

PROPOSED RULEMAKINGS

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 421a, 421b, 439a, 465a, 481a, 501a, 503a, 503b, 513a, 603a AND 633a]

Gaming Junket Enterprises, Accounting and Internal Controls, Compulsive and Problem Gambling, Self-Exclusion, Underage Gaming, Equipment, Blackjack

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(15) and (30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(2), (5), (8) and (9), 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and 1602, proposes to rescind Chapters 421b and 503b (relating to advertising guidelines—statement of policy; and disclosure of information related to persons on the self-exclusion list—statement of policy) and amend Chapters 421a, 439a, 465a, 481a, 501a, 503a, 513a, 603a and 633a to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

This proposed rulemaking will transition Chapters 421b and 503b into regulations, allow for the conditional licensure of gaming junket enterprises, amend the procedure for removal from the exclusion list for individuals whose period of voluntary exclusion has concluded, add a procedure for the possible removal of an individual's name from the lifetime exclusion list, update several provisions to reflect the other forms of cash equivalents used by licensed facilities and add an additional payable to an already existing side wager in Blackjack.

Advertising

Section 421a.6 (relating to advertising) is proposed to be rescinded as these requirements belong in Chapter 501a (relating to compulsive and problem gambling requirements). These provisions are proposed to be added in § 501a.7 (relating to advertising). Additionally, the statements of policy §§ 421b.1—421b.4 are proposed to be deleted and the requirements added to proposed § 501a.7. Section 501a.7 provides guidelines regarding the gambling assistance message that must be on gaming related advertising.

Conditioned licensure for gaming junket enterprises

Proposed § 439a.6b (relating to conditional licenses) contains provisions for a conditioned license awarded to gaming junket enterprises provided that certain criteria are satisfied including the following: agreements are submitted to the Board; the gaming junket enterprise is licensed or otherwise credentialed in good standing in a gaming jurisdiction that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar safeguards as those required under 4 Pa.C.S. Part II (relating to gaming); and the applicant has passed a preliminary review for criminal history.

Internal controls

In § 465a.20 (relating to personal check cashing), provisions are proposed to be added prohibiting a licensee or an entity certified or registered with the Board that is operating within a licensed facility from accepting checks

made payable to an individual such as Social Security, unemployment, public assistance checks, and the like. Notwithstanding the prohibition, a licensee may cash a payroll check of one of its employees or a check issued to a patron by the licensee. This provision was added as an employee convenience and to allow a licensee to cash its own check made payable to a patron who won a jackpot payout.

The prohibition on check cashing that was moved into § 465a.20 was previously in § 501a.6 (relating to check cashing). Section 501a.6 is proposed to be rescinded as the provisions more logically belong in Chapter 465a (relating to accounting and internal controls). Cross references to § 501a.6 are proposed to be deleted from § 465a.20 and §§ 465a.21 and 465a.22 (relating to wire transfers; and cash equivalents).

Section 465a.26(b)(2) (relating to jackpot and credit meter payouts) currently requires that two individuals be present to sign off on a jackpot payout greater than \$1,200 but less than \$9,999.99. This proposed rulemaking would allow operators to utilize only one individual instead of two for credit meter payouts less than \$5,000 provided that both the facility's casino management system and the central control computer system are fully operational. This should reduce the number of personnel required to sign off on a majority of jackpot payouts that occur on a daily basis.

Diversity

Chapter 481a (relating to diversity) is proposed to be amended to reflect that the Bureau of Small Business Opportunities (formerly the Bureau of Minority and Women's Business Enterprises) verifies that a business is minority or women's business enterprise. Proposed amendments to § 481a.6 (relating to diversity reviews) reflect that Board staff conducts diversity reviews, not audits. This technical revision was made for consistency with 4 Pa.C.S. § 1212(b) (relating to diversity goals of board).

Compulsive and problem gambling

As previously mentioned, the advertising requirements currently in § 421a.6 and Chapter 421b are included in proposed § 501a.7.

The definition of "advertising" is proposed to be added to § 501a.1 (relating to definitions). Redundant language in § 501a.2(i) (relating to compulsive and problem gambling plan) is proposed to be deleted and a cross reference to the requirements in subsections (g) and (h) is proposed to be added.

Proposed § 501a.3(b) (relating to employee training program) requires that training materials be updated annually to include the most current research on responsible and problem gambling. The remaining subsections are proposed to be renumbered.

A signage requirement is proposed to be added to § 501a.5(a) (relating to signage requirements) to reflect 4 Pa.C.S. § 1509(c) (relating to compulsive and problem gambling program). References to advertisements are proposed to be deleted from this section as advertising requirements are addressed in proposed § 501a.7.

Self-exclusion

In § 503a.1 (relating to definitions), language is proposed to be added to the definitions of "fully executed

gaming transaction” and “self-exclusion list” to reflect that gaming activity may also be conducted in locations off the gaming floor. The same language is proposed to be added throughout Chapter 503a (relating to self-exclusion) to reflect this change. A definition of “gaming activity” is proposed to be added and the definition of “gaming related activity” is proposed to be amended in § 503a.1.

In § 503a.2 (relating to request for self-exclusion), the cross reference in subsection (c) is proposed to be corrected.

