

20:18:16:15.23. Variations of the play -- Dakota Duel Draw. Dakota Duel Draw must be played according to the following rules:

(1) Dakota Duel Draw must be played on tables designated by the licensee for the play of Dakota Duel Draw. A single deck of cards must be used. The rank of hands in Dakota Duel Draw, from highest to lowest, is royal flush, straight flush, four of a kind, full house, flush, straight, three of a kind, two pair, pair, and high card;

(2) Each player shall make at least one initial bet in the amount specified at the table by the retail licensee and shall place the bet in either the big 8 wagering area or the hand 2 ante wagering area, or both. A player places the big 8 wager to play for hand value only; a player places the hand 2 ante bet to play a hand ranking payout; and a player places the hand 1 play bet to play for hand ranking payout. A player places all bets if the player wants to play all ways;

(3) Any dealer tip delivered as a wager may be placed on any one, or all, of the big 8, hand 2 ante, or hand 1 play, if the player has placed a personal wager on the same hand. If a player continues to play with a hand 1 play wager, the dealer's tip hand 2 ante may remain in play whether or not the player adds a hand 1 play wager for the dealer;

(4) Immediately before play begins and after each round of play has been completed, the dealer shall shuffle the cards. Following shuffle and cut, the dealer shall deal one card to hand 2 community card and one card to hand 1 community card and one to each player, then a second card to hand 2 community card and hand 1 community card and one to each player, then a third card hand 2 community card and a third hand 1 community card, all cards are dealt face downward and one at a time in rotation among the community cards and the players cards;

(5) An incorrect number of cards dealt to a player or to the community cards is always a misdeal. An exposed card is not a misdeal. If the dealer exposes a card, the dealer turns the card over and continues dealing;

(6) Wagers are collected or paid in this order: pocket pair bonus, hand 1 play, hand 2 ante, and the big 8, if applicable;

(7) Once a player looks at the player's two face down cards, the player has the option to fold and forfeit the hand 2 ante bet or place a bet equal to the hand 2 ante on the hand 1 play. If the player has made a big 8 wager and forfeits the hand 2 ante, the player will place the cards face down in accordance with house policy. If the player places a hand 1 play bet, the player places the cards in accordance with house policy. Once a player makes a hand 1 play bet, the player is locked into the hand and must wait to see if the player hands rank high enough for a payout;

(8) If a player already has at least a straight or better, the player shall be paid on the big 8 wager. There is no action required for the big 8 wager. The big 8 wager is the best 5 cards out of the player's two cards and the six community cards on the board. After each player who wishes to fold has folded, the dealer collects the hand 2 ante. As the dealer collects the folded cards, the cards are spread face down to count the cards and then placed in the discard rack; if the player folds his hand 2 ante and has a big 8 bet, the cards will be tucked under the big 8 wager, or according to house policy;

(9) After each player has decided to play or fold, the dealer shall expose the six community cards in two sets of three cards, and call out and show the best possible five-card hand that the players have for the hand 1 play, the hand 2 ante, and the big 8. Once the dealer

has determined the players hand ranking for each wager remaining, the dealer will pay or take the bet or bets according to hand ranking for each wager. If the two cards dealt to the player are a pair, the player will receive a bonus according to the pocket pair bonus. This bonus will be paid only if the player plays the hand 1 play. The pocket pair bonus is paid according to the amount played on hand 1. The pocket pair bonus is paid regardless of whether the player loses any of the other wagers;

(10) Players are paid according to the following hand 1 play and hand 2 ante payment schedule, which must be included as part of the table layout:

Hand	Pay
Royal Flush	100 to 1
Straight Flush	50 to 1
4 of a Kind	30 to 1
Full House	8 to 1
Flush	6 to 1
Straight	4 to 1
3 of a Kind	3 to 1
2 pair	2 to 1
Pair, Nines or Higher	2 to 1

(11) Players are paid the pocket pair bonus according to the following pocket pair bonus play schedule, which must be included as part of table layout:

Pair	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5
AA	4x	4x	4x	<u>20x</u>	<u>20x</u>
KK	4x	4x	4x	<u>10x</u>	<u>10x</u>
QQ	4s	4x	4x	<u>8x</u>	<u>4x</u>
JJ	4x	4x	4x	<u>3x</u>	<u>4x</u>
1010	4x	4x	3x	<u>3x</u>	<u>4x</u>
99	4x	4x	3x	<u>3x</u>	<u>4x</u>
88	4x	4x	3x	<u>N/A</u>	<u>N/A</u>
77	4x	3x	3x	<u>N/A</u>	<u>N/A</u>
66	4x	3x	3x	<u>N/A</u>	<u>N/A</u>
55	4x	3x	3x	<u>N/A</u>	<u>N/A</u>
44	3x	3x	3x	<u>N/A</u>	<u>N/A</u>
33	3x	3x	3x	<u>N/A</u>	<u>N/A</u>
22	3x	3x	3x	<u>N/A</u>	<u>N/A</u>

(12) If a player has a big 8 bet and the player's hand contains a straight or better, the player wins. If the player's hand contains less than a straight the player loses. Players are paid according to the following big 8 payment schedule, which must be included as part of the table layout:

Hand	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5
Royal Flush	50 to 1	50 to 1	50 to 1	<u>50 to 1</u>	<u>80 to 1</u>
Straight Flush	30 to 1	30 to 1	30 to 1	<u>35 to 1</u>	<u>40 to 1</u>
4 of a Kind	15 to 1	20 to 1	20 to 1	<u>30 to 1</u>	<u>30 to 1</u>
Full House	5 to 1	5 to 1	6 to 1	<u>4 to 1</u>	<u>4 to 1</u>
Flush	3 to 1	4 to 1	3 to 1	<u>3 to 1</u>	<u>3 to 1</u>
Straight	2 to 1	1 to 1	1 to 1	<u>2 to 1</u>	<u>2 to 1</u>

Source: 47 SDR 109, effective April 26, 2021.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-4(18), 42-7B-7, 42-7B-15.

20:18:35:01. Definitions. As used in this chapter mean:

(1) "Card" means the list of sporting events from which a patron can make selections

for a given pool;

- (2) “Collegiate sporting event” means an athletic competition or event between two or more colleges or universities;
- (3) “Event category” means a specific type of event governed by a specific sports governing body or other oversight body;
- (4) “Event integrity monitoring” means the monitoring of sports wagering to identify unusual or suspicious wagering activities from a match-fixing and sporting corruption standpoint and then reporting such activities to required parties;
- (5) “Exchange wagering” means a form of wagering in which two or more persons place identically opposing wagers in a given market, allowing patrons to wager on both winning and nonwinning outcomes in the same event;
- (6) “In-game wagering” means placing a sports bet after a sporting event has started;
- (7) “Independent integrity monitoring provider” means an independent person who is registered with the commission and who receives reports of unusual wagering activity from the commission, a licensee, or a sports wagering services provider for the purpose of assisting in identifying suspicious wagering activity;
- (8) “International sporting event” means an international team or individual sporting event governed by an international sports federation or sport’s governing body, including sporting events governed by the International Olympic Committee and the International Federation of Association Football;
- (9) “Internet” means the international computer network of interoperable packet-switched data networks;

- (10) “Involuntarily excluded person” means any individual who has been involuntarily excluded by the executive secretary or the commission and who is prohibited from establishing a wagering account or participating in gambling, gaming, or wagering activities under the jurisdiction of the commission;
- (11) “Layoff wager” means a wager placed by a sports wagering operation with another sports operation for the purpose of offsetting patron wagers;
- (12) “Minor league sporting event” means a sporting event conducted by a sports league that has not been classified by the commission as a premier league in the sport;
- (13) “Mobile application” means an application on a mobile phone or other devices through which an individual is able to place a sports bet;
- (14) “Parlay bet” means a single sports bet that incorporates two or more individual bets for purposes of earning a higher payout if each bet wins;
- (15) “Patron” means a person who places a sports bet;
- (16) “Person” means an individual, partnership, corporation, association, limited liability company, or other legal entity;
- (17) “Personal identifying information” means any sensitive information that could potentially be used to identify a particular patron;
- (18) “Pool” means an offering where patrons may make selections of outcomes on a set number of sporting events on a card in order to enter for a chance to win all or a portion of the prize pool;
- (19) “Prize pool” means the prizing available for an individual tournament, contest, or

pool;

