

PROPOSED RULEMAKING

INSURANCE DEPARTMENT

[31 PA. CODE CH. 161]

Requirements for Qualified and Certified Reinsurers

The Insurance Department (Department) proposes to amend Chapter 161 (relating to requirements for qualified and certified reinsurers) to read as set forth in Annex A. The rulemaking is proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), regarding the general rulemaking authority of the Department, and section 319.1 of The Insurance Company Law of 1921 (act) (40 P. S. § 442.1), regarding credits for reinsurance.

Purpose

Chapter 161 was initially adopted in 1993 and sets forth requirements to be met for a licensed ceding insurer to receive credit for reinsurance in its financial statements. Unless an unlicensed reinsurer is qualified or certified to accept reinsurance from insurers, credit is not allowed as an admitted asset or as a reduction of liability relative to risks ceded by these licensed insurers. Qualified or certified reinsurers are those meeting the conditions for reinsurers specified by the Insurance Commissioner. The purpose of this proposed rulemaking is to update Chapter 161 to delete the requirement that a reinsurer must be listed on the successor list to the Non-Admitted Insurance Listing (now known as the Quarterly Listing of Alien Insurers) published by the National Association of Insurance Commissioners (NAIC) to be considered for qualification under section 319.1 of the act.

Neither the NAIC model law nor the NAIC model regulation contains this administrative requirement. The administrative requirement was originally included in the Pennsylvania regulation because at the time of implementation the Department did not have the expertise to evaluate the financial condition of reinsurers. Instead, the Department sought to rely upon the NAIC's evaluation of the entity's financial condition. However, because the NAIC did not evaluate reinsurers at that time, the Department instead chose to rely upon the NAIC's evaluation of entities in the surplus lines market. This resulted in a requirement in this Commonwealth that a reinsurer seeking to be "qualified" under Pennsylvania standards also be listed on the NAIC's list of insurers operating in the surplus lines market.

The proposed amendment to Chapter 161 would remove this administrative requirement and conform Pennsylvania's regulation to the model regulation and law developed by the NAIC entitled "Credit for Reinsurance Model Law" (#785) and "Credit for Reinsurance Model Regulation" (#786), respectively.

A copy of the copyrighted NAIC model regulation was provided to the Senate Banking and Insurance Committee, the House Insurance Committee, the Independent Regulatory Review Commission (IRRC), the Governor's Office of Policy and Planning, the Governor's Office of General Counsel and the Attorney General to assist in their analysis of this proposed rulemaking. Copies of NAIC model regulations are available to the general public by contacting the NAIC.

Explanation of Proposed Rulemaking

Section 161.3 (relating to credit for reinsurance) is proposed to be amended to delete the requirement that a reinsurer be listed on the Non-Admitted Insurers Listing published by the Non-Admitted Insurers Information Office of the NAIC, or a successor list, to be considered for qualification under section 319.1 of act.

External Comments

The Department circulated pre-exposure drafts of this proposed rulemaking to the Insurance Federation of Pennsylvania and the Pennsylvania Association of Mutual Insurance Companies and did not receive objections.

Affected Parties

Although Chapter 161 applies to all insurance companies domiciled in this Commonwealth and the reinsurers with whom they do business, this proposed rulemaking will apply only to an alien insurer seeking to be deemed a "qualified" reinsurer by the Insurance Commissioner.

Fiscal Impact

State government

There will be no material increase in cost to the Department as a result of this proposed rulemaking.

General public

While Chapter 161 does not have immediate fiscal impact on the general public, the general public will benefit to the extent that removing an unnecessary administrative requirement for reinsurers that are financially solvent and licensed in well-regulated jurisdiction will reduce the cost of reinsurance to ceding insurers in this Commonwealth and reduce trade barriers allowing for more competition in the reinsurance marketplace.

Political subdivisions

The proposed rulemaking will not impose additional costs on political subdivisions.

Private sector

This proposed rulemaking will not impose significant costs on the transaction of business in this Commonwealth.

Paperwork

The proposed rulemaking would not impose additional paperwork on the Department.

Effectiveness/Sunset Date

The proposed rulemaking will become effective within 30 days after final-form publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, a sunset date has not been assigned.

Contact Person

Questions or comments regarding the proposed rulemaking may be addressed in writing to Jodi A. Frantz, Department Counsel, Insurance Department, 1341 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-2567, jodfrantz@pa.gov within 30 days following the publication in the *Pennsylvania Bulletin*.

