NYCRR Title 9, Executive

Subtitle T

New York State Gaming Commission

Chapter IV

Division of Gaming

Subchapter B

Casino Gaming

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PART 5300

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§ 5300.1. Definitions.

Unless the context indicates otherwise, the following definitions and the definitions set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1301 are applicable throughout this subchapter:

(a) *Ancillary casino vendor* means a vendor providing goods or services to a gaming facility applicant or licensee that are ancillary to gaming activity.

(b) *Casino vendor* means a vendor providing goods or services to a gaming facility applicant or licensee that directly relate to gaming activity.

(c) *Career or professional offender* means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, using such methods as are deemed criminal violations of the public policy of this State.

(d) *Career offender cartel* means any group of persons who operate together as career offenders.

(e) *Commission* means the commissioners, staff and designees of the New York State Gaming Commission.

(f) *Credit slip* means a form used to record either the return of chips from a gaming table to the cage or the transfer of markers or negotiable checks from a table game to a cage or bankroll.

(g) *Dealer* means a person assigned to operate games.

(h) *Drop box* means the box attached to a table game that is used to collect the following items:

(1) currency;

(2) coin;

(3) cash equivalents;

(4) damaged chips; and

(5) all other forms used by the gaming facility and deposited in the drop box as part of the audit trail.

(i) *Excluded person* means a person who is excluded from a gaming facility pursuant to Part 5402 of this subtitle.

(j) *Fill* means a transaction whereby a supply of chips or coins is transferred from a bankroll to a table.

(k) *Gaming cheat* means a person who is engaging in or attempting to engage in, or who is suspected of cheating, theft, embezzlement, a violation of this Subchapter or other illegal activities, or activities that are deemed a violation under Penal Law article 225 or equivalent violations in other jurisdictions, including a person who is required to be excluded or ejected from the licensed facility under Racing, Pari-Mutuel Wagering and Breeding Law section 1342 or Part 5327 of this Subchapter.

(l) *Gaming facility* means the premises approved under a gaming license, which includes a gaming area and any other nongaming structure related to the gaming area and may include, without limitation, hotels, restaurants and other amenities.

(m) *Hand* means either one game in a series, one deal in a card game or the cards held by a player in a card game, as the context requires.

(n) *Match-play coupon* means a coupon with a fixed, stated value that is issued and redeemed and the stated value of which, when presented by a patron with chips that are equal to or greater in value to the stated value of the coupon, is included in the amount of the patron's wager in determining the payout on any winning bet at an authorized game.

(o) *Material change* means modification to physical or financial aspects in a manner that creates an inconsistency with the application submitted by a licensee or applicant for license. Physical aspects impact the proposed gaming facility or project site through addition, removal or alteration of the quality and nature of gaming and non-gaming amenities. Financial aspects impact the capital and financing structure through addition, removal or alteration of financing source or sources, schedule of financing source or sources and arrangement or agreements of financing plan.

(p) *Non-gaming employee* means any natural person, not otherwise included in the definition of casino key employee or gaming employee, who is employed by a gaming facility licensee or an affiliate, intermediary, subsidiary or holding company of a gaming facility licensee.

(q) *Non-value chip* means a chip that does not contain a denomination on either face.

(r) *Passive investor* means an investor owning, holding or controlling up to 25 percent of the publicly traded securities issued by, or other ownership interest in, a gaming facility licensee or vendor or applicant or holding, intermediate or parent company of a licensee

or vendor in the ordinary course of business for investment purposes only and who does not, nor intends to, exercise influence or control over the affairs of the entity, nor over any licensed subsidiary of the entity.

(s) *Pit* means the area enclosed or encircled by the arrangement of table games in which gaming facility personnel administer and supervise the live games played at the tables by patrons located outside the perimeter of such area.

(t) *Promotional gaming chip* and *promotional coupon* mean non-cashable instruments that may be used for game play.

(u) *Qualified institutional investor* means an institutional investor holding up to 15 percent of the publicly traded securities of, or other ownership interest in, a gaming facility applicant or licensee or vendor, or holding, intermediary or subsidiary company thereof, for investment purposes only and does not, nor intends, to exercise influence or control over the affairs of the issuer of such securities, nor over any licensed subsidiary of the issuer of such securities. To qualify as an institutional investor, an investor, other than a State or Federal pension plan, must meet the requirements of a qualified institutional buyer as defined in regulations of the United States Securities and Exchange Commission. A qualified institutional investor includes, without limitation, any of the following:

(1) a bank as defined under Federal securities laws;

(2) an insurance company as defined under Federal investment company laws;

(3) an investment company registered under Federal investment company laws;

(4) an investment advisor registered under Federal investment company laws;

(5) collective trust funds as defined under Federal investment company laws;

(6) an employee benefit plan or pension fund subject to the Employee Retirement Income Security Act, subject to certain exclusions;

(7) a State or Federal government pension plan; and

(8) such other persons as the commission many determine for reasons consistent with policies of the commission.

(v) *Qualifier* means a related party in interest to an applicant, including, without limitation, a close associate or financial resource of such applicant. Qualifiers may include, without limitation:

(1) if the gaming facility applicant is a corporation:

(i) each officer;

(ii) each director;

(iii) each shareholder holding five percent or more of the common stock of such company; and

(iv) each lender;

(2) if the gaming facility applicant is a limited liability corporation:

(i) each member;

(ii) each transferee of a member's interest;

(iii) each director;

(iv) each manager; and

(v) each lender;

(3) if the gaming facility applicant is a limited partnership:

(i) each general partner;

(ii) each limited partner; and

(iii) each lender;

(4) if the gaming facility applicant is a partnership:

(i) each partner; and

(ii) each lender;

(5) any gaming facility licensee manager or operator;

(6) any direct and indirect parent entity of a gaming facility applicant or licensee, including any holding company;

(7) any entity having a beneficial or proprietary interest of five percent or more in a gaming facility applicant or licensee;

(8) any other person or entity that has a business association of any kind with the gaming facility applicant or licensee; and

(9) any other person or entity that the commission may designate as a qualifier.

(w) *Shift* means the normal daily work period of a group of employees administering and supervising the operations of live gaming devices.

(x) *Supervisor* means a person employed in the operation of the authorized games in a gaming facility in a supervisory capacity or empowered to make discretionary decisions that regulate gaming facility operations, including without limitation, pit managers.

(y) *Temporary service provider* means a vendor, a vendor's agents, servants and employees engaged by a gaming facility licensee to perform temporary services at a gaming facility for no more than 30 days in any 12-month period.

(z) *Value chip* means a chip that contains a monetary denomination on each face.

(aa) *Vendor registrant* means any vendor that offers goods and services to a gaming facility applicant or licensee that is not a casino vendor or an ancillary casino vendor.

§ 5300.2. Method of notice.

Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1307(2)(d), the Commission shall post on its website as notice to all applicants, registrants, or licensees, the specifications of the confidentiality of all information provided to the Commission by any applicant, registrant, or licensee, and the release thereof.

§ 5300.3. Restrictions on employee wagering.

(a) *Gaming facility employees*. In addition to the requirements set forth in section 1336 of the Racing, Pari-Mutuel Wagering and Breeding Law, all employees of a gaming facility licensee holding a gaming employee registration issued by the commission are prohibited from wagering in any facility in which the employee is employed or any facility owned or operated by that gaming facility or an affiliate of that gaming facility.

(b) *Casino vendor enterprise employees*. All employees of a casino vendor enterprise required to be qualified pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1326(4) are prohibited from wagering in any gaming facility in which such casino vendor enterprise provides goods or services.

PART 5301

Gaming Facility Licensing

Section

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§ 5301.1. Application to develop and operate a gaming facility.

The form of application to develop and operate a gaming facility shall include, without limitation, the following elements, consistent with Racing, Pari-Mutuel Wagering and Breeding Law sections 1313 and 1315(2):

(a) *Executive summary.* An applicant shall submit a brief executive summary with its application, highlighting the principal terms of the application.

(b) *Applicant information.*

(1) An applicant and, if applicable, the manager shall provide identifying information including, without limitation:

(i) full name (including trade name or d/b/a) of the applicant. If the applicant is a corporation, the full name shall be listed as it appears on the certificate of incorporation, charter, by-laws or other official document of the applicant;

(ii) name, title, email address, mailing address and telephone number of the individual to be contacted in reference to the application;

(iii) principal business address and telephone number for an applicant and, if applicable, the manager of the proposed gaming facility, including the URL for any website maintained by or for the applicant or manager;

(iv) type of business entity under which the applicant is formed, the state, or other jurisdiction, under the laws of which the applicant is incorporated, organized, formed or registered and the Federal tax identification number and evidence of existence or formation as an entity as of a date no later than 10 days prior to the date of submission of the application;

(v) ownership chart of the applicant and, if applicable, the manager and their respective affiliates, including percentage ownership interests in the applicant and the manager by their respective direct and indirect owners, illustrating the ultimate owners and real parties in interest. For a publicly held company, disclosure of owners may be limited to owners owning five percent or more of the publicly traded company;

(vi) organizational chart of the applicant and, if applicable, the manager, illustrating the organizational structure likely to be used by the applicant or the

manager in the event that applicant is awarded a license, including all casino key employees;

(vii) name, address and title of each director, manager or general partner of the applicant and, if applicable, the manager and each officer and casino key employee of the applicant or manager;

(viii) name and business address of each person or entity that has a direct or indirect ownership, or other proprietary interest, either financial, voting or otherwise, in the applicant and, if applicable, the manager and a description of that interest. For a publicly traded company, disclosure of owners may be limited to owners owning five percent or more of the publicly traded company; and

(ix) name and business address of all promoters, sponsors, personnel, consultants, sales agents or other entities involved in aiding or assisting the applicant's efforts to obtain a gaming facility license.

(2) An applicant shall identify all conflicts of interest, including, without limitation, any relationship or affiliation of the applicant, manager or any of their respective affiliates that currently exist with any member, employee, consultant or agent of the Gaming Facility Location Board or the commission that is a conflict of interest, or may be perceived as a conflict of interest, during the application process. Further, if any such conflict should arise during the term of the application process, the applicant shall notify the Gaming Facility Location Board in writing of such conflict.

(3) An applicant shall also identify relationships with public officials, including, without limitation:

(i) any public official or officer or employee of any governmental entity, and immediate family members of such public official, officer or employee, who directly or indirectly owns any financial interest in, has any beneficial interest in, is the creditor of, holds any debt instruments issued by, or holds or has an interest, direct or indirect, in any contractual or service relationship with the applicant, the manager or their affiliates; and

(ii) any person not identified in subparagraph (i) of this paragraph who has any arrangement, written or oral, to receive any compensation from anyone in connection with the application, the application process or the obtaining of a gaming facility license. The applicant shall describe the nature of the arrangement, the services to be provided and the amount of such compensation, whether actual or contingent.

(4) If the applicant does not identify any direct or indirect conflict of interest, or perceived conflict of interest, the applicant shall state that no direct or indirect conflict of interest, or perceived conflict of interest, exists with respect to its application.

(5) If the applicant identifies a direct or indirect conflict of interest, or potential conflict of interest, the applicant shall disclose such conflict of interest or potential conflict of interest and the steps the applicant will take to resolve such conflict of interest or potential conflict of interest.

(6) The Gaming Facility Location Board shall, after providing the applicant or manager, as applicable, with an opportunity to present comments, make the final determination as to whether any activity constitutes a conflict of interest. The decision of such board with regard to an asserted conflict shall be final.

(7) An applicant shall identify any current or previous contract that the applicant has had with, and any current or previous licenses that the applicant has been issued by or under, any department or agency of the State of New York.

(8) If the gaming facility will be managed by a manager that is different from the applicant, the applicant shall describe the relationship between the manager and the applicant including, without limitation, a summary of the terms of any and all agreements, contracts or understanding between the manager and the applicant.

(9) An applicant shall submit, as applicable, copies of the following documents that apply to the applicant, the applicant's owners, any manager or any of the manager's owners:

(i) certified copy of its certificate of incorporation, articles of incorporation or corporate charter;

(ii) certified by-laws as amended through the date of the application;

(iii) certified copy of its certificate of formation or articles of organization of a limited liability company;

(iv) certified limited liability company agreement or operating agreement as amended through the date of the application;

(v) certified copy of its certificate of partnership;

(vi) certified partnership agreement as amended through the date of the application;

(vii) certified copy of its certificate of limited partnership;

(viii) certified limited partnership agreement as amended through the date of the application;

(ix) other legal instrument of organization;

(x) joint venture agreement;

(xi) certified trust agreement or instrument, each as amended through the date of the application;

(xii) voting trust or similar agreement; and

(xiii) stockholder, member or similar agreement.

(c) *Finance and capital structure.* An applicant shall:

(1) describe its finance and capital structure including:

(i) minimum capital investment plans;

(ii) a study completed by an expert who is neither the applicant nor an affiliate of the applicant, assessing the size of the potential gaming market for the proposed gaming facility;

(iii) a detailed financial forecast annually for a period of at least 10 years after opening for gaming on a best-, average- and worst-case basis;

(iv) a qualitative five-year business plan for the proposed gaming facility describing, at minimum, the components and projected results of the material revenue lines and expense categories of the proposed gaming facility, the applicant's sources and availability of financing, the principal business and financing risks of the proposed gaming facility and plans to mitigate those risks;

(v) a detailed description of how the project will be financed;

(vi) a detailed description in regard to each financing source;

(vii) a schedule of the financing sources' anticipated capital structure after construction and first three years of operation of the proposed gaming facility; and

(viii) an analysis of how the financing plans for the application fee, application and suitability investigation expenses, license fee, capital investment deposit, construction and first three years of operation of the proposed gaming facility will affect the applicant's compliance with the financial covenants under its current financing arrangements;

(2) submit an independent audit report for each of the last five fiscal years in regard to the applicant and each of its parents;

(3) submit bank references, business and personal income and disbursement schedules, tax returns and other reports filed with government agencies and business and personal accounting check records and ledgers and copies of securities analyst and credit rating agency reports for the past three years;

(4) submit all United States Securities and Exchange Commission filings, if any, for the financing sources, for the three fiscal years ended before the date applications filed pursuant to this section are due and any interim period between the end of the most recent fiscal year and the date applications are due;

(5) provide any information relating to legal actions including, without limitation:

(i) pending legal actions, whether civil, criminal or administrative in nature, to which the applicant is a party and a brief description of any such actions;

(ii) any settled or closed legal actions, whether civil, criminal or administrative in nature, against the applicant over the past 10 years;

(iii) any judgments against the applicant within the past 10 years, including the case name, number, court, and what the final ruling or determination was from the court, administrative body or other tribunal;

(iv) a statement whether the applicant was indicted, accused or convicted of a crime or was a subject of a grand jury or criminal investigation during the past 10 years; and

(v) a statement whether the applicant was the subject of any order, judgment or decree of any court, administrative body or other tribunal of competent jurisdiction permanently or temporarily enjoining it from or otherwise limiting its participation in any type of business, practice or activity during the past 10 years;

(6) describe any bankruptcies, voluntary or involuntary, assignments for the benefit of creditors, appointments of a receiver or custodian or similar insolvency proceedings made, commenced or pending during the past 10 years by or involving any applicant;

(7) describe any contract, loan agreement or commitment that the applicant has breached or defaulted on during the past 10 years and provide information for any lawsuit, administrative proceeding or other proceeding that occurred as a result of the breach or default;

(8) describe any delinquencies in the payment of any fees or tax required under any federal, state or municipal law within the past 10 years by an applicant and describe the circumstances for any payment not made because of a dispute;

(9) describe any gaming-related licenses issued in any jurisdiction, and provide a detailed explanation if the applicant has ever had a gaming-related license denied,

suspended, withdrawn or revoked, or if there is a pending proceeding that could lead to any of these conditions; and

(10) describe any disciplinary action brought against the applicant by any gaming licensing authority during the past five years;

(11) describe the applicant's and, if applicable, the manager's experience, training and expertise in developing, constructing and operating gaming facilities and related facilities;

(12) describe any destination casino resort or other gaming projects that the applicant and, if applicable, the manager, has publicly announced that it is in the process of acquiring, developing or proposing to acquire or develop; and

(13) describe all financial commitments and guarantees the applicant or, if applicable, the manager, or its affiliates is prepared to provide to the commission to ensure that the gaming facility is completed, license conditions are fulfilled and sufficient working capital is available to allow continuous operation in the manner described in the applicant's financial forecasts.

