

Technical Amendment
July 1, 2024

809 KAR 10:003. Technical requirements and oversight.

RELATES TO: KRS Chapter 230

STATUTORY AUTHORITY: KRS 230.260(16), 230.805, 230.811(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.260(16)(a) requires the ~~corporation~~~~racing commission~~ to promulgate regulations to establish standards related to sports wagering, including standards for "maintaining and auditing books and financial records, securely maintaining records of bets and wagers, integrity requirements for sports wagering and related data, . . . surveillance and monitoring systems, and other reasonable technical criteria related to conducting sports wagering." KRS 230.811(2) requires tracks and service providers to "comply with the standards established by the ~~corporation~~~~racing commission~~" . . . to ensure the integrity of the system of sports wagering." KRS 230.805 establishes requirements for geolocation, technology, and servers. This administrative regulation establishes the technical standards for sports wagering technology within the state, establish testing procedures, as well the handling of changes in sports wagering technology.

Section 1. Sports Wagering Standards. A licensee shall use a sports wagering system to offer, conduct, or operate sports wagering in accordance with KRS Chapter 230 and KAR Titles 809 and 810. Only an approved licensee may process, accept, offer, or solicit sports wagers.

(1) The licensee shall operate in conformity with the license conditions issued by the ~~corporation~~~~racing commission~~ pursuant to KRS 230.290(2) and (3) and GLI-33 Standards.

(2) A sports wagering system shall meet the requirements established in subsection (1) of this section and KAR Title 809. Failure to comply with the requirements, internal controls, or technical specifications may result in disciplinary action by the ~~corporation~~~~racing commission~~.

Section 2. Testing and Certification of Sports Wagering System. Prior to conducting sports wagering and annually thereafter, the sports wagering system utilized by the licensee shall be submitted to an independent testing laboratory approved by the ~~corporation~~~~racing commission~~ in the best interests of sports wagering for certification testing. Certification and ~~corporation~~~~racing commission~~ approval shall be received prior to the use of any sports wagering system to conduct sports wagering. The licensee shall be responsible for all costs associated with testing and obtaining of certifications.

(1) To obtain a temporary license, a licensee may submit to the ~~corporation~~~~racing commission~~ a certification report of an independent testing laboratory of a system in operation in another jurisdiction in the United States where the licensee is currently licensed or permitted. The report shall certify the system to either the GLI-33 Standards or a standard deemed to be the equivalent of the GLI-33 Standards. This alternative certification report shall include a list of all critical files and associated signatures and an appendix that lists the differences of any controlled items or processes required to be certified in Kentucky which were not certified in the jurisdiction in which the report was issued. Upon review of the certification report, the ~~corporation~~~~racing commission~~ shall make a determination on whether to accept the certification or require additional information, documentation, or testing.

(2) Unless otherwise authorized by the ~~corporation~~~~racing commission~~, the independent testing laboratory shall be provided access to the sports wagering system's controlled software source code, along with the means to verify compilation of the source code. The

result of the compiled source code shall be identical to that in the software submitted for evaluation.

(3) If the sports wagering system meets or exceeds the GLI-33 Standards and the corporation's~~[commission's]~~ requirements in KAR Title 809, the independent testing laboratory approved by the corporation~~[racing commission]~~ in the best interests of sports wagering shall certify the sports wagering system. Licensees shall not offer sports wagering in Kentucky without certification.

Section 3. Integration Requirements. The licensee shall be responsible for sports wagering offered by the licensee through other service providers and suppliers and other licensees if applicable.

(1) The servers and equipment of service providers and suppliers shall be considered part of the licensee's sports wagering system and shall comply with these regulations.

(2) The licensee shall guarantee that any integration with the servers and other equipment of another licensee is completed in a way that complies with KAR Title 809.

(3) An independent testing laboratory shall conduct integration testing and certification for each critical server and other equipment with the licensee's sports wagering system prior to its deployment and as requested by the corporation~~[racing commission]~~.

Section 4. Change Management Processes. The licensee shall submit change management processes to the corporation~~[racing commission]~~ for approval pursuant to subsection (1) of this section. The change management processes shall include evaluation procedures for identifying the criticality of updates and determining which updates shall be submitted to the approved independent testing laboratory for review and certification.