Under the Regulatory Review Act (71 P. S. §§ 745.1—745.12a), the Department is required to write to all commentators requesting whether or not they wish to

receive a copy of the final-form rulemaking. To better serve stakeholders, the Department made a determination that all commentators will receive a copy of the final-form rulemaking when it is made available to the IRRC and the House and Senate Committees.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 5, 2015, the Department 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 Senate and House Committees. A copy of this material is available to the public upon request.

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.

TERESA D. MILLER,
Insurance Commissioner

Fiscal Note: 11-253. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

CHAPTER 161. REQUIREMENTS FOR QUALIFIED AND CERTIFIED REINSURERS

§ 161.3. Credit for reinsurance.

A licensed domestic ceding insurer will be allowed credit for reinsurance as either an asset or a deduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of this section or as otherwise provided in § 161.7 (relating to credit for joint underwriting or pooling arrangements).

* * * * *

(3) Credit will be allowed when the reinsurance is ceded to an assuming alien insurer which has met the conditions specified in this paragraph and has been deemed to be a qualified reinsurer by the Commissioner. To be considered for qualification, an assuming alien insurer shall meet the following conditions. The insurer shall:

(i) File with the Commissioner evidence of its submission to the Commonwealth's jurisdiction.

(ii) Submit to the Commonwealth's authority to examine its books and records.

(iii) File with the application for qualification and annually thereafter substantially the same information as that required to be reported on the NAIC annual statement blank by licensed insurers.

[(iv) Be listed on the Non-Admitted Insurers Listing published by the Non-Admitted Insurers Information Office of the NAIC, or a successor list.

(v)] (iv) File with the application for qualification and annually thereafter details on the soundness of its ceded reinsurance program, including the identity, domicile and premium volume for each retrocessionaire when the

amount of reinsurance premium ceded is greater than or equal to \$50,000. If the insurer demonstrates to the Commissioner's satisfaction its inability to provide the requested detail with respect to individual retrocessionaires because of its method of operation, the Commissioner will consider the acceptability of alternative information pertaining to the soundness of the insurer's ceded reinsurance program.

[(vi)] (v) Agree to the requirements of this subparagraph in the reinsurance agreements. This subparagraph is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if an obligation is created in the agreement.

(A) In the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer shall at the request of the ceding insurer:

(I) Submit to the jurisdiction of a court of competent jurisdiction in a state of the United States.

(II) Comply with the requirements necessary to give the court jurisdiction.

(III) Abide by the final decision of the court or of an appellate court in the event of an appeal.

(B) The assuming insurer shall designate a person as its true and lawful agent upon whom may be served a lawful process in an action, suit or proceeding instituted by or on behalf of the ceding company.

[(vii)] (vi) Maintain a trust fund in a qualified United States financial institution, for the payment of valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest.

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[Pa.B. Doc. No. 15-1494. Filed for public inspection August 14, 2015, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 677a AND 678a]

Heads-Up Hold 'Em and High Card Flush; Table Game Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), proposes to add Chapters 677a and 678a (relating to Heads-Up Hold 'Em; and High Card Flush) to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

This proposed rulemaking will add two new table games to the compliment of games available for play in this Commonwealth.

Explanation

The Board is proposing to add two new table games. The rules of play in both chapters are drafted in the same basic format: section a.1 contains the definitions used throughout the chapter; section a.2 contains the table physical characteristics; section a.3 details the number of

cards and decks used to play the game; a.4 addresses the opening of the table for gaming; a.5 details how the cards are to be shuffled and cut; a.6 specifies the ranking of the hands; section a.7 outlines the permissible wagers; sections a.8—a.10 detail the procedures for dealing the cards; section a.11 addresses how the round of play is to be completed; a.12 outlines the permissible payout odds for winning wagers; and section a.13 addresses irregularities in play.

In Heads-Up Hold 'Em, the optional wagers have a range in hold percentage as follows: for the optional Pocket Bonus Wager, the Board approved three payout tables with a range between 4.52% and 9.95%; and for the optional Trips Plus Wager, the Board approved four payout tables with a range between 0.75% and 4.34%

In High Card Flush, the optional wagers have a range in hold percentage as follows: for the optional Flush Bonus Wager, the Board approved eight payout tables with a range between 4.8% and 9.6%; for the optional Straight Flush Bonus Wager, the Board approved four payout tables with a range between 6.26% and 7.75%; and for the Progressive Jackpot Wager, which is also optional and not a required wager, the hold percentage is 23%, which is consistent with almost all other progressive side wagers offered.