(d) *Economics.* An applicant shall provide:

(1) the benefits of the applicant's gaming facility location, including:

(i) the estimated recapture rate of gaming-related spending by New York residents travelling to out-of-state gaming establishments;

(ii) a focus on out-of-state visitors and the anticipated gaming and non-gaming gross revenues the applicant anticipates from out-of-state visitors during each of the first five years of gaming facility's operations on a low-, average- and high-case scenario;

(iii) how the applicant plans to compete with other nearby gaming facilities in New York and other jurisdictions; and

(iv) the applicant's overall perspective and strategy for broadening the appeal of the region and the host municipality in which the gaming facility is located.

(2) a description of any loyalty, reward or similar frequent player program maintained by the applicant, or, if applicable, by the manager and whether this program maintains a casino customer relationship management system and database that tracks the program members and to whom this program and database will be used to market, promote and advertise the gaming facility.

(3) economic impact studies completed by an independent expert showing the applicant's proposed gaming facility's:

(i) overall economic incremental benefit to the region, the State and the host municipality and nearby municipalities;

(ii) positive and negative impacts on the local and regional economy, and on the host and nearby municipalities including impacts on incremental job creation, unemployment rates, cultural institutions and small businesses; and

(iii) projections for all estimated state, county and local tax revenue for the first five years of operations on a high-, average- and low-case basis.

(4) a description of the proposed gaming facility's inclusion within, and coordination with, a regional and local economic plan;

(5) a description of plans and minimum commitments for use of New York-based suppliers and materials in the construction and operational phases of applicant's project;

(6) a description of the employment opportunities created by the proposed gaming facility, including, among other things, the number of employees to be employed at the proposed gaming facility and the pay rate and benefits for employees;

(7) a description of the competitive environment in which the applicant anticipates the proposed gaming facility will operate over the 10 years after opening;

(8) a description of the target market segments of the gaming facility;

(9) the marketing plans for the proposed gaming facility with specific reference to pre-opening marketing and opening celebrations;

(10) a description of strategies to be used by the applicant to deal with the cyclical/seasonal nature of tourism demand; and

(11) a proposed tax rate on gross gaming revenue from slot machines, which shall be no less than 25 percent, and a proposed tax rate on gross gaming revenue from all other sources, which shall be no less than 10 percent, as prescribed by Racing, Pari-Mutuel Wagering and Breeding Law section 1351(1-a). The application may provide for an applicant to propose tax rates in an initial submission and a supplement proposing final tax rates, after it is known which applicants have received community advisory committee assent to proceed with their applications, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1321-d(3)(e)(x) and (f)(1).

(e) *Land construction and design of physical plant.* An applicant shall:

(1) describe the location of the proposed gaming facility, including:

(i) the address, maps, book and pages numbers from the appropriate registry of deeds;

(ii) the dimensions and total acreage of the land that will be developed for the proposed gaming facility;

(iii) the assessed value of the land for the proposed gaming facility and of the existing facilities, improvements and infrastructure thereon, if any, at the time of application, and a schedule of the real estate taxes paid on such property for the past five years;

(iv) description of, and aerial and surface photography demonstrating the topographic, geographic, and vegetative characteristics of the land for the proposed gaming facility as well as any significant existing facilities, improvements or infrastructure thereon;

(v) description of any geological or structural defects of the proposed gaming facility and any engineering, design and construction plans to remedy the defect; and

(vi) any phase I or II reports or any other investigations of the site, sub-surface, geotechnical or environmental conditions or hazardous materials that have been completed related to the land for the proposed gaming facility;

(2) describe the ownership of the land, including:

(i) all ownership interests in the land for the past 20 years, including all easements options, encumbrances and other interests in the property;

(ii) copies of any lease, deed, option or other documentation and provide an explanation as to the status of the land upon with the gaming facility will be constructed;

(iii) the total amount the applicant has spent or proposes to spend to acquire or occupy the land for the proposed gaming facility; and

(iv) if the applicant does not currently possess an ownership interest in the land at the proposed location, describe how the applicant intends to acquire the necessary interest in the land;

(3) provide copies of current local zoning approvals and any rezoning, variances and/or land use approvals and any State or local permits or special use permits

required for the gaming facility site, a detailed explanation of the status of any request for any of the foregoing, together with copies of all filings, including a specific schedule of applications for such approvals and anticipated approval dates;

(4) provide a description of, and schematics illustrating, the applicant's master plan for the land and the gaming facility site showing major activities and functions, and a phasing plan for the proposed components;

(5) provide designs for the proposed gaming facility including among other things, a site plan, floor plans, building elevations and perspectives, cross sections sufficient to illustrate the interrelation of principal building program components, proposed hardscape, landscape and landscape treatments including any off-site improvements required to implement the proposal, exterior lighting design, plans for parking structures, surface parking and traffic circulation plans, color perspective renderings of the exterior (day and night) and interior of the gaming facility; and access plans indicating adjacent properties with all related infrastructure and access to and egress from all major traffic arterials;

(6) describe the proposed gaming area, including square footage, number and types of table games and slot machines, electronic gaming devices, poker tables and any other forms of gaming, number of gaming positions, specific location of the games and machines in the proposed gaming facility, any special purpose rooms, layout of cage area, count room, players club areas, any other gaming related amenities not included in the above, and any phased building plans;

(7) provide a detailed description of the proposed amenities including hotels, meeting and convention facilities, dining facilities, entertainment venues and non-gaming amenities; in addition, provide a statement of how the proposed amenities will compare in quality to other area amenities and those offered in competitive gaming facilities;

(8) provide the applicant's proposed hours of operation for the various components of the proposed gaming facility including the casinos, restaurants, bars and other amenities;

(9) provide a description of the square footage of back house security, kitchen and office facilities to support the remaining building programs;

(10) provide a detailed description of proposed parking and transportation infrastructure including, among other things, parking spaces for employees, patrons and buses; tour bus, taxi and valet drop-off areas; and service vehicle and satellite parking;

(11) provide a description of the planned dock and loading facilities, as well as armored car bay;

(12) provide a description of mechanical systems and other on-site infrastructure plans;

(13) provide the names, addresses and relevant experiences of the architects, engineers, contractors, and designers of the proposed gaming facility and related proposed infrastructure improvements;

(14) provide a detailed construction budget and timeline for construction, including plans for mitigating impacts during and following construction;

(15) provide information concerning the number and quality of construction jobs to be provided during the construction period; and

(16) provide names of all proposed gaming equipment vendors.

(f) *Internal controls and security systems*. An applicant shall:

(1) provide a description of the proposed internal controls, electronic surveillance systems and security systems for the proposed gaming facility and any related facilities; and

(2) provide a table of organization that shows staffing levels and identifies the critical departments for each control/risk management activity, data process, internal audit, compliance, security and surveillance function.

(g) *Assessment of local support and mitigation of local impact.* An applicant shall:

(1) demonstrate local support by doing the following:

(i) for an application pursuant to Title 2 of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law, submitting to the Gaming Facility Location Board a resolution passed after a date announced by such board by a majority of the membership of the local legislative body of the host community supporting the application; or

(ii) for an application pursuant to Title 2-A of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law, receiving an affirmative vote of the applicable community advisory committee, as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1321-d(3)(e)(x) and (f)(1).

(2) provide completed studies and reports by independent experts showing the proposed gaming facility's cost to, among other things, each host municipality, nearby municipalities and the State for the proposed gaming facility including, without limitation, the incremental effect on local government services as well as the impact on the traffic infrastructure and the environment;

(3) provide plans for mitigating potential impacts on host municipality and nearby municipalities that might result from the development or operation of the gaming facility; and

(4) provide an assessment of the likely impact on housing stock and school populations in the host municipality and nearby municipalities resulting from new jobs at the gaming facility and the applicant's plans and commitments to remedy or mitigate any negative impacts.

(h) *Regional tourism and attractions.* An applicant shall describe regional tourism and local promotion efforts, including:

(1) promoting local businesses in host municipality and surrounding municipalities including developing cross-marketing strategies with local restaurants, small businesses, hotels and retail outlets;

(2) establishing partnerships with live entertainment venues that may be impacted by a gaming facility;

(3) contracting with local business owners for provision of goods and services to the gaming facility, including developing plans designed to assist businesses in the State of New York in identifying the needs for goods and services to the facility;

(4) local agreements designed to expand gaming facility draw, including the number of patrons brought to the region; and

(5) cross-marketing efforts with other attractions.

(i) *Measures to address problem gaming.* An applicant shall describe measures to address problem gaming, including among other things, on-site resources available to those affected by gaming-related problems, description of proposed problem gaming signage on-site, training for facility employees to help identify those who may have gaming-related problems, exclusion policies and the process to notify individuals of the availability of self-exclusion, treatment and prevention programs, and metrics the applicant will use to measure whether the applicant is succeeding in efforts to reduce problem gaming.

(j) *Workforce development.* An applicant shall describe:

(1) the applicant's workforce development plans including:

(i) human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program;

(ii) an affirmative action program that identifies specific goals for the use of minorities, women, persons with disabilities and veterans on construction, service and professional jobs;

(iii) on-the-job opportunities and training in areas and with respect to demographic groups with high unemployment; and

(iv) approach and experience in the last 10 years with hiring in general, and with particular respect to demographic groups evidencing high unemployment.

(2) whether the applicant and, as applicable, the manager, is subject to, or is negotiating any contract with organized labor, including hospitality services and whether the applicant or, as applicable, the manager has the support of organized labor for its application; and

(3) whether the applicant or, as applicable, the manager has entered into labor peace agreements with labor organizations that are engaged in representing gaming or hospitality industry workers in the State. If the applicant or, as applicable, the manager, has not entered into such agreements, the applicant shall provide a statement that it will enter such labor agreements and maintain such labor peace agreements in place during the term of a license.

(4) For a facility to be licensed pursuant to Title 2-A of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law:

(i) a description of workforce demographics including current employment of minorities, women and service-disabled veterans in permanent and part-time jobs at the applicant's gaming facilities;

(ii) a description of diversity in the ownership and leadership of the corporate entity;

(iii) a description of efforts the applicant is currently undertaking to ensure diversity at its facilities and plans to undertake at the proposed facility including:

(*a*) establishing mentorship opportunities and other business development programs;

(*b*) incorporating an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including minorities, women and persons with disabilities;

(*c*) providing specific goals for the inclusion of minorities, women and veterans on construction jobs;

(*d*) ensuring that any contractors or subcontractors to any contractor make good faith efforts to provide minorities, women and veterans an opportunity to participate in the workforce;

(*e*) working and partnering with minority-owned businesses; and

(*f*) developing a plan of action that shall promote diversity in its business model, financing, employment goals, and other social and economic equity roles in the gaming industry.

(k) *Sustainability, resource management and sourcing.* An applicant shall describe its sustainability and resource management plans with respect to the gaming facility, including its plans to, among other things, mitigate traffic flow, obtain LEED certification, use energy efficient equipment, manage storm water, conserve water, use renewable energy, monitor energy consumption and purchase, whenever possible, domestically manufactured slot machines.

(l) *Other information*. The application may request other information and materials that, in the judgment of the commission, would assist the Gaming Facility Location Board and the commission is discharging their duties pursuant to Racing, Pari-Mutuel Wagering and Breeding Law Article 13, this subchapter or other applicable law.

(m) *Duty to update application.*

(1) Upon completion of an application prescribed in this section and prior to the award of a gaming facility license, an applicant has a continuing duty to disclose to the New York Gaming Facility Location Board promptly, in writing (and electronically), any changes or updates to the information submitted in the application or any related materials submitted in connection therewith.

(2) The New York Gaming Facility Location Board may in its sole discretion determine to accept the update as an amendment to an application. The New York Gaming Facility Location Board shall not be required to accept any such information.

(3) An applicant's failure to promptly notify the New York Gaming Facility Location Board of any changes or updates to information previously submitted may be grounds for disqualification of an applicant from consideration by the New York Gaming Facility Location Board.

§ 5301.2. Application forms.

(a) The commission shall investigate the background of any applicant for a gaming facility license, which may include the background of any qualifier, using the following forms:

(1) a gaming facility license application form, as prescribed in subdivision (b) of this section, for each of the applicants, any direct and indirect parent entity of the applicant

(including any holding company), any manager, any entity having a beneficial or proprietary interest of five percent or more in an applicant or a manager, and any other entity that may be designated by the Gaming Facility Location Board or the commission;

(2) a multi-jurisdictional personal history disclosure form, as promulgated by the International Association of Gaming Regulators as of the date of the adoption of this section, for each natural person who is a director, manager, general partner or person holding an equivalent position with the applicant, a manager or any direct or indirect parent entity of the applicant, a casino key employee, a person having beneficial or proprietary interest of five percent or more in an applicant or a manager and any other person that may be designated by the Gaming Facility Location Board or the commission; and

(3) a multi-jurisdictional personal history disclosure supplemental form, as prescribed in subdivision (c) of this section, for those aforementioned parties submitting a multi-jurisdictional personal history disclosure form.

(b) *Gaming facility license application form.* A gaming facility license application form shall require the applicant to provide the following information and such additional information as the commission may in its discretion determine:

(1) the name, title, phone number and email address of a person to be contacted in reference to the application;

(2) the current and former d/b/a or trade names used by the entity;

(3) the principal business address of the entity;

(4) the date and place of formation and information concerning each person forming the entity;

(5) all other names under which the entity has conducted business and the approximate time periods during which such names were used;

(6) all other addresses presently used by the entity and all addresses from which the entity is presently doing business;

(7) all addresses, other than those listed in paragraph (6) of this subdivision, that the entity held, or from which it was conducting business during the last 10-year period, and the approximate time periods during which such addresses were held;

(8) a description of the business conducted and intended to be conducted by the entity and its parent, holding, subsidiary and intermediary entities and the general development of such business during the past five years, or such shorter period as

the entity or its parent, holding, subsidiary and intermediary entities may have been engaged in business. The description shall include information on the following:

(i) competitive conditions in the industry or industries involved and the competitive position of the entity, if known;

(ii) the principal products produced and services rendered by the entity and its parent, intermediary and subsidiary entities, the principal markets for said products or services and the methods of distribution;

(iii) the sources and availability of raw materials essential to the business of the entity;

(iv) the importance to the business and the duration and effect of, all material patents, trademarks, licenses, franchises and concessions held; and

(v) a description of any material changes in the business entity's mode of conducting the business.

(9) a description of any former business, not listed in response to paragraph (8) of this subdivision, that the entity or any parent, intermediary or subsidiary company engaged in during the last 10-year period and the reasons for the cessation of such business, indicating the approximate time period during which each such business was conducted;

(10) personal information, including but not limited to, the name, home and work addresses and date of birth of each director, trustee, and officer of the entity for the last 10 years. Officers include all persons serving as president, secretary, treasurer, chairman of the board, vice-president, general/corporate counsel or any such other officers as may be prescribed by the entity's governing documents;

(11) the annual compensation of directors, trustees and officers of the entity and whether such compensation is in the form of salary, wages, commissions, fees, stock options, bonuses or otherwise;

(12) the name, business address, date of birth, and position of each person other than a director, trustee or officer, who receives annual compensation from the entity of more than $250,000 and the length of time employed and the amount of compensation;

(13) a description of all bonus, profit sharing, pension, retirement, deferred compensation and similar plans in existence;

(14) a description of the nature, type, number of authorized and issued shares, terms, conditions, rights and privileges of all classes of voting, non-voting and other stock issued, or to be issued, or other similar indicia of ownership by the entity

including the number of shares of each class of stock authorized or to be authorized and the number of shares of each class of stock outstanding, not held by or on behalf of the issuer, or other similar information applicable to other indicia of ownership as of this date;

(15) the name, home address and date of birth of each shareholder of the entity, the class held, number of shares held and the percentage of outstanding voting or non-voting securities or other ownership interest held;

(16) a description of the nature, type, terms, covenants, conditions and priorities of all outstanding debt and security devices utilized by the entity;

(17) a description of each person or entity holding any outstanding debt and security devices the entity uses;

(18) a description of any options existing or to be created with respect to securities issued by the entity in which description shall include, but not be limited to, the title and amount of securities subject to option, the year or years during which the options were or will be granted, the conditions under which the options were or will be granted, the consideration for granting the option and the year or years during which, and the terms under which, optionees became or will become, entitled to exercise the options, and when such options expire;

(19) the following information for each account for the last 10 years held in the name of the entity or its nominee or otherwise under the direct or indirect control of the entity:

(i) the name and address of the financial institution;

(ii) the type of account;

(iii) the account number; and

(iv) the dates held.