In subsection (e)(5), language is proposed to be added specifying that a self-excluded individual’s gambling winnings will be subject to confiscation to support compulsive and problem gaming programs. Confiscation is consistent with 4 Pa.C.S. § 1516(a) (relating to list of persons self excluded from gaming activities). The confiscation of winnings language will also be included in the waiver individuals are required to sign to be placed on the exclusion list as specified in subsection (e)(6)(iii).

Section 503a.4(a) (relating to duties of slot machine licensees) is proposed to be amended for clarity and to delete unnecessary language. Subsection (a)(2) is proposed to be deleted as it is redundant with proposed subsection (a)(1)(iii). The remaining subsections are proposed to be renumbered. Subsection (a)(7) (proposed subsection (a)(6)) currently requires licensees to disseminate self-exclusion program materials but does not provide guidelines for licensees to ensure compliance. This paragraph is proposed to be amended to require licensees to “make available” information on the self-exclusion program. This proposed amendment is consistent with § 609a.12(f) (relating to duties of certificate holders).

In subsection (e), redundant language is proposed to be deleted and replaced with a cross reference to the submission and approval process in subsections (c) and (d).

In § 503a.5 (relating to removal from self-exclusion list), the removal process for individuals whose term of voluntary exclusion has concluded is proposed to be amended and a procedure for the possible removal of an individual’s name from the exclusion list when then individual has signed up for lifetime exclusion is proposed to be added.

Currently, once an individual’s period of exclusion has concluded (those with a 1-year or 5-year term), the individual can schedule an appointment and at the appointment time submit a Request for Removal form. The individual is then required to schedule another appointment and return a second time to sign the form. Requiring individuals to come back to the Board’s Harrisburg office or a regional office in Pittsburgh, Conshohocken and Scranton on two separate occasions can present substantial challenges to those individuals who live some distance from a Board office. Therefore, individuals whose term of voluntary exclusion has expired will be required to schedule only one appointment to be removed from the voluntary list once their period of exclusion has ended. Additionally, the Office of Compulsive and Problem Gambling may now approve an alternative location to complete the removal process if circumstances, such as geographical distance, warrant the use of an alternative location. Alternative locations can be discussed with the Director of the Office of Compulsive and Problem Gambling when the self-excluded individual schedules an appointment to be removed from the list.

This chapter also includes a proposed mechanism by which an individual who has signed up for lifetime exclusion may be removed from the list. An individual who has signed up for lifetime exclusion may petition the Board for removal from the list; however, the individual will be prohibited from petitioning for removal for a period of 10 years from the date the individual was placed on the list.

To petition the Board, the self-excluded person shall comply with the general petition requirements in § 493a.4 (relating to petitions generally) and must include affidavits supporting the individual’s removal from the list. The petition must state the specific grounds believed by the petitioner to constitute good cause as to why the individual’s name should be removed from the lifetime self-exclusion list. The Board may deny the petition, grant the petition or refer the matter to a hearing officer to develop the evidentiary record.

In subsection (d) (proposed subsection (e)), the time period for the Board and licensees to remove the name of a self-excluded person is proposed to be amended from 5 to 15 business days. After an individual completes the process to be removed from the self-exclusion list, the Board will update the database, provide notice to the licensees and the licensees shall update their in-house databases. Based on the Board’s experience to date, 15 business days will provide adequate time to the Board and slot machine licensees to complete the administrative process of removing the individual’s information from all databases. This additional time should also ensure that individuals who have completed the removal process are not inadvertently ejected from a licensed facility and charged with criminal trespass.

Proposed § 503a.7 (relating to disclosure of information related to persons on the self-exclusion list) specifies the type of general information that the Board may disclose publicly. In accordance with 4 Pa.C.S. § 1516(d), detailed information regarding an individual on the list is deemed confidential and will not be publically disclosed.

Underage gaming

Proposed amendments to Chapter 513a (relating to underage gaming) add additional requirements to ensure the exclusion of underage individuals from gaming and gaming related activities. Slot machine licensees are required to train their employees and establish procedures to identify underage individuals, refuse gaming related activities to minors, including check cashing and to notify the onsite casino compliance representatives and the Pennsylvania State Police if an underage individual is discovered on the gaming floor or areas off the gaming floor where contests or tournaments are conducted.

In § 513a.4 (relating to signage requirements), the underage prohibition language is proposed to be updated to add specificity on the type of activity that an underage individual is prohibited from engaging in and to reflect that gaming activity now includes the play of not only slot machines but also table games.

Table gaming equipment

Proposed amendments to § 603a.12 (relating to dice; physical characteristics) require that dice used in an automated Sic Bo must be a 0.625 inch cube with ball edge corners. These size specifications ensure a proper tumble of the dice in the automated Sic Bo shaker.

Blackjack

A payout table is proposed to be added to § 633a.13(k) (relating to payout odds; payout limitation) for winning Three Card Poker wagers.

Affected Parties

Slot machine licensees, gaming junket enterprises and individuals who are currently on the voluntary self-exclusion list or may request placement on the list will be affected by this proposed rulemaking.

Fiscal Impact

Commonwealth. The Board does not expect that this proposed rulemaking will have fiscal impact on the Board or any other Commonwealth agency. Updates to internal control procedures or training materials regarding compulsive and problem gambling submitted by licensees will be reviewed by Board staff.

