthroat trout (*Oncorhynchus clarkii*)

M. Brown trout (*Salmo trutta*)

N. Brook trout (*Salvelinus fontinalis*)

O. Coho salmon (*Oncorhynchus kisutch*)

P. Atlantic salmon (*Salmo salar*)

Q. Northern pike (*Esox lucius*)

R. Muskellunge (*Esox masquinongy*)

S. Goldfish (*Carassius auratus*)

T. Grass carp (*Ctenopharyngodon idella*)

U. Common carp (*Cyprinus carpio*)

V. Bighead carp (*Hypophthalmichthys nobilis*)

W. Golden shiner (*Notemigonus crysoleucas*)

X. Bluntnose minnow (*Pimephales notatus*)

Y. Fathead minnow (*Pimephales promelas*)

Z. River carpsucker (*Carpodes carpio*)

AA. Quillback (*Carpodes cyprinus*)

BB. White sucker (*Catostomus commersoni*)

CC. Blue sucker (*Cycleptus elongatus*)

DD. Bigmouth buffalo (*Ictiobus cyprinellus*)

EE. Black bullhead (*Ameiurus melas*)

FF. Yellow bullhead (*Ameiurus natalis*)

GG. Brown bullhead (*Ameiurus nebulosus*)

HH. Blue catfish (*Ictalurus furcatus*)

II. Channel catfish (*Ictalurus punctatus*)

JJ. Flathead catfish (*Pylodictis olivaris*)

KK. Mosquitofish (*Gambusia affinis*)

LL. White bass (*Morone chrysops*)

MM. Striped bass (*Morone saxatilis*)

NN. Green sunfish (*Lepomis cyanellus*)

OO. Pumpkinseed (*Lepomis gibbosus*)

PP. Warmouth (*Lepomis gulosus*)

QQ. Orangespotted sunfish (*Lepomis humilis*)

RR. Bluegill (*Lepomis macrochirus*)

SS. Longear sunfish (*Lepomis megalotis*)

TT. Redear sunfish (*Lepomis microlophus*)

UU. Smallmouth bass (*Micropterus dolomieu*)

VV. Spotted bass (*Micropterus punctulatus*)

WW. Largemouth bass (*Micropterus salmoides*)

XX. White crappie (*Pomoxis annularis*)

YY. Black crappie (*Pomoxis nigromaculatus*)

ZZ. Yellow perch (*Perca flavescens*)

AAA. Sauger (*Sander canadensis*)

BBB. Walleye (*Sander vitreus*)

CCC. Freshwater drum (*Aplodinotus grunniens*)

A. Alligator gar (*Lepisosteus spatula*)

B. American eel (*Anguilla rostrata*)

C. Atlantic salmon (*Salmo salar*)

D. Bighead carp (*Hypophthalmichthys nobilis*)

E. Bigmouth buffalo (*Ictiobus cyprinellus*)

F. Black bullhead (*Ameiurus melas*)

G. Black crappie (*Pomoxis nigromaculatus*)

H. Blue catfish (*Ictalurus furcatus*)

I. Bluegill (*Lepomis macrochirus*)

J. Blue sucker (*Cycleptus elongatus*)

K. Bluntnose minnow (*Pimephales notatus*)

L. Bowfin (*Amia calva*)

M. Brook trout (*Salvelinus fontinalis*)

N. Brown bullhead (*Ameiurus nebulosus*)

O. Brown trout (*Salmo trutta*)

P. Channel catfish (*Ictalurus punctatus*)

Q. Coho salmon (*Oncorhynchus kisutch*)

R. Common carp (*Cyprinus carpio*)

S. Cutthroat trout (*Oncorhynchus clarkii*)

T. Fathead minnow (*Pimephales promelas*)

U. Flathead catfish (*Pylodictis olivaris*)

V. Freshwater drum (*Aplodinotus grunniens*)

W. Gizzard shad (*Dorosoma cepedianum*)

X. Golden shiner (*Notemigonus crysoleucas*)

Y. Golden trout (*Oncorhynchus aquabonita*)

Z. Goldfish (*Carassius auratus*)

AA. Grass carp (*Ctenopharyngodon idella*)

BB. Green sunfish (*Lepomis cyanellus*)

CC. Largemouth bass (*Micropterus salmoides*)

DD. Longear sunfish (*Lepomis megalotis*)

- EE. Longnose gar (*Lepisosteus osseus*)
- FF. Mosquitofish (*Gambusia affinis*)
- GG. Muskellunge (*Esox masquinongy*)
- HH. Northern pike (*Esox lucius*)
- II. Orangespotted sunfish (*Lepomis humilis*)
- JJ. Paddlefish (*Polyodon spathula*)
- KK. Pumpkinseed (*Lepomis gibbosus*)
- LL. Quillback (*Carpiodes cyprinus*)
- MM. Rainbow trout (*Oncorhynchus mykiss*)
- NN. Redear sunfish (*Lepomis microlophus*)
- OO. River carpsucker (*Carpiodes carpio*)
- PP. Sauger (*Sander canadensis*)
- QQ. Shortnose gar (*Lepisosteus platostomus*)
- RR. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)
- SS. Smallmouth bass (*Micropterus dolomieu*)
- TT. Spotted bass (*Micropterus punctulatus*)
- UU. Spotted gar (*Lepisosteus oculatus*)
- VV. Striped bass (*Morone saxatilis*)
- WW. Threadfin shad (*Dorosoma petenense*)
- XX. Walleye (*Sander vitreus*)
- YY. Warmouth (*Lepomis gulosus*)
- ZZ. White bass (*Morone chrysops*)
- AAA. White crappie (*Pomoxis annularis*)
- BBB. White sucker (*Catostomus commersoni*)
- CCC. Yellow bullhead (*Ameiurus natalis*)
- DDD. Yellow perch (*Perca flavescens*)

