

## **Title 23. Public Utilities and Regulated Industries**

### **Chapter IX. Office of the Arkansas Lottery**

#### **Subchapter A. Generally**

#### **Part 371. Operational Rules**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Preface: The purpose of these rules is to establish the policies and procedures regulating the conduct and operation of the Arkansas Scholarship Lottery; to make certain that the lottery is operated with dignity and integrity; and to ensure that the citizens of Arkansas maintain trust and confidence in the Department of Finance & Administration - Office of the Arkansas Lottery (OAL). These rules are promulgated under the authority of Arkansas Code Ann. § 23-115-205."

"11. Powers

11.1. All powers not specifically defined in these rules are reserved to the OAL under the Act"

#### **Subpart 1. Generally**

##### **23 CAR § 371-101. Definitions.**

As used in this part:

- (1) "Act" means the Arkansas Scholarship Lottery Act, Acts 2009, No. 606;
- (2) "Administrative order" means the final disposition of the Office of the Arkansas Lottery in any matter other than a claim in contract or tort, including without limitation bid protests and retailer licensing in which the Office of the Arkansas Lottery is required by law to make its determination after notice and a hearing;
- (3) "Applicant" means:
  - (A) A natural person;

- (B) A corporation;
- (C) A partnership;
- (D) An unincorporated association; or
- (E) Other legal entity;

(4) "Banks" means and includes all commercial banks, mutual savings banks, savings and loan associations, credit unions, trust companies, and any other type or form of banking institution who are authorized to do business in the State of Arkansas and that are designated to perform banking institution functions, activities, or service in connection with the operations of the Office of the Arkansas Lottery for the:

- (A) Deposit and handling of lottery funds;
- (B) Accounting of the funds; and
- (C) Safekeeping of records;

(5) "Bar code validation" means a system which allows any winning lottery ticket, printed with computer readable bar codes for a prize amount as determined by the Office of the Arkansas Lottery, to be read electronically at any claim center or lottery retailer location and paid by the retailer regardless of where the player purchased the ticket;

(6) "Certified drawing" means a number selection event about which the Office of the Arkansas Lottery and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination occurred;

(7) "Claim center" means the Office of the Arkansas Lottery claim center located at the Office of the Arkansas Lottery main office in Little Rock, Arkansas, or any other location authorized by the Office of the Arkansas Lottery to validate and pay a winning ticket;

(8) "Compensation" means any money or anything of value received or to be received as a claim for services, whether in the form of:

- (A) A retainer;
- (B) A fee;
- (C) A salary;

- (D) An expense;
- (E) An allowance;
- (F) A forbearance;
- (G) A forgiveness;
- (H) Interest;
- (I) A dividend;
- (J) A royalty;
- (K) Rent; or
- (L) Any other form of recompense or any combination thereof;

(9) "Courier" or "courier service" means the delivery, conveyance, or assignment of any written, printed, or published devices for consideration with the purpose of facilitating participation in the lottery;

(10) "Debt" means a:

(A) Liquidated sum due and owing any claimant agency when the sum has accrued through contract, subrogation, tort, or operation of law regardless of whether there is an outstanding judgment for the sum; or

(B) Sum that is due and owing any person and is enforceable by the State of Arkansas;

(11) "Depository" means any entity, including a bank or state agency, performing activities or services in connection with the operation of the Office of the Arkansas Lottery for the:

- (A) Deposit and handling of lottery funds;
- (B) Accounting for lottery funds; and
- (C) Safekeeping of tickets;

(12)(A) "Director of the Office of the Arkansas Lottery" means the individual appointed by the Governor to initiate, operate, supervise, and administer the Office of the Arkansas Lottery lottery games.

(B) The Director of the Office of the Arkansas Lottery serves in a dual role as a Director of the Department of Finance and Administration.

(C) The Director of the Office of the Arkansas Lottery also includes any delegation of authority from the Director of the Office of the Arkansas Lottery to another Office of the Arkansas Lottery employee;

(13) "Draw Coordinator" means the party designated by the Director of Security for purposes of designing, developing, implementing, and maintaining draw procedures and drawing activities;

(14) "Drawing" means the procedure used to select the winning numbers or combination of numbers in accordance with the game rules of the particular lottery game;

(15) "Employee" means a person who is an employee of the Office of the Arkansas Lottery unless the context clearly indicates otherwise;

(16) "Game" means any individual or lottery game authorized by the Office of the Arkansas Lottery pursuant to the act including but not limited to instant games and online games;

(17) "Immediate family" means:

- (A) The father;
- (B) The mother;
- (C) The sister;
- (D) The brother;
- (E) The husband;
- (F) The wife;
- (G) The child;
- (H) The grandmother;
- (I) The grandfather;
- (J) The grandchild;
- (K) The father-in-law;
- (L) The mother-in-law;
- (M) The sister-in-law;
- (N) The brother-in-law;
- (O) The son-in-law;

- (P) The daughter-in-law;
- (Q) The stepchild;
- (R) The grandmother-in-law;
- (S) The grandfather-in-law;
- (T) The step grandchild; or
- (U) Any individual acting as parent or guardian;

(18) "Instant game" means a game in which a ticket is purchased and upon removal of a latex covering or other covering on the front or back of the ticket or the opening of the sealed ticket, the ticket bearer determines his or her winnings, if any, which are payable upon presentation to a lottery retailer, claims center, or another entity approved by the Office of the Arkansas Lottery;

(19) "Instant ticket" (also known as scratch card) means a printed card or slip purchased for participation in an instant game;

(20) "Investigation" shall mean any investigation by any law enforcement agency or Office of the Arkansas Lottery Security Investigators regarding the theft, loss, destruction, alteration, or fraudulent activity surrounding the sale, presentation for payment, or validation of any lottery ticket sold by a retailer;

(21) "Legal owner" means the individual or individuals whose name or names appear on the ticket or share in the space designated for "Name", or in the absence of such entry, the bearer of the ticket or share;

(22) "Lottery" or "lottery game" means the public gaming system or games established and operated by the Office of the Arkansas Lottery;

(23) "Lottery retailer" or "retailer" means any person licensed by the Office of the Arkansas Lottery to sell and dispense instant tickets and materials or lottery games;

(24) "Lottery ticket" or "ticket" means tickets or other tangible evidence of participation used in lottery games pursuant to the act;

(25) "OAL" or "office" means the Office of the Arkansas Lottery of the Department of Finance and Administration;

(26) "Office of the Arkansas Lottery" means the division of the Department of Finance and Administration that is charged with operations, oversight, compliance, and financial review of the offering and sales of lottery games within the State of Arkansas;

(27) "Online game" means a state or multistate lottery game in which a player pays a fee to a lottery retailer and selects or uses a computer terminal to select a combination of digits, numbers, or symbols, the type and amount of play, and the drawing date, and receives a computer-generated ticket with those selections printed on it;

(28) "Online terminal" (see also, "terminal") means the electronic interface computer terminal through which a retailer enters by scan, play slip, or manually the combination of numbers or symbols selected by a player or random number generator (also known as quick pick) and by which online tickets are generated and claims are validated;