Political subdivisions. This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. Slot machine licensees will be required to comply with the requirements in this proposed rulemaking and may need to submit updated internal control procedures and training materials regarding compulsive and problem gambling. However, licensees have already been complying with requirements in the statements of policy. Therefore, it is not anticipated that this proposed rulemaking will have a negative fiscal impact on the licensees.

With respect to the amendment to the number of individuals required for jackpot credit meter payouts, the licensees may see a slight cost savings as licensees will only need one individual instead of two to perform a majority of the credit meter payouts during the gaming day.

General public. This proposed rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated rules submission reflecting the changes. These forms are available and submitted to the Board electronically.

Additionally, licensees will be required to update their compulsive and problem gambling training annually to include current research and information. This information is submitted electronically to the Director of the Office of Compulsive and Problem Gambling.

Effective Date

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-168.

Contact Person

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 346-8300.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 5, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a

Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at www.gamingcontrolboard.pa.gov.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

WILLIAM H. RYAN, Jr.,
Chairperson

Fiscal Note: 125-168. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION****CHAPTER 421a. GENERAL PROVISIONS**

§ 421a.6. [Advertising] (Reserved).

[(a) Slot machine, gaming junket enterprise and manufacturer licensees will be required to discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice from the Board that the Board has determined that the use of the particular advertisement in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.

(b) For purposes of this section, the term "advertisement" means marketing materials including signs, billboards, print, radio and television advertisements, emails and any notice or communication by a slot machine, gaming junket enterprise or manufacturer licensee or its agent to the public through broadcasting, publication, mailing or other means of dissemination.

(c) Advertisements used by slot machine, gaming junket enterprise or manufacturer licensees may not:

(1) Contain false or misleading information.

(2) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring any material fact or the statement required under subsection (d).

(3) Fail to disclose any material conditions or limiting factors associated with the advertisement.

(d) Advertisements must contain a statement that is similar to the following: "If you or someone you know has a gambling problem, help is available. Call (toll-free telephone number)." The complete text of the statement and type size to be used for the statement, if it has not been previously approved by the Director of the Office of Compulsive and Problem Gambling, shall be submitted to the

Director of the Office of Compulsive and Problem Gambling for approval utilizing the process contained in § 501a.2(g) (relating to compulsive and problem gambling plan).

(e) A slot machine, gaming junket enterprise or manufacturer licensee or an agent thereof may not employ or contract with an individual to persuade or convince a person to engage in gaming or play a specific slot machine at a licensed facility.]

**CHAPTER 421b. [ADVERTISING
GUIDELINES—STATEMENT OF POLICY]
(Reserved)**

(Editor’s Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 421b which appears in 58 Pa. Code pages 421b-1, serial page (332677).)

Sec.
421b.1—421b.4. (Reserved).

CHAPTER 439a. JUNKET ENTERPRISES

(Editor’s Note: The following section is new and printed in regular type to enhance readability.)

§ 439a.6b. Conditional licenses.

(a) The Board may grant an applicant for a gaming junket enterprise license a conditional license to conduct junkets in this Commonwealth. To be eligible to obtain a conditional gaming junket enterprise license, the applicant shall:

(1) Submit a completed gaming junket enterprise license and gaming junket representative permit application, including the nonrefundable application fee, as posted on the Board’s web site, and pass a preliminary review.

(2) Submit agreements entered into between the slot machine licensee and the gaming junket enterprise or representative.

(3) Be licensed or credentialed, in good standing, to arrange or negotiate the terms of a gaming junket in a jurisdiction in the United States or Canada that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar adequate safeguards as those required under the act.

(4) Pass a preliminary review of the applicant’s criminal history.

(5) Agree, in writing, that the grant of permission to conduct business with a conditional license does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the conditional licensure granted to the applicant, with or without prior notice to the applicant, if the Bureau of Licensing is notified that the suitability of the applicant is at issue or the applicant fails to cooperate in the application process.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant that has received a conditional gaming junket enterprise license, the Bureau of Licensing may rescind the conditional license. If the conditional license is rescinded, the gaming junket enterprise shall cease conducting business by the date specified in the notice of the rescission sent to the conditional licensee.

(c) If the conditional license is rescinded, the Bureau of Licensing will notify the holder of the conditional license and the slot machine licensee by registered mail that:

(1) Permission for the conditional licensee to conduct business has been rescinded.

(2) A slot machine licensee shall cease conducting business with the gaming junket enterprise by the date specified in the notice.

(d) Pending a hearing on the Notice of Recommendation for Denial, the conditional licensee may not seek or conduct new business in this Commonwealth.

(e) The slot machine licensee shall investigate the background and qualifications of the applicant for a gaming junket enterprise license with whom the slot machine licensee intends to have a relationship or enter into a contractual agreement.

(f) The slot machine licensee has an affirmative duty to avoid agreements or relationships with persons applying for a gaming junket enterprise license whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth or who threaten the integrity of gaming in this Commonwealth.

(g) The slot machine licensee has a duty to inform Board staff of an action by an applicant for or holder of a gaming junket enterprise license which the slot machine licensee believes would constitute a violation of the act or this part.

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.20. Personal check cashing.