2. Crustaceans.

- A. Freshwater prawn (*Macrabrachi um rosenbergii*)
- B. Pacific white shrimp (*Litopenaeus vannamei*)
- C. Virile ("Northern") crayfish (*Orconectes virilis*)
- D. White River crawfish (*Procambarus acutus*)
- E. Red Swamp crawfish (*Procambarus clarkii*)
- F. Calico ("Papershell") crayfish (*Orconectes immunis*)
- A. Calico ("papershell") crayfish (*Orconectes immunis*)
- B. Freshwater prawn (*Macrabrachi um rosenbergii*)
- C. Pacific white shrimp (*Litopenaeus vannamei*)
- D. Red swamp crawfish (*Procambarus clarkii*)
- E. Virile ("northern") crayfish (*Orconectes virilis*)
- F. White River crawfish (*Procambarus acutus*)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule was previously filed as 3 CSR 10-4.110(5), (6), and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.440 Resident Falconry Permit. The commission pro-

poses to amend this rule along with the authority section of the rule.

PURPOSE: This amendment changes the expiration date for falconry permits to June 30 in the third calendar year after issuance, provides consistency with expiration dates of other confined wildlife permits, removes unnecessary verbiage, and corrects an inaccurate reference in the authority section.

To take, possess alive, care for, and train birds of prey (raptors) and to use birds of prey to take other wildlife in accordance with 3 CSR 10-9.442 and federal falconry regulations. Fee: one hundred dollars (\$100). This permit shall remain valid for three (3) years [from date of issuance. A federal falconry permit will no longer be issued].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-5.295. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.727 Record Keeping and Reporting Required: Commercial Fishermen. The commission proposes to amend section (2) and the authority section of this rule.

PURPOSE: This amendment clarifies the expectation that live weight is to be provided on monthly reports by commercial fishermen and corrects an inaccurate reference in the authority section.

(2) Commercial fishermen and roe fish dealers shall submit a complete and accurate monthly report on a form furnished by the department showing the origin (water area), live weight, species of fish and fish eggs, and the number and species of turtles taken or purchased by him/her during the preceding month, or a negative report if none were taken. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. Monthly reports must be received by the department within thirty (30) days of the end of each month. Failure to submit a monthly report shall be sufficient cause for the department to revoke the current year's commercial fishing permit and deny renewal of the permit for the following year.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. Original rule filed Aug. 27, 1975,

effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.115 Closings. The commission proposes to amend subsection (4)(C) of this rule.

PURPOSE: This amendment changes the water level gauge used to determine when Hornersville Swamp Conservation Area will close due to high water.

(4) The following department areas are closed during high waters:

(C) On Hornersville Swamp Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat when the water level is at or above [two hundred thirty-nine feet (239') on the Ditch 81 Ext. (Upstream of Big Lake Northend CS – Above Trash Rack (BL110)) gage] thirty-eight feet (38') on the Little River Floodway Ditch No. 1 at Hornersville, MO, gauge.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.185 Dove Hunting. The commission proposes to amend paragraphs (2)(A)6. and (2)(B)2. and the authority section of

this rule.

PURPOSE: This amendment removes unnecessary punctuation, corrects the name of a conservation area, and corrects an inaccurate reference in the authority section.

(2) On the following areas, during the month of September, dove hunters must possess a valid area daily hunting tag while hunting and must accurately report their harvest immediately upon completing their hunting trip:

(A) Dove hunting is permitted during legal shooting hours in accordance with statewide regulations:

1. August A. Busch Memorial Conservation Area
2. Bois D'Arc Conservation Area
3. William R. Logan Conservation Area
4. Pony Express Conservation Area
5. Robert E. Talbot Conservation Area
6. William G. and Erma Parke White Memorial Wildlife Area[.]

(B) Dove hunting is permitted by managed hunt during the first seven (7) days and during legal shooting hours for the entire dove hunting season:

1. Eagle Bluffs Conservation Area
2. Marais Temps Clair Conservation Area
3. Otter Slough Conservation Area
4. Ten Mile Pond Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. Material covered in this rule previously filed as 3 CSR 10-11.180. Original rule filed Sept. 12, 2011, effective March 1, 2012. Amended: Filed Sept. 27, 2013, effective March 1, 2014. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing, Methods and Hours. The commission proposes to add a new section to this rule.

PURPOSE: This amendment establishes public use provisions and restrictions for fishing methods, hours, and harvest on the Ozark Regional Office Pond.

(15) On the Ozark Regional Office Pond:

(A) Fishing is permitted only on designated waters from 8:30 a.m. to 4:00 p.m., May 1 through September 30, Monday through Friday;

(B) Fishing is restricted to persons fifteen (15) years of age or

younger and not more than one (1) pole and line may be used by any one (1) person at any time;

(C) Fish must be returned to the water unharmed immediately after being caught.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. This rule was previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.215 Fishing, Length Limits. The commission proposes to add a new section (7) and amend the authority section of this rule.

PURPOSE: This amendment establishes a sixteen inch (16") minimum length limit on channel catfish on Current River Conservation Area (Buford Pond) and Tywappity Community Lake and corrects an inaccurate reference in the authority section.

(7) Channel catfish less than sixteen inches (16") total length must be returned to the water unharmed immediately after being caught on the following areas:

- (A) Current River Conservation Area (Buford Pond)
- (B) Tywappity Community Lake

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to amend subsections (2)(GG) and (2)(HH) and add subsection (2)(II) to this rule.

PURPOSE: This amendment prohibits the use of boats and motors on Community Club Lake and Heartland Lake (City of Wentzville).

- (2) Boats are prohibited on the following areas:
(GG) University of Missouri (South Farm R-1 Lake); *[and]*
(HH) Watershed Committee of the Ozarks (Valley Water Mill Lake).; *and*
(II) Wentzville (Community Club Lake, Heartland Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.115 Bullfrogs and Green Frogs. The commission proposes to amend paragraph (1)(B)21. of this rule.

PURPOSE: This amendment establishes provisions for harvesting bullfrogs and green frogs on Heartland Lake (City of Wentzville).