Fiscal Impact

Commonwealth. The Board does not expect that this proposed rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

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

Private sector. This proposed rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer the games within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and may need to purchase new equipment. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

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 form reflecting the changes. These forms are available and submitted to Board staff electronically.

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*. Public comments should be addressed to Susan A. Yocum, Assistant Chief Counsel, Attention: Regulation #125-192 Public Comment, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060.

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 August 4, 2015, the Board submitted a copy of this proposed rulemaking and a copy of the 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

WILLIAM H. RYAN, Jr.,
Chairperson

Fiscal Note: 125-192. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 677a. HEADS-UP HOLD 'EM

- Sec.
- 677a.1. Definitions.
- 677a.2. Heads-Up Hold 'Em table physical characteristics.
- 677a.3. Cards; number of decks.
- 677a.4. Opening of the table for gaming.
- 677a.5. Shuffle and cut of the cards.
- 677a.6. Heads-Up Hold 'Em rankings.
- 677a.7. Wagers.
- 677a.8. Procedure for dealing the cards from a manual dealing shoe.
- 677a.9. Procedure for dealing the cards from the hand.
- 677a.10. Procedure for dealing the cards from an automated dealing shoe.
- 677a.11. Procedure for completion of each round of play.
- 677a.12. Payout odds; payout limitation.
- 677a.13. Irregularities.

§ 677a.1. Definitions.

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

Bad Beat Bonus—A bonus payout awarded to any player who holds a straight or higher and lists to the dealer's hand.

Check—Waiving the right to place a Raise Wager but remaining in the round of play.

Community card—A card which may be used by each player and the dealer to form the best possible five-card Poker hand.

Flop—The first three community cards dealt during a round of play.

Fold—The withdrawal of a player from a round of play by not making a Raise Wager.

Hand—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

River card—The fifth community card revealed during a round of play.

Turn card—The fourth community card revealed during a round of play.

§ 677a.2. Heads-Up Hold 'Em table physical characteristics.

(a) Heads-Up Hold 'Em shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Heads-Up Hold 'Em table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) Three separate betting areas designated for the placement of Ante, Odds and Raise Wagers for each player.

(3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.

(4) A separate area designated for the placement of the dealer's two cards.

(5) If the certificate holder offers the optional Pocket Bonus Wager authorized under § 677a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Pocket Bonus Wager for each player.

(6) If the certificate holder offers the optional Trips Plus Wager authorized under § 677a.7(d)(3), a separate area designated for the placement of the Trips Plus Wager for each player.

(7) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for all permissible wagers shall be posted at each Heads-Up Hold 'Em table.

(8) Inscriptions indicating the following:

(i) The Ante Wager will be returned if the dealer does not have a pair or better.

(ii) If established by the certificate holder, the payout limit per hand, as authorized under § 677a.12(f) (relating to payout odds; payout limitation), or a generic inscription indicating that the game is subject to the posted payout limit.

(9) If the information required under paragraph (8) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Heads-Up Hold 'Em table.

(c) Each Heads-Up Hold 'Em table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Heads-Up Hold 'Em table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 677a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Heads-Up Hold 'Em shall be played with one deck of cards that are identical in appearance and two cover cards.

(b) If an automated card shuffling device is utilized, Heads-Up Hold 'Em may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Heads-Up Hold 'Em shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 677a.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 677a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 677a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon

completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 677a.8, § 677a.9 or § 677a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Heads-Up Hold 'Em table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 677a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

§ 677a.6. Heads-Up Hold 'Em rankings.

(a) The rank of the cards used in Heads-Up Hold 'Em, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card Poker hands at the game of Heads-Up Hold 'Em, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pair, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two hands that are of identical rank under subsection (b), or that contain none of the hands in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

§ 677a.7. Wagers.

(a) Wagers at Heads-Up Hold 'Em shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Heads-Up Hold 'Em table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante, Odds, Trips Plus and Pocket Bonus Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 677a.8, § 677a.9 or § 677a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 677a.11(b), (d) and (f) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Heads-Up Hold 'Em:

(1) A player shall compete against the dealer's five-card Poker hand by placing an Ante Wager and an Odds Wager equal to the player's Ante Wager then a Raise Wager in accordance with § 677a.11(b), (d) or (f).

(2) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a Heads-Up Hold 'Em table the option to make an additional Pocket Bonus Wager that the player's first two cards will contain a pair or an ace and a king, queen or jack. A Pocket Bonus Wager does not have a bearing on any other wager made by the player.