(20) the name and address of all persons with whom the entity has contracts or agreements of $250,000 in value or more including employment contracts of more than one year duration, or who have supplied goods and services within the last six months and the nature of such contracts or the goods and services performed;

(21) information in regard to any transaction within the last five years involving a change in the beneficial ownership of the entity's equity securities on the part of any current or former director, officer or beneficial owner of more than 10 percent of any class of equity security;

(22) a description of any civil, criminal, administrative and investigatory proceedings in any jurisdiction for the entity and each director, trustee or officer as follows:

(i) any arrest, indictment, charge or conviction for any criminal or disorderly persons offense;

(ii) any criminal proceeding in which such person has been named a party or an unindicted co-conspirator;

(iii) any civil litigation that exists or that existed within the previous five years to which the entity, its parent or any subsidiary is, or was, a party, if damages exceeded $100,000, or are reasonably expected to exceed $100,000, unless such damages involved or involve, claims against the entity that were, or are, fully and completely covered under an insurance policy;

(iv) any judgment order, consent decree or consent order entered against the entity pertaining to a violation or alleged violation of the federal antitrust, trade regulation or securities laws or similar laws of any jurisdiction; and

(v) any judgment order, consent decree or consent order pertaining to any state or federal statute, regulation or code that resulted in a fine or penalty of $50,000 or more within the past 10 years.

(23) for the entity, parent or any intermediary entity, information in regard to any judgments or petitions for bankruptcy or insolvency and any relief sought under any provision of the federal bankruptcy code or any state insolvency law; and information in regard to any receiver, fiscal agent, reorganization trustee or similar officer appointed for the property or business of the entity or its parent, holding, intermediary or subsidiaries;

(24) a description of whether, during the last 10 years, the entity has had any license or certificate issued by any governmental agency denied, suspended or revoked;

(25) a description of whether, during the last 10 years, the entity, its parent or any subsidiary ever applied in any jurisdiction for a license, permit or other authorization to participate in lawful gambling operations (including casino gaming, horse racing, dog racing, pari-mutuel operation, lottery, sports betting, etc.);

(26) a description of whether, during the last 10 years, the entity its parent or any subsidiary, director, officer or employee or any third party acting on behalf of the entity made any bribes or kickbacks or made any payments alleged to have been bribes or kickbacks to any employee, company, organization, government official, domestic or foreign, to obtain favorable treatment;

(27) a description of whether, during the last 10 years, the entity, its parent, any subsidiary or related entity or individual has:

(i) donated or loaned property or anything of value for the purpose of opposing or supporting any government, political party, candidate, or committee, either foreign or domestic;

(ii) made any loans, donations or other disbursements to its directors, officers or employees for the purpose of reimbursing such individuals for political contributions, either foreign or domestic; and

(iii) maintained a bank account or other account, domestic or foreign, not reflected on the books of the entity, or maintained any account in the name of the nominee of the entity;

(28) the names and addresses of any of the entity's current or former directors, officers, employees or third parties who would have knowledge or information concerning subparagraph (iii) of paragraph (27) of this subdivision;

(29) a copy of the following:

(i) audited financial statements for the last fiscal year, including, without limitation, an income statement, balance sheet and statement of sources and application of funds, and all notes to such statements and related financial schedules;

(ii) all annual financial statements prepared in the last five years, any exceptions taken to such statements by the independent auditor retained by the entity and the management response thereto;

(iii) annual reports to shareholders for the last five years;

(iv) any annual reports prepared within the last five years on Form 10K pursuant to the Securities Exchange Act of 1934;

(v) the last quarterly unaudited financial statements prepared by or for the entity, which, if the entity is registered with the United States Securities and Exchange Commission, may be satisfied by providing a copy of the most recently filed 10Q;

(vi) any current report prepared due to a change in control of the entity, acquisition or disposition of assets, bankruptcy or receivership proceedings, changes in the entities certifying accountant, or other material events, which, if the entity is registered with the United States Securities and Exchange Commission, may be satisfied by providing a copy of the most recently filed form 8K;

(vii) each press release issued by the entity for the past five years;

(viii) last definitive proxy or information statement filed pursuant to the section 14 of the Securities Exchange Act of 1934;

(ix) registration statements filed in the last five years pursuant to the Securities Act of 1933; and

(x) all reports and correspondence submitted in the last five years by independent auditors for the entity that pertain to the issuance of financial statements, managerial advisory services, or internal control recommendations.

(30) the name, address, and telephone number of the current outside auditor or auditors;

(31) a certified copy of the articles of incorporation, charter and by-laws and all amendments proposed thereto or other formation documents, if the entity is not a corporation;

(32) a current ownership organizational chart of the entity, its parent entity and each subsidiary of the entity;

(33) a functional table of organization for the filing entity, including position descriptions and the names of persons holding such positions;

(34) a copy of all Federal Internal Revenue Service tax returns filed by the entity in the last five years;

(35) a release authorization (dated and signed by the president or any officer of the entity authorized to affirm and sign the document) directing all courts, probation departments, selective service boards, employers, educational institutions, banks, financial institutions and all governmental agencies, federal, state and local, both foreign and domestic, to release any and all information pertaining to the entity as required by the commission and its authorized agents and representatives;

(36) a waiver of liability (dated and signed by the president or any officer of the entity authorized to affirm and sign the document) as to the State of New York and its instrumentalities and agents for any damages resulting from any disclosure or publication of any material or information acquired during the licensing or investigation process;

(37) a consent (dated and signed by the president or any officer of the entity authorized to affirm and sign the document) to inspections, searches and seizures and the supplying of handwriting exemplars; and

(38) a signed, dated and notarized affidavit of truth in a form provided by the commission (dated and signed by the president or any officer of the entity authorized to affirm and sign the document).

(c) *Multi-jurisdictional personal history disclosure supplemental form*. A multi-jurisdictional personal history disclosure form shall require the applicant to provide the following information and such additional information as the commission may in its discretion require:

(1) name and nature of position with or interest in a gaming facility license applicant or licensee, a vendor enterprise applicant or licensee, or a holding company, as applicable;

(2) current photograph;

(3) citizenship, and if applicable, resident alien status, including any certificate of naturalization, United States Citizenship and Immigration Services documentation, employment authorization with expiration date, country of which the applicant is a citizen, place of birth, proof of entry to the United States and name of address of sponsor upon arrival;

(4) any ownership interest, financial interest or financial investment in any business entity applying to or presently licensed by the commission;

(5) a disclosure of whether, during the last 10 years, any entity in which he or she had been a director, officer or principal employee or a holder of five percent or greater interest has:

(i) made or been charged with, either itself or through third parties acting for it, bribes or kickbacks to any government official, domestic or foreign, to obtain favorable treatment or to any company, employee or organization to obtain a competitive advantage;

(ii) held a foreign bank account or has had authority to control disbursements from a foreign bank account;

(iii) maintained a bank account, or other account, whether domestic or foreign, that is not reflected on the books or records of the business;

(iv) maintained a domestic or foreign numbered bank account or other bank account in a name other than the name of the business;

(v) donated or loaned corporate funds or corporate property for the use or benefit of, or for the purpose of opposing, any government, political party, candidate or committee either domestic or foreign;

(vi) compensated any of its directors, officers or employees for time and expenses incurred in performing services for the benefit of or in opposition to any government or political party domestic or foreign; and

(vii) made any loans, donations or other disbursements to its directors, officers or employees for the purpose of making political contributions or reimbursing such individuals for political contributions whether domestic or foreign;

(6) copies of Federal and State tax returns and related information for the last five years, including:

(i) United States Internal Revenue Service forms 1040, 1040X and related schedules;

(ii) an audit narrative or failure to file narrative; and

(iii) foreign tax returns and schedules;

(7) a signed, dated and notarized release authorization that shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the commission, the Gaming Facility Location Board or any employee, agent or representative thereof;

(8) the name, address, occupation, phone number, email address and years known of persons who can attest to the good character and reputation of the applicant;

(9) a waiver of liability as to the State of New York and its instrumentalities and agents for any damages resulting from any disclosure or publication of material or information acquired during the licensing process, or during any inquiries, investigations or hearings;

(10) a consent to inspection, searches and seizures and the supplying of handwriting exemplars;

(11) a notification and authorization form for employment credit report; and

(12) a signed, dated and notarized affidavit of truth.

§ 5301.3. Application fees.

An applicant to develop and operate a gaming facility in the State of New York shall pay the application fee, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1316(8), by electronic fund transfer as the commission may direct. An applicant shall submit this fee on a date established by the commission, which date shall be posted on the commission's website as well as included in the schedule provided in the application to develop and operate a gaming facility in the State of New York. The application fee shall be non-refundable, except that the unexpended portion of the fee shall be returned to an applicant, minus any reasonable processing or investigative costs

the commission has incurred, including personnel cost, overhead and administrative expense.

§ 5301.4. Waiver of licensing or qualification requirements by commission.

(a) The commission may in its discretion waive the licensing or qualification requirement for any of the following:

(1) Qualified institutional investors and passive investors as defined in Part 5300.1 of this Subchapter;

(2) in the case of gaming facility applicant or licensee corporations and holding, intermediary and subsidiary corporations of said applicant or licensee corporations, those persons holding less than five percent of the voting securities of the company;

(3) a lender to a gaming facility applicant or licensee that is obtaining financing for the construction or operation of the gaming facility shall be required to be licensed unless each of the following applies:

(i) the lender is in the business of providing debt or equity capital to individuals or entities;

(ii) the loan is in the ordinary course of the lender's business; and

(iii) the lender does not have the ability to control or otherwise influence the affairs of the gaming facility applicant or licensee.

(4) a party that acquires a debt instrument issued by a gaming facility applicant or licensee in a public or exempt private offering shall not be required to be licensed if:

(i) the party does not have a right or ability to control or influence the affairs of the gaming facility applicant or licensee; and

(ii) the party's acquisition of the debt instrument is in the ordinary course of business and is not part of a plan or scheme to avoid the requirements of this section.

(b) In determining whether to waive qualification requirements, the commission shall consider whether the party seeking the waiver obtained its interest for investment purposes only and does not have any intention to influence or affect the affairs of the applicant or any affiliated companies thereof.

(c) A party may seek a waiver by filing with the commission:

(1) the applicable waiver certification form available on the commission's website; and

(2) any additional information deemed necessary by the commission to act on the request for a waiver.

(d) The commission shall investigate each waiver request. A deposit may be required to be paid by the requester of a waiver in advance as a condition precedent to the commission beginning or continuing its investigation. After all investigative fees and costs have been paid by the requester of a waiver, any balance remaining is refunded to the applicant.

(e) If a waiver is granted, the commission shall prepare a letter granting the waiver and setting forth the waiver conditions, including the duration of such waiver.

(f) Any party granted a waiver under this part that subsequently anticipates engaging in any activity that will or could influence or affect the affairs or operations of the gaming facility applicant or licensee or the holding, intermediary or subsidiary company thereof, shall provide at least 30 days' notice to the commission of such intent and the party shall not exercise any influence or effect on the affairs or operations of the gaming facility applicant or licensee or the holding, intermediary or subsidiary company thereof unless and until the commission issues a determination of suitability under section 5301.5 of this Part.

§ 5301.5. Suitability determination.

(a) In evaluating the suitability of the applicant, the commission shall consider the overall reputation of the applicant as prescribed by Racing, Pari-Mutuel Wagering and Breeding Law section 1317(1).

(b) Subject to notice and a hearing, the commission shall deny a gaming facility application where an applicant has failed to meet the criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1317(2).

(c) Subject to notice and a hearing, the commission shall deny a license to a gaming facility applicant that the commission determines is disqualified based on the criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1318.

§ 5301.6. License determination.

(a) Upon determination that a gaming facility applicant is suitable for licensure, the commission shall proceed to review such applicant's entire application to confirm that the applicant has met, or has stated in its application that it shall meet, the minimum license thresholds set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1316.

(b) The commission may, in its discretion, conduct a hearing to determine the award of a license and:

(1) grant the application for a gaming facility license with appropriate conditions, restrictions, limitations or covenants as the commission, in its discretion, deems necessary;

(2) deny the application for a gaming facility license;

(3) extend the period for issuing a decision in order to obtain any additional information deemed necessary by the commission for a complete evaluation of the application; or

(4) issue a decision on the application for a gaming facility license that provides that a license shall be awarded effective as of a date to be determined by the commission.

(c) If the commission is prepared to deny a gaming facility application, the commission shall first notify such applicant of the grounds for such contemplated action and provide such applicant an opportunity for a hearing.

§ 5301.7. Form and posting of the license.

(a) Following the award of a gaming facility license, the commission shall issue, a license document that shall contain the following information:

(1) a complete identification of the applicant's identity, address and agent for all service of process by agencies and agents involved in regulating the gaming industry in the State of New York;

(2) the duration of the license;

(3) a commission serial number and be printed on security protected paper material;

(4) a statement that all statutory and regulatory conditions are incorporated by reference, included as if completely set forth therein and made a part of the issued form of gaming facility license;

(5) a statement that all additional conditions set forth by the commission shall also be incorporated by reference, included as if completely set forth therein and also made a part of the issued form of the gaming facility license;

(6) a depiction of the coat of arms of the State of New York; and

(7) the signature of the chair or secretary of the commission.

(b) A copy of the gaming facility license shall be available for inspection at such gaming facility at any time the gaming facility is open to the public.

§ 5301.8. Award and duration of license.

(a) The date of award of a gaming facility license shall be deemed to have occurred upon a public determination by the commission to issue a license to an applicant.

(b) A license shall be issued by the commission for an initial 10-year period and shall be renewable thereafter for a period of at least 10 years.

§ 5301.9. Post-licensure conditions.

The award of a license is subject to the gaming facility licensee satisfying or demonstrating satisfaction of the following conditions:

(a) deposit, via cash or bond in a form acceptable to the commission, into an interest-bearing account 10 percent of the total investment proposed in the gaming facility license application; and

(b) within 30 days of the award, payment of the applicable gaming facility license fee set forth in section 600.1 of subtitle R of this Title.

(c) commencement of gaming operations within 24 months following award of license. A gaming facility licensee failing to begin gaming operations within 24 months shall be subject to suspension or revocation of the license and may, after being found by the commission to have acted in bad faith, be assessed a fine as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1315(3).

§ 5301.10. Required notifications.

(a) *Material changes to commitments and development plans.* The applicant or licensee shall notify the commission in writing and in a timely manner of any proposed material changes to commitments and development plans that were presented in such applicant's or licensee's gaming facility application, including, without limitation, in regard to finance and capital structure; land, construction and design of physical plant; workforce development; and sustainability and resource management. The duty to disclose changes in information shall continue throughout any period of licensure granted by the commission. Commission licensees or applicants for gaming facility licenses must maintain current release of information forms as originally submitted to the Gaming Facility Location Board. No material changes to such commitments and development plans are permitted without the approval of the commission in writing.

(b) *Material debt transactions.* No gaming facility applicant or licensee shall consummate a material debt transaction without the prior approval of the commission.

(1) Notwithstanding the foregoing in this subdivision, the following types of transactions shall not require prior commission review and approval with regard to the financial stability standards. An agreement that:

(i) provides for any borrowing for capital and maintenance expenditures;

(ii) is for a refinancing of existing debt that includes a borrowing for capital and maintenance expenditures of at least $50 million;

(iii) provides for any borrowing that does not result in an increase in annual debt service requirements; or

(iv) that reflects a gaming facility applicant or licensee's pro rata share of debt maintained at an affiliate, intermediary, or holding company.

(2) In the event that a gaming facility applicant or licensee contemplates consummation of a material debt transaction that does not require prior commission review and approval pursuant to paragraph (1) of this subdivision the gaming facility applicant or licensee nevertheless shall notify the commission in writing, at least 10 days prior to entering an arrangement, of a transaction subject to one of the above exceptions. The notice shall, at a minimum, include the reasons the debt transaction is an allowable exception and all relevant calculations relating to the debt transaction.

(3) In reviewing any transaction pursuant to paragraphs (1) and (2) of this subdivision, the commission shall consider whether the transaction would deprive the gaming facility applicant or licensee of financial stability, taking into account the financial condition of any affiliates of holding companies thereof, and the potential impact of any default on the licensee.

(4) Any subsequent use of the proceeds of a transaction previously approved by the commission pursuant to paragraphs (1) and (2) of this subdivision, including subsequent drawings under previously approved borrowings, shall not require further commission approval.

(5) The commission may restrict or prohibit the transfer of cash to, or the assumption of liabilities on behalf of, an affiliate if, in the judgment of the commission, such transfer or assumption would deprive the gaming facility applicant or licensee of financial stability.

(6) Any amendments or changes to a material debt transaction previously approved pursuant to paragraphs (1) and (2) of this subdivision must be filed with the commission at least 10 business days prior to executing such amendment or change. A supplemental submission should be filed detailing the impact of each proposed amendment or change and, where applicable, the overall impact of the proposed amendments or changes on debt balances, maturity dates, annual debt service requirements, and debt covenants. If the changes are deemed material, the licensee may not consummate the change or amendment without further commission approval.