(1) Change management processes shall be:

(a) Developed in accordance with the Kentucky Horse Racing and Gaming Corporation~~[Commission]~~ license conditions issued by the corporation~~[commission]~~ pursuant to KRS 230.290(3) and the GLI-CMP Guide;

(b) Approved by the corporation~~[racing commission]~~ prior to its deployment in accordance with this administrative regulation; and

(c) Available for audit by the corporation~~[racing commission]~~ at any time.

(2) Quarterly change reports shall be issued to the corporation~~[racing commission]~~ for review to ensure risk is being assessed according to the change management processes and all documentation for all changes to the critical components is complete.

(3) At least once annually, each product operating under the approved change management processes shall be fully certified to comply with KAR Titles 809 and 810 and other technical conditions in accordance with KRS 230.290(3) and shall be accompanied by formal certification documentation from an independent testing laboratory. The licensee may seek approval for an extension beyond the annual approval if hardship can be demonstrated. Granting of a hardship waiver shall be at the sole discretion of the corporation~~[racing commission]~~, upon written proof of good cause by the licensee.

Section 5. Geolocation Requirements. Mobile sports wagers shall be initiated, received, and otherwise placed in the authorized geographic boundaries within the Commonwealth of Kentucky.

(1) The licensee shall use geolocation or geofencing technology pursuant to KRS 230.805 and to monitor and block unauthorized attempts to place sports wagers if an individual or patron is physically outside the authorized geographic boundaries within the Commonwealth of Kentucky at the time the sports wager is placed.

(2) The licensee shall trigger:

(a) A geolocation check prior to the placement of the first wager after login or upon a change of IP address;

(b) Recurring periodic geolocation checks as follows:

1. For static connections, at least every twenty (20) minutes or five (5) minutes if within one (1) mile of the border; and
2. For mobile connections, at intervals to be based on a patron's proximity to the border with an assumed travel velocity of seventy (70) miles per hour or a demonstrated average velocity of a roadway/path, not to exceed twenty (20) minutes.

(3) Mechanisms shall be in place to detect software, programs, virtualization, and other technology that could obscure or falsify the patron's physical location for the purpose of placing sports wagers.

(4) The geolocation services used by the licensee shall be certified by an authorized, independent testing laboratory approved by the corporation~~commission~~ in the best interests of sports wagering. The corporation~~commission~~ may conduct applicable field testing upon certification.

(5) The corporation~~racine commission~~ may enter into agreements with other jurisdictions or entities to facilitate, administer, and regulate multi-jurisdictional sports wagering by licensees pursuant to KRS 230.805.

Section 6. Data Security. A licensee's data security policies shall comply with KRS 230.805. Nothing in this section shall preclude the use of internet or cloud-based hosting of data and information or disclosure as required by Commonwealth or federal law or a court order.

Section 7. Location of Servers, Security, and Cloud Storage. A licensee shall maintain in secure locations in the Commonwealth its primary servers used to transmit information for purposes of accepting or settling of wagers on a sporting event placed by patrons in the Commonwealth.

(1) The location of all other technology and servers used by a licensee in connection with sports wagering shall be approved by the corporation~~racine commission~~ in the best interests of sports wagering and shall be accessible by the corporation~~racine commission~~.

(2) The corporation~~racine commission~~, based on good cause identified by the licensee, may approve of the use of internet or cloud-based hosting of duplicate data or data not related to transactional wagering data upon written request of a licensee.

Section 8. Integrity and Security Assessments. Each licensee shall run integrity and security assessments that comply with GLI-33 Standards.

(1) Each licensee shall, within ninety (90) calendar days after commencing operations in Kentucky and annually thereafter, have integrity and security assessments of the sports wagering system conducted by a third-party contractor experienced in security procedures, including, without limitation, computer security and systems security. The third-party contractor shall be selected by the licensee and shall be subject to approval of the corporation~~racine commission~~ in accordance with subsection (3) of this section. Integrity and security assessments shall include a review of:

- (a) Network vulnerability;
- (b) Application vulnerability;
- (c) Application code;
- (d) Wireless security;
- (e) Security policy and processes;
- (f) Security and privacy program management;
- (g) Technology infrastructure and security controls;
- (h) Security organization and governance; and
- (i) Operational effectiveness.

