

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Bill No. 87, Page
3 ____ Line __38__, by inserting after all of said line the following:

Further amend said bill, Section 143.1028, Page 4, Line 32, by inserting after all of said section and
line the following:

"313.905. As used in sections 313.900 to 313.955, the following terms shall mean:

(1) "Authorized internet website", an internet website or any platform operated by a licensed
operator;

(2) "Commission", the Missouri gaming commission;

(3) "Entry fee", anything of value including, but not limited to, cash or a cash equivalent
that a fantasy sports contest operator collects in order to participate in a fantasy sports contest;

(4) "Fantasy sports contest", any fantasy or simulated game or contest with an entry fee[,
~~conducted on an internet website or any platform,~~] in which:

(a) The value of all prizes and awards offered to the winning participants is established and
made known in advance of the contest;

(b) All winning outcomes reflect in part the relative knowledge and skill of the participants
and are determined predominantly by the accumulated statistical results of the performance of
individuals, including athletes in the case of sports events; and

(c) No winnings outcomes are based on the score, point spread, or any performance of any
single actual team or combination of teams or solely on any single performance of an individual
athlete or player in any single actual event;

(5) "Fantasy sports contest operator", any person ~~[or]~~ entity, or division of a corporate
entity that offers ~~[fantasy sports contests for a prize]~~ a platform for the playing of fantasy contests,
administers one or more fantasy contests with an entry fee, and awards a prize of value;

(6) "Highly experienced player", a person who has either:

(a) Entered more than one thousand contests offered by a single fantasy sports contest
operator; or

(b) Won more than three fantasy sports prizes of one thousand dollars or more;

(7) "Licensed operator", a fantasy sports contest operator licensed pursuant to section
313.910 to offer fantasy sports contests for play on an authorized internet website in Missouri;

(8) "Location", the geographical position of a person as determined within a degree of
accuracy consistent with generally available internet protocol address locators;

(9) "Location percentage", for all fantasy sports contests, the percentage, rounded to the
nearest one-tenth of one percent, of the total entry fees collected from registered players located in

Action Taken _____ Date _____

the state of Missouri at the time of entry into a fantasy contest, divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests;

(10) "Minor", any person less than eighteen years of age;

[(9)] (11) "Net revenue", for all fantasy sports contests, the amount equal to the total entry fees collected from all participants entering such fantasy sports contests less winnings paid to participants in the contests, multiplied by the ~~resident~~ location percentage;

[(10)] (12) "Player", a person who participates in a fantasy sports contest offered by a fantasy sports contest operator;

[(11)] (13) "Prize", anything of value including, but not limited to, cash or a cash equivalent, contest credits, merchandise, or admission to another contest in which a prize may be awarded;

[(12)] (14) "Registered player", a person registered pursuant to section 313.920 to participate in a fantasy sports contest ~~[on an authorized internet website]~~;

[(13)] ~~"Resident percentage", for all fantasy sports contests, the percentage, rounded to nearest one-tenth of one percent, of the total entry fees collected from Missouri residents divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests; and~~

— (14)] (15) "Script", a list of commands that a fantasy-sports-related computer program can execute to automate processes on a fantasy sports contest platform.

313.915. 1. In order to ensure the protection of registered players, an authorized internet website shall identify the person or entity that is the licensed operator.

2. A licensed operator shall ensure that fantasy sports contests on its authorized internet website comply with all of the following:

(1) All winning outcomes are determined by accumulated statistical results of fully completed contests or events, and not merely any portion thereof, except that fantasy participants may be credited for statistical results accumulated in a suspended or shortened contest or event which has been called on account of weather or other natural or unforeseen event;

(2) ~~[A licensed operator shall not allow]~~ Registered players ~~[to]~~ shall not select athletes through an autodraft that does not involve any input or control by a registered player, or to choose preselected teams of athletes;

(3) ~~[A licensed operator shall not offer or award]~~ A prize shall not be offered to or awarded to the winner of, or athletes in, the underlying competition itself; and

(4) ~~[A licensed operator shall not offer]~~ Fantasy sports contests shall not be based on the performances of participants in ~~[collegiate,]~~ high school~~],~~ or youth athletics.