(c) *Change of qualifier or financial source.*

(1) Each gaming facility applicant or licensee shall notify the commission, in writing, as soon as such applicant or licensee becomes aware of the appointment, nomination, election, resignation, incapacitation or death of any qualifier. Upon receipt of such notice, the commission shall undertake to notify the new qualifier of the requirement to file an appropriate application and consent to an investigation.

(2) Each gaming facility applicant or licensee shall immediately notify the commission, in writing, as soon as such applicant or licensee becomes aware that it intends to enter into a transaction bearing any relation to its gaming facility project that may result in new persons involved in the financing of the gaming facility. Upon receipt of such notice, the commission shall undertake to notify the new financial source requiring the filing of an appropriate application and subsequent investigation of that application.

(d) *Monitoring of project construction*. The award of license is subject to the following requirements in regard to the monitoring of the gaming facility project:

(1) Project schedules and reporting.

(i) The commission may create guidelines to aid the commission in its review and monitoring of the project. Such guidelines will be shared with the gaming facility licensee and may be amended as the commission may deem necessary.

(ii) Each gaming facility licensee shall submit to the commission a project schedule for the gaming facility licensee's capital investment in its gaming facility and related infrastructure. Such schedule shall include:

(*a*) all major stages of design and construction including all permitting and approvals, design deliverables, site preparation, foundation, structure, plumbing, electrical, mechanical, exterior finish and fenestration, long-lead items, insulation, interior finish and furnishings and landscaping, building commissioning and commissioning of gaming equipment and information technology systems;

(*b*) a timeline for commencement of the final stage of construction; and

(*c*) a timeline for the stage of construction at which the gaming facility licensee shall be approved to open for business.

(iii) If unforeseen or changed circumstances necessitate a change to a project schedule that will impact the completion date or requires a major change in the method or progress of construction as outlined in the gaming facility application, the gaming facility licensee may submit to the commission for its approval a revised project schedule, with a detailed statement of the unforeseen changed circumstances that justify the revised project schedule. If the commission approves

such revised project schedule, it shall substitute and supersede the previously approved project schedule.

(iv) To assist in adherence to the project schedule, a gaming facility licensee shall submit to the commission in a media, format and level of detail acceptable to the commission, a quarterly status report.

(v) The licensee shall have a continuing obligation to provide to the commission in a timely manner an updated permits chart as well as any updates to the approvals process, such that the commission is continuously apprised of all material developments with respect to all permits and approvals required for the gaming facility.

(2) Inspection of construction and related records.

(i) At all times the commission or its representative may physically inspect the progress of construction, subject to reasonable construction site safety rules, to determine a gaming facility licensee's compliance with the approved design, project schedule and the terms and conditions of the license.

(ii) The commission may request or have access to, and the licensee shall provide, at any time, plans, specifications, submittals, contracts, financing documents or other records concerning the construction of the project or related infrastructure.

(iii) Following inspection of the construction site or review of construction records, the commission or its representative may notify a gaming facility licensee of any non-compliance with the terms of the license, including non-compliance with an approved design or project schedule. Upon receipt of such notification, a gaming facility licensee shall present a plan to the commission to address such non-compliance to the satisfaction of the commission.

(3) Certification of final stage of construction.

(i) A gaming facility licensee shall certify to the commission that such licensee has reached the final stage of construction as described in the approved project schedule or approved revised project schedule.

(ii) Upon receipt of such certification, the commission or the commission's representative may inspect the construction and request relevant plans, contracts, financing documents or additional records, in the discretion of the commission, which the licensee shall provide.

(iii) If the commission approves the gaming facility licensee's certification that such licensee has reached the final stage of construction, the commission shall return to the gaming facility licensee the cash deposit or release the deposit bond

described in subdivision (a) of section 5301.9 of this Part and permit such gaming facility licensee to apply the deposit to the cost of the final stage of construction.

(iv) If the commission disapproves a gaming facility licensee's certification, the commission shall notify such licensee of the reasons for disapproval, and such licensee shall proceed diligently to cure the reasons for the disapproval.

(4) Determination that gaming facility may open for business. The commission shall not approve a gaming facility licensee to open a gaming facility for business or begin gaming operations until the commission has:

(i) determined that such gaming facility licensee has complied with the conditions in this Part;

(ii) determined that such gaming facility licensee has completed the permanent gaming area and other ancillary entertainment services and non-gaming amenities;

(iii) determined that such gaming facility licensee has completed all infrastructure improvements onsite and offsite and around the vicinity of the gaming facility, including projects to account for traffic mitigation or any other condition required by the gaming facility license in connection with the gaming facility;

(iv) had an adequate opportunity to inspect the completed gaming facility and related infrastructure, as well as relevant plans, contracts or other records to determine that the completed gaming facility and related infrastructure comply with the terms of the license, host and surrounding community agreements, impacted live entertainment venue agreements and certificates of occupancy permits and approvals issued in connection with such gaming facility; and

(v) issued an operation certificate for the gaming establishment pursuant to this subchapter.

Part 5302

Fees and Payments

Section

5302.1 Definition
5302.2 Annual license fee for machines and tables
5302.3 Submission of payments
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5302.7 Distribution of tax to counties

§ 5302.1. Definition.

Unless the context indicates otherwise, *gaming position* means:

(1) each player position at a slot machine;

(2) each player position at an electronic table game; and

(3) each table game.

§ 5302.2. Annual license fee for machines and tables.

(a) The annual license fee set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1348 shall be paid for each gaming position by July 1st of each year for all approved slot machines and tables on that date.

(b) The annual license fee for any slot machine or table approved by the commission after July 1st shall be paid upon such approval and prorated by the number of days left in the year, with such year measured from July 1st through the following June 30th.

(c) No adjustment or credit shall be issued to a gaming facility for any machines or tables removed from use after a fee has been imposed.

(d) A fee shall not be imposed on a gaming position that replaces a removed gaming position for which an annual license fee has been paid for the relevant year.

§ 5302.3. Submission of payments.

(a) Payments for taxes, fees, interest and penalties shall be made to the commission within 30 days of obligation incurred, unless a different period is set forth for a type of payment by article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law or this Part. Any payment for taxes, fees, interest and penalties shall be made by electronic wire transfer, money order, certified check or any other manner designated by the commission.

(b) Forfeiture of winnings as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1345 and gross gaming tax as prescribed in Racing, Pari-Mutuel Wagering and Breeding Law section 1351, including any applicable interest and penalties, shall be transmitted weekly by electronic funds transfer to the commission. Such transmissions are the responsibility of, and shall be made by, the gaming facility licensee.

(c) All weekly gross gaming revenue tax reports filed with the commission shall reflect all gross gaming revenue received by the gaming facility licensee for the period of the return.

(d) When the commission finds that the gaming facility licensee is required to pay additional taxes or finds that the gaming facility licensee is entitled to a refund of taxes,

the commission shall report its findings to the licensee and set forth the basis upon which such findings are made.

§ 5302.4. Overdue payments.

The commission may recover from a gaming facility:

(a) any unpaid amount including overdue payments from the gaming facility's employee or vendor applicants, registrants or licensees;

(b) revenues lost to the State of New York as a result of nonpayment or underpayment;

(c) attorney fees associated with recovery of funds; and

(d) any other payments, including any interest and penalties imposed, as prescribed by article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this Subchapter.

§ 5302.5. Regulatory investigative fees and costs.

(a) Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1349, a gaming facility licensee shall pay for the costs of any investigation into a violation of article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law or regulation promulgated caused by such licensee. The costs of an investigation conducted pursuant to this section shall be assessed directly to such licensee upon completion of an investigation.

(b) Billable hours by commission staff shall be determined by using payroll costs for commission employees as obtained from the office of the State comptroller, including salaries and non-wage compensation and payroll taxes, as well as fringe benefit and indirect costs at rates established by the division of the budget.

(c) The commission shall charge the gaming facility licensee for actual costs of any consultant including, without limitation, attorneys, accountants, investigators and other designees of the commission related to such consultation.

§ 5302.6. Regulatory cost assessment.

(a) Gaming facility licensees annually shall be assessed commercial gaming regulatory costs as authorized pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1350. The commission shall determine the total assessment of regulatory costs for a forthcoming State fiscal year. Such total assessment shall include all commercial gaming costs reasonably anticipated by the commission in regard to all gaming facilities, including, without limitation, direct and indirect payroll, fringe benefits, non-personal service expenses and administrative overhead costs.

(b) The total assessment shall be allocated to each gaming facility licensee in proportion to the number of gaming positions at each gaming facility compared to the total number

of gaming positions at all gaming facilities, all as determined by the commission; provided, however, that the commission may use intermediate allocation bases between opened gaming facilities and gaming facilities that have not opened, as the commission may determine.

(c) At the conclusion of a State fiscal year, the commission shall determine the actual costs of commercial gaming regulation for such concluded fiscal year, excluding investigatory fees assessed pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1349. The commission shall apportion such actual costs according to the proportion of the number of gaming positions at each facility compared to the total number of gaming positions at all facilities and shall credit or debit the next annual assessment of each gaming facility according to the variance between the cost that had been assessed to such facility at the start of the year pursuant to subdivisions (a) and (b) of this section and the actual cost, as determined at the end of such year pursuant to this subdivision. If the number of gaming positions varies throughout the year, the commission may choose one date on which to measure gaming positions or may, in its sole discretion, determine an average number of gaming positions throughout the year.

(d) Regulatory costs of the commercial gaming program incurred prior to the opening of the first gaming facility shall be assessed to each gaming facility licensee in proportion to the number of gaming positions projected at each gaming facility.

§ 5302.7. Distribution of tax to counties.

Distributions to counties within a region, excluding the host county and host municipality, shall be made in proportion to the population of each such county as shown by the latest preceding decennial Federal census completed and published as a final population count by the United States census that precedes the commencement of the calendar year in which such distribution is made.

PART 5303

General Provisions in Regard to Licensing and Registration

Section
5303.1 General
5303.2 Identification
5303.3 Fingerprinting
5303.4 Photographing
5303.5 Minimum age
5303.6 Eligibility to work in the United States
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5303.12 Issuance of license
5303.13 Fees
5303.14 Application and employment after denial or revocation

§ 5303.1. General.

(a) The terms *application*, *applicant*, *license*, *licensee*, *registration* and *registrant*, as used in Parts 5303 through 5307 of this Subchapter, relate to occupational licensing and enterprise and vendor licensing and registration as set forth in Titles 3 and 4 of article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law.

(b) It shall be the affirmative responsibility of each applicant, licensee and registrant to establish by clear and convincing evidence its qualifications for licensure or registration.

§ 5303.2. Identification.

(a) Every natural person applying for a license or registration pursuant to Parts 5303 through 5307 shall establish such person's identity to the satisfaction of the commission pursuant to the requirements of the license or registration application. For the purposes of this Part, applicants for licenses and registrations shall submit to the commission the information as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1323(2) or 1324(4), respectively.

(b) Any natural person may request that the commission change the name designated on such person's application, license or registration by establishing appropriate identity information as may be required by the commission, including, without limitation, as the case may be, a certificate of marriage, a certified copy of a divorce decree or other appropriate court order.

§ 5303.3. Fingerprinting.

(a) Each applicant, licensee or registrant, including each gaming facility principal, casino vendor enterprise principal, casino key employee and other employees, shall, at the time of application and upon renewal, be fingerprinted under the supervision of the commission or a duly authorized representative approved by the commission. In the alternative, the commission may permit a person to submit sets of classifiable fingerprints on fingerprint impression cards provided by the commission.

(b) In the event that the commission cannot obtain usable fingerprints for processing after two good-faith attempts, the commission shall undertake a search of a person's background via other means available to the commission.

(c) Nothing in this Part shall relieve a person who submits fingerprint sets pursuant to subdivision (a) of this section from the duty to disclose any criminal arrests as required by this Part.

(d) Each gaming facility licensee shall remit fingerprinting fees directly to the fingerprinting service provider approved by the commission. However, if the applicant is submitting fingerprints via fingerprint impression cards, the gaming facility licensee shall remit the fee to the commission, payable to the fingerprinting service provider approved by the commission.

§ 5303.4. Photograph.

Each applicant, licensee or registrant who is a natural person shall submit with his or her application a color photograph in the format required by the application. Such photograph is required to have been taken within six months of the date the application is submitted to the commission.

§ 5303.5. Minimum age.

No natural person shall be licensed or registered by the commission unless such person is at least 18 years old.

§ 5303.6. Eligibility to work in the United States.

No natural person shall be employed as an employee of a gaming facility licensee or a vendor unless such person is a citizen of the United States or is otherwise eligible to work in the United States.

§ 5303.7. Filing.

No application for a license or registration shall be deemed filed with the commission pursuant to this Part until:

(a) all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification, if applicable, and copies, as the commission may require;

(b) all appropriate application, registration, business disclosure and personal history disclosure forms have been properly completed and submitted;

(c) all required consents, waivers, fingerprint impressions, photographs and handwriting exemplars have been properly submitted;

(d) all other information, documentation, assurances and other materials required or requested at the filing stage pertaining to qualifications have been submitted properly; and

(e) all required fees have been paid.

§ 5303.8. Processing.

The commission shall process only complete applications. The processing of any application shall not constitute any agreement or acceptance by the commission that the requirements of article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and Parts 5303 through 5307 of this Subchapter have been satisfied.

§ 5303.9. Amendment.

(a) Information contained in an application submitted by an applicant, licensee or registrant shall be updated on a form prescribed by the commission. Each applicant, licensee and registrant shall file promptly with the commission an update explaining any new or changed facts or circumstances whenever any material or significant new or changed fact or circumstance occurs with respect to any matter set forth in the application.

(b) All applicants, licensees and registrants shall have an obligation to ensure that information, documentation and assurances are submitted to the commission are not misleading in light of the circumstances in which such information, documentation and assurances were submitted.

(c) The commission may permit any applicant, licensee or registrant to file an amendment to its application at any time prior to final action thereon by the commission.

(d) The failure of an applicant, licensee or registrant to comply with this Part shall be grounds for rejection of the application or for suspension or revocation of a license or registration.

§ 5303.10. Withdrawal.

(a) Prior to the commission granting or denying any application pursuant to this Part, without regard to whether a temporary license has been issued, an applicant or the associated gaming facility licensee may withdraw a filed application by filing with the commission a written notice of such withdrawal. Upon the receipt of such notice, the commission will cease the processing of such application, but will retain such application and materials in accordance with applicable law and commission policy.

(b) If an applicant has previously withdrawn an application, the commission may refrain from processing any application submitted by such applicant within one year from the date of such withdrawal.

(c) No fee or other payment relating to an application shall become refundable by reason of withdrawal of the application, unless the commission determines otherwise for good cause shown. In no event, however, shall a fee for fingerprinting be refundable.

§ 5303.11. Investigations.

The commission, or its designee, shall make or cause to be made an inquiry or investigation concerning an applicant, licensee or registrant, or any affiliate, intermediary, subsidiary or holding company of an applicant, licensee or registrant, as the commission may deem appropriate, and in accordance with article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law, either at the time of the initial application or at any time thereafter.

§ 5303.12. Issuance of a license or registration.

(a) The commission shall notify the human resource department or other applicable department of the gaming facility licensee in writing or via electronic communications when a license or registration is granted.

(b) Licenses and registrations issued by the commission are nontransferable.

§ 5303.13. Fees.

All fees payable to the commission pursuant to Parts 5303 through 5307 of this Subchapter shall be paid by electronic funds transfer and shall be deposited into the commercial gaming revenue fund.

(a) *Application fee*. Upon submission of an application for a license or registration the New York State Police will charge the gaming facility licensee an amount that reflects the anticipated costs of the investigation of such applicant.

(b) *License fee*. Upon approval of an application for a license or registration the commission may charge the gaming facility licensee a license fee as set forth in the applicable license application.

(c) *Renewal application fee*. Upon submission of a renewal application for a license or registration, the New York State Police will charge the gaming facility licensee an amount that reflects the anticipated costs of the investigation of such applicant.

(d) *Renewal license fee*. Upon approval of a renewal application for a license or registration the commission may charge the gaming facility licensee a renewal fee as set forth in the applicable renewal license application.

§ 5303.14. Application and employment after denial or revocation.