(29) "Online ticket" means a computer-generated ticket issued by a lottery retailer to a player as a receipt for the combination of digits, numbers, or symbols selected;

(30) "Operational rules" mean those rules adopted and published by the Office of the Arkansas Lottery setting forth the rules regarding the Office of the Arkansas Lottery's operations of the Arkansas Scholarship Lottery;

(31) "Person" means:

- (A) An individual;
- (B) An association;
- (C) A corporation;
- (D) A club;
- (E) A trust;
- (F) An estate;
- (G) A society;
- (H) A governmental entity;
- (I) A company;
- (J) A joint stock company;

(K) A receiver;

(L) A trustee;

(M) An assignee;

(N) A referee;

(O) Anyone acting in a fiduciary or representative capacity, whether appointed by a court or otherwise; and

(P) Any combination of human beings;

(32) "Player" means any individual who purchases or is given a lottery game from a retailer or the Office of the Arkansas Lottery;

(33) "Prize" means any award, financial or otherwise, awarded by the Office of the Arkansas Lottery;

(34) "Random number generator" means a computer-driven electronic device capable of producing numbers at random;

(35) "Retailer contract" means the document executed between the Office of the Arkansas Lottery and lottery retailer which sets forth the terms, conditions, and requirements between the parties;

(36)(A) "Retailer license application" means the document executed by the lottery retailer upon application for a license to sell lottery games and tickets.

(B) This document includes the type of retailer, including but not limited to special terms and conditions such as alternative forms of delivery as set forth herein in subdivision (9) of this section;

(37) "Retailer rules" means the terms, conditions, requirements, and rules regarding lottery retailer activities and limitations, affirmative duties, and obligations;

(38) "Share" means any intangible evidence in participation in a lottery;

(39) "Terminal" (see also, "online terminal") means the electronic interface computer terminal through which a retailer enters by scan, play slip, or manually the combination of numbers or symbols selected by a player or random number generator (also known as quick pick) and by which online tickets are generated and claims are validated;

(40) "Ticket bearer" means the person who has signed the ticket or has possession of the unsigned ticket;

(41) "Ticket number" means the preprinted number found on the back of each ticket which identifies that ticket as one (1) of a series of tickets;

(42) "Ticket pack number" means the printed number or numbers appearing on the back of each ticket;

(43) "Ticket vending machine" or "TVM" means a player self-service machine that can:

(A) Sell both online tickets and instant tickets;

(B) Report real-time sales of both online tickets and instant tickets, low and empty bins, a full cash box, jammed tickets, diagnostic and error messages, and low paper stock to the central system;

(C) Check and validate online tickets and instant tickets;

(D) Provide for either the cashing of online tickets and instant tickets via voucher, or other payment method provided to a player, which can be negotiated at retail or used on the TVM for continued lottery play; and

(E) Provide for age control play as specified in Arkansas Code § 23-115-402(e)(1) and (2);

(44) "Unclaimed prize" means the prize on a winning ticket for which no claim is made within the required time period after the drawing or winner selection event which made the ticket a winning ticket;

(45) "Unclaimed prize account" means the Office of the Arkansas Lottery account to which unclaimed prizes are transferred;

(46) "Validation" means the process of determining whether an instant or online ticket presented for payment is a winning ticket;

(47)(A) "Validation number" means the multi-digit number found on the face of the ticket.

(B) There must be a validation number on each ticket;

(48)(A) "Vendor" means a person who provides or proposes to provide goods or services to the Office of the Arkansas Lottery under a procurement contract.

(B) "Vendor" does not include:

- (i) An employee of the Office of the Arkansas Lottery;
- (ii) A retailer; or
- (iii) A state agency or instrumentality;

(49) "Website" means the Office of the Arkansas Lottery's lottery address at <http://myarkansaslottery.com/> or any other website that may be specified by the Office of the Arkansas Lottery;

(50) "Winner" means the holder of a lottery ticket determined to have the required match or the specific alignment of the play numbers, digits, or symbols, the required sum of the play numbers or digits in accordance with the game rules for the specific game, or a redeemable prize amount indicated on its face;

(51) "Winner confidentiality" means confidentiality from public disclosure of an individual within the context and provisions set forth in Arkansas Code § 23-115-404 (2021);

(52) "Winner selection" means the drawing process used by the Office of the Arkansas Lottery to select the winning numbers in online games;

(53) "Winning combination" means numbers or symbols chosen during the drawing process used by the Office of the Arkansas Lottery to select the winning numbers in online games; and

(54) "Working papers" means the programming parameters and specific details for each game, including the identification of the:

- (A) Game;
- (B) Ticket price; and
- (C) Prize structure.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-102. Authority of director.**

Notwithstanding the authority and duties listed in Arkansas Code § 23-115-302 or other such responsibilities and duties designated by the Department of Finance and Administration, the Director of the Office of the Arkansas Lottery may:

- (1) Cancel or postpone any promotion at any time;
- (2) Contract with and license retailers for the sale of lottery games and shares;
- (3) Direct the distribution of online terminals, ticket stock, and supplies shipped directly from the manufacturer or supplier to an authorized retailer;
- (4) Determine the price paid for all lottery games and shares;
- (5) Determine the types of online and instant games to be offered for sale at retailers, including any necessary game rules for the proper administration of the games;
- (6) Establish a procedure for the disposition of unsold lottery games;
- (7) Develop and determine the working papers of each lottery game;
- (8) Announce the time for the end of sales prior to the drawings for each type of online game;
- (9) Designate the type of equipment to be used for each online game;
- (10) Establish procedures to randomly select the winning combinations for each type of online game, and require the presence of an independent accountant or other third party to witness all predrawing and post-drawing tests, and the drawing or winner selection;
- (11) Determine the location, times, and days of prize drawings and promotions;
- (12) Determine the manner and frequency of online game drawings;
- (13) Establish game rules and procedures governing the conduct of drawings for each instant and online game;
- (14) Investigate and conduct hearings pursuant to a consumer complaint;
- (15) Make the final decision on whether any prize is paid or any annual prize payment is made;
- (16) Enter into any contracts for annuities;

(17) Hold copyrights, trademarks, and service marks and enforce the Office of the Arkansas Lottery's rights with respect to them;

(18) Enter into written agreements with one (1) or more states or sovereigns for the operation, participation in marketing, and promotion of a joint lottery or joint lottery games;

(19) Perform other duties and powers necessary or convenient to carry out and effectuate the purposes and provisions of the office and those generally associated with a director of an entrepreneurial business enterprise; and

(20) Take any other action necessary for the efficient and effective operation of the lottery.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-103. Use of office/Arkansas Scholarship Lottery trademarks.**

(a) Lottery retailers may use and display the lottery logo, trademark, and other advertising materials without charge to the user or compensation to the Office of the Arkansas Lottery for its use.

(b) Any use of the lottery logo or other trademarked or copyright materials, other intellectual property, or copy in advertising or production of consumer articles requires a prior written request and execution of the retailer contract.

(c) The Director of the Office of the Arkansas Lottery may exercise supervision over the quality of the materials produced under trademark licensing agreement and may require as a condition to continuation of the license, changes in quality of the goods or materials produced.