- (20) “Professional sporting event” means a sporting event, other than a minor league sporting event, in which two or more persons participate and receive remuneration in excess of their out-of-pocket expenses for participating in the event;
- (21) “Prohibited person” means any person who:
- (A) Has been placed on the list of excluded persons pursuant to SDCL 42-7B-61;
 - (B) Is under the age of 21;
 - (C) Is an employee of, or appointee to, the South Dakota Gaming Commission;
 - (D) Is wagering while not in the permitted boundary pursuant to SDCL 42-7B-79;
 - (E) Is wagering on behalf of another;
 - (F) Is wagering in violation of SDCL 42-7B-83;
 - (G) Is wagering in violation of state, local, or federal law;
 - (H) Is employing a wagering account in a suspended mode; ~~and~~ or
 - (I) Is determined by the Commission to be prohibited from wagering through a contested case;
- (22) “Rake” means the fee that is deducted by a licensee or sports wagering services provider from a wager made for exchange wagering, or entry fees paid by patrons who participate in a tournament, contest, or pool;
- (23) “Rake adjustment” means an adjustment made by the licensee or sports wagering

services provider to account for any shortfall in connection with a tournament, contest, or pool;

- (24) “Sensitive information” means information such as transactional wagering data, authentication credentials, secure seeds and keys, and other data that must be handled in a secure manner;
- (25) “Shared liquidity pool” means a tournament, contest, or pool conducted in South Dakota and at least one other jurisdiction;
- (26) “Sporting event” means a contest or competition between individuals or teams, the results are determined at least in part by the skill or ability of an individual athlete or competitor or a team that is competing in the event;
- (27) “Sporting event official” means any official as recognized by the respective sports governing body;
- (28) “Sports bet” means an amount placed as a wager on the results of a sporting event, ~~or~~ a contingency during a sporting event, or the performance or nonperformance of an athlete or competitor during a sporting event;
- (29) “Sports governing body” means an organization that prescribes final rules and enforces codes of conduct for a sporting event and the athletes or competitors in the sporting event;
- (30) “Sports wagering” means the acceptance of a wager on an authorized sporting event by any system of wagering authorized by the commission;
- (31) “Sports wagering area” means the designated location in a gaming establishment approved by the commission, in which sports wagering may be conducted;

- (32) “Sports wagering kiosk” means an automated device used by patrons to make wagers on sporting events, obtain wagering information, process sports wagering tickets and sports wagering vouchers, manage wagering accounts, and any other automated functions;
- (33) “Sports wagering operation” means a licensed operator in conjunction with a licensed sports wagering services provider who offers sports wagering to the public;
- (34) “Sports wagering revenue” means the total of all wagers placed by patrons with a licensee, excluding free wagers and promotional play, minus all payments to patrons;
- (35) “Sports wagering services provider” means a person who maintains or operates the software or hardware of a sports wagering system or facilitates wagering on a sporting event by providing a service defined in SDCL 42-7B-4(43);
- (36) “Sports wagering system” means the hardware, software, firmware, communications technology, other equipment, as well as operator procedures implemented in order to allow patron participation in sports wagering, and, if supported, the corresponding equipment related to the display of the wager outcomes, and other similar information necessary to facilitate patron participation;
- (37) “Sports wagering ticket” means a printed document or other electronic record that contains information pertaining to a sports bet;
- (38) “Sports wagering voucher” means a printed record, or digital representation

thereof, issued by a sports wagering system that may be used to fund a sports bet or may be redeemable for cash;

- (39) “Suspicious wagering activity” means unusual wagering activity that is indicative of match fixing, the manipulation of an event, misuse of inside information, or other prohibited activity;
- (40) “Unusual wagering activity” means abnormal wagering activity exhibited by patrons and deemed by the sports wagering operation as a potential indicator of suspicious activity;
- (41) “Voluntarily-excluded person” means any individual whose name is included, at the individual’s request, on a self-exclusion list
- (42) “Winnings” mean the total cash value of all property or sums, including currency or instruments of monetary value paid to a patron by a licensee as a direct result of a winning sports bet.