(a) Any natural person whose license, registration or application was denied, suspended or revoked by the commission on the basis of any of the following provisions may reapply at any time after the failure or disqualification is cured:

(1) failure to demonstrate financial stability, after which reapplication is permitted only upon achieving financial stability;

(2) failure to satisfy the age requirement, after which reapplication is permitted only upon attaining the requisite age;

(3) if the commission has determined to deny a license or registration application or suspend or revoke a license or registration based upon a pending disposition of a criminal offense, reapplication is permitted upon disposition of the pending charge;

(4) if the commission has determined to deny a license or registration application or suspend or revoke a license or registration based upon the relation of the criminal history of the applicant and the employment position sought with the gaming facility, reapplication is permitted if a different employment position is sought to which the applicant's criminal history might not provide a basis for denial of the application; and

(5) any statutory or regulatory provision that is subsequently repealed or modified, after which reapplication is permitted only upon a showing that the subsequent repeal or modification of the statutory or regulatory provision obviates the grounds for denial or revocation and justifies the conclusion that the prior determination should not be a basis for denying a license or registration application.

(b) Any person seeking to reapply pursuant to subdivision (a) of this section shall file with the commission a petition stating with particularity how the failure or basis for disqualification has been cured.

(c) Except as otherwise set forth in this Part, any person whose application has been denied or whose license or registration has been revoked may reapply after one year. The reapplication shall include submission of sufficient evidence demonstrating that the factual circumstances upon which the denial or revocation was based have been cured to the satisfaction of the commission.

PART 5304

Casino Key Employee Licensing

Section
5304.1 Standards for issuance of a casino key employee license
5304.2 Casino key employee license application and disclosure forms
5304.3 Duration of license

§ 5304.1. Standards for issuance of a casino key employee license.

(a) The specific criteria and standards for casino key employee licensing are set forth in Racing, Pari-mutuel Wagering and Breeding Law sections 1301(8) and 1323(1) through (6).

(b) All applicants for a casino key employee license shall prove, by clear and convincing evidence, his or her financial stability, integrity and responsibility as well as the applicant's good character, honesty and integrity.

(c) Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1318(1)(c), a casino key employee is disqualified on the basis of any prior felony conviction, unless the applicant has been issued a certificate of relief from disabilities (see Correction Law section 701) or a certificate of good conduct (see Correction Law section 703-a) in relation to the conviction.

§ 5304.2. Casino key employee license application and disclosure forms.

(a) An applicant for a casino key employee license shall file a multi-jurisdictional personal history disclosure form and other disclosure forms as required by the commission.

(b) Each applicant for a casino key employee license is required to provide complete and accurate responses to the license application form, including, without limitation, disclosing all criminal convictions and other misconduct of the applicant.

(c) Each applicant for a casino key employee license is required to fill out the license form completely and accurately. Incomplete or misleading information supplied on the license form may result in denial of the application.

§ 5304.3. Duration of license.

Casino key employee licenses shall remain valid for five years, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6).

PART 5305

Gaming Employee Registration

Section
5305.1 Standards for issuance of a gaming employee registration
5305.2 Gaming employee registration forms
5305.3 Duration of registration

§ 5305.1. Standards for issuance of a gaming employee registration.

(a) The specific criteria and standards for gaming employee registration are set forth in Racing, Pari-Mutuel Wagering and Breeding Law sections 1301 and 1324.

(b) Each applicant for a gaming employee registration is required to prove, by clear and convincing evidence, that the applicant is qualified to hold a gaming employee registration.

(c) Pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1324(3), a gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction or the commission of any act or acts that would constitute any offense described in Racing, Pari-Mutuel Wagering and Breeding Law section 1318 if the applicant has, in the judgment of the commission, affirmatively demonstrated the applicant's rehabilitation pursuant to article 23-A of the Correction Law.

§ 5305.2. Gaming Employee Registration form.

(a) A gaming employee registrant shall file a gaming employee registration form the commission supplies and may amend from time to time.

(b) Each gaming employee registrant is required to provide complete and accurate responses to the registration form, including, without limitation, disclosing any criminal convictions and other misconduct of the applicant.

(c) Each gaming employee registrant is required to fill out the registration form completely and accurately. Incomplete or misleading information supplied on the registration form may result in the denial of the application.

§ 5305.3. Duration of registration.

(a) Gaming employee registrations shall remain valid as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1325(6).

(b) Each gaming employee registration shall indicate an expiration date.

PART 5306

Non-Gaming Employee Registration

Section
5306.1 Persons required to register as a non-gaming employee
5306.2 Standards for issuance of a non-gaming employee registration
5306.3 Non-gaming employee registration forms
5306.4 Duration of registration

§ 5306.1. Persons required to register as a non-gaming employee.

A person, as defined in section 5300.1 of this Subchapter, is required to obtain a non-gaming employee registration prior to being involved in any non-gaming activities at a gaming facility.

§ 5306.2. Standards for issuance of a non-gaming employee registration.

(a) Each applicant for a non-gaming employee registration shall produce such information, documentation and assurances as requested by the commission concerning the qualification criteria set forth in sections 5303.1 through 5303.6 of this Subchapter.

(b) Subsequent to the registration of a non-gaming employee, the commission may revoke, suspend, limit or otherwise restrict the registration upon a finding that the registrant is disqualified on the basis of the criteria contained in Racing, Pari-Mutuel Wagering and Breeding Law section 1318.

(c) Notwithstanding subdivision (b) of this section, a non-gaming employee registration shall not be denied or revoked on the basis of a misdemeanor conviction or the commission of any act or acts that would constitute any offense described in Racing, Pari-Mutuel Wagering and Breeding Law section 1318 if the applicant has, in the judgment of the commission, affirmatively demonstrated the applicant's rehabilitation pursuant to article 23-A of the Correction Law.

§ 5306.3. Non-gaming employee registration forms.

(a) A non-gaming employee registration applicant shall be required to file a non-gaming employee registration form that the commission supplies and may amend from time to time.

(b) Each non-gaming employee registrant is required to provide complete and accurate responses to the registration form, including, without limitation, disclosing any criminal convictions and other misconduct of the applicant.

(c) Each non-gaming employee registrant is required to fill out the registration form completely and accurately. Incomplete or misleading information supplied on the registration form may result in the denial of the application.

(d) The commission may determine, in its discretion, upon the review of the application, including the criminal history fingerprint results, that further background investigation of a non-gaming employee is not necessary.

§ 5306.4. Duration of registration.

(a) Non-gaming registrations shall remain valid for five years unless suspended or revoked. If a non-gaming registrant has not been employed in any position within a gaming facility for a period of three years, the registration of that non-gaming registrant shall lapse.

(b) Each non-gaming registration shall indicate an expiration date on the registration.

PART 5307

Vendor Licensing and Registration

Section
5307.1 Entities required to obtain a casino vendor enterprise license
5307.2 Entities required to obtain an ancillary casino vendor enterprise license
5307.3 Registration of other vendors
5307.4 Standards for issuance of vendor licenses and registrations
5307.5 Vendor application and disclosure forms
5307.6 Temporary service providers; badges
5307.7 Duration of license and registration

§ 5307.1. Entities required to obtain a casino vendor enterprise license.

(a) Any vendor offering goods or services that directly relate to casino or gaming activity, as described in Racing, Pari-Mutuel Wagering and Breeding Law sections 1326(1) and (2), shall be required to be licensed as a casino vendor enterprise. In addition, the executive director of the commission may permit an applicant for a casino vendor enterprise license to conduct business transactions with the gaming facility applicant or licensee prior to the licensure of such casino vendor enterprise applicant, effective only for the transaction for which such permission is requested.

(b) In addition to any vendor required to be licensed by this Part, the commission may require a license for any person if the issuance of such license would be consistent with this Part and consistent with the protection of commercial gaming in the State of New York.

§ 5307.2. Entities required to obtain an ancillary casino vendor enterprise license.

(a) Junket enterprises.

(b) Any vendor providing goods or services to the gaming facility, not otherwise licensed pursuant to section 5307.1 of this Part, that the commission determines to be supporting gaming activities directly enough that registration pursuant to section 5307.3 of this Part would be insufficient to protect the integrity of gaming.

§ 5307.3. Registration of other vendors.

(a) Any vendor offering goods and services to a gaming facility applicant or licensee that is not a casino vendor enterprise or an ancillary casino vendor enterprise shall be required to be registered as a vendor registrant, as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1326(5).

(b) Notwithstanding the requirements set forth in this Part, entities engaged in the following fields of commerce that provide goods or services to a gaming facility applicant or licensee, shall not be required to be licensed or registered as a vendor:

(1) insurance companies and insurance agencies;

(2) television, radio newspaper, internet or other similar media outlets used for advertising purposes;

(3) governmental entities performing traditional governmental functions;

(4) providers of professional and financial services including accountants, attorneys, engineers and architects, when acting in their respective professional capacities and when not anticipated to be present in secured areas of the gaming facility;

(5) physicians, nurses, emergency medical technicians, hospitals and other medical providers;

(6) utility companies;

(7) telecommunication companies;

(8) training seminars, publication subscriptions, conference registration or membership dues for professional associations intended to directly contribute to the work performance or professional development of an employee;

(9) non-profit charitable corporations or organizations, provided that no consideration is received for the contribution;

(10) professional sports teams, sports figures, entertainers and/or celebrity appearances, including the associates of such persons reasonably required to facilitate the appearance;

(11) mail carriers, shipping services and delivery services;

(12) online travel booking agents that are not junkets, junket enterprises or junket representatives within the meaning of Racing, Pari-Mutuel Wagering and Breeding Law section 1301;

(13) state and Federally chartered banks or savings and loan associations where funds are deposited by gaming facility licensees, notwithstanding those sources or transactions provided to a gaming facility licensee that require commission approval;

(14) any non-gaming vendor that provides goods and services valued at less than $75,000 per year, so long as the gaming facility notifies the commission of the intended transaction or relationship, provides the commission with any history of transactions with such vendor and certifies that to the best of the gaming facility's knowledge and belief, there is no reason to believe that such vendor would be disqualified pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1318(1)(c) through (k); or

(15) any other person who, by submission of a written petition, demonstrates to the commission that registration as a non-gaming vendor is not necessary to protect the public interest. For the purposes of this paragraph, the gaming facility may submit a written petition on behalf of the person seeking exemption.

(c) The commission may request information or assurances from any person listed in subdivision (b) of this section to determine the validity of such person's exempt status.

§ 5307.4. Standards for issuance of vendor licenses and registrations.

Each applicant for a casino vendor enterprise license, ancillary casino vendor enterprise license or vendor registration shall meet the qualification criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1326.

§ 5307.5. Vendor application and disclosure forms.

(a) Each applicant for a casino vendor enterprise license, ancillary casino vendor enterprise license, or vendor registration shall file a vendor application and registration form and other disclosure forms as determined by the commission.

(b) Managers and supervisory personnel of a casino vendor enterprise or ancillary casino vendor are required to fill out a casino key employee application form and comply with the standards for issuance of a casino key employee license as set forth in section 5304.2 of this Subchapter.

(c) Owners of a casino vendor enterprise or ancillary casino vendor are required to fill out a casino key employee application form and comply with the standards for issuance of a casino key employee license as set forth in section 5304.2 of this Subchapter, except that the commission may in its discretion waive application and disclosure requirements for qualified institutional investors and passive investors of a vendor (as defined in section 5300.1 of this Subchapter).

(d) No owner of a casino vendor enterprise licensee or ancillary casino vendor enterprise licensee that provides services to a gaming facility is permitted to wager at any gaming facility to which such licensee provides services.

(e) No manager, supervisory personnel or employee of a casino vendor enterprise licensee or ancillary casino vendor enterprise licensee that provides services to a gaming facility is permitted to wager at such gaming facility or with equipment or products of such casino vendor enterprise licensee or ancillary casino vendor enterprise licensee at any gaming facility.

(f) Employees of a casino vendor enterprise licensee or ancillary casino vendor enterprise licensee who provide services to the gaming area of a gaming facility are required to complete a vendor employee license application form and comply with the standards of a casino key employee as set forth in Part 5304 of this Subchapter.

(g) Any employee of a vendor registrant registrant performing duties related to a gaming facility is required to complete a non-gaming employee application form and undergo a criminal history fingerprint review to determine compliance with the standards of a non-gaming employee as set forth in Part 5306 of this Subchapter.

§ 5307.6. Temporary service providers; badges.

(a) A gaming facility licensee may authorize any person or business to perform services for a period not greater than one business day, provided such facility issues a temporary service badge to such temporary service provider and such temporary service provider is escorted by a licensed employee at all times. If such temporary service provider requires access to restricted areas, such temporary service provider must be accompanied by a licensed casino key employee, unless otherwise approved by the commission.

(b) Temporary service badges shall:

(1) remain on the property of the gaming facility at all times;

(2) be distributed to the temporary service provider upon daily arrival at the gaming facility; and

(3) be returned daily by such temporary service provider to the gaming facility at the close of the temporary service provider's work shift.

(c) Any gaming facility licensee needing to contract for or employ isolated services that cannot be completed within one business day shall complete and provide to the commission a temporary service provider form the commission supplies and may amend from time to time, no later than 24 hours prior to the arrival of the temporary service provider at such facility. The temporary service badge shall be valid for 30 days over a 12-month period. The failure to file such form shall be a violation of the gaming facility's license.

§ 5307.7. Duration of license and registration.

Casino vendor enterprise licenses, ancillary casino vendor enterprise licenses and vendor registrations shall remain valid as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1327.

PART 5308

Junket Operator Licensing

Section
5308.1 Permissible junket activity
5308.2 License or registration of junket operator
5308.3 Waiver
5308.4 Agreement

5308.5 Reporting
5308.6 Junket operator prohibitions

§ 5308.1. Permissible junket activity.

A junket, junket enterprise or junket representative, as such terms are defined in Racing, Pari-Mutuel Wagering and Breeding Law sections 1301(29), (30) and (31), shall be organized or participate with a gaming facility licensee only in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1328.

§ 5308.2. License or registration of junket operator.

(a) A junket representative who is employed by a gaming facility licensee, an applicant for a gaming facility license or an affiliate of a gaming facility licensee, is required to be licensed as, and meet the qualifications of, a casino key employee in accordance with Part 5304 of this Subchapter, except that a junket representative does not need to fulfill the residency requirement of a casino key employee.

(b) A junket enterprise and any junket representative not employed by a gaming facility licensee, applicant for a gaming facility license or junket enterprise, is required to be licensed as, and meet the qualifications of, an ancillary casino vendor as set forth in Part 5307 of this Subchapter.

(c) A non-supervisory employee of a junket enterprise or junket representative is required to be registered as, and meet the qualifications of, a non-gaming employee as set forth in Part 5306 of this Subchapter.

(d) In addition to the requirements set forth in subdivisions (a) and (b) of this section, such applicants must submit a statement in writing affirming the applicant's agreement to submit to the jurisdiction of, and service of process in, the State of New York.

§ 5308.3. Waiver.

Upon petition by a gaming facility licensee in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1328(13), the commission may exempt arrangements otherwise included within the definition of "junket" from compliance with this Part.

§ 5308.4. Agreement.

(a) A gaming facility licensee shall participate in a junket pursuant to a junket operator agreement with a junket representative or junket enterprise licensed in accordance with section 5308.2 of this Part. The junket operator agreement shall be filed with the commission prior to the commencement of the junket.

(b) The term of a junket operator agreement shall not exceed the expiration date of the junket representative or junket enterprise license or registration related thereto.

(c) A gaming facility licensee must notify the commission of any change to a junket operator agreement no later than three days before the commencement of the first junket arrangement subject to the revised terms.

(d) A gaming facility licensee must notify the commission of the termination of any junket operator agreement no later than five days after such termination.

§ 5308.5. Reporting.

(a) *Junket operator report*. A gaming facility licensee shall submit a quarterly report to the commission describing the operation of any junket representative or junket enterprise engaged on its premises, which report shall include:

(1) name of each licensed junket representative or junket enterprise;

(2) status of current relationship with each junket representative or junket enterprise;

(3) compensation paid in that quarter to each junket representative or junket enterprise;

(4) number of preferred guests attributed to each junket representative or junket enterprise;

(5) arrival and departure time and date of each junket representative or junket enterprise;

(6) list of gaming facility licensee employees acting as junket representatives; and

(7) such other information the commission may require.

(b) *Patron list*. A gaming facility licensee, junket representative and junket enterprise shall submit a quarterly report to the commission identifying any list of junket patrons or potential junket patrons purchased directly or indirectly by the gaming facility licensee, junket representative or junket enterprise, which report shall include:

(1) name and address of the person or enterprise selling the list;

(2) purchase price paid for the list or any other terms of compensation related to the transaction;

(3) date of purchase of the list; and

(4) zip codes of all junket patrons or potential junket patrons.

(c) *Junket patron report*. The junket patron report shall be made available to the on-site commission staff. The report shall include:

(1) information relating to each junket patron, including without limitation:

(i) name;

(ii) date of birth;

(iii) citizenship;

(iv) address of usual place of residence; and

(v) identity card, passport, taxpayer identification or any other government-issued identity document as evidence of such patron's nationality or residence and bearing a photograph of the individual;

(2) date and time of arrival of each patron when on a junket at the gaming facility;

(3) name and license number of each junket representative accompanying a patron; and

(4) amount and type of commission, rebate or complimentary given to each patron.