(d) The director may at any time terminate an agreement to license in the event that the licensee fails to meet the requirement of the agreement, or in the event that the continuation of the license is not considered to be in the best interest of the office or of the State of Arkansas.

(e) The logo shall not be modified in any way, including a change in color, without the express written approval from the director prior to its use.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-104. Draw integrity.**

(a)(1) Subject to the approval of the Director of the Office of the Arkansas Lottery, the Office of the Arkansas Lottery's Director of Security shall designate an office Draw Coordinator to develop and maintain responsibility for the drawing activities.

(2) Lottery drawings shall be conducted pursuant to the procedures developed by the Draw Coordinator in consultation with the Director of Security and as approved by the Director of the Office of the Arkansas Lottery.

(3) Drawing procedures shall include provisions for the substitution of backup drawing equipment or methods in the event primary drawing equipment malfunctions or fails for any reason and procedures for completing a drawing that is interrupted due to equipment malfunction or operator error.

(b) The office may use any type of equipment or method, including electronic or manual equipment, and any variety of existing or future methods or equipment, for determining the winner or winning combination in any lottery game that involves a drawing.

(c)(1) The office shall ensure the security and integrity of any electronic drawing equipment used to determine a winner or winning combinations.

(2) Any electronic connections to this equipment must be made by a secure method.

(3) The office shall test the equipment as needed to ensure proper operation and lack of tampering or fraud.

(4) The office shall have its random number generators, or any other computer-driven or computer-assisted device used for a drawing, statistically analyzed, tested, and certified by an independent, qualified statistician for integrity.

(d)(1) The office shall ensure the security and integrity of any manual equipment used to determine a winner or winning combinations.

(2) Any manual equipment used by the lottery to determine a winner or winning combinations must be inspected by an independent certified public accountant or the professional representative of an independent certified public accountancy organization and an employee or agent of the office before and after the drawing.

(3) The drawing and such inspections must be recorded on video and audio tape.

(4) Any drawing using manual equipment must be witnessed by:

(A) An independent certified public accountant;

(B) A professional representative of an independent certified public accountancy organization; or

(C) The applicable state entity.

(e) The office may use random number generators to determine winning numbers for lottery games.

(f)(1) Subject to the approval of the Director of the Office of the Arkansas Lottery, the Director of Security shall establish procedures to ensure the physical security of the office's drawing equipment and shall specify the individuals who shall have physical access to that equipment.

(2) Any random number generator, or any other computer-driven or computer-assisted device used by the office to determine winners or winning combinations, shall be kept in a sealed enclosure within a secure area.

(3) Any person who enters the sealed enclosure must have permission from the office Security Section and be escorted by an office Security Section officer or employee.

(g)(1) If, during a game drawing, an equipment failure or operator error causes an interruption in the selection of numbers or symbols, the Draw Coordinator will declare a technical difficulty.

(2) Any number drawn prior to the declaration of a technical difficulty will stand and be deemed official when verified by the Draw Coordinator.

(3) The drawing will be completed as set forth in the Draw Coordinator's procedures.

(h)(1) The Director of the Office of the Arkansas Lottery will delay payment of all prizes if any evidence exists or there are grounds for suspicion of equipment malfunction, tampering, or fraud.

(2) In such event, the office will not pay any prize until the office completes an investigation and the Director of the Office of the Arkansas Lottery approves the drawing and authorizes payment.

(3) If the Director of the Office of the Arkansas Lottery does not approve the drawing, it will be void and the office will conduct another drawing to determine the winner or the winning combinations.

**Authority.** Arkansas Code § 23-115-207.

## **Subpart 2. Sale of Lottery Games and Shares**

### **23 CAR § 371-201. Generally.**

(a) Any person who buys or accepts a lottery game or otherwise participates in the lottery agrees to be bound by all laws, rules, and policies of that particular lottery game and the Office of the Arkansas Lottery, including the act.

(b) All players or persons purchasing or possessing any lottery ticket or share must comply with and are bound by all applicable laws, rules, and procedures and any additional terms and conditions found on the ticket or share itself.

(c) In the event of a conflict between the office's rules and additional terms and conditions found on the back of a ticket or share, the rules control.

**Authority.** Arkansas Code § 23-115-207.

### **23 CAR § 371-202. Eligibility.**

(a) Lottery games or tickets may only be sold to an individual who is eighteen (18) years old or older.

(b) A lottery game or share may not be purchased by any individual under eighteen (18) years of age.

(c) An individual is not eligible to win a lottery prize while incarcerated in:

(1) The Division of Correction;

(2) The Division of Community Correction; or

(3) A county or municipal jail or detention facility.

(d) Nothing in this section shall be construed to prevent a person who lawfully purchases or possesses a lottery ticket or share from making a gift of such ticket or share to another person who could lawfully purchase or possess a lottery game.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-203. Sales locations.**

(a) Lottery games or shares may only be sold by a lottery retailer at the location listed in the retailer contract.

(b) The Director of the Office of the Arkansas Lottery may also designate its agents or employees to sell lottery tickets or shares directly to the public, either in person or through electronic means at any location authorized by the Office of the Arkansas Lottery.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-204. Courier services.**

(a) In the sole discretion of the Director of the Office of the Arkansas Lottery, a duly licensed Office of the Arkansas Lottery lottery retailer may be allowed to contract with a third party (nonlottery licensed) entity for the purpose of delivering lottery draw tickets purchased directly from the office retailer by a courier service for delivery to

individuals located within the borders of the State of Arkansas at the time of ticket order and to deliver winning tickets to those individuals as a for-profit service.

(b) The amount of the fee associated with the courier service shall be clearly presented to the consumer prior to confirming the order, thereby allowing the consumer to forego the service (and the fee) if the fee is not acceptable to the consumer.

(c) The retailer shall not sell instant tickets and fast play tickets via courier.

(d) The courier services shall only be performed via website and/or mobile application and shall not constitute physical delivery of lottery tickets other than by mail or parcel delivery.

(e)(1) An office retailer offering courier services per this section must notify the office ten (10) days in advance of the offering or use of any courier service.

(2) The office retailer remains liable for any loss, fraud, destruction, or claim of any kind associated with the use of courier services in providing delivery to consumers.

(f) The Department of Finance and Administration, the office, its employees, and agents shall be held harmless for any dispute arising out of the use of a courier service for the delivery of lottery tickets and/or any fees assessed to the consumer associated with the use of the courier service.

(g) The director retains sole discretion regarding the use of a courier service by a retailer.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-205. Courier registration.**

(a) Any entity acting as a courier service for purposes of purchasing lottery tickets on behalf of a third party shall be required to register with the Office of the Arkansas Lottery thirty (30) days in advance of offering courier services.

(b) Couriers are specifically prohibited from applying for or maintaining an office licensed retailer license.

(c) This section requires a courier service to contractually partner with an office licensed retailer or retailers with whom they will purchase tickets.