Source:

General Authority: SDCL 42-7B-7, 42-7B-11(13).

Law Implemented: SDCL 42-7B-2.1(1), 42-7B-43.

Example (2) “Event Category”: Professional Hockey governed by the National Hockey League

20:18:35:18. Tournaments, contests, and pools. ~~A licensee or sports wagering services provider may conduct a sports wagering tournament, contest, or pool subject to the following:~~

No sports wagering tournament, contest, or pool may be conducted unless the licensee or

sports wagering services provider, before the first time a tournament, contest, or pool type is offered, files written notice with the commission of its intent to offer that tournament, contest, or pool type and obtains approval from the commission. The licensee or sports wagering services provider may file a master list with the commission to satisfy this requirement. The written notice must include:

- (1) A detailed description of the tournament, contest, or pool type and must include the rules of the tournament, contest, or pool, the requirements for entry, the entry fees, the rake, and potential payouts. The request must also indicate whether or not the proposed type involves a shared liquidity pool with the prize pool being comprised of entry fees collected from patrons in multiple jurisdictions;
- (2) Once a sports wagering operator or sports wagering vendor receives approval to offer a tournament, contest, or pool type, the sports wagering operator or sports wagering vendor ~~shall~~ may not be required to seek additional approvals from the commission for each subsequent type that is substantially similar but must submit notification to the commission with the details required in § subdivision 1.

Source:

General Authority: SDCL 42-7B-7, 42-7B-11(13).

Law Implemented: SDCL 42-7B-2.1(1), 42-7B-43.

20:18:35.01:03. Certification testing. Prior to conducting sports wagering, and annually thereafter, all equipment and systems integral to the conduct of sports wagering and advance deposit sports wagering must be submitted to a commission-designated independent

testing laboratory for evaluation. Certification and executive secretary approval must be received prior to the use of any equipment or system to conduct sports wagering. The submission for evaluation must include the following:

(1) The licensee shall provide internal controls that protect the integrity of all hardware, networks, applications, databases, and data of the system to the executive secretary for approval prior to completion of the system testing period and final approval of the system; and

(2) The licensees and sports wagering services provider shall submit change control processes to the executive secretary for approval. These processes must be:

(A) Developed in accordance with the Gaming Laboratories International, LLC Guide GLI-CMP Change Management Program Guide, v1.0; and

(B) Certified prior to its deployment and audited at an annual interval by the independent gaming laboratory;

~~(3)~~ At least annually, each product operating under the certified change control processes must be fully certified to the specifications set forth in this chapter or other technical specifications as prescribed by the commission through internal control procedures and accompanied by formal certification documentation from the independent gaming laboratory. The licensee and sports wagering services provider, where separate, may seek approval for extension beyond the annual approval if hardship can be demonstrated. Granting of a hardship waiver is the sole discretion of the commission.

Source:

General Authority: SDCL 42-7B-7, 42-7B-11(13).

Law Implemented: SDCL 42-7B-2.1(1), 42-7B-43.

Reference: GLI-CMP Change Management Program Guide, v1.0, May 6, 2020

Gaming Laboratories International, LLC. Copies may be obtained without charge from Gaming Laboratories International, LLC, at 600 Airport Road, Lakewood, New Jersey, 08701. (732) 942-3999, and online at Gaminglabs.com/gli-standards.