§ 5308.6. Junket operator prohibitions.

No junket enterprise or junket representative or person acting as a junket representative may engage in the activities set forth in Racing, Pari-Mutuel Wagering and Breeding Law 1328(14).

PART 5309

Lobbyist Registration

Section
5309.1 Registration of lobbyists
5309.2 Termination

§ 5309.1. Registration of lobbyists.

A lobbyist seeking to engage in lobbying activity on behalf of a client or a client's interest before the commission shall, in advance of such activity and in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1329, file a lobbying registration form the commission supplies and may amend from time to time.

§ 5309.2. Termination.

Upon the termination of a lobbyist's retainer, employment or designation, such lobbyist and the client on whose behalf such service has been rendered shall give written notice to the commission within 30 days after the lobbyist ceases the activity that required such lobbyist to file a lobbying registration form. Such lobbyist shall nevertheless comply with reporting requirements up to the date such activity has ceased, as required by Article 1-A of the Legislative Law.

PART 5310

Labor Organization Registration

Section
5310.1 Labor organization registration
5310.2 Labor organization officers, agents and principal employees
5310.3 Authorized representative access

§ 5310.1. Labor organization registration.

(a) A labor organization, union or affiliate seeking to represent employees who are employed in a gaming facility by a gaming facility licensee, shall file biennially with the commission a labor organization registration statement the commission supplies and may amend when necessary.

(b) A labor organization registration statement shall include, without limitation, the following:

(1) names and addresses of labor organizations, unions or affiliates associated with the registrant;

(2) information as to whether the registrant is involved or seeking to be involved actively, directly or substantially in the control or direction of the representation of any employee licensed by the commission and employed by a gaming facility licensee;

(3) information as to whether the registrant holds, directly or indirectly, any financial interest whatsoever in the gaming facility licensee;

(4) names of any pension and welfare systems maintained by the registrant and all officers and agents of such organizations and systems;

(5) names of all officers, agents and principal employees of the registrant; and

(6) such other information the commission may require.

(c) A labor organization, union or affiliate may satisfy the requirements of paragraphs (1) through (6) of subdivision (b) of this section by providing the commission a copy of a

report, or relevant portion thereof, filed with the United States Secretary of Labor pursuant to 29 USC 431 et seq. (Labor-Management Reporting and Disclosure Act).

(d) A labor organization, union or affiliate that meets the exemptions set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1330(1) may, upon petition to the commission, be exempted from the registration requirements set forth in subdivisions (a) and (b) of this section.

§ 5310.2. Labor organization officers, agents and principal employees.

(a) Each officer, agent and principal employee of a labor organization, union or affiliate registered or required to be registered pursuant to this Part shall:

(1) file with the commission a labor organization individual disclosure form the commission supplies and may amend from when necessary; and

(2) be qualified in accordance with criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1318, unless the commission waives such qualification in accordance with Racing, Pari-Mutual Wagering and Breeding Law section 1330(2).

(b) Notwithstanding subdivision (a) of this section, a labor organization individual disclosure form shall not be filed by an officer, agent or principal employee of a labor organization, union or affiliate who exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matters relating to licensed gaming facility employees.

§ 5310.3. Authorized representative access.

A gaming facility licensee shall grant authorized representatives of a labor organization, union or affiliate registered pursuant to this Part access to non-sensitive, back-of-house areas within the gaming facility to permit meetings with their members.

PART 5311

Minority- and Women-owned Business Enterprise Requirements

Section
5311.1 Purpose and scope
5311.2 Definitions
5311.3 Establishment of utilization plan; plan review
5311.4 Quarterly reporting
5311.5 Required notification
5311.6 Additional deficiency reporting
5311.7. Waiver request
5311.8 Failure to attain goals; penalty

§ 5311.1. Purpose and scope.

(a) The purpose of this Part is to ensure gaming facility licensees comply with the provisions of Article 15-A of the Executive Law and the rules and regulations set forth in Parts 140 through 144 of Title 5 of these Codes, Rules and Regulations. These policies are intended to promote and encourage maximum feasible participation by minority- and women-owned businesses in State contracting opportunities. The commission intends to apply these policies to contracting opportunities in gaming facilities licensed pursuant to Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law.

(b) It is the policy of the commission to ensure that gaming facility licensees construct their gaming facility and ancillary development and conduct all aspects of their operations in a manner that assures diversity of opportunity.

(c) It is the further policy of the commission to ensure diversity in contracting by each gaming facility licensee and its contractors, subcontractors, assignees, lessees, vendors and agents.

§ 5311.2. Definitions.

Unless the context indicates otherwise, the following definitions apply throughout this Part:

(a) *Available* means a minority-owned or women-owned business enterprise, without regard to its geographic location, that is ready, willing and able to provide a commercially useful function on a contract.

(b) *Contract* means a written agreement or purchase order instrument, providing for a total expenditure in excess of $25,000, whereby a gaming facility licensee is committed to expend or does expend funds in return for labor, services, including without limitation legal, financial and other professional services, supplies, equipment, materials or a combination of the foregoing, to be performed for, or rendered or furnished to, such gaming facility licensee; or a written agreement in excess of $100,000 whereby such gaming facility licensee is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon.

(c) *Division* means the Division of Minority and Women's Business Development in the Department of Economic Development.

(d) *Established goals* means the percentage of aggregate gaming facility licensee expenditures targeted for the participation of minority- and women-owned business enterprises sought to be included in a gaming facility licensee's operation by contractors, subcontractors, suppliers, consultants, joint ventures, teaming agreements or other similar arrangements. The commission shall adopt such goals annually. In determining

what established goals are appropriate in relation to a particular gaming facility licensee, the commission shall consider the following factors:

(1) number, type and percentage of minority- and women-owned business enterprises available;

(2) potential subcontract opportunities in a contract and the availability of minority- and women-owned business enterprises to respond thereto; and

(3) disparity in the contracting area as evidenced by a relevant Department of Economic Development disparity study authorized pursuant to Executive Law section 312(a).

(e) *Gaming facility licensee* means the holder of a gaming facility license issued by the commission pursuant to Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law as set forth in Part 5301 of this Subchapter.

(f) *Gaming facility capital project* means a project undertaken by a gaming facility applicant or licensee (including affiliates of any such applicant or licensee) related to the gaming facility and any necessary improvements that include the gaming area and any other non-gaming structure related to the gaming area and may include, hotels, restaurants or other adjoining amenities.

(g) *Minority- and-women-owned business enterprise* means a business enterprise, including a sole proprietorship, partnership or corporation that has been certified as a minority- or woman-owned business enterprise pursuant to Article 15-A of the Executive Law.

(h) *MWBE director* means the director of the division.

(i) *Subcontract* means any agreement for a total expenditure in excess of $25,000 providing for services, including non-staffing expenditures, supplies or materials of any kind between the gaming facility licensee and a contractor, in which a portion of the contractor's obligation under contract is undertaken or assumed by a business enterprise not controlled by the contractor.

(j) *Utilization plan* means the plan annually submitted to the commission by a gaming facility licensee listing minority- and women-owned business enterprises that the licensee intends to use in the performance of its operation, or any component of operation, that the gaming facility licensee intends minority- and women-owned business enterprises to perform.

§ 5311.3. Establishment of a utilization plan; plan review.

(a) Each gaming facility licensee shall annually submit to the commission for approval a utilization plan illustrating specific goals for each contract type, divided by commodities,

construction consultants, construction, goods and services, and consultants; and the name, address and telephone number of each minority- and women-owned business enterprise with which the gaming facility licensee intends to contract or subcontract, or otherwise submit in connection with satisfaction of its established goals.

(b) The commission shall review each utilization plan within 20 business days, consistent with subdivision (c) of section 142.6 of Title 5 of these Codes, Rules and Regulations. If the commission does not approve such utilization plan, the commission shall provide the gaming facility licensee a written notice of utilization plan deficiency within 20 business days of the receipt of the proposed plan. Should a notice of deficiency be issued, such notice shall include, without limitation, the following:

(1) a list of minority- and women-owned business enterprises that the gaming facility licensee could potentially use;

(2) the name of any minority- and women-owned business enterprise that is not acceptable for the purpose of complying with the established goals; and

(3) any other information that the commission determines to be relevant to developing an approvable minority- and women-owned business enterprise utilization plan.

The commission shall promptly provide the division with copies of all documents that are submitted to it by the gaming facility licensee under this section.

§ 5311.4. Contract approval and quarterly reporting.

(a) The gaming facility licensee shall include in all of its procurement solicitations and contracts related to gaming facility capital projects language provided by the commission that promotes and encourages the maximum feasible participation by minority- and women-owned businesses in such contracting opportunities.

(b) A gaming facility licensee shall submit all of its procurement contracts for gaming facility capital projects to the commission for review and approval by the division prior to the execution of such contract by the gaming facility licensee. No such procurement contract shall be effective unless and until such procurement contract has been reviewed and approved by the division as to the procurement contract's compliance with subdivision (a) of this section.

(c) A gaming facility licensee shall submit to the commission quarterly minority- and women-owned business enterprise utilization reports in a form designated by the commission.

(d) A gaming facility licensee shall, upon request of the commission, provide access to other relevant documentation, including without limitation books, records and payroll records, relating to such gaming facility licensee's operations and implementation of such gaming facility licensee's utilization plan.

(e) Any waivers of compliance issued by the commission, or modifications to the utilization plan as set forth in section 5311.7 of this Part, shall be posted on the gaming facility licensee's website within 10 business days of such commission decision.

(f) The commission shall promptly provide the division with copies of all documents that are submitted to it by the gaming facility licensee pursuant to this section.

§ 5311.5. Required notification.

(a) Within 30 days after a gaming facility licensee determines that it will not attain an established goal, the gaming facility licensee shall submit a report to the commission that includes a detailed description of its good-faith efforts to attain the established goal or capacity, including, without limitation, the following:

(1) documentation of direct contact or negotiations with minority- and women-owned business enterprises for specific contracting or transacting opportunities. The actions taken shall be reported in a manner that includes the following items:

(i) a detailed statement of the efforts made to negotiate with minority- and women-owned business enterprises, including the following:

(*a*) the names, business addresses and business telephone numbers of the minority- and women-owned business enterprises contacted; and

(*b*) a detailed statement of the reason why prospective agreements were not reached; and

(ii) a detailed statement of the efforts, if any, to be undertaken by the gaming facility licensee expected to increase the likelihood of achieving the established goal;

(2) documentation of any advertising performed in the search for prospective minority- and women-owned business enterprises for the contract or transaction;

(3) documentation of any notifications provided to minority- and women-owned business assistance agencies for the purpose of locating prospective minority- and women-owned business enterprises for the contract or transaction; and

(4) documentation of efforts taken to research other possible areas of participation.

(b) The gaming facility licensee shall maintain adequate records of all relevant data in regard to the utilization and attempted utilization of minority- and women-owned business enterprises and shall provide full access to these records to the commission upon request.

(c) The commission shall promptly provide the division with copies of all documents that are submitted to it by the gaming facility licensee under this section.

§ 5311.6. Additional deficiency reporting.

(a) The commission may require additional minority- and women-owned business enterprise documentation if a gaming facility licensee submits deficient minority- and women-owned business enterprise good-faith effort documentation.

(b) A gaming facility licensee shall respond to any request for additional documentation by submitting a proposed remedy in writing within seven business days, consistent with subdivision (e) of section 142.6 of Title 5 of these Codes, Rules and Regulations.

§ 5311.7. Waiver request.

If a deficiency is not remedied, and the gaming facility licensee is requesting a waiver of compliance with this Part:

(a) If the written remedy submitted is found to be inadequate, such failure to remedy the deficiency may be grounds for sanctioning such gaming facility licensee, including the possibility of forfeiture of such gaming facility's license, or the commission will notify the contractor and direct the same to submit, within five business days, a request for partial or total waiver of utilization goals, consistent with subdivision (f) of section 142.6 of Title 5 of these Codes, Rules and Regulations.

(b) The commission shall submit a copy of the deficient utilization plan to the MWBE director, along with the gaming facility licensee's good-faith documentation, and waiver request.

(c) The commission, in consultation with the MWBE director, shall determine whether additional action can be taken to assist the gaming facility licensee to reach such gaming facility licensee's goal or whether a formal request will be made to waive the goal.

(d) The commission may, with prior approval from the MWBE director, grant a partial or total waiver of established goal requirements only upon the submission of information supporting a waiver request by the gaming facility licensee and the verification of requisite documentation of good-faith efforts by the gaming facility licensee to justify a waiver request.

§ 5311.8. Failure to attain goals; penalty.

(a) A gaming facility licensee may be considered as having failed to satisfy minority- and women-owned business enterprise participation goals if the gaming facility licensee:

(1) has failed to make a good-faith effort to achieve the established goals; or

(2) fails to prepare and file accurate or timely reports as required.

(b) The commission may, in its discretion, impose a fine, after notice and hearing, upon a gaming facility licensee for failure to use good faith in attaining established goals pursuant to this Part. No fine shall exceed an amount equivalent to the value of the opportunity lost by minority- and women-owned business enterprises.

PART 5312

Workforce Enhancement Standards

Section
5312.1 Policy and purpose
5312.2 Workforce diversity plans
5312.3 Self-assessment review; additional reporting
5312.4 Compliance monitoring
5312.5 Failure to meet goals; penalty

§ 5312.1. Policy and purpose.

The commission is committed to ensuring that each gaming facility licensee maintains a diverse workplace and provides an opportunity of employment for all residents. This Part is intended to ensure that each gaming facility licensee faithfully adheres to workforce enhancement standards and considers annually its workforce diversity approach and practice.

§ 5312.2. Workforce diversity plans.

Each gaming facility licensee shall submit annually for commission approval a workforce diversity plan, which shall detail such gaming facility licensee's commitment to ensuring a diverse workplace and opportunity of employment for all residents. The annual plan shall review any previously submitted topical material, including without limitation the workplace development commitments contained within the gaming facility licensee's submitted proposals, and suggest changes necessitated by best practices or practical experience. The annual workforce diversity plan shall detail the gaming facility licensee's:

(1) commitment to establish, fund and maintain a workforce training program that:

(i) establishes transparent career paths with measurable criteria that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; and

(ii) provides employees access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades;

(2) establishment and implementation of an affirmative action program of equal opportunity, including specific goals for the engagement of minorities, women,

persons with disabilities and veterans on construction jobs and service and professional jobs during operation; and

(3) strategy for providing on-the-job opportunities and training with respect to regional and local demographic groups with high unemployment.

§ 5312.3. Self-assessment review; additional reporting.

(a) Each gaming facility licensee shall submit annually to the commission a self-assessment review detailing the previous year's actual practice in regard to such gaming facility licensee's workforce diversity practice, including review of human resources, affirmative action and job opportunities and training for the underemployed. The underemployed are those workers who are highly skilled but working in low-paying or low-skilled jobs and part-time workers who would prefer to be full time

(b) Additionally, each gaming facility licensee shall file annually a report with the commission concerning the performance of such gaming facility licensee's diversity plan. The report shall contain the following:

(1) employment data, including information on the following:

(i) minority and women representation in the gaming facility licensee's workforce in all job classifications;

(ii) salary information;

(iii) recruitment and training information, including executive and managerial level recruitment and training; and

(iv) retention and outreach efforts; and

(2) information on minority and women investment, equity ownership and other ownership or management opportunities initiated or promoted by the gaming facility licensee.

(b) Each gaming facility licensee shall submit any other information as the commission in writing may request to enable review of such gaming facility licensee's workforce diversity plan.

§ 5312.4. Compliance monitoring.

The commission will determine whether the stated goals set forth in each workforce diversity plan are consistent with commitments contained within a gaming facility licensee's submitted proposals, reasonable as to any deviations identified and whether attempts to meet such commitments reflect a good-faith effort to ensure that all persons are accorded equality of opportunity in employment by such gaming facility licensee.

§ 5312.5. Failure to meet goals; penalty.

(a) A gaming facility licensee may be considered as having failed to meet its workforce diversity plan goals if the gaming facility licensee:

(1) has failed to make a good-faith effort to achieve such goals;

(2) fails to improve its efforts toward attainment of such goals after becoming aware that it will fail to meet such goals; or

(3) fails to prepare and file accurate or timely reports as required.

(b) The commission may, in its discretion, levy and collect penalties as provided by Racing, Pari-Mutuel Wagering and Breeding Law section 116 and Article 13, or impose other sanctions in the commission's discretion, after notice and a hearing, upon a gaming facility licensee for failure to use good faith in attaining workforce diversity plan goals.