(a) **Checks made payable to an individual, including Social Security, unemployment insurance, disability, public assistance or payroll check, may not be cashed by a slot machine licensee or entity certified or registered with the Board that is operating within the licensed facility. Notwithstanding the prohibition, a slot machine licensee may cash the payroll check of one of its employees or a check issued to a patron by the slot machine licensee. Personal checks accepted by a slot machine licensee [under § 501a.6 (relating to check cashing) to] which enable a patron to take part in gaming must be:**

(1) Drawn on a commercial bank, savings bank, saving and loan association or credit union and payable on demand.

(2) Drawn for a specific amount.

(3) Made payable to the slot machine licensee **or entity certified or registered with the Board that is operating within the licensed facility.**

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§ 465a.21. Wire transfers.

(a) **A slot machine licensee may accept a wire transfer on behalf of a patron to enable the patron to take part in gaming. A wire transfer accepted by a slot machine licensee [on behalf of a patron under § 501a.6 (relating to check cashing) to enable a patron to take part in gaming] shall be recorded in the slot machine licensee’s cage accountability no later than the next gaming day.**

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§ 465a.22. Cash equivalents.

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(b) Prior to accepting cash equivalents for gaming purposes [as permitted under § 501a.6 (relating to check cashing)], a slot machine licensee shall establish a comprehensive system of internal controls addressing the acceptance and verification of cash equivalents. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

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§ 465a.23. Customer deposits.

(a) At the request of a patron, a slot machine licensee may hold cash, value chips, plaques, funds accepted by means of personal check in accordance with § 465a.20 (relating to personal check cashing) or wire transfer in accordance with § 465a.21 (relating to wire transfers) or cash equivalents accepted in accordance with § 465a.22 (relating to cash equivalents) for a patron's subsequent use at the licensed facility. For the purposes of this section, after complying with this chapter for acceptance and verification, noncash items shall be considered converted to cash and deposited as cash for credit to the patron in a customer deposit account maintained in the cage.

(b) Prior to agreeing to hold a patron's cash, value chips, plaques, funds accepted by means of personal check in accordance with § 465a.20 or wire transfer in accordance with § 465a.21 or cash equivalents accepted in accordance with § 465a.22 for a patron's subsequent use at the licensed facility, each slot machine licensee shall establish a comprehensive system of internal controls addressing the receipt and withdrawal of a customer deposit. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

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§ 465a.26. Jackpot and credit meter payouts.

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(b) The internal control procedures must, at a minimum, include:

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(2) A requirement that if the jackpot or credit meter payout on a slot machine is equal to or between \$1,200 and \$9,999.99, a security department member or a slot operations department member other than the preparer, shall sign the jackpot/credit meter payout slip verifying the winning combination of characters or a code corresponding to the winning combination of characters on the slot machine, the amount of the jackpot or credit meter payout and the payment of the jackpot or credit meter payout to the patron. Notwithstanding the forgoing, if the licensee's slot or casino management system can independently verify a jackpot or credit meter payout, only the preparer is required to sign the jackpot/credit meter payout slip for payouts less than or equal to \$4,999.99 provided that the slot machine licensee's internal control reflect the following:

(i) If the slot machine licensee's slot or casino management system or the central control computer system are not fully operational, or when overrides or adjustments are required, two individuals shall verify a jackpot or credit meter payout that is equal to or between \$1,200 and \$9,999.99 as specified in this paragraph.

(ii) **Jackpot payouts that are equal to or greater than \$1,200 shall be accompanied by the issuance of a W-2G Form.**

(3) A requirement that if the jackpot or credit meter payout is equal to or between \$10,000 and \$24,999.99 on a slot machine, or between \$5,000 and \$24,999.99 on a fully automated electronic gaming table, a security department member, a slot supervisor or other employee holding the same or greater level of authority than a slot supervisor shall sign the jackpot/credit meter payout slip verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine or fully automated electronic gaming table, the amount of the jackpot or credit meter payout and the payment of the jackpot or credit meter payout to the patron. If the two-part electronically generated jackpot/credit meter payout slip required under paragraph (1) is created by a slot supervisor or higher slot operations department employee, the verification required by this paragraph may be completed by a slot attendant, security department member, a slot supervisor or other employee holding the same or greater level of authority as a slot supervisor.

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(5) A requirement that the following information be on all two-part electronically generated jackpot/credit meter payout slips:

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(viii) The signature or, if the slot accounting system has appropriate controls for access, the electronic authorization of the witness when the amount is equal to or greater than \$1,200, **except as provided in subsection (b)(2).**

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(7) A requirement that whenever a winning patron is paid directly by a slot attendant's imprest fund, a two-part manual jackpot/credit meter payout slip is completed that contains the following information:

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(vii) The signature and Board-issued credential number of the witness when the amount is equal to or greater than \$1,200, **except as provided in subsection (b)(2).**

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§ 465a.29. Automated teller machines.

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(c) A slot machine licensee may utilize an automated teller machine that also contains an automated gaming voucher redemption machine, an automated coupon redemption machine or bill breaker provided that the machine complies with the requirements in § 465a.34 (relating to automated gaming voucher and coupon redemption machine accounting controls).

(d) **Automated teller machines located within a licensed facility may not accept Pennsylvania Access/Electronic Benefits Transfer Cards.**

Subpart G. MINORITY AND WOMEN'S BUSINESS ENTERPRISES

CHAPTER 481a. DIVERSITY

§ 481a.3. Diversity participation.