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, atlatl, gig, bow, snagging, snaring, grabbing, or pole and line except as further restricted by this chapter.

(B) Only pole and line may be used to take frogs on the following areas:

1. Ballwin (New Ballwin Park Lake, Vlasik Park Lake);
2. Butler City Lake;
3. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
4. Ferguson (January-Wabash Park Lake);
5. Jennings (Koeneman Park Lake);
6. Kirksville (Spur Pond);
7. Kirkwood (Walker Lake);

8. Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
9. Macon County (Fairgrounds Lake);
10. Mineral Area College (Quarry Pond);
11. Overland (Wild Acres Park Lake);
12. Potosi (Roger Bilderback Lake);
13. Raymore (Johnston Lake);
14. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
15. St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);
16. St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);
17. Sedalia (Clover Dell Park Lake, Liberty Park Pond);
18. Sedalia Water Department (Spring Fork Lake);
19. Warrensburg (Lions Lake);
20. Watershed Committee of the Ozarks (Valley Water Mill Lake);
21. Wentzville (Community Club Lake, **Heartland Lake**); and
22. Windsor (Farrington Park Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED RULE

10 CSR 26-2.046 Alternative Methods of Release Detection for Field-Constructed Tanks

PURPOSE: This rule contains the new options for release detection for the previously deferred field-constructed tanks and airport hydrant fuel distribution systems.

(1) Owners and operators of field-constructed tanks with a capacity greater than fifty thousand (50,000) gallons may use one (1) or a combination of the following alternative methods of release detection:

(A) Conduct an annual tank tightness test that can detect a one-half (0.5) gallon per hour leak rate;

(B) Use an automatic tank gauging system to perform release detection at least every thirty (30) days that can detect a leak rate less than or equal to one (1) gallon per hour. This method must be combined with a tank tightness test that can detect a two-tenths (0.2) gallon per hour leak rate performed at least every three (3) years;

(C) Use an automatic tank gauging system to perform release detection at least every thirty (30) days that can detect a leak rate less than or equal to two (2) gallons per hour. This method must be combined with a bulk tank tightness test that can detect a two-tenths (0.2) gallon per hour leak rate performed at least every two (2) years;

(D) Perform vapor monitoring, with an added tracer chemical, conducted in accordance with 10 CSR 26-2.043 subsection (1)(F), capable of detecting a one-tenth (0.1) gallon per hour leak rate at least every two (2) years;

(E) Perform inventory control, conducted in accordance with Department of Defense Directive 4140.25; *ATA Airport Fuel Facility Operations and Maintenance Guidance Manual*, at least every thirty (30) days that can detect a leak equal to or less than one-half percent (0.5%) of flow-through. When using this method, the following must also be met:

1. Perform a tank tightness test that can detect a one-half (0.5) gallon per hour leak rate at least every two (2) years; or

2. Perform vapor monitoring or groundwater monitoring in accordance with 10 CSR 26-2.043 subsection (1)(F) or (G), respectively, at least every thirty (30) days; and

(F) Another method approved by the department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (A) through (C) of this section. In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability of detection. If the method is approved, the owner and operator must comply with any conditions imposed by the department on its use.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2015. Original rule filed Aug. 15, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:30 a.m. on November 3, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on November 10, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on November 10, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations**

PROPOSED RULE

10 CSR 26-2.047 Alternative Methods of Release Detection for Bulk Underground Piping

PURPOSE: This rule contains the new options for release detection for the previously deferred field-constructed tanks and airport hydrant fuel distribution piping systems.

(1) Owners and operators of bulk underground piping associated with any airport hydrant fuel distribution systems and field-constructed tanks greater than fifty thousand (> 50,000) gallons may use one (1) or a combination of the following alternative methods of release detection:

(A) Perform a biannual or annual bulk line tightness test at or above operating pressure in accordance with the table below. Bulk piping segments greater than or equal to one hundred thousand (≥ 100,000) gallons not capable of meeting the maximum three (3.0) gallons per hour leak rate for the biannual test may be tested at a leak rate up to six (6.0) gallons per hour:

Maximum Detectable Leak Rate Per Test Section Volume		
Test Section Volume (Gallons)	Biannual Test Maximum Detectable Leak Rate (Gallons Per Hour)	Annual Test Maximum Detectable Leak Rate (Gallons Per Hour)
< 50,000	1.0	0.5
≥ 50,000 to < 75,000	1.5	0.75
≥ 75,000 to < 100,000	2.0	1.0
≥ 100,000	3.0	1.5

(B) Perform vapor monitoring, with an added tracer chemical, conducted in accordance with 10 CSR 26-2.043(F), capable of detecting a one-tenth (0.1) gallon per hour leak rate at least every two (2) years;

(C) Perform inventory control, conducted in accordance with Department of Defense Directive 4140.25; *ATA Airport Fuel Facility Operations and Maintenance Guidance Manual*, at least every thirty (30) days that can detect a leak equal to or less than one-half percent (0.5%) of flow-through. When using this method, the following must also be met:

1. Perform a line tightness test in accordance with the biannual test threshold in subsection (A) of this section at least every two (2) years; or

2. Perform vapor monitoring or groundwater monitoring in accordance with 10 CSR 26-2.043 subsection (1)(F) or (G), respectively, at least every thirty (30) days;

(D) Another method approved by the department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (A) through (C). In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability of detection. If the method is approved, the owner and operator must comply with any conditions imposed by the department on its use.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2015. Original rule filed Aug. 15, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or

political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:30 a.m. on November 3, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on November 10, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on November 10, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration**

PROPOSED AMENDMENT

11 CSR 45-1.100 Waivers and Variances. The commission is amending section (1).

PURPOSE: This amendment adds references to a new *Code of State Regulations* chapter and a new *Missouri Revised Statutes* section.