3. A licensed operator shall have procedures approved by the commission before operating in Missouri that:

(1) ~~[Prevents]~~ Prevent unauthorized withdrawals from a registered player's account by the licensed operator or others;

(2) ~~[Makes]~~ Make clear that funds in a registered player's account are not the property of the licensed operator and are not available to the licensed operator's creditors;

(3) Segregate player funds from operational funds as provided under subsections 4 and 5 of this section;

(4) ~~[Maintain a reserve in the form of cash or cash equivalents in the amount of the deposits made to the accounts of fantasy sports contest players for the benefit and protection of the funds held in such accounts;~~

— (5)] ~~[Ensures]~~ Ensure any prize won by a registered player from participating in a fantasy sports contest is deposited into the registered player's account within forty-eight hours or mailed within five business days of winning the prize except as provided under section 313.917;

[(6)] (5) ~~[Ensures]~~ Ensure registered players can withdraw the funds maintained in their individual accounts, whether such accounts are open or closed, within five business days of the

request being made, unless the licensed operator believes in good faith that the registered player engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.955, in which case the licensed operator may decline to honor the request for withdrawal for a reasonable investigatory period until its investigation is resolved if it provides notice of the nature of the investigation to the registered player. For the purposes of this provision, a request for withdrawal will be considered honored if it is processed by the licensed operator but delayed by a payment processor, credit card issuer or by the custodian of a financial account;

~~[(7)]~~ (6) ~~[Allows]~~ Allow a registered player to permanently close their account at any time for any reason; and

~~[(8)]~~ (7) ~~[Offers]~~ Offer registered players access to their play history and account details.

4. A properly constituted special purpose entity shall be approved by the commission as a sufficient means of segregating player funds from operational funds. A properly constituted special purpose entity shall:

(1) Have a governing board that includes one or more corporate directors who are independent of the fantasy sports contest operator and of any corporation controlled by the fantasy sports contest operator;

(2) Hold, at a minimum, the sum of all authorized player funds held in player accounts for use in fantasy sports contests;

(3) Reasonably protect the funds against claims of the operator's creditors other than the authorized players for whose benefit and protection the special purpose entity is established;

(4) Distribute funds only for the following purposes:

(a) For player account balance withdrawals or partial balance withdrawals made upon the specific request of the player;

(b) For income earned on the account, and owed to the fantasy sports operator, calculated as the remainder of all entry fees paid by users for fantasy sports contests minus all user winnings and cash bonuses paid or owed to users, payable to the fantasy sports contest operator;

(c) To the Missouri gaming commission in the event that the fantasy sports operator's license expires, is surrendered, or is otherwise revoked. The Missouri gaming commission may interplead the funds in the Cole County circuit court for distribution to the authorized players for whose protection and benefit the account was established and to other such persons as the court determines are entitled thereto, or shall take such other steps as necessary to effect the proper distribution of the funds, or may do both; or

(d) As authorized in writing in advance by any agreement approved by the Missouri gaming commission;

(5) Require a unanimous vote of all corporate directors to file bankruptcy;

(6) Obtain permission from the Missouri gaming commission prior to filing bankruptcy or entering into receivership;

(7) Have corporate governance requirements which prohibit commingling of funds with that of the fantasy sports contest operator except as necessary to reconcile the accounts of players with sums owed by those players to the fantasy sports contest operator;

(8) Be restricted from incurring debt other than to fantasy sports players under the rules that govern their accounts for contests;

(9) Be restricted from taking on obligations of the fantasy sports contest operator other than obligations to players under the rules that govern their accounts for contests; and

(10) Be prohibited from dissolving, merging, or consolidating with another company without the written approval of the Missouri gaming commission while there are unsatisfied obligations to fantasy sports contest players.

5. The commission, at its discretion, may approve other commercially reasonable

1 approaches to segregation of funds so long as they adequately protect Missouri player accounts.