(a) The list of the minority and women's business enterprises that are [certified] verified by the Bureau of [Minority and Women's Business Enterprises]

Small Business Opportunities of the Department of General Services under 62 Pa.C.S. Part I (relating to Commonwealth Procurement Code) may be used by a regulated entity to establish the eligibility of an enterprise as a minority or women’s business enterprise for the purpose of promoting and ensuring minority and women’s business participation.

(b) It shall be the responsibility of the regulated entity to verify that a minority or women’s business enterprise that is not [**certified**] **verified** by the Bureau of [**Minority and Women’s Business Enterprises**] **Small Business Opportunities** of the Department of General Services is a minority or women’s business enterprise **as defined in 4 Pa. Code § 58.302 (relating to definitions)**.

§ 481a.6. Diversity [**audits**] **reviews**.

(a) Onsite [**audits**] **diversity reviews** may be performed on an annual basis or at the discretion of [**the**] Board **staff** to ensure compliance with this chapter.

(b) Advanced written notice will be provided to a regulated entity prior to the conduct of an onsite [**audit by the Board**] **diversity review by Board staff**.

Subpart I. COMPULSIVE AND PROBLEM GAMBLING

CHAPTER 501a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

§ 501a.1. **Definitions.**

The following [**term**] **words and terms**, when used in this chapter, [**has**] **have** the following [**meaning**] **meanings**, unless the context clearly indicates otherwise:

Advertisement—**Gaming related marketing materials including a notice or communication by a licensee, certified or registered entity or its agent to the public through signs, billboards, broadcasts, publications, mail, e-mail, text message, tweet or other means of dissemination.**

OCPG—The Office of Compulsive and Problem Gambling.

§ 501a.2. **Compulsive and problem gambling plan.**

(a) An applicant for a slot machine license shall submit a compulsive and problem gambling plan [**to the Board**] for review at the time of submission of the application. The plan must, at a minimum, contain the elements listed in subsection (d).

(b) The compulsive and problem gambling plan of an applicant for a slot machine license [**who**] **that** has been approved to receive a slot machine license must be approved by the Director of OCPG. An applicant for a slot machine license who has been approved to receive a slot machine license will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. A slot machine licensee may not commence operations until the Director of OCPG approves the plan.

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(f) The Board may provide the plan submitted by the slot machine licensee to the Department of Health for [**evaluation**] **its use in administering the act**. The

Department of Health may provide comments and recommendations to the [**Board**] **OCPG and the licensee** relating to the plan.

* * * * *

(i) When amendments have been objected to under subsection (h), the slot machine licensee may submit revised amendments [**within 30 days of receipt of the written notice from the Director of OCPG**] **for review in accordance with subsections (g) and (h)**. [**The slot machine licensee may implement the revised amendments on the 30th calendar day following the filing of the revision unless it receives written notice under subsection (h) objecting to the amendments.**]

§ 501a.3. **Employee training program.**

(a) The employee training program required under § 501a.2(d)(5) (relating to compulsive and problem gaming plan) must include instruction in the following:

* * * * *

(3) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and [**family counseling**] **domestic issues**.

* * * * *

(b) **Training and training materials shall be updated annually and include current research and information on responsible and problem gambling.**

(c) Training for employees shall be conducted by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs as part of the employee’s orientation.

[(c)] (d) Employees who have received training shall be certified by the slot machine licensee under § 501a.2(d)(6) upon completion of the training.

[(d)] (e) Employees are required to receive periodic reinforcement training at least once every calendar year starting with the year following the year in which the employee was hired. The date of the reinforcement training shall be recorded in [**the**] **each** employee’s personnel file.

[(e)] (f) Employees shall report suspected or identified compulsive or problem gamblers to a designated key employee or other supervisory employee.

[(f)] (g) The identity of an individual suspected of known compulsive or problem gambling shall be confidential except as provided under § 503a.3(f) (relating to self-exclusion list) and section 1516(d) of the act (relating to list of persons self-excluded from gaming activities).

[(g)] (h) Slot machine licensees may collaborate with a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required by this chapter.

§ 501a.5. **Signage requirements.**

(a) Under section 1509(c) of the act (relating to compulsive and problem gambling program), each slot machine licensee shall post **at least 20** signs that include a [**statement that is similar to the following: “If you or someone you know has a gambling problem, help**

is available. Call (toll-free telephone number).”] **gambling assistance message that complies with § 501a.7(d) (relating to advertising).** The complete text of the sign shall be submitted for approval to the Director of OCPG utilizing the process contained in § 501a.2(g) (relating to compulsive and problem gambling plan). The signs shall be prominently posted at the following locations:

(1) Within 50 feet of each entrance and exit of the facility.

(2) Above or below the cash dispensing opening on all ATMs, automated gaming voucher and coupon redemption machines and other machines that dispense cash to patrons in the licensed facility.

[**(b) Each slot machine licensee and gaming junket enterprise shall print a statement related to obtaining compulsive or problem gambling on all marketing or advertising materials that are offered to the general public by a slot machine licensee or gaming junket enterprise, including signs, billboards, print, radio or television advertisements. The text and font size of the statement shall be submitted for approval to the Director of OCPG utilizing the process in § 501a.2(g).**]

§ 501a.6. [**Check cashing**] (Reserved).