(3) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Heads-Up Hold 'Em table the option to make an additional Trips Plus Wager that the player's five-card Poker hand formed from any of the player's two cards and the five community cards will contain a three-of-a-kind or better as defined in § 677a.6(b) (relating to Heads-Up Hold 'Em rankings). A Trips Plus Wager does not have a bearing on any other wager made by the player.

(e) A player may not wager on more than one player position at a Heads-Up Hold 'Em table.

§ 677a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 677a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards and after all Ante, Odds, Trips Plus and Pocket Bonus Wagers have been placed, the dealer shall announce "no more bets."

(c) The dealer shall then deal the cards by removing each card from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal one card at a time, face down, to each player who placed Ante and Odds Wagers in accordance with § 677a.7(d)(1) (relating to wagers) and to the dealer, until each player who placed Ante and Odds Wagers and the dealer have two cards.

(d) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards face down on the table. After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(e) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(f) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(g) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 677a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 677a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(b) Prior to dealing any cards and after all Ante, Odds, Trips Plus and Pocket Bonus Wagers have been placed, the dealer shall announce "no more bets." The dealer shall then deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed Ante and Odds Wagers in accordance with § 677a.7(d)(1) (relating to wagers) and to the dealer, until each player who placed Ante and Odds Wagers and the dealer have two cards.

(c) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards face down on the table. After all community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 677a.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 677a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the dealer delivering any stacks of cards dispensed from the automated dealing shoe, the dealer shall announce “no more bets.”

(b) The dealer shall then deliver the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed Ante and Odds Wagers in accordance with § 677a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack of two cards face down to each of the other players who has placed Ante and Odds Wagers. The dealer shall then deliver a stack of two cards face down to the area designated for the dealer's cards.

(c) After each stack of two cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 677a.9(a)(2) (relating to procedure for dealing the cards from the hand), deal from his hand the five community cards face down on the table. After all five community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe which automatically reshuffles the cards, the five community cards may be dispensed before the two cards are dispensed to each player and to the dealer. The community cards shall then be revealed in accordance with § 677a.11(c), (e) and (f) (relating to procedure for completion of each round of play).

§ 677a.11. Procedure for completion of each round of play.

(a) After the dealing procedures required under § 677a.8, § 677a.9 or § 677a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure

for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Heads-Up Hold 'Em shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Raise Wager prior to the dealing of the Flop. The player may either check and remain in the game or place a Raise Wager up to three times the amount of the player's Ante Wager.

(c) After each player has either placed a Raise Wager or checked, the dealer shall expose the three-card Flop face up on the layout in the designated area for the community cards.

(d) After the Flop has been exposed, the dealer shall, beginning with the player farthest to the dealer's left who has not placed a Raise Wager and moving clockwise around the table, ask each player who has not placed a Raise Wager if he wishes to place a Raise Wager prior to the dealing of the Turn and River cards. The player may either check and remain in the game or place a Raise Wager in an amount up to two times the player's Ante Wager.

(e) Once all remaining players have either placed a Raise Wager or checked, the dealer shall reveal the Turn and River cards face up on the layout in the designated area for the community cards.

(f) After the Turn and River cards have been exposed, the dealer shall, beginning with the player farthest to the dealer's left who has not placed a Raise Wager and moving clockwise around the table, ask each player if he wishes to place a Raise Wager in an amount equal to the player's Ante Wager or fold. If a player folds, the dealer shall collect the player's Ante and Odds Wagers and place the player's cards in the discard rack, provided that if any player placed a Trips Plus or Pocket Bonus Wager, the dealer shall tuck the player's cards under the player's Trips Plus or Pocket Bonus Wager under the optional wagers are settled in accordance with subsection (i).

(g) Once all remaining players have either placed a Raise Wager or folded, the dealer turn his two cards face up on the layout. The dealer shall then select five cards using the dealer's two cards and the five community cards to form the highest ranking five-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right who has placed a Raise Wager and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the two cards of each player who has placed a Raise Wager face up on the layout.

(2) The dealer shall examine the cards of the player and select the five cards using the player's two cards and the five community cards to form the highest ranking five-card Poker hand. The wagers of each player shall be resolved one player at a time regardless of outcome.

(h) If the dealer's hand:

(1) Does not contain a pair or better, as defined in § 677a.6 (relating to Heads-Up Hold 'Em rankings), each player's Ante Wager shall push and be returned to the player. If the player's hand:

(i) Is higher in rank than the dealer's hand, the player's Raise Wager shall be paid out at the odds in § 677a.12(a) (relating to payout odds; payout limitation) and the player's Odds Wager shall be paid out in accordance with the payout odds in § 677a.12(b).