(1) The commission may waive or grant a variance from the provisions of Title 11, Division 45, Chapters 1–[31] 40 of the *Code of State Regulations* upon a licensee’s written application, if the commission determines that the waiver or variance is in the best interests of the public. Any waiver or variance granted pursuant to this section constitutes an order of the commission pertaining to gaming, violation of which subjects a licensee to discipline under section 313.812.14(2) and 313.1010, RSMo.

AUTHORITY: section[s] 313.004, RSMo Supp. 2014, [and] section 313.805, RSMo [2000] Supp. 2013, and section 313.1010, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Original rule filed Aug. 27, 2004, effective March 30, 2005. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission,

PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 3—Records**

PROPOSED AMENDMENT

11 CSR 45-3.010 Commission Records. The commission is deleting section (4), amending and renumbering section (5), and renumbering the remaining sections.

PURPOSE: This amendment modifies the procedures to maintain the records of the commission and adds a statutory citation for fantasy sports.

[(4)] Pursuant to section 313.847, RSMo, the commission shall not disclose to the public the following records:

(A) Any information that cannot be disclosed pursuant to any intergovernmental agreement;

(B) Portions of the application including, but not limited to: exhibits attached to the application such as personal financial records of an applicant, income tax returns, bank records, plans for internal security and surveillance, copies of the proposed internal control procedures, Personal Disclosure Form I and Personal Disclosure Form II;

(C) The background investigations conducted by the commission or information obtained from any intergovernmental agency concerning any applicant for licensure;

(D) Internal controls and plans for surveillance of a licensee; and

(E) Investigations on any licensee.]

[(5)](4) Except as otherwise required under sections 313.847.1 and 313.1000.1, RSMo, all investigatory, proprietary or application records, information, and summaries in the possession of the commission or its agents may be treated by the commission as closed records not to be disclosed to the public.

[(6)](5) The commission may charge a fee for copying public records, which fee shall not exceed the actual cost of document search and duplication. The commission shall provide a list of fees charged for copying public records upon request.

[(7)](6) Payment of any copying fees and search fees may be required before any information will be provided.

[(8)](7) All fees are nonrefundable.

AUTHORITY: section[s] 313.004, RSMo Supp. 2014, section 313.805, RSMo Supp. 2013, [and] section 313.847, RSMo 2000, and section 313.1000, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 12—Liquor Control**

PROPOSED AMENDMENT

11 CSR 45-12.090 Rules of Liquor Control. The commission is amending section (20), adding a new section (21), and renumbering thereafter.

PURPOSE: This amendment lists requirements for allowing self-dispensing systems to be used for beer and wine off the gaming floor.

(20) Dispensing by Mechanical Devices Prohibited. No retail licensee shall use or permit to be used upon its licensed premises any self-service, coin-operated, mechanical devices, or automatic dispensers for the purpose of selling or dispensing intoxicating liquor, other than beer and wine off the gaming floor. This shall not prohibit sales using a controlled access liquor cabinet system as provided in 11 CSR 45-12.091.

(21) Self-Dispensing Systems. A licensee may use a self-dispensing system off the gaming floor, which is monitored and controlled by the licensee and allows patrons to dispense beer or wine. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine, not to exceed thirty-two (32) ounces of beer or sixteen (16) ounces of wine per patron per authorization, to be dispensed by the self-dispensing system.

[(21)](22) Prohibited Dispensing. No licensee or employee shall mix or pour, or permit to be mixed or poured, any intoxicating liquor directly into any person's mouth upon or about the licensed premises.

[(22)](23) Sale Off-Premises Prohibited. No excursion liquor licensee or the licensee's agent or employee shall sell intoxicating liquor in any place other than that designated on the license or at any other time or otherwise authorized by the license. Nothing in this section shall prohibit a licensee from selling intoxicating liquor off-premises pursuant to a valid liquor license issued by the Missouri Supervisor of Liquor Control.

[(23)](24) Sale for Resale—Prohibited. No person holding a license authorizing the retail sale of intoxicating liquor shall sell or deliver any liquor to any person with knowledge or with reasonable cause to believe, that the person to whom the liquor is sold or delivered has acquired the liquor for the purpose of reselling it.

[(24)](25) Complimentary Service of Intoxicating Liquor. An excursion liquor licensee shall not, through actions of its own or of an employee, supply any intoxicating liquor in any quantity whatsoever

free of charge or as a complimentary to any person on the gaming floor of the premises.

[(25)](26) Unfinished bottles of wine may be carried out of a restaurant bar, when—It shall not be unlawful for the excursion liquor licensee or employee of a food and beverage outlet located in nongaming areas to allow patrons to carry out one (1) or more bottles of unfinished wine under the following conditions:

(A) The patron must have ordered a meal;

(B) The bottle(s) of wine must have been at least partially consumed during the meal;

(C) The restaurant bar must provide a dated receipt for the unfinished bottle(s) of wine; and

(D) The restaurant bar must securely reseal the bottle(s) of wine and place them in one (1) or more one (1)-time-use, tamperproof, transparent bags and securely seal the bags.

[(26)](27) Activities for certain organizations allowed, when—Excursion liquor licensees may, in nongaming areas of their licensed premises, permit charitable or religious organizations as defined in section 313.005, RSMo, or educational institutions, to hold—

(A) Events or activities for which admission is charged and liquor which has been donated, delivered, or caused to be delivered pursuant to the provisions of section 311.332, RSMo, is available without a separate charge. Such occurrences shall not constitute resale for the purposes of this rule; or

(B) Auctions of liquor in the original package for fund-raising purposes pursuant to the provisions of section 311.332, RSMo; provided that all remaining liquor so donated, delivered, or caused to be delivered to the charitable or religious organization or educational institution at the close of the event, activity, or auction shall remain the property and responsibility of the charitable or religious organization or educational institution and shall not be converted to the benefit of the excursion liquor licensee.