(d) Registration will serve as notice of operation of a courier service provider within the State of Arkansas, and does not constitute licensure or regulation of courier services by the office.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-206. Authority to suspend or terminate retailer license utilizing courier services.**

(a) The Director of the Office of the Arkansas Lottery shall have sole discretion to suspend or terminate any Office of the Arkansas Lottery licensed retailer whose use of a courier service constitutes an operational threat, threat of loss, consumer fraud, deception, or any other factor deemed to negatively impact the appearance of game integrity, fairness, or reputational harm to the office and the Arkansas Scholarship Lottery game portfolio.

(b) A retailer may appeal the director's decision to suspend or terminate a retail license premised upon this section in the same manner as provided for herein regarding other forms of dispute resolution.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-207. Price.**

(a) Unless authorized to do so in writing by the Director of the Office of the Arkansas Lottery, a person shall not sell a ticket or share at a price other than established by the director.

(b) The director may designate its agents or employees to sell or give lottery games or shares directly to the public.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-208. Sales are final.**

(a) The sale of all lottery tickets and shares is final and no ticket returns are to be accepted by the retailer.

(b) A player may not return a lottery ticket or share for a refund of the purchase price or exchange unless the specific game rule provides otherwise.

(c) Where a specific rule provides that the purchaser of a lottery ticket or share may cancel the purchase, the following is the procedure for cancellation:

(1) To cancel a purchase of a lottery ticket or share, the player must return it to the selling retailer on the day of purchase before wagers are disabled prior to the first drawing or other winner determination time as applicable;

(2) The player shall receive a refund from the retailer equal to the purchase amount of the lottery ticket or share; and

(3) If a lottery ticket or share cannot be cancelled because the Office of the Arkansas Lottery's central computer system does not record the cancellation in a timely manner due to a mechanical or electronic transmission malfunction, credit may still be given to the retailer provided the following steps are taken:

(A) The retailer attempts to cancel the lottery ticket or share before wagers are suspended and a computer record of the attempt is created;

(B) The retailer calls the Retailer Services Hotline and gives the lottery ticket or share's identifying number to the operator; and

(C) The retailer mails the lottery ticket or share to the office within two (2) weeks from the date of purchase.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-209. Tickets or shares.**

Notwithstanding any other rule, tickets or shares cannot be cancelled under any circumstances.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-210. Future drawings.**

(a) A player may purchase a ticket or tickets for future consecutive drawings to the extent permitted by the Office of the Arkansas Lottery for each lottery game.

(b)(1) The player must specify at the time of purchase that the ticket or tickets include future consecutive drawings.

(2) However, no lottery games or shares may be sold after the commencement of a drawing.

(c) The date of the drawing shall be printed on all tickets except instant tickets.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-211. Player error.**

(a) The Office of the Arkansas Lottery is not liable for lottery tickets or shares that are purchased in error.

(b) It is the responsibility of the player to verify at the time of purchase that he or she in fact received what was requested and to rectify any discrepancy immediately.

(c) If a defective ticket is purchased, the only responsibility or liability of the office is the replacement of the defective ticket with another un-played ticket or tickets of equivalent sale price from any other current game.

**Authority.** Arkansas Code § 23-115-207.

**Subpart 3. Lottery Tickets or Shares**

**23 CAR § 371-301. Bearer instrument.**

(a) Except for a lottery ticket or share claimed jointly in accordance with the provisions of this subpart, until such time as a name of an individual or individuals is imprinted or placed upon a lottery ticket or share in the area designated for "Name",

the ticket or share is a bearer instrument and is owned by the bearer of the ticket or share.

(b) When a name or names is placed on the ticket or share in the designated place, the ticket or share ceases to be a bearer instrument and only the individual whose name appears in that area is the legal owner of the ticket or share.

(c) Only an individual or individuals may own a ticket or share and claim a prize.

**Authority.** Arkansas Code § 23-115-207.

### **23 CAR § 371-302. Ticket validation requirements.**

(a) Any lottery games or shares not passing all the validation requirements in this subpart and the specific validation requirements contained in the rules for its specific game are invalid and ineligible for any prize.

(b) Once validated, a lottery retailer must deface the lottery game in the manner prescribed by the Director of the Office of the Arkansas Lottery.

**Authority.** Arkansas Code § 23-115-207.

### **23 CAR § 371-303. Instant tickets.**

An instant ticket must meet all of the following requirements in order to be considered valid and payable:

- (1) The instant ticket was issued in an authorized manner;
- (2) The instant ticket is not altered, mutilated, unreadable, reconstructed, or tampered with in any manner;
- (3) The instant ticket is not counterfeit in whole or in part;
- (4) The instant ticket is not stolen nor appears in any list of omitted instant tickets on file with the Office of the Arkansas Lottery;
- (5) The instant ticket is complete and not:
  - (A) Blank or partially blank;
  - (B) Miscut;

- (C) Misregistered;
  - (D) Defective; or
  - (E) Printed or produced in error;
- (6) The instant ticket has the correct number of play symbols in the correct position;
- (7) The symbols must be present in their entirety, legible, right-side up, and not reversed in any manner;
- (8) The validation number of an apparent winning ticket appears on the office's official list of validation numbers of winning instant tickets, and an instant ticket with that validation number has not been previously paid; and
- (9) The instant ticket passes all additional confidential validation requirements.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-304. Online games.**

(a) An instant online ticket must meet all of the following requirements in order to be considered valid:

(1)(A) All printing on the ticket shall be present in its entirety, be legible, and correspond, using the computer validation file, to the combination and date printed on the ticket.

(B) The ticket is not valid unless the ticket number and other information are recorded in the Office of the Arkansas Lottery computer and transaction master file;

- (2) The ticket shall be intact;
- (3) The ticket shall not be altered, mutilated, unreadable, reconstructed, or tampered with in any manner;
- (4) The ticket shall not be counterfeit or an exact duplicate of another winning ticket;
- (5) The ticket shall have been issued by an authorized retailer in an authorized manner;
- (6) The ticket shall not have been stolen or canceled;

(7) The ticket shall not have been previously paid; and

(8) The ticket shall pass all other confidential security checks of the office.

(b)(1) The Director of the Office of the Arkansas Lottery may replace an invalid online ticket with an online ticket for a future drawing of the same game.

(2) The director at his or her discretion may pay the prize for a ticket that is partially mutilated or is not intact if the online ticket can still be validated by the other validation requirements.

**Authority.** Arkansas Code § 23-115-207.

#### **Subpart 4. Share of Tickets or Shares by Use of Electrical or Mechanical Devices**

##### **23 CAR § 371-401. Ticket vending machines.**

The Office of the Arkansas Lottery may sell lottery tickets or shares by use of ticket vending machines with the following specifications:

(1) TVM must be capable of dispensing:

(A) Instant ticket games;

(B) Online games; and

(C) Other related materials and information;

(2) TVM must be capable of validating a player's age using a government-issued form of identification;

(3) TVM must be capable of accepting United States currency and accumulating player credits;

(4) TVM must have a method of immediate machine deactivation to monitor potential underage play; and

(5) TVM must have an auxiliary power source for continuous electrical power.