20:18:35.01:12. Test accounts. A licensee or sports wagering services provider may establish test accounts to be used to test the various components and operation of a sports wagering system pursuant to internal controls adopted by the licensee or sports wagering services provider ~~must address:~~ . In establishing test accounts, the licensee or sports wagering services provider shall address:

- (1) The procedures for issuing funds used for testing, including the identification of who may issue the funds and the maximum amount of funds that may be issued;
- (2) The procedures for assigning each test account for use by only one individual or a specific scenario or instance of a test account that may be shared by multiple users if each user's activities are separately logged;
- (3) The maintenance of a record for all test accounts, to include when they are active, to whom they are issued, and the employer of the individual to whom they are issued;
- (4) The procedures for auditing testing activity by the licensee or sports wagering services provider to ensure the accountability of funds used for testing and proper adjustments to sports wagering revenue; and
- (5) The procedures for authorizing and auditing out-of-state test activity.

Source:

General Authority: SDCL 42-7B-7, 42-7B-11(13).

Law Implemented: SDCL 42-7B-2.1(1), 42-7B-43.

CHAPTER 20:18:35.02
SPORTS WAGERING AREA

Section

20:18:35.02:01	Designated sports wagering area.
20:18:35.02:02	Sports wagering transactions.
20:18:35.02:03	Sports wagering kiosks.
20:18:35.02:04	Wrong ticket claims.
20:18:35.02:05	Winning wagers and vouchers.
<u>20:18:35.02:05.01</u>	<u>Vouchers – System recording requirements.</u>
20:18:35.02:06	Surrender of tickets and vouchers required.

20:18:35.02:05. Winning wagers and vouchers. Winnings from sports wager tickets must remain valid for the patron to redeem for one year after the conclusion of the final event in the sports wager. If the sports wagering system issues and redeems a sports wagering voucher:

The sports wagering vouchers must contain the following information:

- (1) The value of the voucher in U.S. dollars;
- (2) The name of the licensee or gaming establishment issuing the voucher;
- (3) The time of day the voucher was issued, in a 24-hour format showing hours and minutes;
- (4) The date the voucher was issued showing day, month, and year;
- (5) The expiration date of the voucher, which is 90 days from the date of issue;
- (6) A number identifying the sports wagering kiosk or cashier that generated the voucher;
- (7) A unique validation number or bar code;
- (8) A description of any restrictions on the redemption of the voucher; and

- (9) Security features that limit the ability to counterfeit.

~~The sports wagering system must be capable of recording, for each sports wagering voucher:~~

- ~~(1) The value of the voucher;~~
- ~~(2) The date, time, and location of issuance;~~
- ~~(3) A unique validation number;~~
- ~~(4) The expiration date of the voucher; and~~
- ~~(5) The date, time, and location of redemption, if applicable.~~

Source:

General Authority: SDCL 42-7B-7, 42-7B-11(13).

Law Implemented: SDCL 42-7B-2.1(1), 42-7B-43.

20:18:35.02:05.01. Vouchers – System recording requirements. The sports wagering system must be capable of recording, for each sports wagering voucher:

- (1) The value of the voucher;
- (2) The date, time, and location of issuance;
- (3) A unique validation number;
- (4) The expiration date of the voucher; and
- (5) The date, time, and location of redemption, if applicable.

Source:

General Authority: SDCL 42-7B-7, 42-7B-11(13).

Law Implemented: SDCL 42-7B-2.1(1), 42-7B-43.

CHAPTER 20:18:36

ADVANCE DEPOSIT WAGERING

Section

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20:18:36:36	Securing payment methods.

20:18:36:18. Account credits and deposits. After the establishment, a wagering account may be funded using approved methods which that produce a sufficient audit trail for verification of the source of the wagers.

The approved methods for funding accounts are:

- (1) Cash or voucher deposits;
- (2) Check, money order, or negotiable order of withdrawal;
- (3) Charges made to an account holder's credit card or debit card;
- (4) Bonus or promotional credit;
- (5) Electronic funds transfer from a monetary account controlled by an account holder;
- (6) Credit for winnings from wagers placed with funds in the account;
- (7) Adjustments made by the licensee with documented notification to the account holder;
- (8) Wire transfer; or
- (9) Any other means approved by the commission pursuant to internal control procedures.