(ii) Is equal in rank to the dealer's hand, the player's Raise and Odds Wagers shall push and be returned to the player.

(iii) Is lower in rank to the dealer's hand, the player's Raise and Odds Wagers shall lose and be collected.

(2) Contains a pair or better, as defined in § 677a.6, and if the player's hand:

(i) Is higher in rank than the dealer's hand, the player's Ante and Raise Wagers shall be paid out at the odds in § 677a.12(a) and the player's Odds Wager shall be paid out in accordance with the payout odds in § 677a.12(b).

(ii) Is equal in rank to the dealer's hand, the player's Ante, Raise and Odds Wagers shall push and be returned to the player.

(iii) Is lower in rank to the dealer's hand, the Ante Wager shall lose and be collected and if the player's hand:

(A) Was not a straight or higher, the player's Raise and Odds Wagers shall lose and be collected.

(B) Was a straight or higher, the player's Raise Wager shall lose and be collected and the player's Odds Wager shall be eligible for a Bad Beat payout as provided in § 677a.12(c).

(i) After settling the player's Ante, Raise and Odds Wagers, the dealer shall settle the player's optional Pocket Bonus and Trips Plus Wagers, if applicable, as follows:

(1) If a player placed a Pocket Bonus Wager and the player's two cards:

(i) Contain a pair or an ace and a king, queen or jack, the winning hand shall be paid out as provided in § 677a.12(d).

(ii) Do not contain a pair or an ace and a king, queen or jack, the dealer shall collect the player's losing Pocket Bonus Wager.

(2) If a player placed a Trips Plus Wager and the player's two cards and the five community cards:

(i) Contain a three-of-a-kind or better, the winning hand shall be paid out as provided in § 677a.12(e).

(ii) Does not contain a three-of-a-kind or better, the dealer shall collect the losing Trips Plus Wager.

(j) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 677a.12. Payout odds; payout limitation.

(a) A certificate holder shall pay each winning Ante and Raise Wagers at odds of 1 to 1.

(b) A certificate holder shall pay each winning Odds Wager at the odds in the following payout table:

<i>Hand</i>	<i>Payout</i>
Royal flush	500 to 1
Straight flush	50 to 1
Four-of-a-kind	10 to 1
Full house	3 to 1
Flush	3 to 2
Straight	1 to 1
Three-of-a-kind	Push
Two pair	Push
Pair	Push
High card	Push

(c) A certificate holder shall pay a Bad Beat Bonus at the odds in the following payout table:

<i>Hand</i>	<i>Payout</i>
Royal flush	N/A
Straight flush	500 to 1
Four-of-a-kind	25 to 1
Full house	6 to 1
Flush	5 to 1
Straight	4 to 1

(d) A certificate holder shall pay each winning Pocket Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Pair of aces	30 to 1	25 to 1	30 to 1
Ace and a king, queen or jack of the same suit	20 to 1	20 to 1	20 to 1
Ace and a king, queen or jack of different suits	10 to 1	10 to 1	10 to 1
Pair of 2s—kings	5 to 1	5 to 1	4 to 1

(e) A certificate holder shall pay each winning Trips Plus Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C	Paytable D
Royal flush	100 to 1	100 to 1	100 to 1	100 to 1
Straight flush	40 to 1	40 to 1	40 to 1	40 to 1
Four-of-a-kind	30 to 1	30 to 1	30 to 1	30 to 1
Full house	9 to 1	8 to 1	7 to 1	8 to 1
Flush	7 to 1	6 to 1	6 to 1	7 to 1
Straight	4 to 1	5 to 1	5 to 1	4 to 1
Three-of-a-kind	3 to 1	3 to 1	3 to 1	3 to 1

(f) Notwithstanding the payout odds in subsections (a)—(c), if specified in its Rules Submission form filed in accordance with § 601a.2, the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. The aggregate payout limit established shall not include winning Pocket Bonus or Trips Plus Wager.

§ 677a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if the cards are found face up after each player and the dealer have received their initial two cards, any Pocket Bonus Wagers shall be settled in accordance with the payout odds in § 677a.12(d) (relating to payout odds; payout limitation).

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player, the dealer or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If either of the cards dealt to the dealer in Heads-Up Hold 'Em is inadvertently exposed prior to each player having either folded or placed a Raise Wager as provided for under § 677a.11 (relating to procedure for completion of each round of play), all hands shall be void and all Ante, Odds and Raise Wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the forgoing, if a player has placed a Pocket Bonus or Trips Plus Wager, the wager shall be settled in accordance with the payout odds in § 677a.12(d) and (e).