**Authority.** Arkansas Code § 23-115-207.

### **23 CAR § 371-402. Procedures and requirements.**

All Office of the Arkansas Lottery retailers shall follow the following procedures and requirements to prevent the use of electronic or mechanical devices by an individual under eighteen (18) years of age:

(1) No individual under eighteen (18) years of age shall use a TVM for any purpose, including but not limited to, the purchase of lottery tickets or shares from the office;

(2)(A) TVM machines must have an underage gambling notification prominently placed on the TVM directly above the currency acceptor.

(B) This notification shall state that it is against the law for an individual to play if under eighteen (18) years of age;

(3)(A) The TVM must be placed in a location agreed upon by the office and the retailer that is within a work area staffed during all hours the retailer location is open to the public.

(B) The retailer shall agree, pursuant to the retailer contract, not to relocate the TVM without prior permission from the office;

(4) Each TVM shall be equipped with a remote control device capable of temporarily terminating the ability of the TVM to sell lottery products;

(5) All retailers using TVM machines to sell lottery products shall be trained in procedures related to the use, operation, and monitoring of the TVM and disabling the TVM either via remote control or other reasonable means if an individual under eighteen (18) years of age attempts to operate the unit or if the TVM is not being properly monitored;

(6)(A) The TVM remote control shall be provided to the authorized agent responsible for monitoring underage play.

(B) The remote control may be used to activate an alarm when individuals who appear to be under the age of eighteen (18) are attempting to purchase lottery products or are loitering about the TVM;

(7) The TVM must be equipped with internal hinges and an alarm for notification of tilt or unauthorized access; and

(8) Any retailer selling lottery products with a TVM shall not perform maintenance on the TVM and is required to notify the office immediately in the event of a TVM malfunction.

**Authority.** Arkansas Code § 23-115-207.

## **Subpart 5. Payment of Prizes**

### **23 CAR § 371-501. Procedures.**

(a)(1) A legal owner may present the winning ticket for a prize not exceeding five hundred dollars (\$500) to any retailer, an Office of the Arkansas Lottery approved claim office, the Office of the Arkansas Lottery main office, or may mail the signed ticket to the Office of the Arkansas Lottery for payment.

(2) Prizes shall be paid during the normal business hours of the retailer.

(3) If the claim cannot be validated, the claimant must fill out an Office of the Arkansas Lottery claim form and mail or present to the Office of the Arkansas Lottery the completed form with the disputed ticket.

(4) A check shall be forwarded to the claimant for payment of the amount due if the claim is validated.

(5) In the event that the claim is not validated, the claimant shall be promptly notified that the claim is denied.

(b)(1) A legal owner of a prize of more than five hundred dollars (\$500) shall complete a claim form and submit the form with the winning ticket either in person at an Office of the Arkansas Lottery claims center or by mail to the Office of the Arkansas Lottery main office.

(2) Upon validation, a check shall be forwarded to the claimant in payment of the amount due.

(3) The Office of the Arkansas Lottery will deduct from the amount due any required federal and state income tax withholdings and any withholding required by Arkansas Code § 23-115-1001 et seq.

(4) In the event that the claim is not validated, the claim shall be denied, and the claimant shall be promptly notified that the claim is denied.

(c) The Director of the Office of the Arkansas Lottery may require claims of one million dollars (\$1,000,000) or more to be redeemed at the Office of the Arkansas Lottery main office.

(d) For any winning prize redeemed at the Office of the Arkansas Lottery main office, payment will be made by check, with the exception of a prize that is merchandise.

(e) The Office of the Arkansas Lottery is not liable for any lost or misdirected winning tickets sent by mail.

(f) The Office of the Arkansas Lottery shall make available a list of all winning numbers for the fifty-two (52) previous weeks.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-502. Restrictions on eligibility of prizes.**

The following are not eligible to redeem any lottery prize:

- (1) Any individual under eighteen (18) years of age;
- (2) Any individual incarcerated in:
  - (A) The Division of Correction;
  - (B) The Division of Community Correction; or
  - (C) A county or municipal jail or detention facility;
- (3) An employee of the Office of the Arkansas Lottery or their immediate family members living in the same household as the employee; and
- (4) Any officer, employee, agent, or subcontractor of an office vendor or immediate family of the officer, employee, agent, or subcontractor of an office vendor if that officer, employee, agent, or subcontractor has access to confidential information that may compromise the integrity of a lottery.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-503. Time period for redemption.**

(a) The Director of the Office of the Arkansas Lottery may at any time alter the time periods for redemption of a lottery prize.

(b) If a valid claim is not made for a cash lottery prize within the applicable period, the cash lottery prize constitutes an unclaimed lottery prize.

(c) A holder of a winning ticket must claim the prize within the following time periods:

(1)(A) To claim an online game prize, the claimant must submit the winning online ticket for validation at a lottery office or retailer on or before the one-hundred-eightieth day after the winning drawing.

(B) If the ticket has remaining drawings, a continuation ticket will be issued.

(C) If mailed, the envelope containing both the ticket and claim form, if required, must be postmarked on or before the one-hundred-eightieth day after the winning drawing; or

(2)(A) To claim a scratch-off/instant game prize, the claimant must submit the winning scratch-off/instant ticket for validation at a claims center or retailer on or before the ninetieth day after the official end of game.

(B) If mailed, the envelope containing both the ticket and claim form, if required, must be postmarked on or before the ninetieth day after the end of the game sales date.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-504. Tax liability.**

(a)(1) Proceeds of a lottery prize are subject to federal and Arkansas state income tax.

(2) Each United States resident who is to receive a payment of winnings greater than six hundred dollars (\$600) shall furnish to the Office of the Arkansas

Lottery the information required on the Internal Revenue Service Form W-2G (or any other form required by the Internal Revenue Service) including but not limited to the winner's:

- (A) Name;
- (B) Address; and
- (C) Social Security number.

(b) This disclosure is mandatory and the authority for such disclosure is 42 U.S.C. § 405(c)(2)(C), 26 C.F.R. § 31.3402(q)-1(e), and Arkansas Code § 23-115-403.

(c) A winner's Social Security number will only be used for the purpose of transmitting the prize amount to the appropriate taxing authorities and identifying individuals subject to debt setoff procedures set forth in 23 CAR § 371-513.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-505. Prizes nonassignable.**

A lottery prize, any portion of a lottery prize, or any right of any individual to a lottery prize is not assignable, except that the payment of any prize drawn may be paid to the estate of a deceased prize winner pursuant to an appropriate judicial order.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-506. Prizes payable after death.**

(a) A lottery prize or any portion of a lottery prize remaining unpaid at the death of a lottery prize winner shall be paid to the estate of the deceased lottery prize winner or to the trustee of a trust established by the deceased lottery prize winner as settlor if:

- (1) A copy of the trust document or instrument has been filed with the Office of the Arkansas Lottery along with a notarized letter of direction from the settlor; and
- (2) No written notice of revocation has been received by the office before the settlor's death.

(b) Following a settlor's death and before any payment to a successor trustee, the office shall obtain from the trustee a written agreement to indemnify and hold the office harmless with respect to any claims that may be asserted against the office arising from payment to or through the trust.

(c) Under an appropriate judicial order, an individual shall be paid the lottery prize to which a winner is entitled.