(2) The scope of the integrity and security assessments shall be subject to approval of the corporation~~[racing commission]~~ and shall be based on:

(a) A vulnerability assessment of all digital platforms, Web sites, mobile applications, internal, external, and wireless networks with the intent of identifying vulnerabilities of all devices, the sports wagering systems, and applications transferring, storing, or processing personally identifiable information or other sensitive information connected to or present on the networks;

(b) A penetration test of all digital platforms, Web sites, mobile applications, internal, external, and wireless networks to confirm if identified vulnerabilities of all devices, the sports wagering systems, and applications are susceptible to compromise;

(c) A review of the firewall rules to verify the operating condition of the firewall and the effectiveness of its security configuration and rule sets performed on all of the perimeter firewalls and the internal firewalls;

(d) A security control assessment conducted in accordance with the provisions established in KAR Title 809, including the technical security controls established within the GLI-33 Standards, and with generally accepted professional standards.

(e) If a cloud service provider is in use, an assessment performed on the access controls, account management, logging and monitoring, and over security configurations of their cloud tenant; and

(f) An evaluation of information security services, payment services such as financial institutions and payment processors, geolocation services, and any other services that could be offered directly by the sports wagering licensee or involve the use of service providers.

(3) To qualify as a third-party contractor, the third-party contractor shall demonstrate to the corporation's~~[commission's]~~ satisfaction, at minimum:

(a) Relevant education background or in other ways provide relevant qualifications in assessing sports wagering systems;

(b) Certifications sufficient to demonstrate proficiency and expertise as a network penetration tester by recognized certification boards, either nationally or internationally; and

(c) At least three (3) years' experience performing integrity and security assessments on sports wagering systems.

(4) The third-party contractor's full security audit report containing the overall evaluation of sports wagering in terms of each aspect of security shall be provided to the corporation~~[racing commission]~~ no later than thirty (30) calendar days after the assessment is conducted and shall include the:

(a) Scope of review;

(b) Name and company affiliation, contact information, and qualifications of the individual or individuals who conducted the assessment;

(c) Date of assessment;

(d) Findings;

(e) Recommended corrective action, if applicable; and

(f) Licensee's response to the findings and recommended corrective action, if applicable.

(5) The licensee may reuse the results of prior assessments within the past year conducted by the same third-party contractor if the testing was conducted pursuant to accepted industry standards, such as International Organization for Standardization ("ISO")/International Electrotechnical Commission ("IEC") standards, the NIST Cybersecurity Framework ("CSF"), the Payment Card Industry Data Security Standards ("PCI-DSS"), or the equivalent. Reuse shall be noted in the third-party contractor's security audit report. This reuse option shall not include any critical components of a sports wagering system unique to the Commonwealth that will require fresh assessments.

(6) If the third-party contractor's security audit report recommends corrective action, the licensee shall provide the corporation~~[racing commission]~~ with a remediation plan and any risk mitigation plans that state the licensee's actions and schedule to implement the corrective action.

(a) The remediation and risk mediation plans shall be presented within a time period established by the corporation~~[racing commission]~~, which shall be based on at least the:

1. Severity of the problem to be corrected;
2. Complexity of the problem to be corrected; and
3. Risks associated with the problem to be corrected.

(b) After considering the factors established in paragraph (a)1. through 3. of this subsection and in the best interests of sports wagering, the corporation~~[commission]~~ may require suspension of operations until implementation of any critical corrective action.

(c) Once the corrective action has been taken, the licensee shall provide the corporation~~[racing commission]~~ with documentation evidencing completion.

Section 9. Quarterly Vulnerability Scans. Internal and external network vulnerability scans shall be run at least quarterly and after any significant change to the sports wagering system or network infrastructure.

(1) Testing procedures shall include protocol verifying that four (4) quarterly internal and external scans took place in the past twelve (12) months and that re-scans occurred until all "Medium Risk" (CVSS 4.0 or Higher) vulnerabilities were resolved or accepted via a formal risk acceptance program. Internal scans shall be performed from an authenticated scan perspective. External scans may be performed from an uncredentialed perspective.

(2) The quarterly scans shall be performed by either a qualified employee of the licensee or a qualified third-party contractor selected by the licensee and subject to approval of the racing commission pursuant to Section 8(3) of this section.

(3) Verification of scans shall be submitted to the racing commission on a quarterly basis and within thirty (30) calendar days of running the scan. The scan verifications shall include a remediation plan and any risk mitigation plans for those vulnerabilities not able to be resolved. The commission may, in accordance with Section 8(6)(a)1. through 3. of this administrative regulation and in the best interests of sports wagering, impose disciplinary action in the event of critical unresolved vulnerabilities or vulnerabilities that continue unabated.

(50 Ky.R. 547; 1332; 1509; eff. 4-2-2024; TAm eff. 7-1-2024.)

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