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the auto-

mated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 678a. HIGH CARD FLUSH

- Sec.
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§ 678a.1. Definitions.

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

Fold—The withdrawal of a player from a round of play by not making a Raise Wager.

Raise Wager—The wager a player places after examining the player's seven cards.

§ 678a.2. High Card Flush table physical characteristics.

(a) High Card Flush shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a High Card Flush table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Two separate betting areas designated for the placement of the Ante and Raise Wagers for each player.
- (3) A separate area designated for the placement of the dealer's seven cards.

(4) If the certificate holder offers the optional Flush Bonus Wager authorized under § 678a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Flush Bonus Wager for each player.

(5) If the certificate holder offers the optional Straight Flush Bonus Wager authorized under § 678a.7(d)(3), a separate area designated for the placement of the Straight Flush Bonus Wager for each player.

(6) If a certificate holder offers the optional Progressive Jackpot Wager authorized under § 678a.7(d)(4), a separate area designated for the placement of the Progressive Jackpot Wager for each player.

(7) Inscriptions that advise patrons of the following:

(i) The payout odds for all permissible wagers offered by the certificate holder.

(ii) The dealer qualifies with a three card flush, nine high or pays the Ante Wager and pushes the Raise Wager.

(iii) For Raise Wagers, if a player has:

(A) A two, three or four card flush, a player may place a Raise Wager equal to the player's Ante Wager.

(B) A five card flush, a player may place a Raise Wager up to two times the amount of the player's Ante Wager.

(C) A six or seven card flush, a player may place a Raise Wager up to three times the amount of the player's Ante Wager.

(8) If the information under paragraph (7) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each High Card Flush table.

(c) If a certificate holder offers the Progressive Jackpot Wager in accordance with § 678a.7(d)(4), the High Card Flush table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of the Progressive Jackpot Wagers. If the certificate holder is offering the Progressive Jackpot Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Jackpot Wager.

(2) A device that controls or monitors the placement of Progressive Jackpot Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Jackpot Wager that a player attempts to place after the dealer has announced "no more bets."

(d) Each High Card Flush table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each High Card Flush table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 678a.3. Cards; number of decks.

(a) Except as provided in subsection (b), High Card Flush shall be played with one deck of cards that are identical in appearance and two cover cards.

(b) If an automated card shuffling device is utilized, High Card Flush may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in High Card Flush shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 678a.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 678a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 678a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is being used, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 678a.8, § 678a.9 or § 678a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a High Card Flush table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 678a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

§ 678a.6. High Card Flush rankings.

(a) The rank of the cards used in High Card Flush, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. All suits shall be equal in rank.

(b) For purposes of the Ante, Raise and Flush Bonus Wagers, the permissible hands at the game of High Card Flush, in order of highest to lowest rank, shall be:

(1) A seven-card flush, which is a hand consisting of seven cards of the same suit in any order.

(2) A six-card flush, which is a hand consisting of six cards of the same suit in any order.

(3) A five-card flush, which is a hand consisting of five cards of the same suit in any order.

(4) A four-card flush, which is a hand consisting of four cards of the same suit in any order.

(5) A three-card flush, which is a hand consisting of three cards of the same suit in any order.

(6) A two-card flush, which is a hand consisting of two cards of the same suit in any order.

(c) When comparing two hands that are of identical rank under subsection (b), or that contain none of the hands in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

(d) For purposes of the optional Straight Flush Bonus and the Progressive Jackpot Wagers, the permissible hands shall be:

(1) A seven-card straight flush, which is a hand consisting of seven cards of the same suit in consecutive rank.

(2) A six-card straight flush, which is a hand consisting of six cards of the same suit in consecutive rank.

(3) A five-card straight flush, which is a hand consisting of five cards of the same suit in consecutive rank.

(4) A four-card straight flush, which is a hand consisting of four cards of the same suit in consecutive rank.

(5) A three-card straight flush, if included in the payout table selected by the certificate holder, which is a hand consisting of three cards of the same suit in consecutive rank.

§ 678a.7. Wagers.

(a) Wagers at High Card Flush shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the High Card Flush table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante, Flush Bonus, Straight Flush Bonus and Progressive Jackpot Wagers shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedure in § 678a.8, § 678a.9 or § 678a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 678a.11(b), (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) The following wagers may be placed in the game of High Card Flush:

(1) A player shall compete against the dealer’s seven-card hand by placing an Ante Wager then a Raise Wager in accordance with § 678a.11(b).