PART 5313

Conduct and Operation of Gaming

Section
5313.1 System of internal control
5313.2 Age for gaming participation; signage; responsibilities
5313.3 Hours of operation
5313.4 Facility accessibility
5313.5 Access badges and temporary access credentials
5313.6 Licensee leases and contracts
5313.7 Emergency procedures
5313.8 Operation certificate
5313.9 Firearms
5313.10 Retention, storage and destruction of books, records and documents
5313.11 Key control
5313.12 Facial recognition
5313.13 License plate recognition
5313.14 Limitation on certain financial access

§ 5313.1. System of internal control.

(a) Consistent with Racing, Pari-Mutuel Wagering and Breeding Law section 1334, a gaming facility licensee shall submit to the commission a written description of its initial system of administrative and accounting procedures, including its internal control systems and audit protocols, at least 60 days prior to the projected date of issuance of an operation certificate unless otherwise approved in writing by the commission. A written system of internal controls shall include, without limitation:

(1) organization charts depicting segregation of functions and responsibilities;

(2) a description of the duties and responsibilities of each position shown on the organization charts and the respective lines of authority for each;

(3) a detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of this Part;

(4) a record retention policy relating to retention, storage and destruction of books, records and documents, as required by section 5313.10 of this Part;

(5) procedures to ensure that assets are safeguarded and counted in conformance with count procedures as set forth in this Subchapter;

(6) procedures governing the conduct of all gaming-related promotions to be offered;

(7) procedures to ensure that the gaming facility licensee's employees comply with licensing or registration requirements;

(8) other items the commission may request in writing to be included in such gaming facility’s internal controls;

(9) administrative controls that include the procedures and records that relate to the decision-making processes leading to management's authorization of transactions;

(10) accounting controls that safeguard assets and revenues and ensure the reliability of financial records. Such accounting controls must be designed to provide reasonable assurance that:

(i) transactions or financial events that occur in the operation of a slot machine or table game are executed in accordance with management's general and specific authorization;

(ii) transactions or financial events that occur in the operation of a slot machine or table game are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles in the United States, Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this Subchapter;

(iii) transactions or financial events that occur in the operation of gaming are recorded in a manner that provides reliable records, accounts and reports, including the recording of cash and evidences of indebtedness, for use in the preparation of reports to the commission;

(iv) transactions or financial events that occur in the operation of gaming are recorded to ensure accountability for assets and to permit the proper and timely reporting of gaming revenue, fees and taxes;

(v) access to assets is permitted only in accordance with management's general and specific authorization; and

(vi) the recorded accountability for assets is compared with existing physical assets at reasonable intervals and that appropriate action is taken with respect to any discrepancies;

(11) procedures and controls for ensuring that each slot machine and electronic table game directly provides and communicates all required activities and financial details to the online monitoring and accounting system;

(12) procedures and controls for ensuring that all functions, duties and responsibilities are segregated and performed in accordance with sound financial practices by qualified personnel; and

(13) procedures and controls for ensuring, through the use of surveillance and security departments, that the gaming facility is secure during normal operations and during any emergencies due to malfunctioning equipment, loss of power, natural disaster or any other cause.

(b) An internal control systems submission shall be accompanied by an attestation by the gaming facility's chief executive officer or other delegated person with a direct reporting relationship to the chief executive officer attesting that the signatory believes, in good faith, that the submitted internal controls:

(1) conform to the requirements of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this Subchapter; and

(2) are designed to provide reasonable assurance that the financial reporting conforms to generally accepted accounting principles in the United States and complies with applicable laws and regulations, including Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this Subchapter.

(c) An initial internal controls submission also shall be accompanied by a report from an independent certified public accounting firm that is in good standing with the New York State board for accountancy or with the state board for accountancy where such firm is licensed. Such report should express an opinion as to the suitability of the design of the submitted system of internal controls over financial reporting in accordance with the requirements of subdivision (a) of this section.

(d) The commission will review each initial submission made under subdivision (a) of this section and determine whether such submission conforms to the requirements of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this Subchapter and provides adequate and effective controls to ensure the integrity of the operation of gaming at a gaming facility. If the commission determines that the submission is deficient in any

area, the commission will provide written notice of the deficiency to the gaming facility licensee and allow the gaming facility licensee to submit a revision to such submission.

(e) A gaming facility licensee shall submit to the commission any proposed amendment to such licensee's approved system of internal controls. Such gaming facility licensee may implement such proposed amendment on the 30th calendar day following the filing of a complete submission, unless the commission rejects such proposed amendment in writing or tolls such 30-day period pursuant of subdivision (f) of this section.

(f) If, during a 30-day review period set forth in subdivision (e) or subdivision (g) of this section, the commission preliminarily determines that a procedure or omission in a submission is likely to affect negatively the integrity of gaming operations or the control of revenue, the commission shall, by written notice to the gaming facility licensee:

(1) specify the nature of the commission's objection and, when possible, suggest an acceptable alternative procedure; and

(2) direct that the 30-calendar-day review period set forth in subdivision (e) of this section be tolled and that any proposed internal control amendments not be implemented until approved pursuant to subdivision (g) of this section.

(g) When the commission tolls a proposed amendment pursuant to subdivision (f) of this section, the gaming facility licensee may submit a revised amendment within 30 days of receipt of the written notice from the commission. Such gaming facility licensee may implement a revised amendment upon receipt of written notice of approval from the commission or on the 30th calendar day following the filing of the revision, unless the commission rejects such proposed amendment in writing or tolls such 30-day period pursuant of subdivision (f) of this section.

(h) Each gaming facility licensee shall maintain a current version of such gaming facility licensee's internal controls in electronic form available through secure computer access to the accounting and surveillance departments of such gaming facility licensee and to commission staff at such gaming facility. Each page of such internal controls document shall indicate the date on which the commission approved such page. Each gaming facility licensee also shall maintain, for a minimum of five years, a copy, either in paper or electronic form, of

(1) any superseded internal control procedures; and

(2) the original, signed attestation required by subdivision (b) of this section.

§ 5313.2. Age for gaming participation; signage; responsibilities.

(a) To effectuate compliance with Racing, Pari-Mutuel Wagering and Breeding Law section 1332(1), each gaming facility licensee shall post appropriate security personnel at any location in the facility that allows access to the gaming floor.

(b) A gaming facility licensee shall post signs that include a statement that is similar to the following: "It is unlawful for any individual under 21 years of age to enter or remain in any area where gaming is conducted. It is unlawful for any individual under 21 years of age 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 and criminal prosecution." Such signs shall be posted prominently at each entrance and exit of the gaming floor.

(c) A gaming facility licensee shall identify and remove any person who is under 21 years of age and not otherwise authorized by law to be on the gaming floor and immediately notify onsite commission staff when a person under 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.

(d) A gaming facility licensee shall not allow or permit any person who is under 21 years of age to:

(1) participate as a player at any game in such gaming facility;

(2) receive any complimentary services or items as a result of, or in anticipation of, such individual's gaming activity;

(3) be present on the gaming floor without the escort of a licensed gaming facility employee and for longer than necessary to reach a destination that is not on the gaming floor; or

(4) make any wager at any such gaming facility.

(e) The commission shall penalize a gaming facility licensee found to have violated paragraph (3) of subdivision (d) of this section as follows:

(1) for a first violation, a fine of $1,000;

(2) for a second violation within one year of a violation, a fine of $5,000;

(3) for a third violation within one year of a violation, a fine of $10,000; and

(4) for a fourth violation or subsequent violation within one year of a violation, a fine of $25,000 and such further action as the commission may deem appropriate, which may include without limitation the suspension or revocation of the occupational license of any key employee found to be responsible for the violation.

(f) The commission shall penalize a gaming facility licensee found to have violated paragraph (4) of subdivision (d) of this section as follows:

(1) for a first violation, a fine of $5,000;

(2) for a second violation within one year of a violation, a fine of $20,000;

(3) for a third violation within one year of a violation, a fine of $25,000; and

(4) for a fourth violation or subsequent violation within one year of a violation, a fine of $25,000 and such further action as the commission may deem appropriate, which may include without limitation the suspension or revocation of the occupational license of any key employee found to be responsible for the violation.

(g) A gaming facility licensee shall implement procedures that ensure that persons less than 21 years of age do not receive junket solicitations, targeted mailing, telemarketing promotions, player club membership materials or other promotional materials relating to gaming activities.

§ 5313.3. Hours of operation.

(a) A change in scheduled hours of operation of a gaming facility means a change in scheduled hours effected pursuant to the requirements of Racing, Pari-Mutuel Wagering and Breeding Law section 1333(2).

(b) An alteration in scheduled hours of operation of a gaming facility means a temporary deviation from established hours of operation, as contemplated by Racing, Pari-Mutuel Wagering and Breeding Law section 1333(3). A gaming facility licensee proposing an alteration of scheduled hours of operation must do so in writing to the commission at least 30 days prior to the effective date of the proposed alteration, and no such alteration shall be permitted absent prior approval by the commission; provided, however, that the commission may shorten or waive the prior notice and prior approval requirements if extraordinary circumstances exist, in the judgment of the commission.

(c) If a gaming facility is required to close during normal business hours due to an emergency, such facility shall notify the commission as soon as practicable.

§ 5313.4. Facility accessibility.

(a) Consistent with the requirements of Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12181-12189) and regulations promulgated thereunder (referred to in this section, collectively, as the ADA), each gaming facility licensee that is a public accommodation as defined in the ADA shall comply with Federal law pertaining to ensuring that individuals with disabilities are provided an equal opportunity to participate in or benefit from such licensee's goods and services. To accomplish these objectives, such gaming facility licensee's internal control system shall ensure ongoing ADA compliance, including, at a minimum:

(1) designation of or hiring an ADA compliance officer who, within 90 days of designation or hire, shall undergo training, at such gaming facility licensee's expense, in regard to the requirements of Title III of the ADA. The ADA compliance officer shall

be responsible for handling, among other things, any disability-related complaints from patrons and guests of the gaming facility;

(2) training of all first-line supervisors and managers, within 90 days of hire, on Title III of the ADA as such law applies to a gaming facility and on the obligations to ensure that all guests with disabilities are afforded an equal opportunity to participate in the services, facilities and activities offered at the gaming facility; and

(3) development of an ADA-complaint resolution policy to address ADA-related complaints by patrons and guests of such gaming facility and provide a copy of such policy to the commission for review and input. Such policy shall identify the ADA compliance officer and the process by which complaints will be investigated and resolved. Such gaming facility licensee shall implement such policy within 60 days of receiving and implementing the commission's comments.

(b) Each gaming facility licensee shall report annually to the commission in regard to such licensee's ADA practices, including any complaints received and their resolution, any policies adopted and any training of employees that occurred (by date and the content of training). The commission may order such corrective or remedial action as the commission may deem necessary or advisable for a gaming facility licensee to undertake.

(c) The facility licensee shall also provide to the commission annually any research, proposed practices or practices implemented with regard to accommodations for disabled persons gaming within the facility.

§ 5313.5. Access badges and temporary access credentials.

(a) A gaming facility licensee shall develop an access control matrix indicating the restricted areas in a licensed facility to which each employee, and each employee of a vendor or any other authorized person has access in accordance with such person's job description. Access to restricted areas by a gaming facility employee or vendor employee shall be limited to the restricted areas to which such employee needs access in the course of the performance of such employee's normal duties listed in such employee's job description.

(b) A gaming facility licensee shall adopt an access badge system consisting of a badge that contains an employee's name, picture and identifying code that indicates such employee's title and/or job function.

(c) A gaming facility licensee shall prepare and maintain internal control procedures for:

(1) issuance of access badges for employees, vendor employees and other non-employees permitted to have access to one or more restricted areas and issuance of replacement access badges when a badge is misplaced, stolen, forgotten, damaged, not functioning or obsolete;

(2) issuance of temporary identification credentials to employees, vendor employees and other non-employees; and

(3) collection of such access badges or credentials when an employee, vendor employee or other non-employee has been suspended or discharged or when an employee's employment has been terminated.

(d) Each gaming facility employee shall be required to wear an access badge in a location visible to guests, surveillance cameras and security personnel at all times while working in a gaming facility.

(e) A complete listing of badge records, including without limitation the name of each badge recipient, employment position, badge number and assigned employment and access level shall be provided to the commission or the commission's designees prior to the issuance of a gaming facility's operation certificate. All additions, deletions and changes to such initial listing shall be provided to the commission or the commission's designees at a frequency that the commission may direct.

(f) Commission employees or designees shall have immediate, unfettered access to restricted areas during the performance of their respective duties and responsibilities.

§ 5313.6. Licensee leases and contracts.

(a) Consistent with Racing, Pari-Mutuel Wagering and Breeding Law section 1341, each gaming facility applicant or licensee shall maintain a record of each written or unwritten agreement in regard to the realty, construction, maintenance or business of a proposed or existing gaming facility or related facility, without regard to whether such gaming facility applicant or licensee is a party to such agreement.

(b) The commission may review any agreement described in subdivision (a) of this section on the basis of the reasonableness of its terms, including the terms of compensation, and of the qualifications of the owners, officers, employees and directors of any enterprise involved in the agreement.

(c) If the commission disapproves of such an agreement or of the owners, officers, employees or directors of any enterprise involved in such agreement, the commission may require termination of such agreement.

§ 5313.7. Emergency procedures.

(a) A gaming facility licensee shall submit to the commission, the New York State Police, local police department and the local fire department, no less than 90 days before the issuance of an operation certificate, an emergency action plan for the response to, and management of, fire, medical emergencies, loss of power, critical system and/or equipment failures, including without limitation surveillance and accounting, and natural disasters in all areas of the gaming facility and ancillary developments.

(b) Such plan shall include procedures for notification of the New York State Police, local police department, the local fire department or emergency medical personnel, and procedures for expedited and unimpeded access of the personnel into all areas of the gaming facility or ancillary developments in the event of a fire, medical or other emergency.

(c) Such plan shall also include a proposed inspection schedule allowing the New York State Police, local police department and local fire department personnel to inspect all areas of the gaming facility and ancillary developments for compliance with applicable fire and emergency laws, codes and ordinances.

§ 5313.8. Operation certificate.

(a) A gaming facility licensee may not open a gaming facility for business or begin gaming operations until the commission has issued a valid operation certificate in accordance with the requirements of Racing, Pari-Mutuel Wagering and Breeding Law section 1331.

(b) To obtain an operation certificate, each gaming facility shall establish to the satisfaction of the commission that the:

(1) gaming facility complies in all respects with the applicable requirements of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this Subchapter;

(2) gaming licensee has implemented necessary internal control procedures for the safe and efficient operation of the gaming facility;

(3) gaming facility has complied with the licensing provisions of this Subchapter;

(4) commission has been provided proof that all employees are licensed or registered for the performance of their respective responsibilities;

(5) gaming facility is prepared in all respects to receive and entertain the public;

(6) gaming facility meets or exceeds State and local fire and safety standards; and

(7) gaming facility has provided payroll records that establish to the satisfaction of the commission that it has complied with the requirements of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law, if applicable. Such payroll records shall be accompanied by an attestation by the gaming facility's chief executive officer or other delegated person as to their accuracy.

(c) Subject to the commission's authority to revoke, suspend, limit or otherwise alter an operation certificate, each such certificate, once issued, shall remain in full force and effect for so long as the licensee holding such certificate remains licensed, under such terms and conditions as the commission may impose. Such operation certificate shall not

be altered, modified or amended except in accordance with Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this Subchapter.

(d) The continued effectiveness of each operation certificate shall be a prerequisite for the gaming facility to which such certificate applies to remain open to the public for the operation of gaming.

(e) Each gaming facility licensee to which an operation certificate is issued shall operate such licensee's gaming facility strictly in accordance with the terms of such licensee's original operation certificate and the approved gaming floor layout submitted in support thereof, and shall not change any of the items to which the operation certificate applies, except in accordance with Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this Subchapter and after obtaining any required amendments to such operation certificate. Nothing in this subdivision shall prevent a gaming facility licensee from moving or reconfiguring gaming devices within the approved gaming floor layout provided the commission is notified of such change in writing at least five business days in advance of implementation and that such change is in compliance with State building code and this Subchapter.

(f) Whenever a gaming facility licensee proposes a physical change to such licensee's gaming facility or to a restricted area that requires commission approval in order for such licensee's original operation certificate, or any approved amendments to such operation certificate, to continue in force and effect, such gaming facility licensee must submit an application for amended operation certificate, the form of which the commission shall provide to the applicant upon request. Such application shall include, without limitation, the following:

(1) a revised gaming floor layout reflecting the proposed change, in which the revised plan shall be submitted in a format approved in writing by the commission and filed with such application; and

(2) a statement from an architect or other suitable professional licensed to practice in the State of New York certifying that the proposed change as presented will be in compliance with State building code and this Subchapter.