AUTHORITY: *section 311.205, SB 919, Second Regular Session, Ninety-eighth General Assembly, 2016, section 313.004, RSMo 2000, and sections 313.805 and 313.840, RSMo Supp. 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 1, 2016.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

PROPOSED RULE

11 CSR 45-13.054 Fantasy Sports Contest Hearings

PURPOSE: *This rule sets forth procedures for hearings related to Fantasy Sports Contest applicants and licensees.*

(1) A person whose application for a fantasy sports contest operator license has been denied or against whom a disciplinary action has been initiated may request a hearing under this chapter. The rules in this chapter shall be read together with Chapter 536, RSMo.

(2) The commission may authorize the director to investigate and make the initial finding of unsuitability or to issue a proposed order for disciplinary action with regard to any applicant for, or holder of, a license of the type that may be issued by the director pursuant to 11 CSR 45-40.

(3) Whenever the commission finds an applicant unsuitable or ineligible for licensing, the commission shall notify the applicant in writing outlining the reasons for the finding. This notice shall be sent to the party's last known address by certified mail, return receipt requested, or by another means of personal service.

(4) When notified of facts sufficient to support disciplinary action against a fantasy sports contest operator licensee under the applicable statutes or rules, the commission may propose disciplinary action against a licensee. If the commission proposes disciplinary action, it shall notify the licensee of the proposed disciplinary action, in writing, outlining the reasons for the proposed discipline. This notice shall be sent to the party's last known address by certified mail, return receipt requested, or by another means of personal service.

(5) Any licensee who receives a notice of commission action shall respond to the commission within thirty (30) days of the date the notice is mailed from the commission.

(A) If the licensee does not respond to the commission within thirty (30) days of the date the notice is mailed, the commission may petition the Administrative Hearing Commission (AHC) for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(B) If the licensee responds to the commission within thirty (30) days of the date the notice is mailed, the commission may take any action it deems appropriate, including, but not limited to, dismissing the matter, initiating settlement negotiations pursuant to 11 CSR 45-13.065, or petitioning the AHC for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(6) Hearings before the AHC shall be governed by Chapter 536, RSMo and the rules in 1 CSR 15-3. The AHC shall, after opportunity for hearing, issue findings of fact and conclusion of law and refer the matter back to the commission.

(A) If the AHC does not find a factual basis to support the notice of commission action, the matter will be dismissed and no action will be taken against the licensee.

(B) If the AHC issues its findings of fact and conclusions of law supporting cause to discipline, the case will be returned to the commission to convene a hearing to consider and determine the appropriate disciplinary action, and enter a final order.

(7) Upon receiving findings of fact and conclusions of law supporting cause to discipline from the AHC, the commission shall set the matter for a hearing pursuant to 11 CSR 45-13.030 before the commission's hearing officer in accordance with this chapter. The notice of hearing shall be in writing and shall notify the licensee of the time and place of the hearing, unless a waiver of hearing is filed by the licensee or the parties reach a settlement, negating the need for a hearing. Service of the hearing notice shall be sent by mail to the party's last known address. Following the hearing the hearing officer shall make a recommendation of discipline or other action to the commission as authorized and set forth by 11 CSR 45-13.020.

AUTHORITY: *sections 313.920, 313.970, and 313.1010, HB 1941,*

Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

PROPOSED AMENDMENT

11 CSR 45-13.055 Emergency Order Suspending License Privileges—Expedited Hearing. The commission is amending section (1).

PURPOSE: This amendment adds entities that conduct fantasy sports contests to the list of licensees against which the commission can act to immediately suspend the privileges under a license where the public health, safety, or welfare is endangered and preservation of the public interest or statutory provisions requires such suspension of privileges.

(1) Upon a finding that sufficient facts exist to show that a licensee has violated a provision of sections 313.004 to 313.090, RSMo, [or] sections 313.800 to 313.850, RSMo, or sections 313.900 to 313.1020, RSMo, or any rule promulgated by the commission under 11 CSR 30, et seq. or 11 CSR 45, et seq. as may be amended from time-to-time and that such facts constitute an immediate threat to the public health, safety, or welfare, the director may issue an emergency order immediately suspending the privileges under the license that allow the licensee to—

(F) Sell or manufacture bingo supplies[.]; or

(G) Conduct fantasy sports contests.

The director shall have notice of the emergency order personally served upon the licensee or, if the licensee is not available personally, it may be served by certified mail or overnight express mail, postage prepaid.

AUTHORITY: sections 313.004[,] and 313.800, RSMo Supp. 2014, sections 313.052[,] and 313.560, RSMo 2000, [and] section 313.805, RSMo [1994] Supp. 2013, and sections 313.920, 313.970, and 313.1010, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Feb. 24, 2000. Emergency amendment filed Nov. 30, 2006, effective Dec. 10, 2006, expired June 7, 2007. Original rule filed Dec. 17, 1999, effective July 30, 2000. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

PROPOSED AMENDMENT

11 CSR 45-13.065 Settlements. The commission is amending sections (1) and (2).

PURPOSE: This amendment adds fantasy sports contests operators to the types of licensees who would be covered by this rule.

(1) The parties may initiate settlement negotiations at any stage of the proceedings, including prior to the initiation of the proceedings before the Administrative Hearing Commission in the case of a bingo or fantasy sports contest hearing, or prior to the entry of a final order of the commission.

(2) If the parties initiate settlement negotiations in a bingo or fantasy sports contest hearing, then the provisions of section 621.045, RSMo shall be followed. All other settlements not involving a bingo or fantasy sports contest licensee shall be governed by Chapter 313, RSMo, and the rules in this chapter.

AUTHORITY: sections 313.052 and 313.560, RSMo 2000, sections 313.805 and 621.045, RSMo Supp. 2013, [and] sections 313.004 and 313.800, RSMo Supp. 2014, and sections 313.920, 313.970, and 313.1010, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Dec. 12, 1997, effective Dec. 22, 1997, expired June 19, 1998. Original rule filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions**

PROPOSED AMENDMENT

11 CSR 45-17.030 Procedure for Entry of Names onto List of Disassociated Persons. The commission is amending section (1).