[**(a) Except as permitted in subsection (b), holders of a license, certification or registration from the Board or persons acting on behalf of a holder of a license, certification or registration from the Board, may not cash a check payable to an individual, including Social Security, unemployment insurance, disability payment, public assistance payment or payroll check for a patron.**

(b) A holder of a license, certification or registration from the Board or any employee authorized by a holder of a license, certification or registration from the Board may accept a personal check, wire transfer or cash equivalent, such as a recognized traveler’s check, cashier’s check or money order. A slot machine licensee may accept a check issued to a patron by the slot machine licensee.]

(Editor’s Note: The following section is new and printed in regular type to enhance readability.)

§ 501a.7. Advertising.

(a) A licensee, certified or registered entity or its agent may not employ or contract with an individual or entity to persuade or convince a person to engage in gaming or play a specific slot machine or table game while on the gaming floor of a licensed facility.

(b) A licensee, certified or registered entity or its agent shall discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice that the OCPG has determined that the use of the particular advertisement in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.

(c) Advertisements used by a licensee, certified or registered entity or its agent may not:

- (1) Contain false or misleading information.
- (2) Fail to disclose conditions or limiting factors associated with the advertisement.
- (3) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring conditions or limiting

factors associated with the advertisement or the statement required under subsection (d).

(d) Advertisements must contain a gambling assistance message that is similar to one of the following:

(1) If you or someone you know has a gambling problem, help is available. Call (toll free telephone number).

(2) Gambling Problem? Please call (toll free telephone number).

(3) Gambling Problem? Call (toll free telephone number).

(e) The complete text of the gambling assistance message and the font to be used for the statement, if it has not been previously approved, shall be submitted to the Director of the OCPG for approval utilizing the process in § 501a.2(g) (relating to compulsive and problem gambling plan) and comply with the following:

(1) For signs, direct mail marketing materials, posters and other print advertisements, the height of the font used for the gambling assistance message shall be the greater of:

(i) The same size as the majority of the text used in the sign, direct mail marketing material, poster or other print advertisement.

(ii) Two percent of the height or width, whichever is greater, of the sign, direct mail marketing material, poster or other print advertisement.

(2) For billboards, the height of the font used for the gambling assistance message must be at least 5% of the height or width, whichever is greater, of the face of the billboard.

(3) For video and television:

(i) The height of the font used for the gambling assistance message must be at least 2% of the height or width, whichever is greater, of the image that will be displayed.

(ii) The gambling assistance message shall be visible for the entire time the video or television advertisement is displayed.

(4) For web sites, including social media sites:

(i) The gambling assistance message must be posted on each webpage or profile page and on a gaming related advertisement posted on the webpage or profile page.

(ii) The height of the font used for the gambling assistance message must be at least the same size as the majority of the text used in the webpage or profile page.

(iii) For advertisements posted on the webpage or profile page, the height of the font used for the gaming assistance message must comply with paragraph (1).

CHAPTER 503a. SELF-EXCLUSION

§ 503a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Fully executed gaming transaction—An activity involving a slot machine, **table game** or associated equipment which occurs on the gaming floor of a licensed facility [**and**] **or in areas off the gaming floor where contests or tournaments are conducted** which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee or slot system operator.

Gaming activity—The play of slot machines or table games including play during contests, tournaments or promotional events.

Gaming related activity—An activity [involving or] related to the play of slot machines or table games including applying for player club memberships or [promotional activities] credit, cashing checks, accepting a complimentary gift or service, promotional item or other thing of value at a licensed facility.

* * * * *

Self-exclusion list—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be [excluded]:

(i) Excluded from the gaming floor and areas off the gaming floor where gaming activity is conducted.

(ii) Excluded from engaging in all gaming related activities at a licensed facility [and to be prohibited].

(iii) Prohibited from collecting any winnings[,] or recovering any losses [or accepting complimentary gifts or services or any other thing of value at a licensed facility] resulting from gaming activity.

* * * * *

§ 503a.2. Request for self-exclusion.

* * * * *

(c) The information provided in subsection [(c)] (b) shall be updated by the self-excluded person within 30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address. A copy of the form can be obtained by calling the OPCG at (717) 346-8300 or by writing to:

* * * * *

(e) A request for self-exclusion must include a signed release which:

* * * * *

(4) Acknowledges that a person requesting a lifetime exclusion is prohibited from [requesting] petitioning for removal from the self-exclusion list for 10 years and that a person requesting [a 1-year or 5-year] exclusion will remain on the self-exclusion list until a request or petition for removal under § 503a.5 (relating to removal from self-exclusion list) is approved.

(5) Acknowledges that if the individual is discovered on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities at any licensed facility, that the individual will be subject to removal and [will be subject to] arrest for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass) and the individual's winnings will be subject to confiscation and remittance to support compulsive and problem gambling programs.

(6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board, and all slot machine licensees from any claims, damages, losses, expenses or liability arising out of, by reason of or

relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

(i) The failure of a slot machine licensee to withhold gaming privileges from or restore gaming privileges to a self-excluded person.

(ii) Otherwise permitting or not permitting a self-excluded person to engage in gaming activity in a licensed facility while on the list of self-excluded persons.

(iii) Confiscation of the individual's winnings.

(f) Self-exclusions for 1 or 5 years remain in effect until the [self-excluded] period of self-exclusion concludes and the person requests removal from the Board's self-exclusion list under § 503a.5. Lifetime exclusions remain in effect unless the Board approves a petition to remove the person from the self-exclusion list in accordance with § 503a.5(d).