2 6. A licensed operator shall establish procedures for a registered player to report complaints
3 to the licensed operator regarding whether his or her account has been misallocated, compromised,
4 or otherwise mishandled, and a procedure for the licensed operator to respond to those complaints.

5 [5-] 7. A registered player who believes his or her account has been misallocated,
6 compromised, or otherwise mishandled should notify the commission. Upon notification, the
7 commission may investigate the claim and may take any action the commission deems appropriate
8 under subdivision (4) of section 313.950.

9 [6-] 8. A licensed operator shall not issue credit to a registered player.

10 [7-] 9. A licensed operator shall not allow a registered player to establish more than one
11 account or user name on its authorized internet website.

12 313.917. 1. If a licensed operator believes in good faith that a registered player engaged in
13 either fraudulent conduct or other conduct that would put the licensed operator in violation of
14 sections 313.900 to 313.955, the licensed operator may delay payment of any prize won by such
15 player for up to fifteen days while the licensed operator investigates to determine if any such
16 conduct occurred; provided that, the licensed operator provides notice of the nature of the
17 investigation to the registered player. If the licensed operator finds that the registered player has
18 engaged in either fraudulent conduct or other conduct that would put the licensed operator in
19 violation of sections 313.900 to 313.955, the licensed operator may refuse to pay out the prize to the
20 registered player if the licensed operator informs the registered player in writing of the reason for
21 nullification of the prize, that the player has the right to request an investigation by the commission
22 within thirty days, and of the contact information for the commission.

23 2. The commission shall establish a process to investigate any case referred to it under
24 subsection 1 of this section and issue determinations on a case-by-case basis. The commission shall
25 notify the licensed operator and the registered player of its determination and either party may,
26 within thirty days, appeal such determination to the administrative hearing commission as provided
27 under section 621.047.

28 3. If a licensed operator delays or withholds payment of a prize under the provisions of this
29 section, such licensed operator shall pay any prizes won by other registered players in the contest as
30 though the contested payment will be awarded to the registered player under investigation. If, after
31 final determination, the contested payment is not awarded, all other winning registered players in
32 the contest shall have their prizes adjusted accordingly.

33 313.920. 1. A person shall register with a licensed operator prior to participating in fantasy
34 sports contests on an authorized internet website.

35 2. A licensed operator shall implement appropriate security standards to prevent access to
36 fantasy sports contests by a person whose location and age have not been verified in accordance
37 with this section.

38 3. A licensed operator shall ensure that all individuals register before participating in a
39 fantasy sports contest on an authorized internet website and provide their age and state of residence.

40 4. A licensed operator shall ensure that an individual is of legal age before participating in a
41 fantasy sports contest [on an authorized internet website]. In Missouri, the legal age to participate
42 shall be eighteen years of age.

43 5. (1) The licensed operator shall develop an online self-exclusion form and a process to
44 exclude from play any person who has filled out the form.

45 (2) A licensed operator shall retain each online self-exclusion form submitted to it in order
46 to identify persons who want to be excluded from play. A licensed operator shall exclude those
47 persons.

48 (3) A licensed operator shall provide a link on its authorized internet website to a
49 compulsive behavior website and the online self-exclusion form described in subdivision (1) of this

subsection.

6. A licensed operator shall not advertise fantasy sports contests in publications or other media that are aimed exclusively or primarily at persons less than eighteen years of age. A licensed operator's advertisement shall not depict persons under eighteen years of age, students, or settings involving a school or college. However, incidental depiction of nonfeatured minors shall not be a violation of this subsection.

7. A licensed operator shall not advertise fantasy sports contests to an individual by phone, email, or any other form of individually targeted advertisement or marketing material if the individual has self-excluded himself or herself pursuant to this section or if the individual is otherwise barred from participating in fantasy sports contests. A licensed operator shall also take reasonable steps to ensure that individuals on the involuntary exclusion list or disassociated persons list maintained by the commission are not subject to any form of individually targeted advertising or marketing.

8. A licensed operator shall not misrepresent the frequency or extent of winning in any fantasy sports contest advertisement.

9. A licensed operator shall clearly and conspicuously publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any fantasy sports contest. Licensed operators shall take commercially reasonable steps to confirm that an individual opening an account is not a minor.