(2) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a High Card Flush table the option to make an additional Flush Bonus Wager that the player’s seven cards will form a four-card flush or higher as described in § 678a.6(b) (relating to

High Card Flush rankings). A Flush Bonus Wager does not have a bearing on any other wager made by the player.

(3) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a High Card Flush table the option to make an additional Straight Flush Bonus Wager that the player's seven cards will form a three-card straight flush or higher as described in § 678a.6(d). A Straight Flush Bonus Wager does not have a bearing on any other wager made by the player.

(4) If specified in its Rules Submission under § 601a.2, certificate holder may offer to each player at a High Card Flush table the option to make an additional Progressive Jackpot Wager that the player's seven cards will form a three-card straight flush or a four-card straight flush or higher, depending on the payout table selected by the certificate holder. After placing the Ante Wager, a player may make the additional Progressive Jackpot Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(e) A player may not wager on more than one player position at a High Card Flush table.

§ 678a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 678a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards and after all Ante Wagers and optional wagers have been placed, the dealer shall announce "no more bets" and, if the Progressive Jackpot Wager is being offered, use the progressive table game system to prevent the placement of additional Progressive Jackpot Wagers. If Progressive Jackpot Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Jackpot Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time, face down, to each player who placed an Ante Wager in accordance with § 678a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have seven cards.

(e) After seven cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 678a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 678a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(b) The dealer shall announce "no more bets" and, if the Progressive Jackpot Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Jackpot Wagers. If any Progressive Jackpot Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Jackpot Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container. The dealer shall then deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 678a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have seven cards.

(c) After seven cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer

shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 678a.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 678a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and, if the Progressive Jackpot Wager is being offered, use the progressive table game system to prevent the placement of additional Progressive Jackpot Wagers. If Progressive Jackpot Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Jackpot Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of seven cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed an Ante Wager in accordance with § 678a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack of seven cards face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of seven cards face down under a cover card to the area designated for the dealer’s cards.

(c) After each stack of seven cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the remaining cards from the automated dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and

all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 678a.11. Procedure for completion of each round of play.

(a) After the dealing procedures required under § 678a.8, § 678a.9 or § 678a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at High Card Flush shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, beginning with the player farthest to the dealer’s left and moving clockwise around the table, the dealer shall ask each player if he wishes to fold or place a Raise Wager. If a player has:

(1) A two-card, three-card or four-card flush, the player may place a Raise Wager equal to the player’s Ante Wager.

(2) A five-card flush, a player may place a Raise Wager up to two times the amount of the player’s Ante Wager.

(3) A six-card or seven-card flush, a player may place a Raise Wager up to three times the amount of the player’s Ante Wager.

(c) If a player:

(1) Places a Raise Wager, the wager shall be placed in the area designated for the Raise Wager.

(2) Folds, the player’s Ante Wager shall be collected by the dealer and placed in the table inventory container. If the player:

(i) Has also placed a Flush Bonus, Straight Flush Bonus or Progressive Jackpot Wager, the dealer shall place the cards of the player face down underneath the optional wagers pending their resolution at the conclusion of the round of play.

(ii) Has not placed a Flush Bonus, Straight Flush Bonus or Progressive Jackpot Wager, the dealer shall immediately collect the player’s cards and place them in the discard rack.

(d) After each player has either placed a Raise Wager or folded, the dealer shall turn his seven cards face up on the layout. The dealer shall then form the highest ranking flush. If the dealer’s hand:

(1) Does not contain at least a three-card flush, nine high, beginning with the player farthest to the dealer’s right who has placed a Raise Wager and continuing around the table in a counterclockwise direction, the dealer shall pay each player’s winning Ante Wager in accordance with § 678a.12(a) (relating to payout odds) and return the player’s Raise Wager. If a player:

(i) Also placed a Flush Bonus, Straight Flush Bonus or Progressive Jackpot Wager, beginning with the player farthest to the dealer’s right and continuing around the table in a counterclockwise direction, the dealer shall turn the cards of each player face up on the layout and

form the highest ranking flush. The dealer shall then settle the player's Flush Bonus, Straight Flush Bonus or Progressive Jackpot Wager in accordance with subsection (e).

(ii) Did not place a Flush Bonus, Straight Flush Bonus or Progressive Jackpot Wager, the dealer shall collect the player's cards and place them in the discard rack.

(2) Contains at least a three-card flush, nine high, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, the dealer shall then complete the following applicable procedures in succession for each player:

(i) The dealer shall turn the cards of each player face up on the layout and form the highest ranking flush.