For credit cards or debit cards and electronic fund transfers, the account holder is liable for any charges imposed by the transmitting or receiving entity, with such charges to be deducted from the account.

Any funds deposited pursuant to this section are available for wagering use in accordance with the financial institution's policy regarding funds availability.

Source:

General Authority: SDCL 42-7B-7, 42-7B-11(13).

Law Implemented: SDCL 42-7B-77.

20:18:36:27. Suspension and restoration of accounts. The advance deposit wagering licensee shall employ a mechanism that places a wagering account in a suspended mode under the following conditions:

- (1) When a self-exclusion request is made by the account holder for a specified period of time not less than 72 hours, or indefinitely;
- (2) When required by the commission;
- (3) Upon a determination that an account holder is a prohibited person; or
- (4) When initiated by a licensee with evidence that illegal activity, a negative account balance, or a violation of the terms and conditions has taken place on an account holder's account;
- ~~(5) Requiring the licensee to:~~
 - ~~(A) Prevent the account holder from wagering;~~
 - ~~(B) Prevent the account holder from depositing funds, unless the account is suspended due to having a negative account balance, but only to the extent the account balance is brought back to zero dollars;~~
 - ~~(C) Prevent the account holder from withdrawing funds from the holder's account, the licensee acknowledges that the funds have cleared, and that the reason or reasons for suspension would not prohibit a withdrawal;~~
 - ~~(D) Prevent the account holder from making changes to his or her account;~~
 - ~~(E) Prevent the removal of the account from the system; and~~

~~(F) — Prominently display to the account holder that the account is in a suspended mode, the restrictions placed on the account, and any further course of action needed to remove the suspended mode.~~

Each licensee shall, on a monthly basis, provide the commission with a list of suspended accounts, and the reasons why the account was suspended.

Source:

General Authority: SDCL 42-7B-7, 42-7B-11(13).

Law Implemented: SDCL 42-7B-77.

20:18:36:27.01. Suspension of account – Effect. Upon suspension of an account, the advance deposit wagering licensee shall:

- (1) Prevent the account holder from wagering;
- (2) Prevent the account holder from depositing funds, unless the account is suspended due to having a negative account balance, but only to the extent the account balance is brought back to zero dollars;
- (3) Prevent the account holder from withdrawing funds from the holder’s account, the licensee acknowledges that the funds have cleared, and that the reason or reasons for suspension would not prohibit a withdrawal;
- (4) Prevent the account holder from making changes to his or her account;
- (5) Prevent the removal of the account from the system; and
- (6) Prominently display to the account holder that the account is in a suspended mode, the restrictions placed on the account, and any further course of action needed to remove the suspended mode.

Source:

General Authority: SDCL 42-7B-7, 42-7B-11(13).

Law Implemented: SDCL 42-7B-77.

20:18:36:36. Securing payment methods. Procedures must be in place to ensure all financial transactions are conducted in accordance with federal regulations and the commission's rules. To protect payment methods against fraudulent uses, the advance deposit wagering licensee shall ~~ensure that~~:

- (1) ~~Collection~~ Ensure collection of sensitive information directly related to financial transactions must be limited to the information strictly needed for such transaction;
- (2) ~~Adequate measures must be taken~~ Take adequate measures to protect any type of payment in the system from a fraudulent use;
- (3) ~~The licensee shall verify~~ Verify that the payment processors ensure the protection of the account holder's data, including any sensitive information given by the account holder, or transaction related data;
- (4) ~~There must be an established~~ Establish procedure for assuring a match of ownership between the payment type holder and the wagering account holder; and
- (5) ~~The licensee shall generate~~ Generate all transactional records of wagering accounts. The data recorded must allow the licensee to trace a single financial transaction of an account holder from another transaction.

All financial transactions must be reconciled with financial institutions and payment processors daily or as otherwise specified by the commission.

Additional requirements for payment processors may be specified by the commission

through internal control procedures.

Source:

General Authority: SDCL 42-7B-7, 42-7B-11(13).

Law Implemented: SDCL 42-7B-2.1(1), 42-7B-43.