10. Licensed operators shall prohibit the use of scripts in fantasy sports contests that give players an unfair advantage over other players.

11. Licensed operators shall monitor fantasy sports contests to detect the use of unauthorized scripts and restrict players found to have used such scripts from further fantasy sports contests.

12. Licensed operators shall make all authorized scripts readily available to all fantasy sports players; provided, that a licensed operator shall clearly and conspicuously publish its rules on what types of scripts may be authorized in the fantasy sports contest.

13. Licensed operators shall clearly and conspicuously identify highly experienced players in fantasy sports contests by a symbol attached to a player's username, or by other easily visible means, on the licensed operator's authorized internet website.

14. Licensed operators shall offer some fantasy sports contests open only to beginner players and that exclude highly experienced players.

313.925. 1. This section applies to all of the following persons:

- (1) An officer of a licensed operator;
- (2) A director of a licensed operator;
- (3) A principal of a licensed operator;
- (4) An employee of a licensed operator; and
- (5) A contractor of a licensed operator with proprietary or nonpublic information.

2. A person listed in subsection 1 of this section shall not play in any fantasy sports contest [outside of private fantasy sports contests offered by the licensed operator exclusively for those listed] offered by any fantasy sports contest operator that is open to the public.

3. A person listed in subsection 1 of this section shall not disclose proprietary or nonpublic information that may affect the play of fantasy sports contests to any individual authorized to play fantasy sports contests.

4. A licensed operator shall make the prohibitions in this section known to all affected individuals and corporate entities.

313.935. 1. No fantasy sports contest operator shall offer any fantasy sports contest in Missouri without first being licensed by the commission. A fantasy sports contest operator wishing to offer fantasy sports contests in this state shall ~~annually~~ apply to the commission for a license

1 and shall remit to the commission an ~~[annual]~~ application fee of ten thousand dollars or ten percent
2 of the applicant's net revenue from the previous calendar year, whichever is lower.

3 2. As part of the commission's investigation and licensing process, the commission may
4 conduct an investigation of the fantasy sports contest operator's employees, officers, directors,
5 trustees, and principal salaried executive staff officers. The applicant shall be responsible for the
6 ~~[total]~~ cost of the investigation up to ten thousand dollars. If the cost of the investigation exceeds
7 the application fee, the applicant shall remit such cost to the commission ~~[the total cost of the~~
8 ~~investigation]~~ prior to any license being issued. ~~[The total cost of the investigation, paid by the~~
9 ~~applicant, shall not exceed fifty thousand dollars.]~~ An applicant may apply for, and the commission
10 may grant, based on a showing of undue burden, a waiver of all or a portion of the cost of the
11 investigation. All revenue received under this section shall be placed into the gaming commission
12 fund created under section 313.835. The investigation set forth in this paragraph does not apply to a
13 renewal of a license.

14 3. (1) A fantasy sports contest operator with net revenues of two million dollars or more
15 from the previous calendar year shall be required to submit an annual license renewal fee of five
16 thousand dollars by November first of each subsequent calendar year. A fantasy sports contest
17 operator with net revenues of less than two million dollars but greater than one million dollars from
18 the previous calendar year shall be required to submit an annual license renewal fee of two thousand
19 five hundred dollars by November first of each subsequent calendar year. A fantasy sports contest
20 operator with net revenues equal to or less than one million dollars but greater than two hundred
21 fifty thousand dollars shall submit an annual license renewal fee of one thousand dollars by
22 November first of each subsequent calendar year. A fantasy sports contest operator with net
23 revenues of two hundred fifty thousand dollars or less from the previous calendar year shall not be
24 required to submit an annual license renewal fee. On the anniversary date of the payment made
25 under subsection 1, a licensed operator shall submit to the commission a notice of license renewal
26 describing any material changes to the operator's compliance with the consumer protections set forth
27 in sections 313.915, 313.920, and 313.925 together with the license renewal fee required under this
28 subsection. A license is renewed upon submission of the notice and payment of the appropriate
29 renewal fee.