(d) The Director of the Office of the Arkansas Lottery reserves the right to petition any court of competent jurisdiction to determine the proper payment of any prize winnings due to a deceased prize winner.

(e) If any lottery prize is properly owned by an individual under eighteen (18) years of age, such as through inheritance, it must be paid to the parent, guardian, or custodian of such person under the Arkansas Uniform Transfers to Minors Act, Arkansas Code § 9-26-201 et seq.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-507. Issuance of prizes to multiple owners.**

(a)(1) All individuals claiming ownership of the winning lottery ticket or share must complete and sign the Office of the Arkansas Lottery's request and release form.

(2) Each of the persons signing the form must indicate each person's proportionate share of the prize.

(3) Each person must receive at least one dollar (\$1.00).

(4) At least one (1) of the persons claiming ownership of the ticket or share must sign the ticket or share.

(5) That person's signature must also appear on the request and release form.

(6) If a winning ticket or share is mailed to the office with multiple signatures on it, the Director of the Office of the Arkansas Lottery will mail the request and release form to the claimants.

(7) A deceased signatory who dies before signing the request and release form will be presumed to have an ownership interest equal to that of the other signatories.

(8) In the event there is a deceased signatory, the director may withhold payment for sixty (60) days from the date of validation to allow co-owners the opportunity to seek a declaratory ruling from a court.

(b)(1) Upon the signatures of the request and release form, the director will issue to each individual claiming a share of the prize amount a check for the portion of the prize amount claimed by each multiple owner, the total not to exceed the total prize amount.

(2) However, the director reserves the right to issue a single prize check to an individual whose name appears on the ticket or share instead of multiple prize checks to the owners of the ticket or share if the number of persons claiming a share of the prize exceeds one hundred (100) people.

(3) The office shall pay multiple winners of a lottery prize only at the office claims center in Little Rock.

(4) Retailers are not authorized to pay multiple winners who share a single prize.

**Authority.** Arkansas Code § 23-115-207.

### **23 CAR § 371-508. Relinquishment of interest.**

(a) When a person who has signed a lottery ticket or share wishes to relinquish the person's ownership interest in the lottery ticket or share, that person must sign the Office of the Arkansas Lottery's release of ownership form relinquishing the person's ownership interest.

(b) In no event will a person be permitted to relinquish ownership interest once it is determined that the person owes any indebtedness pursuant to 23 CAR § 371-513 or other legal attachment has taken place.

(c) Once the office receives the release of ownership form, it is irrevocable.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-509. Conflicting information or discrepancies.**

(a) If there is conflicting information or discrepancies between the names on a winning lottery ticket or share and the names on a claim form, the Office of the Arkansas Lottery may withhold prize payment until the conflicting information is resolved to the office's satisfaction.

(b) Discrepancies include but are not limited to names or addresses scratched out or erased, or unreadable, or altered names or addresses.

(c) If there is a determination that more than one (1) claimant is entitled to a particular lottery prize, the sole remedy of the claimants is the award to each of them of an equal share in the lottery prize.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-510. Nonpayable.**

The following will not be honored or paid by the Office of the Arkansas Lottery or any retailers:

(1) Tickets or shares which are stolen, counterfeit, altered, fraudulent, unissued, produced or issued in error, unreadable, not received, or not recorded by the office within applicable deadlines;

(2) Tickets or shares lacking in captions that conform and agree with the play symbols as appropriate to the particular lottery involved;

(3) Tickets or shares not in compliance with rules and public or confidential validation and security tests of the office appropriate to the particular lottery involved;  
or

(4) Any lottery prize which has already been paid.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-511. Investigations.**

At the discretion of the Director of the Office of the Arkansas Lottery, the Office of the Arkansas Lottery may conduct an investigation to aid in the determination of the rightful owner or owners prior to payment of any prize.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-512. Determinations.**

(a) The Director of the Office of the Arkansas Lottery's decisions regarding the determination of a winning lottery ticket or share, or the determination of the rightful owner or owners of a prize, or of any other dispute or matter arising from payment or awarding of prizes are final and binding on all parties.

(b)(1) The director shall make the final decision on whether any prize is paid or any annual prize payment is made.

(2) All prizes shall be paid within a reasonable time after they are validated unless the director delays a prize payment.

(3) The director may, at any time, delay any prize payment in order to review:

(A) The validity of a prize claim;

(B) A change of circumstances relative to the prize awarded, the payee, or the claim; or

(C) Any other relevant matter that may come to the director's attention.

(c) For any prize requiring annual payments, all payments after the first payment shall be made on the anniversary date of the first payment in accordance with the type of prize awarded.

(d) Any delayed annual payment will be brought up-to-date immediately when payment is authorized by the director.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-513. Setoff for debts owed to the state.**

The following provisions shall apply to the payment of any prizes in excess of five hundred dollars (\$500):

(1) The Office of the Arkansas Lottery shall set off against any prize the sum of any debt in excess of one hundred dollars (\$100) owed to the State of Arkansas or to persons on whose behalf the state and its claiming agencies act;

(2) Notice of any prize subject to a valid lien from the State of Arkansas will be sent to the winner by certified mail, return receipt requested, of the action and the reason the prizes were withheld;

(3) However, if the winner appears and claims prizes in person, the office shall notify the winner at that time by hand delivery of the action;

(4) If the winner does not protest the withholding of the prizes in writing within thirty (30) days of receipt of the notice, the office shall pay the prizes to the claimant agency;

(5) If the winner protests the withholding of the prizes within thirty (30) days of receipt of the notice, the office shall:

(A) File an action in interpleader in the circuit court of the county where the winner resides;

(B) Pay the disputed sum into the registry of that court; and

(C) Give notice to the claimant agency and winner of the initiation of the action;

(6) Any liens submitted for collection by the office shall be ranked and collected in the following order:

(A) Taxes due the state;

(B) Delinquent child support;

(C) Medicaid reimbursement; and

(D) All other judgments and liens in order of the date entered or perfected; and

(7)(A) Any list of debt from a claimant agency to the office must be updated and electronically submitted to the office during the first week of every calendar quarter.

(B) The office is not obligated to retain the lists beyond that quarter or deduct debts for lists that are not current.

(C) The claimant agency shall pay the office for any and all costs incurred by the office for the setting off of debts.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-514. Prize claim option final.**

If a prize winner is given an option regarding the method of prize payment, any payment method selected becomes final and may not be revoked or changed.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-515. Prize allocation.**

Prize money allocated to the first prize category shall be divided equally by the number of purchased game plays winning a first prize.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-516. Discharge from liability.**

The State of Arkansas, its agents, officers, employees, and representatives, the Office of the Arkansas Lottery, the Director of the Office of the Arkansas Lottery, agents, officers, employees, and representatives are discharged of all liability upon payment of a prize or any one (1) installment thereof to the holder of any winning lottery ticket or share or in accordance with the information set forth on any winning lottery ticket or share, any claim form, including but not limited to a:

- (1) Winner claim form;
- (2) Request to divide prize form;
- (3) Beneficiary designation form; and
- (4) Relinquishment of ownership interest form.