PURPOSE: This amendment allows the disclosure of the List of Disassociated Persons to licensed fantasy sports contest operators.

(1) Upon filing of an application for placement on the List of Disassociated Persons (List), the director may file a Notice of Placement on the List. *[Such notice shall be a closed record to the extent provided for in]* **Notwithstanding the status of some information contained therein that may be closed under sections 313.847, 313.1000, and 610.021, RSMo[;],** provided the application and notice may be disclosed to all Class B licensees **and licensed fantasy sports contest operators,** and their agents and employees.

AUTHORITY: section[s] 313.004, *RSMo Supp. 2014, [and] section 313.813, RSMo 2000, [and] sections 313.805 and 610.021, RSMo Supp. [2011] 2013, and sections 313.1000 and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Original rule filed April 18, 1996, effective Dec. 30, 1996. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions**

PROPOSED AMENDMENT

11 CSR 45-17.040 Confidentiality of List of Disassociated Persons. The commission is adding a new section (4).

PURPOSE: This amendment adds confidentiality requirements for fantasy sports contest operators.

(4) **The director may notify each licensed Fantasy Sports Contest Operator (FSCO) of the placement of any person on the List of Disassociated Persons (List), or the removal of any person from the List pursuant to 11 CSR 45-17.060, and may disclose to the licensed FSCO and any of its agents or employees any or all information contained on the person's application(s).**

AUTHORITY: section[s] 313.004, *RSMo Supp. 2014, [and] section*

313.813, RSMo 2000, [and] sections 313.805 and 610.021, RSMo Supp. [2011] 2013, and sections 313.1000 and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Original rule filed April 18, 1996, effective Dec. 30, 1996. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.010 Definitions

PURPOSE: This rule provides definitions for terms used relating to Fantasy Sports Contests (FSCs).

(1) Authorized internet website—an internet website or any platform operated by a licensed operator.

(2) Entry fee—anything of value including, but not limited to, contest credit, free entry, cash or a cash equivalent, that a fantasy sports contest operator collects in order to participate in a fantasy sports contest.

(3) Fantasy sports contest (FSC)—any fantasy or simulated game or contest with an entry fee, conducted on an internet website or any platform, in which:

(A) The value of all prizes and awards offered to the winning participants is established and made known in advance of the contest;

(B) All winning outcomes reflect in part the relative knowledge and skill of the participants and are determined predominantly by the accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and

(C) No winnings outcomes are based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.

(4) Fantasy sports contest operator (FSCO)—any person or entity that offers FSCs for a prize.

(5) Highly experienced player— a person who has either:

(A) Entered more than one thousand (1,000) contests offered by a single FSCO; or

(B) Won more than three (3) fantasy sports prizes of one thousand dollars (\$1,000) or more.

(6) Key person—an officer, director, trustee, or principal salaried executive staff officer.

(7) Licensed operator—a FSCO licensed pursuant to section 313.920, RSMo to offer FSCs for play on an authorized internet website in Missouri.

(8) Net revenue—for all FSCs, the amount equal to the total entry fees collected from all participants entering such FSCs less winnings paid to participants in the contests, multiplied by the resident percentage.

(9) Officer—the president, vice-president, treasurer, secretary, and other officer identified in an entity's bylaws or incorporation documents, a member or manager of a limited liability company, a sole proprietor, or a partner.

(10) Principal salaried executive staff officers—means the president, any vice president in charge of a principal business unit, division, or function (such as sales, administration or finance), any other officer who performs a policy making function, or any other person who performs similar policy making functions for the FSCO. Executive officers of subsidiaries may be deemed executive officers of the FSCO if they perform such policy making functions for the FSCO.

(11) Prize—anything of value including, but not limited to, cash or a cash equivalent, contest credits, merchandise, or admission to another contest in which a prize may be awarded.

(12) Resident percentage—for all fantasy sports contests, the percentage, rounded to nearest one-tenth of one percent (.1%), of the total entry fees collected from Missouri residents divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests.

AUTHORITY: sections 313.1010 and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.020 Application for Fantasy Sports Contest Operator License

PURPOSE: This rule provides requirements for becoming licensed as a fantasy sports contest operator (FSCO).

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Fantasy Sports Contest Operator Application and the FSCO Personal Disclosure Form may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) A fantasy sports contest operator (FSCO) license is a license granted by the Missouri Gaming Commission (commission) to allow a person or entity to offer fantasy sports contests (FSCs) for play by Missouri residents in accordance with the Missouri Fantasy Sports Consumer Protection Act (The Act).

(2) Application for licensure shall be made on the Fantasy Sports Contest Operator Application (Application), which the commission adopts and incorporates by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The Application does not incorporate any subsequent amendments or additions as adopted by the commission on July 27, 2016.

(3) The applicant shall be responsible for ensuring the FSCO Personal Disclosure Form is completed by each key person, employee, and any other individual as directed by the commission. The requested FSCO Personal Disclosure Forms and the required fingerprint sets shall be submitted within thirty (30) days of the commission's request. The commission adopts and incorporates by reference herein, the FSCO Personal Disclosure Form, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The FSCO Personal Disclosure Form does not incorporate any subsequent amendments or additions as adopted by the commission on July 27, 2016.

(4) The applicant shall be responsible for keeping the Application current at all times. The applicant shall notify the commission in writing within ten (10) days of any changes to any response in the Application, and this responsibility shall continue throughout any period during which an Application is being considered by the commission. All updates to Applications must be submitted by exhibit so that each affected exhibit is resubmitted with the updated information and with the date of resubmission. If any Application update is not made in this manner, the commission may deem the update ineffective.

(5) The commission may require an affidavit, signed on behalf of the applicant or licensee, to be submitted as an addendum to the Application, regarding matters related to the applicant or licensee or the proposed operation, including but not limited to, the involvement of any individual in the proposed or licensed operations of the applicant or licensee.

(6) No license shall be issued to an applicant until the applicant has provided all of the required forms and requested documents pursuant to this rule.

