

2023 Kansas Statutes

74-8710. Rules and regulations; Kansas lottery act; Kansas expanded lottery act; sports wagering; approval of new games; keno. (a) The commission, upon the recommendation of the executive director, shall adopt rules and regulations governing the establishment and operation of a state lottery, sales of lottery tickets, the operation of lottery gaming facilities and racetrack gaming facilities and the operation of sports wagering as necessary to carry out the purposes of the Kansas lottery act and the Kansas expanded lottery act. Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the secretary of state and published in the Kansas register. Temporary and permanent rules and regulations may include, but shall not be limited to:

- (1) Subject to the provisions of subsection (c), the types of lottery games to be conducted, including, but not limited to, instant lottery, online, traditional games, lottery facility games and electronic gaming machine games but not including games on video lottery machines or lottery machines.
- (2) The manner of selecting the winning tickets or shares, except that, if a lottery game utilizes a drawing of winning numbers, a drawing among entries or a drawing among finalists, such drawings shall always be open to the public and shall be recorded on both video and audio tape.
- (3) The manner of payment of prizes to the holders of winning tickets or shares.
- (4) The frequency of the drawings or selections of winning tickets or shares.
- (5) The type or types of locations at which tickets or shares may be sold.
- (6) The method or methods to be used in selling tickets or shares.
- (7) Additional qualifications for the selection of lottery retailers and the amount of application fees to be paid by each.
- (8) The amount and method of compensation to be paid to lottery retailers, including special bonuses and incentives.
- (9) Deadlines for claims for prizes by winners of each lottery game.
- (10) Provisions for confidentiality of information submitted by vendors pursuant to K.S.A. 74-8705, and amendments thereto.
- (11) Information required to be submitted by vendors, in addition to that required by K.S.A. 74-8705, and amendments thereto.
- (12) The major procurement contracts or portions thereof to be awarded to minority business enterprises pursuant to K.S.A. 74-8705(a), and amendments thereto, and procedures for the award thereof.
- (13) Rules and regulations to implement, administer and enforce the provisions of the Kansas expanded lottery act. Such rules and regulations shall include, but not be limited to, rules and regulations that govern management contracts and that are designed to: (A) Ensure the integrity of electronic gaming machines, other lottery facility games, sports wagering and the finances of lottery gaming facilities and racetrack gaming facilities; and (B) alleviate problem gambling, including a requirement that each lottery gaming facility and each racetrack gaming facility maintain a self-exclusion list by which individuals may exclude themselves from access to electronic gaming machines, other lottery facility games and sports wagering.
- (14) The types of electronic gaming machines, lottery facility games and electronic gaming machine games to be operated pursuant to the Kansas expanded lottery act.
- (15) Rules and regulations to implement, administer and enforce the provisions of K.S.A. 2023 Supp. 74-8781 through 74-8794, and amendments thereto. Such rules and regulations shall include, but not be limited to:
 - (A) Management contracts for sports wagering conducted by lottery gaming facility managers;
 - (B) provisions for the confidentiality of information submitted by an interactive sports wagering platform and lottery gaming facility managers;
 - (C) provisions ensuring the integrity of sports wagering conducted in this state;
 - (D) permitting each lottery gaming facility manager, or such manager's contracted

parties, including any approved interactive sports wagering platform, to have employees located outside the state of Kansas so that all job functions will conform with 18 U.S.C. § 1081 et seq.;

(E) permitting the establishment of online sports wagering accounts held by a lottery gaming facility manager as approved by the Kansas lottery and preestablished online accounts from other states to be accessed within the borders of Kansas so that revenue is recorded correctly and all other Kansas online rules are followed; and

(F) allowing lottery gaming facility managers to carry over negative amounts to returns filed for subsequent weeks when sports wagering revenues for a week are a negative number because the sum of the winnings paid to patrons wagering on the manager's sports wagering plus all voided wagers and excise taxes on sports wagering paid pursuant to federal law exceeds the manager's total bets accepted from sports wagering by patrons. The negative amounts of sports wagering revenues shall not be carried back to an earlier week, and moneys previously received by the lottery will not be refunded, except if the manager ceases to manage sports wagering and the last return reported negative adjusted gross receipts.

(b) No new lottery game shall commence operation after the effective date of this act unless first approved by the governor or, in the governor's absence or disability, the lieutenant governor. This subsection shall not be construed to require approval of games played on an electronic gaming machine.

(c) The lottery shall adopt rules and regulations concerning the game of keno. Such rules and regulations shall require that the amount of time which elapses between the start of games shall not be less than four minutes.

History: L. 1987, ch. 292, § 10; L. 1988, ch. 366, § 23; L. 1992, ch. 299, § 3; L. 1995, ch. 261, § 1; L. 2001, ch. 24, § 6; L. 2007, ch. 110, § 44; L. 2022, ch. 91, § 25; July 1.