**Authority.** Arkansas Code § 23-115-207.

**23 CAR § 371-517. Disclosure of winners.**

(a)(1) The Office of the Arkansas Lottery may use the name, address, and likeness of a winner in any office promotional campaign, advertisement, or press release.

(2) A winner who receives a prize or prize payment from the office grants the office, its agents, officers, employees, and representatives the right to use, publish in print or by means of the internet, and reproduce the winner's name, address, physical likeness, photograph, portraits, statements made by the winner, and use audio sound clips and video or film footage of the winner for the purpose of promoting the office and its games.

(3) Provided, however, that a winner in an amount in excess of five hundred thousand dollars (\$500,000) shall be provided the option of electing confidentiality pursuant to the provisions set forth in Arkansas Code § 23-115-404 et seq. (2021).

(b)(1) If the office, its agents, officers, employees, and representatives deem it suitable for advertising, promotional or publicity use, or press use, a winner further grants the office the right to use and reproduce the winner's likeness in print either alone or in any combination with other persons.

(2) Examples of permitted uses include but are not limited to:

- (A) Radio;
- (B) Television;
- (C) Newspapers;
- (D) Posters;
- (E) Billboards;
- (F) Commercials;
- (G) Magazines;
- (H) Print advertisements; and
- (I) The office website.

(3) Provided, however, that a winner in an amount in excess of five hundred thousand dollars (\$500,000) shall be provided the option of electing confidentiality pursuant to the provisions set forth in Arkansas Code § 23-115-404 (2021).

(c)(1) Each winner releases the State of Arkansas, its agents, officers, employees, and representatives, the office, its director, agents, officers, employees, and representatives from any liability arising out of any blurring, distortion, alteration, or use in composite form whether intentional or otherwise that may occur or be produced in the printing and production process towards the completion of any finished product.

(2) A winner waives any right to inspect or approve the finished products, whether it is for a promotional campaign, advertising, or publicity.

**Authority.** Arkansas Code § 23-115-207.

## **Subpart 6. Advertising and Promotions**

### **23 CAR § 371-601. Advertising and promotions.**

The Office of the Arkansas Lottery may engage in shared expense and other co-promotional activities with private or public enterprise including utilizing donated prizes, goods, services, direct payments, or reduced fees which are intended to:

- (1) Increase ticket sales;
- (2) Increase public goodwill; or
- (3) Reduce the costs or expenses of the office.

**Authority.** Arkansas Code § 23-115-207.

## **Subpart 7. Consumer Complaints and Notices**

### **23 CAR § 371-701. Consumer complaints.**

(a)(1) If a ticket purchaser or ticket holder files a written complaint with the Director of the Office of the Arkansas Lottery relating to the sale of a ticket, payment of

a prize, conducting of a promotion or other activity relating to the Office of the Arkansas Lottery or an office product, the director shall forward the complaint to appropriate staff for further review.

(2) Any such complaint shall be filed in a reasonable amount of time after complainant becomes aware of the facts upon which the complaint is based.

(b) All matters contained in this section that call for action of the director may be executed by a designee appointed by the director.

(c)(1) The complaint will be reviewed to determine its validity and to determine if the information provided is sufficient.

(2) Although the burden may shift on a particular matter, the complainant has the burden of going forward and of proof.

(3) If the review of the complaint indicates that additional information is necessary for an appropriate response, the complainant may be required to provide additional information, including but not limited to:

(A) The name, address, and telephone number of the complainant and the name, address, and telephone number of the complainant's legal counsel, if any;

(B) A detailed statement of facts supporting the complainant's position;

(C) A detailed statement outlining the reason or reasons for the complaint, including any law or other authority upon which the complainant relies;

(D) The name or names, address or addresses, and telephone number or telephone numbers of witness or witnesses who may need a subpoena to appear;

(E) Any other relevant information the office may reasonably prescribe;

and

(F) The evidence, clearly identified, to be considered by the director.

(d)(1) The complainant will be notified in writing if more information is needed and will be afforded a reasonable time to respond.

(2) If any information requested is not provided within the prescribed time period, or if the information submitted fails to present a claim for which relief may be granted, the complaint may be dismissed by the director.

(3) In his or her discretion, upon receipt of sufficient information, the director may schedule a hearing rather than issuing a decision on the written material submitted.

(4) If a hearing is denied, the complainant may request reconsideration.

(e) The request for reconsideration for a hearing must be in writing and must be submitted to the office within thirty (30) days of the date of the determination or dismissal.

(f)(1) The director may require, or the complainant may request a conference, in an attempt to expedite the orderly conduct of the hearing or the settlement of the complaint prior to the scheduled hearing.

(2) A complainant may represent his or her own interest or may be represented by an attorney at law licensed to practice law in the State of Arkansas.

(3) Other than the complainant or the attorney representing complainant, no person or organization may represent the interests of a complainant.

(g)(1) If a complainant fails to appear at a hearing after due notice, the director may dismiss, continue, or decide the matter.

(2) Upon timely application and proper notice, the director may grant a motion for a continuance or other change in the date, time, and place of the hearing.

(h)(1) The hearing need not be conducted or controlled by either the Arkansas Rules of Evidence or the Arkansas Rules of Civil Procedure.

(2) The hearing will be conducted to the extent and fashion deemed appropriate by the director.

(3) Unless objection or exception is made, sustained, and duly noted on the record, all evidence appearing in the record shall be deemed to have been properly admitted for consideration.

(4) All hearings will be recorded by a certified court reporter.

(5) If a complainant desires the testimony be transcribed into a transcript or files an appeal, the complainant shall order directly from the reporter an original and one (1) copy, both of which are the financial responsibility of the complainant ordering the transcript.

(6) The original transcript shall be filed by the reporter directly with the office.

(i) Any decision of the director regarding a ticket purchaser or holder's written complaint, including decisions regarding denial or dismissal of a complaint without a hearing or decisions made after hearing all of the testimony, facts, and evidence presented, must:

(1) Be in writing and sent by United States Postal Service certified mail, a commercial overnight delivery service, or hand-delivered to the complainant as soon as practicable;

(2) Explain the basis for the determination;

(3) Explain the information necessary to file an appeal and the time periods in which an appeal must be filed with the office; and

(4) Inform the complainant that he or she may request a hearing before the office, or in lieu of a hearing, may request that an appeal may be decided upon the written materials presented for the appeal.

(j) A complainant aggrieved by a decision of the office may appeal that decision to the Pulaski County Circuit Court, Arkansas Code § 23-115-209(a) (2015).

(k) The circuit court shall hear appeals from administrative orders of the office, and based upon the record of the proceedings before the office, may reverse the administrative order of the office only if the person appealing the administrative order proves the administrative order to be:

(1) Clearly erroneous;

(2) Procured by fraud;

(3) A result of substantial misconduct by the office; or

(4) Contrary to:

(A) The United States Constitution;

(B) The Arkansas Constitution; or

(C) Arkansas Code § 23-115-209(b)(1) – (4) (2015).

(l) The circuit court may remand an appeal to the office to conduct further hearings, Arkansas Code § 23-115-209(c) (2015).

