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April 22, 2025

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Sent via Electronic Mail

Ms. Kerrie Stronge
Manager, Regulatory Gaming Compliance
DraftKings, Inc.
222 Berkeley Street
Boston, MA 02116

RE: DraftKings' Multiplayer Blackjack Waiver Requests

Dear Ms. Stronge:

On behalf of the Pennsylvania Gaming Control Board ("Board" or "PGCB"), I have reviewed your correspondence, dated April 3, 2025, on behalf of DraftKings, Inc. ("DraftKings"), in which DraftKings includes four waiver requests related to Blackjack games and side wagers:

1. Flush x500 side wager: request for side wager authorization.
2. Dealer Bust side wager: request for a paytable variance waiver.
3. 21+3 side wager: request for a paytable variance waiver.
4. Bet Behind: request to allow players to place wagers to follow another player's gameplay decisions.

Flush x500 Side Wager: DraftKings requests that their Flush x500 side wager be authorized for Blackjack games operating under 58 Pa. Code § 633a. (relating to Blackjack). DraftKings describes the side wager by referring to the Flush Bonus Wager paytables under 58 Pa. Code § 678a.12 (relating to High Card Flush Payout Odds; Payout Limitations). In effect, DraftKings seeks to have a side wager authorized under one table game, High Card Flush be written into Blackjack by utilizing a regulatory waiver. Upon review, PGCB will not be granting authorization of Flush x500 by way of a waiver. Should DraftKings desire to offer this side wager, it will be required to undergo the normal process for consideration, which includes the making of a table games submission, PGCB review of that submission, and if PGCB approves of the wager, the adoption of temporary regulations for the side wager.

Dealer Bust Side Wager: DraftKings requests that they be authorized to offer their Dealer Bust side wager with a nonconforming payable compared to Buster Blackjack under 58 Pa. Code § 633c.13(h). Specifically, DraftKings requests authorization to offer the following payable configuration:

Eight-Deck Shoe	
Dealer Busts with	
Eight or more cards	400 to 1
Seven Cards	80 to 1
Six Cards	15 to 1
Five Cards	6 to 1
Four Cards	2 to 1
Three Cards	2 to 1

Upon review, PGCB believes that DraftKings' proposed payable does not represent lower Return to Player ("RTP") percentage as compared to the paytables authorized under § 633c.13(h). Therefore, I grant DraftKings' Dealer Bust side wager waiver request relative to 58 Pa. Code § 633c.13(h) to allow for the above payable to be utilized. All other aspects of DraftKings' Dealer Bust side wager shall follow the rules and procedures of the Buster Blackjack wager, as outlined in 58 Pa. Code § 633c.13.

21+3 Side Wager: DraftKings requests that they be authorized to offer their 21+3 side wager with a nonconforming payable. DraftKings' has opted to compare its 21+3 side wager to the TriLux Deluxe wager under 58 Pa. Code § 633c.11, and the Top 3 wager under 58 Pa. Code § 633c.7. Specifically, DraftKings requests authorization to offer the following payable configuration for its optional 21+3 side wager:

21+3	
Suited three of a kind	100 to 1
Straight flush	40 to 1
Three of a kind	25 to 1
Straight	10 to 1
Flush	5 to 1

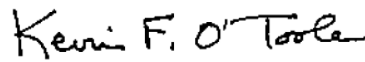
Upon review, PGCB believes that DraftKings' 21+3 side wager best aligns with the Three Card Poker side wager authorized under 58 Pa. Code § 633a.6(e)(9) (relating to Blackjack wagers) and its associated payable under § 633a.13(k) (relating to Blackjack Payout odds). In comparison to the Three Card Poker side wager, PGCB believes that DraftKings' proposed 21+3 payable does not represent lower Return to Player ("RTP") percentage as compared to the payable authorized under § 633a.13(k). Therefore, I grant DraftKings' 21+3 side wager waiver request relative to 58 Pa. Code § 633a.13(k) to allow for the above payable to be utilized. All other aspects of DraftKings' 21+3 side wager shall follow the rules and procedures of the Three Card Poker wager, as provided under § 633a. Blackjack.

Bet Behind: DraftKings is requesting a waiver relative to 58 Pa. Code § 633a. Blackjack, to offer a Bet Behind functionality to its Blackjack game. The Bet Behind function would allow an individual to place a wager on another player's hand which would result in the Bet Behind wager following the actions of that hand as made by the player controlling the hand. At this time, PGCB will not be granting a waiver relating to Bet Behind in Blackjack games. PGCB will be providing guidance to the industry on Bet Behind in the near future.

All remaining aspects of Blackjack not expressly addressed by the waivers issued pursuant to this letter shall continue to follow the rules and procedures governing play of Blackjack, as provided in 58 Pa. Code §§ 633a. Blackjack, 633b. Blackjack Side Wagers and Variations—Temporary Regulations, and 633c. Blackjack Side Wagers and Variations.

The waivers issued pursuant to this letter shall expire at such time that regulations are adopted by the Board and published in the *Pennsylvania Bulletin*. If you have any questions, please contact Robert Wood, Senior Counsel, via email at [REDACTED].

Sincerely,



Kevin F. O'Toole
Executive Director

KFO/rmw

cc: Steve Cook, Chief Counsel, PGCB
Claire Yantis, Administrative Director, PGCB
Paul Resch, Director, Bureau of Gaming Operations, PGCB
Lee Copello, Director, iGaming Compliance Operations, PGCB
Heather Worner, Director, Office of Gaming Laboratory Operations, PGCB
Chad Zimmermann, Deputy Chief Counsel, PGCB
Robert Wood, Senior Counsel, PGCB