(g) A person submitting a self-exclusion request shall [be required to] present a valid government-issued photo identification containing the person's signature and photograph when the person submits the request.

(h) A person requesting self-exclusion under this chapter shall [be required to] have a photograph taken by the Board, or agent thereof, upon [the Board's] acceptance of the request to be on the list.

§ 503a.4. Duties of slot machine licensees.

(a) A slot machine licensee shall train its employees and establish procedures [that are designed] to:

(1) Identify a self-excluded person when present [in a licensed facility] on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities and, upon identification, immediately notify the following persons:

(i) Employees of the slot machine licensee whose duties include the [identification and] removal of self-excluded persons.

(ii) Casino compliance representatives at the licensed facility.

(iii) The Pennsylvania State Police.

(2) [Immediately notify the Pennsylvania State Police when a self-excluded person is discovered on the gaming floor or engaging in gaming activities.

(3)] Refuse wagers from and deny gaming privileges to a self-excluded person.

[(4) Deny check cashing privileges, player club membership, complimentary goods and services]

(3) Deny gaming related activities, gaming junket participation and other similar privileges and benefits to a self-excluded person.

[(5)] (4) Ensure that self-excluded persons do not receive, either from the slot machine licensee or any agent thereof, gaming junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed facility as required under § 501a.3(a)(10) (relating to employee training program).

[(6)] (5) Comply with § 503a.3(d) (relating to self-exclusion list).

[(7) Disseminate] (6) Make available to patrons written materials [to patrons] explaining the self-exclusion program.

* * * * *

(e) When the amendments to the procedures and training materials have been objected to under subsection (d), the slot machine licensee may submit revised amendments [within 30 days of receipt of the written notice from the Director of OCPG] in accordance with subsections (c) and (d). [The slot machine licensee may implement the amendments on the 30th calendar day following the filing of the revisions unless it receives written notice under subsection (d) objecting to the amendments.]

(f) A slot machine licensee shall post signs at all entrances to a licensed facility indicating that a person who is on the self-exclusion list will be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass) if the person is on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities in the licensed facility. The text and font size of the signs shall be submitted for approval to the Director of OCPG under the procedures specified in subsection (b).

* * * * *

(i) A slot machine licensee shall report the discovery of a self-excluded person on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities to the Director of OCPG within 24 hours.

§ 503a.5. Removal from self-exclusion list.

(a) [A self-excluded person may] For individuals who are self-excluded for 1 or 5 years, upon the [expiration] conclusion of the period of self-exclusion, the individual may request removal [of the person's name] from the self-exclusion list by [submitting a completed request for removal as required by subsections (b) and (c)] scheduling an appointment with the OCPG at (717) 346-8300. [The submission may be made by scheduling an appointment at the Board's Harrisburg office or one of the Board's other offices. To make an appointment, a person may contact the OCPG at (717) 346-8300.] At the scheduled appointment time, the individual requesting removal shall submit, in person, a completed Request for Removal from Voluntary Self-Exclusion form as required under subsections (b) and (c). With an appointment, removal from the list may be conducted at the Board's Harrisburg office, one of the Board's regional offices or other location approved by the OCPG.

(b) A [request for removal from the self-exclusion list] Request for Removal from Voluntary Self-Exclusion form must include:

(i) The identifying information specified in § 503a.2(b)(1)—[(6)] (5) (relating to request for self-exclusion).

(ii) The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement:

"I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the Board to permit all slot machine licensees of the Commonwealth of Pennsylvania to reinstate my gaming privileges at licensed facilities."

(c) A person submitting a [request for removal from the self-exclusion list] Request for Removal from Voluntary Self-Exclusion form shall be required to present a valid government-issued photo identification containing the person's signature when the [request] form is submitted during the person's scheduled appointment. [No sooner than 5 business days after the request is submitted, the person submitting the request shall:

(1) Return to the Board office where the request was filed.

(2) Present a valid government-issued photo identification containing the person's signature.

(3) Sign the request a second time.]

(d) For individuals with lifetime exclusion, the self-excluded person may file a petition with the Clerk in accordance with § 493a.4 (relating to petitions generally) to request a hearing for removal from the self-exclusion list at any time after 10 years from the placement of the person's name on the self-exclusion list. The petition must be signed by the person, contain supporting affidavits and state the specific grounds believed by the petitioner to constitute good cause for removal from the self-exclusion list. The Board may deny the petition, grant the petition or direct that a hearing be held in accordance with Chapter 494a (relating to hearing procedure).

(e) Within [5] 15 business days after the [request is signed for a second time, the Board] Request for Removal from Voluntary Self-Exclusion form is accepted by Board staff or the Board issues an order granting removal from the self-exclusion list in accordance with subsection (d), the OCPG will delete the name of the [person requesting removal] individual from the self-exclusion list and notify each slot machine licensee of the removal. An individual who was removed from the voluntary self-exclusion list may not enter the gaming floor, areas off the gaming floor where contests or tournaments are conducted or engage in gaming related activities for 15 business days from the date Board staff accepts the request to be removed from the voluntary self-exclusion list or may be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass).

§ 503a.6. Exceptions [to the prohibition from being on the gaming floor] for individuals on the self-exclusion list.