(m) A person who appeals the award of a contract, including without limitation a major procurement contract, is liable for all costs of appeal and defense if the appeal is denied or the contract award upheld, Arkansas Code § 23-115-209(d)(1) (2015).

(n) If upon the motion of the office the circuit court finds the appeal to have been frivolous, the cost of appeal and defense shall include without limitation the following expenses of the office resulting from institution of the appeal:

- (1) Court costs;
- (2) Bond;
- (3) Legal fees; and
- (4) Loss of income, Arkansas Code § 23-115-209(d)(2)(A) – (D) (2015).

(o) A person appealing the award of a contract may be entitled to the reasonable costs incurred in connection with the contract solicitation, including without limitation bid preparation costs, Arkansas Code § 23-115-209(d)(3).

(p) This section on consumer complaints is not applicable to:

- (1) Complaints relating to retailers;
- (2) Petition for declaratory order from the administrative appeal;
- (3) A claim in contract or tort against the office, its employees, or agents; and
- (4) Any retailer, vendor, or applicant for a contract or retailer license aggrieved by an action of the office.

**Authority.** Arkansas Code § 23-115-207.

### **23 CAR § 371-702. Notices.**

(a) The following notices must be posted in a conspicuous manner at any site where lottery games or shares are sold:

- (1) Game information, including participant eligibility requirements, the beginning and end date of the promotions, when and how winners will be selected, and when and how prizes will be awarded, if available;

(2) Phone number for the Office of the Arkansas Lottery where a player can call during normal office business hours to report any problems with the purchasing or redeeming of lottery games and shares; and

(3) Other contact information for the office including the physical address where claims can be redeemed or mailed.

(b)(1) The website for the Arkansas Scholarship Lottery shall be the central location for all information concerning the Arkansas Scholarship Lottery and the office.

(2) The following notices or information must be posted:

(A) Game and promotion information including whether or not a game has been postponed or cancelled;

(B) Game rules including:

(i) Participant eligibility requirements;

(ii) The beginning and end date of the promotions;

(iii) When and how winners will be selected; and

(iv) When and how prizes will be awarded, if applicable;

(C) Approximate top prize odds and overall odds of winning a prize if those odds can be determined with reasonable accuracy at the outset, otherwise, the written rules will state that the odds of winning a prize cannot be determined in advance and set forth those factors that ultimately will determine the odds;

(D) Information on how and where to file consumer complaints;

(E) Information concerning the signs of problem gambling and access to a source who can answer questions from affected consumers and provide a list of resources upon request;

(F) All rules and orders promulgated or issued by the office; and

(G) Contact information for the office.

(c) The following notices will be provided on the backs of all lottery games, if practicable:

(1) For instant games only, approximate top prize odds and overall odds of winning a prize if those odds can be determined with reasonable accuracy at the outset;

- (2) For all games, gambling hotline number; and
- (3) Any other information that the office deems relevant for that particular game.

**Authority.** Arkansas Code § 23-115-207.

## **Subpart 8. Proceeds and Funding**

### **23 CAR § 371-801. Net proceeds and funding scholarships.**

(a)(1) By Acts 2021, No. 636, the General Assembly amended the Arkansas Scholarship Lottery Act and established procedures and funding requirements for the creation or amendment of scholarships funded with net revenue available.

(2) The Office of the Arkansas Lottery was charged with promulgating rules to determine the manner in which the net proceeds from the lottery are deposited and disbursed based on what is most financially prudent.

(3) The provisions in this section of this part are adopted pursuant thereto.

(b) The office shall establish the Lottery Scholarship Trust Account to fund the Arkansas Academic Challenge Scholarship Program, the Arkansas Workforce Challenge Scholarship Program, the Arkansas Concurrent Challenge Scholarship Program, and any other scholarship funded with net proceeds from the lottery at a financial institution into which the office shall transfer:

(1) Excess funding returned to the office under Arkansas Code § 6-85-212(d)(2)(B)(i) from the previous academic year; and

(2) Net proceeds remaining in the Lottery Scholarship Trust Account from the previous academic year after the office:

(A) Transfers funds requested by the Division of Higher Education; and

(B) Deposits the amount necessary into the Scholarship Shortfall Reserve Trust Account to maintain an amount equal to twenty million dollars (\$20,000,000).

(c) On or before the fifteenth day of each month, the office shall deposit the net proceeds from the office into the Lottery Scholarship Trust Account at one (1) or more financial institutions.

(d) The office shall follow the investment policy guidelines of the State Board of Finance in selecting a financial institution and managing the net proceeds from the office deposited into the Lottery Scholarship Trust Account.

(e) The funds transferred by the office into the Lottery Scholarship Trust Account for the Arkansas Academic Challenge Scholarship Program, the Arkansas Workforce Challenge Scholarship Program, the Arkansas Concurrent Challenge Scholarship Program, and any other scholarship program shall be used for:

- (1) The Arkansas Academic Challenge Scholarship Program;
- (2) The Arkansas Workforce Challenge Scholarship Program;
- (3) The Arkansas Concurrent Challenge Scholarship Program;
- (4) Any other scholarship funded with net proceeds from the office; and
- (5) Any management fees charged by the financial institution to manage the trust account.

(f) The Director of the Division of Higher Education shall certify to the office the amount of net proceeds from the office needed to fund scholarships awarded to recipients for each semester of the academic year based on the contents of the Lottery Scholarship Trust Account at the end of the immediately preceding fiscal year.

(g) The office shall transfer the funds requested by the director into one (1) or more trust accounts at one (1) or more financial institutions maintained by the division.

(h) Annually, the division shall transfer to the office the unused funds from the previous academic year, if any, that were transferred by the office to fund:

- (1) The Arkansas Academic Challenge Scholarship Program, Arkansas Code § 6-85-201 et seq.;
- (2) The Arkansas Workforce Challenge Scholarship Program, Arkansas Code § 6-85-301 et seq.;
- (3) The Arkansas Concurrent Challenge Scholarship Program, Arkansas Code § 6-85-401 et seq.; and

(4) Any other scholarship program.

(i) Arkansas Code § 23-115-802(b) and (c), concerning the amount deposited into the Scholarship Shortfall Reserve Trust Account and loans made to the division for the Arkansas Academic Challenge Scholarship Program, shall be administered as follows pursuant to the office's operational rules:

(1)(A) An amount equal to four percent (4%) of the total amount of net proceeds disbursed during the preceding fiscal year in the form of scholarships and grants for higher education shall be deposited from lottery proceeds each year until the amount in the account equals twenty million dollars (\$20,000,000).

(B) Thereafter, only the amount necessary to maintain the account in an amount equal to twenty million dollars (\$20,000,000) shall be deposited into the account.

(C) Any amount in the account exceeding twenty million dollars (\$20,000,000) shall be considered net proceeds and shall be deposited annually into one (1) or more trust accounts at one (1) or more financial institutions by July 1 of each year; and

(2) If net proceeds in any year are not sufficient to meet the amount allocated for scholarships under the Arkansas Academic Challenge Scholarship Program, Arkansas Code § 6-85-201 et seq., the account may be drawn upon to meet the deficiency.

**Authority.** Arkansas Code § 23-115-207.