(ii) The dealer shall then compare the rank of the dealer's hand to the rank of the player's hand. If the player's hand:

(A) Is higher in rank than the dealer's hand, the player's Ante and Raise Wagers shall be paid out at the odds in § 678a.12(a).

(B) Is equal in rank to the dealer's hand, the player's Ante and Raise Wagers shall push and be returned to the player.

(C) Is lower in rank to the dealer's hand, the player's Ante and Raise Wagers shall lose and be collected.

(e) After settling the player's Ante and Raise Wagers, the dealer shall settle the player's Flush Bonus, Straight Flush Bonus and Progressive Jackpot Wagers as follows:

(1) For the Flush Bonus Wager, if a player's hand:

(i) Contains a three-card flush or less, the dealer shall collect the player's losing Flush Bonus Wager.

(ii) Contains a four-card flush or better as provided in § 678a.6(b) (relating to High Card Flush rankings), the dealer shall pay the winning Flush Bonus Wager in accordance with § 678a.12(b).

(2) For the Straight Flush Bonus Wager, after settling the player's Ante, Raise and Flush Bonus Wagers, if

applicable, the dealer shall configure the player's cards so as to form the highest ranking straight flush as provided in § 678a.6(d). If a player's hand:

(i) Contains a two-card straight flush or less, the dealer shall collect the player's losing Straight Flush Bonus Wager.

(ii) Contains a three-card straight flush or higher, as provided in § 678a.6(d), the dealer shall pay the winning Straight Flush Bonus Wager in accordance with § 678a.12(c).

(3) For the Progressive Jackpot Wager, after configuring the player's cards so as to form the highest ranking straight flush, if the player has a three-card straight flush or a four-card straight flush, depending on the payable selected by the certificate holder, or higher and has won a progressive payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Progressive Jackpot Wager in accordance with the payout odds in § 678a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(f) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 678a.12. Payout odds.

(a) A certificate holder shall pay each winning Ante Wager and Raise Wager at odds of 1 to 1.

(b) A certificate holder shall pay each winning Flush Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>	<i>Paytable D</i>
Seven-card flush	300 to 1	100 to 1	200 to 1	300 to 1
Six-card flush	100 to 1	20 to 1	20 to 1	75 to 1
Five-card flush	10 to 1	10 to 1	10 to 1	5 to 1
Four-card flush	1 to 1	2 to 1	2 to 1	2 to 1

<i>Hand</i>	<i>Paytable E</i>	<i>Paytable F</i>	<i>Paytable G</i>	<i>Paytable H</i>
Seven-card flush	400 to 1	400 to 1	500 to 1	250 to 1
Six-card flush	60 to 1	100 to 1	100 to 1	100 to 1
Five-card flush	12 to 1	10 to 1	10 to 1	10 to 1
Four-card flush	1 to 1	1 to 1	1 to 1	1 to 1

(c) A certificate holder shall pay each winning Straight Flush Bonus Wager at the odds in one of the following paytables 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>	<i>Paytable C</i>	<i>Paytable D</i>
Seven-card straight flush	500 to 1	1,000 to 1	500 to 1	1,000 to 1
Six-card straight flush	200 to 1	500 to 1	200 to 1	500 to 1
Five-card straight flush	100 to 1	100 to 1	100 to 1	100 to 1
Four-card straight flush	75 to 1	75 to 1	60 to 1	60 to 1
Three-card straight flush	7 to 1	7 to 1	8 to 1	8 to 1

(d) If a certificate holder offers the Progressive Jackpot Wager:

(1) A winning Progressive Jackpot Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Seven-card straight flush	100% of meter	100% of meter
Six-card straight flush	10% of meter	10% of meter
Five-card straight flush	250 for 1	900 for 1
Four-card straight flush	40 for 1	50 for 1
Three-card straight flush	3 for 1	N/A

(2) A player shall receive the payout for only the highest straight flush hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$30,000.

(4) Winning Progressive Jackpot Wagers shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 678a.11(e)(3) (relating to procedure for completion of each round of play).

§ 678a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the cards dealt to the dealer in High Card Flush is inadvertently exposed prior to each player having either folded or placed a Raise Wager as provided under § 678a.11(b) (relating to procedure for completion of each round of play), all hands shall be void, all Ante and Raise Wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the forgoing, any Flush Bonus, Straight Flush Bonus and Progressive Jackpot Wagers shall be settled in accordance with § 678a.11(e).

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

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