The prohibition against allowing self-excluded persons to be on the gaming floor or in areas off the gaming floor where gaming activity is conducted does not apply to an individual who is on the self-exclusion list if all of the following apply:

* * * * *

(3) Access to the gaming floor or areas off the gaming floor where gaming activity is conducted is limited to the time necessary to complete the individual's assigned duties.

* * * * *

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 503a.7. Disclosure of information related to persons on the self-exclusion list.

(a) The Board may periodically release to the public demographics and general information regarding the self-exclusion list such as the total number of individuals on the list, gender breakdown and age range.

(b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

(c) The Board will not disclose identifying information or confirm or deny the existence of an individual's name on the Board's voluntary self-exclusion list.

CHAPTER 503b. [DISCLOSURE OF INFORMATION RELATED TO PERSONS ON THE SELF-EXCLUSION LIST—STATEMENT OF POLICY] (Reserved)

§ 503b.1. [Disclosure of information related to persons on the self-exclusion list] (Reserved).

[(a) The Board may periodically release to the public general data and demographics related to individuals on the self-exclusion list (such as the total number of individuals on the list, gender breakdown, age range, types of gambling engaged in, and the like).

(b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

(c) The Board will not confirm or deny the existence of an individual's name or identity on the Board self-exclusion list.]

**Subpart J. EXCLUSION OF PERSONS
CHAPTER 513a. UNDERAGE GAMING**

§ 513a.1. Definitions.

The following words and phrases, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Fully executed gaming transaction—An activity involving a slot machine, **table game** or associated equipment which occurs on the gaming floor of a licensed facility **or in areas off the gaming floor where contests or tournaments are conducted** and which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee.

OCPG—The Office of Compulsive and Problem Gambling.

Underage individual—An individual who is less than 21 years of age.

Winnings—Any money or thing of value received from, or owed by, a slot machine licensee as a result of a fully executed gaming transaction.

§ 513a.3. Responsibilities of licensees, permittees, registrants and certification holders.

(a) A person holding a license, permit, certification or registration issued by the Board is prohibited from permitting or enabling an individual to engage in conduct that violates § 513a.2(a), (b), (c) or (d) (relating to exclusion requirements).

(b) **The slot machine licensee shall train its employees and establish procedures to:**

(1) Identify and remove individuals who are less than 21 years of age and not otherwise authorized to be in the licensed facility as provided in § 513a.2(a).

(2) Immediately notify the casino compliance representatives at the licensed facility and the Pennsylvania State Police when an individual less than 21 years of age is discovered on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities.

(3) Refuse wagers from and deny gaming privileges to an individual less than 21 years of age.

(4) Deny check cashing privileges, player club memberships, extensions of credit, complementary goods and services, junket participation and other similar privileges and benefits to an individual less than 21 years of age.

(5) Ensure that individuals less than 21 years of age do not receive, either from the slot machine licensee or an agent thereof, junket solicitations, targeted mailing, telemarketing promotions, player club membership materials or other promotional materials relating to gaming activities.

(c) Slot machine licensees shall establish procedures [that are designed] to prevent violations of this chapter and submit a copy of the procedures to the Director of OCPG 30 days prior to initiation of gaming activities at the licensed facility. A slot machine licensee will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. The slot machine licensee may not commence operations until the Director of OCPG approves its procedures. Amendments to these procedures must be submitted to and approved by the Director of OCPG prior to implementation.

[(c)] (d) A slot machine licensee may be subject to Board imposed administrative sanctions if a person engages in conduct that violates § 513a.2(a), (b), (c) or (d) at its licensed facility. Under § 513a.2(e), winnings obtained by a slot machine licensee from or held on account of a person under 21 years of age shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

[(d)] (e) A person holding a license, permit, registration or certification issued by the Board who violates a provision of this chapter may be held jointly or severally liable for the violation.

§ 513a.4. Signage requirements.

A slot machine licensee shall post signs that include a statement that is similar to the following: "It is unlawful for any [person] individual under 21 years of age to [engage in any gaming activities] enter or remain in any area where slot machines or table games are

operated. It is unlawful for any individual under the age of 21 to wager, play or attempt to play a slot machine or table game. Individuals violating this prohibition will be removed and may be subject to arrest [for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass)] and criminal prosecution.” The complete text of the sign shall be submitted to and approved by the Director of OCPG as part of the procedures required under § 513a.3(b) (relating to responsibilities of licensees, permittees, registrants and certification holders). The signs shall be prominently posted within 50 feet of each entrance and exit of the gaming floor.

Subpart K. TABLE GAMES

CHAPTER 603a. TABLE GAME EQUIPMENT

§ 603a.12. Dice; physical characteristics.

* * * * *

(c) Dice used in the table game of Sic Bo must comply with subsection (a) except each die [may] used in an

automated Sic Bo shaker must be formed in the shape of a cube 0.625 inch on each side with ball edge corners.

* * * * *

CHAPTER 633a. BLACKJACK

§ 633a.13. Payout odds; payout limitation.

* * * * *

(k) The certificate holder shall pay out winning Three Card Poker Wagers at odds [of 9 to 1.] in one of the following pay tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Straight Flush	9 to 1	30 to 1
Three-of-a-kind	9 to 1	20 to 1
Straight	9 to 1	10 to 1
Flush	9 to 1	5 to 1

* * * * *

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