(7) The FSCO license expires one (1) year after the date of issuance. The licensed FSCO shall submit the renewal application at least four (4) months prior to the expiration date of the FSCO license.

AUTHORITY: sections 313.920, 313.950, 313.970, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept.

8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The private cost is specifically outlined in section 313.970, RSMo. Although private entities will incur costs in complying with the statute, this proposed rule will not create additional cost of more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.030 Commission Approval of Procedures

PURPOSE: This rule establishes the process for approval of fantasy sports contest operators' procedures.

(1) Prior to operating in Missouri, each applicant for a Fantasy Sports Contest Operator (FSCO) License shall submit procedures to the commission that—

(A) Prevent unauthorized withdrawals from a registered player's account by the licensed operator or others;

(B) Make clear that funds in a registered player's account are not the property of the licensed operator and are not available to the licensed operator's creditors;

(C) Segregate player funds from operational funds;

(D) Maintain a reserve in the form of cash or cash equivalents in the amount of the deposits made to the accounts of fantasy sports contest players for the benefit and protection of the funds held in such accounts;

(E) Ensure any prize won by a registered player from participating in a fantasy sports contest is deposited into the registered player's account within forty-eight (48) hours of winning the prize;

(F) Ensure registered players can withdraw the funds maintained in their individual accounts, whether such accounts are open or closed, within five (5) business days of the request being made, unless the licensed operator believes in good faith that the registered player engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.1020, RSMo, in which case the licensed operator may decline to honor the request for withdrawal for a reasonable investigatory period until its investigation is resolved if it provides notice of the nature of the investigation to the registered player. For the purposes of this provision, a request for withdrawal will be considered honored if it is processed by the licensed operator but delayed by a payment processor, credit card issuer, or by the custodian of a financial account;

(G) Allow a registered player to permanently close their account at any time for any reason; and

(H) Offer registered players access to their play history and account details.

(2) Each applicant shall submit the written description of its procedures and all supporting documents designed to satisfy the requirements of section (1) of this rule to the commission with the initial application, unless otherwise directed by the commission.

(3) The commission shall review each submission required by section (2) of this rule and Chapter 313, RSMo and shall determine whether it conforms to the requirements of section (1) of this rule and whether the procedures submitted satisfy the requirements. If the commission finds any insufficiencies, they shall be specified in writing to the licensee, who shall make appropriate alterations. No FSCO license shall be issued unless and until the procedures are approved by the commission.

(4) Once approved, no licensed operator shall alter its procedures unless and until the change is approved by the commission.

(5) Each licensed operator shall submit to the commission any change to the approved procedures no less than fifteen (15) days prior to the planned implementation date of the change. The proposed change to the procedures shall be approved or disapproved by the commission. Upon approval, the change may be implemented. If the change is disapproved, the licensed operator shall not implement the change.

(6) If at any time the commission determines that a licensed operator's procedures are inadequate or do not comply with the requirements of this chapter or Chapter 313, RSMo, the commission shall notify the licensed operator in writing. Within fifteen (15) days after receiving the notification, the licensed operator shall amend its procedures accordingly and shall submit a copy of the procedures, as amended, and a description of any other remedial measures taken.

(7) If a licensed operator plans to disseminate the List of Disassociated Persons (DAP List), the operator shall submit to the commission a plan for the dissemination of the information regarding persons placed on the DAP List, as well as persons who have been removed from the DAP List. The plan shall be designed to safeguard, as best as is reasonably possible, the confidentiality of the information but shall include dissemination to at least the personnel responsible for removing a person on the DAP List from all individually targeted advertising or marketing. Licensed operators may not disclose the name of, or any information about, a person who has been placed on or removed from the DAP List to anyone other than employees and agents of the licensed operator whose duties and functions require access to the information. The plan must be approved by the commission prior to disseminating the information. All information disclosed to any licensed operator regarding anyone placed on or removed from the DAP List shall be deemed a closed record; however, the information may be disclosed as authorized by the individual seeking placement on the DAP List, by law, and through the provisions contained in 11 CSR 45-17.

AUTHORITY: sections 313.930, 313.940, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: Although private entities will incur costs in complying with section 313.930, RSMo, this proposed rule will not create additional cost of more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition

to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.040 Fantasy Sports Contest Operator Responsibilities

PURPOSE: This rule establishes the commission's access to information, the applicant's duty to disclose changes in information, and the licensed operator's duty to report and prevent misconduct. This rule is designed to assure that the commission receives timely information that may impact on an applicant's or licensee's suitability.

(1) All licensed operators shall provide all information requested by the commission. Access to this information shall be immediate and copies of the information shall be delivered within seven (7) days, or less if the commission so orders.

(2) All licensed operators of and applicants for Fantasy Sports Contest Operator (FSCO) licenses issued by the commission shall have a continuing duty to disclose in writing, within ten (10) calendar days for an applicant and thirty (30) calendar days for a licensee, any material change in the information provided in the application forms and requested materials submitted to the commission. Any change in information that is not material must be disclosed to the commission during the licensee's next subsequent application for license renewal.

(3) The duty to disclose changes in information shall continue throughout any application period or period of licensure granted by the commission. This duty shall be in addition to any other reporting requirements.

(4) For the purposes of this rule, "material change" shall mean any change in personal identification or residence information, such as name, address, and phone number; information required in section 313.1000, RSMo; or other information that might affect an applicant or licensed operator's suitability to hold a FSCO license, including, but not limited to, significant changes in financial condition, legally defaulting on a debt owed to the State of Missouri, arrests, convictions, guilty pleas, disciplinary actions, or license denial, suspension, or revocation in other jurisdiction(s).

(5) Licensed operators shall promptly report to the commission any facts which the licensed operator has reasonable grounds to believe indicate a violation of law or commission rule committed by licensed operators, their key persons, or their employees, including, without limitation, the performance of licensed activities different from those permitted under their license.