30 (2) In addition to the ~~[application]~~ license renewal fee, a licensed operator shall also pay an
31 annual operation fee~~[-on April fifteenth of each year,]~~ in a sum equal to ~~[eleven and one-half]~~ six
32 percent of the licensed operator's net revenue from the previous calendar year. All revenue collected
33 under this subsection shall be placed in the gaming proceeds for education fund created under
34 section 313.822. If a licensed operator fails to apply for a license renewal or pay the annual
35 operation fee ~~[by April fifteenth, the licensed operator shall have its license immediately suspended~~
36 ~~by],~~ the commission may suspend the license of such licensed operator until such payment is made.

37 4. Any fantasy sports contest operator already operating in the state prior to April 1, 2016,
38 may operate until they have received or have been denied a license. Such fantasy sports contest
39 operators shall apply for a license prior to October 1, 2016. Any fantasy sports contest operator
40 operating under this subsection after August 28, 2016, shall pay the annual operation fee of eleven
41 and one-half percent of its net revenue from August 28, 2016, until action is taken on its application.
42 If a licensed fantasy sports contest operator fails to pay its annual operation fee by ~~[April 15, 2017]~~
43 November 1, 2019, the commission may suspend the license or deny the pending license application
44 of such fantasy sports contest operator ~~[shall have its license immediately suspended by the~~
45 ~~commission, or if the fantasy sports contest operator has a pending application, its application shall~~
46 ~~be denied immediately].~~

47 5. If a licensed fantasy sports contest operator ceases to offer fantasy sports contests in
48 Missouri, the operator shall pay an operation fee equal to ~~[eleven and one-half]~~ six percent of its net
49 revenue for the period of the calendar year in which it offered fantasy sports contests in Missouri by

1 November first of the subsequent calendar year. [~~Such payment shall be made within sixty days of~~
 2 ~~the last day the fantasy sports contest operator offered fantasy sports contests in Missouri. After the~~
 3 ~~expiration of sixty days, a penalty of five hundred dollars per day shall be assessed against the~~
 4 ~~fantasy sports contest operator until the operation fee and any penalty is paid in full.]~~

5 313.945. 1. Notwithstanding any applicable statutory provision to the contrary, all
 6 investigatory, proprietary, or application records, information, and summaries in the possession of
 7 the commission or its agents ~~[may]~~ shall be treated by the commission as closed records not to be
 8 disclosed to the public; except that the commission shall, on written request from any person,
 9 provide such person with the following information furnished by an applicant or licensee:

10 (1) The name, business address, and business telephone number of any applicant or licensee;

11 (2) An identification of any applicant or licensee, including, if an applicant or licensee is not
 12 an individual, the state of incorporation or registration, the corporate officers, and the identity of all
 13 shareholders or participants. If an applicant or licensee has a pending registration statement filed
 14 with the federal Securities and Exchange ~~[Division]~~ Commission, the names of those persons or
 15 entities holding interest shall be provided;

16 (3) An identification of any business, including, if applicable, the state of incorporation or
 17 registration in which an applicant or licensee or an applicant's or licensee's spouse or children have
 18 an equity interest. If an applicant or licensee is a corporation, partnership, or other business entity,
 19 the applicant or licensee shall identify any other corporation, partnership, or business entity in which
 20 it has an equity interest, including, if applicable, the state of incorporation or registration. This
 21 information need not be provided by a corporation, partnership, or other business entity that has a
 22 pending registration statement filed with the federal Securities and Exchange ~~[Division]~~
 23 Commission;

24 (4) Whether an applicant or licensee has been indicted, convicted, pleaded guilty or nolo
 25 contendere, or forfeited bail concerning any criminal offense under the laws of any jurisdiction,
 26 either felony or misdemeanor, except for traffic violations, including the date, the name and location
 27 of the court, arresting agency and prosecuting agency, the case number, the offense, the disposition,
 28 and the location and length of incarceration;

29 (5) Whether an applicant or licensee has had any license or certificate issued by a licensing
 30 authority in this state or any jurisdiction denied, restricted, suspended, revoked, or not renewed and
 31 a statement describing the facts and circumstances concerning the denial, restriction, suspension,
 32 revocation, or nonrenewal, including the licensing authority, the date each such action was taken,
 33 and the reason for each such action;

34 (6) Whether an applicant or licensee has ever filed or had filed against it a proceeding in
 35 bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise
 36 work out the payment of any debt, including the date of filing, the name and location of the court,
 37 and the case and number of the disposition;

38 (7) Whether an applicant or licensee has filed or been served with a complaint or other
 39 notice filed with any public body regarding the delinquency in the payment of, or a dispute over, the
 40 filings concerning the payment of any tax required under federal, state, or local law, including the
 41 amount, type of tax, the taxing agency, and time periods involved;

42 (8) A statement listing the names and titles of all public officials or officers of any unit of
 43 government, and relatives of such public officials or officers who, directly or indirectly, own any
 44 financial interest in, have any beneficial interest in, are the creditors of or hold any debt instrument
 45 issued by, or hold or have any interest in any contractual or service relationship with, an applicant or
 46 licensee;

47 (9) The name and business telephone number of the attorney representing an applicant or
 48 licensee in matters before the commission.

49 2. Notwithstanding any applicable statutory provision to the contrary, the commission shall,

on written request from any person, also provide the following information:

- (1) The amount of the tax receipts paid to the state by the holder of a license;
- (2) Whenever the commission finds an applicant for a license unsuitable for licensing, a copy of the written letter outlining the reasons for the denial; and
- (3) Whenever the commission has refused to grant leave for an applicant to withdraw his application, a copy of the letter outlining the reasons for the refusal.

313.950. The commission ~~[shall have full jurisdiction over and]~~ shall supervise all licensed operators, other licensees, and authorized internet websites governed by sections 313.900 to 313.955. The commission shall have the following powers to implement sections 313.900 to 313.955:

- (1) To investigate applicants;
- (2) To license fantasy sports contest operators and adopt standards for licensing;
- (3) To investigate alleged violations of sections 313.900 to 313.955 or the commission's rules, orders, or final decisions;
- (4) To assess an appropriate administrative penalty of not more than ~~[ten]~~ one thousand dollars per violation, not to exceed ~~[one hundred]~~ ten thousand dollars for violations arising out of the same transaction or occurrence, and take action including, but not limited to, the suspension or revocation of a license for violations of sections 313.900 to 313.955 or the commission's rules, orders, or final decisions;
- (5) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.900 to 313.955 or the commission rules;
- (6) To take any other action as may be reasonable or appropriate to enforce sections 313.900 to 313.955 and the commission rules.

313.955. 1. The commission shall have power to adopt and enforce rules and regulations:

- (1) ~~[To regulate and license the management, operation, and conduct of fantasy sports contests and participants therein;~~
 - ~~———(2)]~~ To adopt responsible play protections for registered players; and
 - ~~[(3)]~~ (2) To properly administer and enforce the provisions of sections 313.900 to 313.955.
2. The commission shall not adopt rules or regulations limiting or regulating the rules or administration of an individual fantasy sports contest, the statistical makeup of a fantasy sports contest, or the digital platform of a fantasy sports contest operator.

3. No rule or portion of a rule promulgated under the authority of sections 313.900 to 313.955 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

621.047. 1. Except as otherwise provided by law, any person or entity shall have the right to appeal to the administrative hearing commission from any finding, decision, or determination made by the Missouri gaming commission under section 313.917. Any person or entity who is a party to such a dispute shall be entitled to a hearing before the administrative hearing commission by the filing of a petition with the administrative hearing commission within thirty days after the decision of the Missouri gaming commission is placed in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The decision of the Missouri gaming commission shall contain a notice of the right of appeal in substantially the following language:

"If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed

1 on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will
2 be deemed filed on the date it is received by the commission."

3 2. The procedures applicable to the processing of such hearings and determinations shall be
4 those established by chapter 536. Decisions of the administrative hearing commission under this
5 section shall be binding, subject to appeal by either party."; and"; and

6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.

9
10 AMENDS 0309H03.12H