(6) In addition to all other reporting requirements, FSCO license applicants and licensed operators shall notify the commission within fifteen (15) days after receiving notification that any of the following persons has received a subpoena or is the target of, has been disciplined by, or has been charged in connection with an investigation by a regulatory, administrative, or prosecutorial agency of a violation of a rule, regulation, or statute relating to licensed gambling, fantasy

sports contests, Securities and Exchange Commission (SEC) regulations, or criminal offenses:

- (A) The applicant or licensed operator;
- (B) The applicant's or licensed operator's parent corporation;
- (C) Any subsidiary of the applicant's or licensed operator's parent corporation;
- (D) The applicant's or licensed operator's key persons or employees;
- (E) Any key person of the applicant's or licensed operator's parent corporation; or
- (F) Any key person of any subsidiary of the applicant's or licensed operator's parent corporation.

AUTHORITY: sections 313.920, 313.930, 313.950, 313.960, 313.970, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.050 Operational Requirements for Fantasy Sports Contest Operators

PURPOSE: This rule provides operational requirements for fantasy sports contest operators (FSCOs).

(1) Each licensed operator shall maintain on file with the commission the following:

(A) A current set of procedures for a registered player to report complaints to the licensed operator regarding whether his or her account has been misallocated, compromised, or otherwise mishandled, and a procedure for the licensed operator to respond to those complaints;

(B) A current detailed description of the security standards utilized to prevent access to fantasy sports contests (FSC) by a person whose location and age have not been verified in accordance with section 313.940, RSMo;

(C) A detailed description of measures used to determine the true identity, date of birth, and address of each player seeking to open an account;

(D) A detailed description of the measures taken and procedures implemented to clearly and conspicuously publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any FSC;

(E) A detailed description of the standards and procedures used to monitor FSC to detect the use of unauthorized scripts and restrict players found to have used such scripts from further FSC;

(F) A detailed description of its procedures and measures taken to clearly and conspicuously identify highly experienced players in FSC by a symbol attached to a player's username, or by other easily visible means, on the licensed operator's authorized internet website; and

(G) A detailed description of its online self-exclusion process.

(2) The information required by section (1) and all supplemental documents shall be submitted with the initial application and within five (5) days of any subsequent revision.

(3) Upon request, each licensed operator shall provide the commission with a current and accurate list of Missouri residents who have submitted the operator's online self-exclusion form, which the licensed operator developed pursuant to section 313.940, RSMo.

(4) Each licensed operator shall take commercially and technologically reasonable measures to comply with the provisions of sections 313.930 and 313.940, RSMo regarding the verification of each FSC player's true identity, date of birth, and address, including, but not limited to, independent verification of age using information obtained from independent sources outside of the player seeking to open an account. Third party services may be used to verify the age of a player. Each licensed operator shall use such information, at a minimum, to prevent underage individuals from establishing accounts, to verify state of residence, and to prevent players from establishing more than one (1) account or username or playing anonymously.

(5) Upon discovery of a registered account held by a minor, the FSCO shall promptly refund any money held in a minor's account, whether or not the minor has engaged in or attempted to engage in game play. A FSCO may refuse to award a prize to a minor upon a good-faith determination, following reasonable investigation, that the minor misrepresented his or her age in order to enter the FSC, provided, however, that such prize must then be awarded to another participant in the contest who would have won the prize had the minor not participated.

(6) Prior to conducting any individually targeted advertising or marketing, but not more than once a week, the licensed operator shall do the following:

(A) Download the current List of Disassociated Persons (DAP List) and the MGC Excluded Persons List from the designated MGC server;

(B) For email marketing campaigns, compare the email addresses from the marketing list to the DAP List and the MGC Excluded Persons List and remove anyone whose email address is found to be on either List (DAP or Excluded);

(C) For direct mail marketing campaigns to non-registered players, search and remove from the marketing list any person who has the same name and address of any person found to be on either List (DAP or Excluded); and

(D) For direct mail marketing campaigns to registered players, search and remove from the marketing list any player who has the same date of birth, first or last name, and address of an individual on either List (DAP or Excluded).

(7) If a licensed operator ceases offering fantasy sports contests in Missouri, the licensed operator shall notify the commission of the date of cessation. Notice shall be provided within ten (10) days of the cessation.

8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost seven (7) fantasy sports contest operators sixty-seven thousand eight hundred thirty-three dollars and twenty-one cents (\$67,833.21) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

AUTHORITY: sections 313.930, 313.940, 313.950, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 45-40.050 Operational Requirements for Fantasy Sports Contest Operators
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
7	License Fantasy Sport Contest Operators	\$67,833.21 annually

III. WORKSHEET

Estimated number of Missouri registered players 183,333 x \$.37 = \$67,833.21. Cost recurring annually during the life of the rule, although the number of newly registered players may fluctuate from year to year.

IV. ASSUMPTIONS

The cost to private entities of complying with this regulation is difficult to determine. The regulation mirrors the requirements of §§ 313.930 and 313.940, RSMo. Whether or not the Commission promulgates this rule, licensees will have to use appropriate security standards and take commercially reasonable steps to confirm that an individual opening an account is not a minor. Many of the requirements of the proposed rule likely involve practices and procedures that would be required by the statute and that are already being utilized by fantasy sports operators, and as such, it would be anticipated that the entities would not be adversely affected by the proposed rule.

Section (4) of the rule requires a licensed operator to take commercially and technologically reasonable measures to verify the identity, date of birth, and address of players. The regulation clarifies the statute by adding a requirement to use an independent source to verify a player's age who is seeking to an open account. The cost to contract with an outside entity to perform that verification will vary by licensee according to its volume of business and method of compliance. Estimates we have received from industry sources indicate an average cost of \$.37 per transaction. Information we have received from the fantasy sports industry and other gaming

regulatory agencies lead us to estimate that 183,333 verifications for Missouri residents would occur each year. The cost per year would vary depending on the number of new Missouri players each year and would continue through the life of the rule.