(g) The commission shall review any proposed change for compliance with Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this Subchapter and shall issue a determination and, if approved, notice to proceed, within a reasonable time after receipt of the application for amended operation certificate.

(h) Upon receipt of the notice to proceed, the gaming facility licensee shall complete the changes outlined in the application for amended operation certificate and notify the commission in writing within five days of final completion of any proposed change. A gaming floor layout that depicts the actual changes made shall accompany the notice of final completion and be filed with the commission. Each such gaming floor layout shall

depict the change and shall include updates, based on the actual changes made, for each item required to be included in the application for amended operation certificate pursuant to subdivision (f) of this section and described in the notice to proceed; provided, however, that a floor plan of the entire gaming facility that depicts all changes proposed in the application for amended operation certificate and any amendment thereto shall accompany the notice of final completion.

(i) Promptly after the filing of a notice of final completion pursuant to subdivision (h) of this section, the commission shall inspect the physical changes actually made to the gaming facility to ensure that such changes conform to the gaming floor layout accompanying the notice of final completion and the description previously submitted to the commission, as modified by any properly filed amendments thereto. Following such inspection, the commission shall notify the gaming facility licensee in writing as to which physical change is approved and which is rejected, whereupon:

(1) the gaming facility licensee, in the event any change is rejected, shall either:

(i) correct any rejected change to conform with the floor plan accompanying the notice of final completion and the description previously submitted to the commission, as modified by any properly filed amendments thereto, which correction shall be completed and inspected pursuant to this section;

(ii) submit for approval, pursuant to subdivision (f) of this section, a new application for amended operation certificate; or

(iii) take such other action as the commission may direct to ensure that the currently approved gaming floor layout accurately depicts the physical layout of the gaming facility, including any restricted areas; and

(2) the operation certificate shall be amended to conform to each inspected and approved physical change.

(j) An operation certificate shall be revoked, suspended or limited by the commission if the commission initiates disciplinary action against the gaming facility licensee and determines that the gaming facility licensee is in violation of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law or this Subchapter or that the commission's action is in the best interests of the State and reasonably necessary and appropriate to protect and enhance the credibility and integrity of commercial gaming operations in this State.

§ 5313.9. Firearms.

(a) No person shall possess, or be permitted to possess, any firearm within a gaming facility without the prior express written consent of the commission, except any on-duty officer or agent of any local, State or Federal law enforcement agency, when such officer or agent is acting in an official capacity.

(b) The gaming facility licensee shall post in a conspicuous location at every entrance to the gaming facility a sign stating: “No Person Shall Possess Any Firearm Within This Facility.”

§ 5313.10. Retention, storage and destruction of books, records and documents.

(a) For the purposes of this section, *books, records and documents* means any book, record or document pertaining to, prepared in or generated by the operation of a gaming facility licensee, including all forms, reports, accounting records, ledgers, subsidiary records, computer-generated data, internal audit records, correspondence and personnel records required to be generated and maintained (excluding physical tickets generated by slot machines as long as an electronic record of each ticket printed is maintained within the slot management system). This definition applies without regard to the medium through which the record is generated or maintained (*e.g.*, paper, magnetic media or encoded disk**.**

(b) Original books, records and documents pertaining to the operation of a gaming facility licensee shall be:

(1) prepared and maintained in a complete, accurate and legible form. Electronic data shall be stored in a format that ensures readability, without regard to whether the technology or software that created or maintained such data has become obsolete;

(2) retained in a secure location in the gaming facility that is equipped with a fire suppression system or at another location approved pursuant to subdivision (d) of this section;

(3) made available for inspection by the commission and the commission’s designees during all hours of operation;

(4) organized and indexed in a manner to provide immediate accessibility to the commission and the commission’s designees; and

(5) destroyed only after expiration of the minimum retention period specified in subdivision (c), except that the commission may, upon the written request of a gaming facility licensee and for good cause shown, permit destruction at an earlier date.

(c) Unless otherwise authorized by Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law or this Subchapter, all original books, records and documents shall be retained in accordance with a retention schedule annually issued by the commission. Nothing herein shall be construed as relieving a gaming facility licensee from meeting any obligation to maintain any book, record, or document required by any other Federal, state or local; governmental body authority, or agency.

(d) The commission may approve, upon the written request of a gaming facility licensee, a location outside the gaming facility to store original books, records and documents. Such request shall include the following:

(1) a detailed description of the proposed location, including security and fire suppression systems; and

(2) the procedures under which the commission and the commission's designees will be able to gain access to the retained original books, records and documents.

(e) The commission may approve, upon the written request of a gaming facility licensee a microfilm, microfiche or other suitable media system for the copying and storage of original books, records and documents. Such request shall include representations in regard to the:

(1) processing, preservation and maintenance methods that will be employed to ensure that the books, records and documents are available in a format that makes such material readily available for review and copying;

(2) inspection and quality control methods that will be employed to ensure that microfilm, microfiche or other media, when displayed on a reader or viewer or reproduced on paper, exhibits a high degree of legibility and readability;

(3) availability of a reader or printer for use by the commission and the commission's designee at such licensed facility or other location approved by the commission and the readiness with which the books, records or documents being stored on microfilm, microfiche or other media can be located, read and reproduced; and

(4) availability of a detailed index of all microforms or other stored data maintained and arranged in a manner to permit the immediate location of any particular book, record or document.

§ 5313.11. Key control.

(a) Any key that is considered sensitive and is required to be controlled and maintained and any corresponding locking device shall be approved by the commission. Such keys shall be legally duplicated only by the manufacturer, or the manufacturer's designee, and shall be capable of unlocking the locking device on no more than one type of secure box, compartment or location used or maintained within the gaming facility. Nothing in this subdivision shall preclude the commission from exempting a type of secure box, compartment or location from the requirements of this subdivision upon a determination that the security of such box, compartment or location would not otherwise be compromised.

(b) As approved by the commission, sensitive keys shall include, without limitation, the following:

(1) table drop box contents keys;

(2) table drop box release keys;

(3) table drop box trolley keys;

(4) slot machine keys;

(5) count room entrance keys;

(6) locations housing a computer that controls a progressive payout wager system for table games offering a progressive payout wager;

(7) storage cabinets or trolleys for unattached table drop boxes;

(8) float keys; and

(9) pit podium keys.

(c) A gaming facility licensee shall establish key control procedures for any sensitive key as approved by the commission. Such procedures shall provide for, at a minimum, the following:

(1) the maintenance of perpetual inventory records and the physical inventory of all sensitive keys by an independent department;

(2) the requisitioning of keys and locking devices from vendors; and

(3) the security and restrictions that control access to keys, whether manually or through an electronic system, and records and reports generated or prepared.

§ 5313.12. Facial recognition.

The commission may require a gaming facility licensee to install security and surveillance equipment where any chips, tokens, tickets, electronic cards or similar objects can be redeemed for cash, whether by a gaming employee or by electronic means, that must capture, for law enforcement purposes, facial feature pattern characteristics, including a computerized facial image. Such system must be able to compare a photograph or image of one or more persons to live or recorded video in order to determine if such person is or has been in the facility.

§ 5313.13. License plate recognition.

The commission may require a gaming facility licensee to install security and surveillance equipment in garages and parking lots to capture a vehicle license plate. Such system must be able to include the time, color image and the vehicle's license plate number.

§ 5313.14. Limitation on certain financial access.

(a) Automated teller machines shall be prohibited from accepting electronic benefit cards, debit cards or similar negotiable instruments issued by the State or political subdivisions of the State for the purpose of accessing temporary public assistance, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1338(2).

(b) An automated teller machine shall have a label on the top and front that displays a unique identification number. Each such label shall have a color combination approved by the commission that is easily visible to the gaming facility's surveillance department and that may not be easily removed. The label on the top of each automated teller machine shall be at least 1½ inches by 5½ inches and the label on the front of each automated teller machine shall be at least 1 inch by 2½ inches.

(c) A gaming facility may use an automated teller machine that also contains an automated gaming voucher redemption machine, an automated coupon redemption machine or bill breaker, provided that such machine complies with the requirements in regard to such gaming facility's automated gaming voucher and coupon redemption machine accounting controls.

(d) The use of credit cards, debit cards, similar devices and instruments described in subdivision (a) of this section are prohibited in slot machines or at table games, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1338(3).

(e) The proximity of an automated teller machine to a slot machine or table game that is on a gaming floor is subject to the following limitations:

(1) no automated teller machine may be placed closer than five feet to a slot machine or table game; and

(2) there may be no more than one automated teller machine for every 100 slot machines and table game seats.

(f) Exclusive of transaction fees or surcharges, the maximum amount that a player may withdraw from an account by using an automated teller machine located on a gaming floor shall be no more than $3,500 per calendar day.

(g) No gaming facility is permitted to cash a paycheck from a patron, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1338(4).

PART 5314

Surveillance

Section
5314.1 Surveillance plan of operation; approval; plan amendment

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5314.3 Surveillance room access, required logs
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§ 5314.1. Surveillance plan of operation; approval; plan amendment.

(a) A gaming facility licensee shall not be permitted to commence operations until the commission has approved in writing such licensee's surveillance plan of operation. Such plan shall be submitted for commission review no later than 60 days prior to the expected date of issuance of such gaming facility's operation certificate.

(b) A surveillance plan of operation shall detail the:

(1) surveillance system and equipment used;

(2) placement of all surveillance equipment in the gaming facility; and

(3) staffing necessary to provide for the continuous monitoring of activities inside and outside the licensed facility taking into account the size and layout of the facility as well as the number and location of gaming devices on the gaming floor.

Such plan also shall address any planned shutdown of the surveillance system and any equipment failure that affects the surveillance room or any other equipment that may hinder the appropriate execution of surveillance functions and provide for an emergency contact listing with telephone numbers for persons required to be notified of any such event.

(c) The commission shall review a gaming facility's surveillance plan of operation and approve such plan if such plan is consistent with this Subchapter.

(d) A gaming facility licensee shall not alter or amend its surveillance plan of operation unless the commission has first approved in writing such alteration or amendment. A gaming facility licensee seeking to alter or amend its surveillance plan shall submit proposed alterations or amendments to such surveillance plan to the commission not less than seven days before the desired alteration or amendment would take effect. All requests for a plan alteration or amendment shall include:

(1) details of the change, including the floor plan;

(2) reason for the change; and

(3) expected results of the change.

(e) In the event of an emergency, a gaming facility licensee may deviate from such licensee's approved surveillance plan of operation. In such instance, such gaming facility licensee shall notify the commission promptly that an emergency exists before deviation from the surveillance plan, then shall, as soon as practicable, submit a written description to the commission of the emergency and the circumstances necessitating the emergency deviation. As soon as the circumstances necessitating the emergency deviation abate, the gaming facility licensee shall resume compliance with the approved surveillance plan of operation. If the emergency does not abate, the gaming facility licensee shall seek, as soon as practicable, an amendment to its surveillance plan of operation.

(f) The commission shall have full access to, but not be capable of overriding, a gaming facility licensee's surveillance system and the transmissions therein. Each member of a gaming facility's surveillance department shall comply with any commission request to:

(1) use, as necessary, any surveillance monitoring room in the gaming facility;

(2) display on the monitors in the monitoring room any event capable of being monitored by the surveillance system; and

(3) make a video and, if applicable, audio recording of, and take a still photograph of, any event capable of being monitored by the surveillance system.

§ 5314.2. Surveillance department establishment; independence; physical characteristics; employee restrictions; training.

(a) Each gaming facility licensee shall establish and maintain a surveillance department, independent of all other departments at such gaming facility, which shall be responsible for the clandestine monitoring and recording of certain activities inside and outside the gaming facility.

(b) A surveillance monitoring room, or rooms, shall be located within a gaming facility. Such room or rooms shall be staffed continuously by employees who shall at all times monitor activities inside and outside the gaming facility, including those enumerated in section 5314.5 of this Part.

(c) A surveillance monitoring room shall:

(1) contain such equipment and supplies as necessary to undertake the required surveillance activities, taking into consideration current developments in electronic and computer technology, for the effective performance of the activities to be conducted therein including, without limitation:

(i) a communication system capable of monitoring all gaming facility security department activities; and

(ii) a view-only terminal allowing access to the computerized monitoring systems used by the gaming facility licensee in monitoring and management of its gaming operations;

(2) be connected to all gaming facility alarm systems, which may provide a visible, audible or combination signal; provided, however, that any robbery or other emergency-type alarm shall be perceptually distinguishable from all non-emergency alarm types in a manner approved by the commission;

(3) contain a library consisting of photographs that

(i) are no more than four years old, of all current employees of the licensee; and

(ii) represent patrons on any self-exclusion or excluded persons list;

(4) contain and have readily accessible to all surveillance room employees an updated operational blueprint depicting all areas of the gaming facility and elsewhere in the gaming facility where surveillance coverage is available.

(5) be equipped with telephones connected to the gaming facility licensee's general telephone system and at least one direct outside line independent of the general telephone system; and

(6) be equipped with radio communication connectivity with the security department.

(d) A gaming facility licensee shall require surveillance and security employees to undergo annual incident management training administered by a certified trainer in cooperation with law enforcement and the local fire department. Such training shall be geared to prepare surveillance and security employees on proper procedures to follow in the event of a fire, robbery attempt, bomb threat, terrorist activity, medical emergency or other major occurrence. Such training shall be geared to instruct gaming facility employees in all of the following:

(1) incident management procedures;

(2) incident management notifications and communications to, for example, police, fire, ambulance and hospitals;

(3) securing facility records;

(4) securing the facility;

(5) evacuation; and

(6) fire and medical emergencies.

(e) No former gaming facility licensee surveillance department employee shall accept employment

(1) in another capacity within the same gaming facility; or

(2) within any other gaming facility whose surveillance department is under the operational control of the same person who controlled the surveillance department in which such employee had been employed previously,

unless one year has passed since such former employee worked in such surveillance department.

(f) A current or former surveillance department employee may petition the commission for a waiver of a restriction set forth in subdivision (e) of this section and permission to be employed in a particular position. The commission may grant or deny the waiver upon consideration of factors including, but not limited to:

(1) whether the former surveillance department employee will be employed in a department or area of operation that the surveillance department monitors;

(2) whether the surveillance and security systems of the licensee will be jeopardized or compromised by the employment of the former surveillance department employee in the particular position; and

(3) whether the former surveillance department employee's knowledge of the procedures of the surveillance department would facilitate the commission by any individual of irregularities or illegal acts or the concealment of any actions, errors or omissions.

§ 5314.3. Surveillance room access, required logs.

(a) Entrances to the monitoring room or rooms shall not be visible from the gaming area. Access by gaming facility licensee employees to a monitoring room or any other designated area capable of receiving a surveillance transmission shall be prescribed by the gaming facility’s system of internal controls, as approved by the commission.

(b) Any person, other than a commission representative, who enters any monitoring room or designated area related to surveillance and is not a surveillance department employee shall sign a monitoring room entry log upon entering the restricted area. The monitoring room entry log shall be kept in the monitoring room and maintained in a book with bound numbered pages that cannot be removed readily.

(c) The entry log book shall include, at a minimum, the:

(1) date and time of entering into the monitoring room or designated area;

(2) entering person's name and his or her department or affiliation;

(3) reason for entering the monitoring room or designated area;

(4) name of the surveillance department employee authorizing the person's entry into the monitoring room or designated area; and

(5) date and time of exiting the monitoring room or designated area.

(d) Each gaming facility licensee shall maintain a daily surveillance log in an electronic format that has an audit function that prevents modification of information after the information has been entered into the system. Such daily surveillance log shall:

(1) be maintained continuously by surveillance employees;

(2) be changed with each shift change of employees;

(3) be chronological; and

(4) contain, at a minimum, all of the following information:

(i) the date and time of each log entry;

(ii) the identity of the employee making the log entry;

(iii) a summary of the activity recorded;

(iv) whether the activity was monitored; and

(v) disposition of the recording, if any.

(e) All daily surveillance log entries shall contain the following information, unless otherwise directed in writing by the commission:

(1) the identity of any surveillance room employee each time any such person enters or exits the surveillance room and the reason for such entry or departure;

(2) the notification of any maintenance or repair of any gaming device or money-handling equipment;

(3) live table drop box exchanges;

(4) electronic gaming device drop bucket exchanges;

(5) transfers of cash, chips, tokens, cards or dice;

(6) any detention or questioning of patrons or employees by the security department, including the identity of the patrons or employees and the security department employees involved;

(7) the beginning, end and any interruptions of the soft count;

(8) an observed violation of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law or this Subchapter or of the gaming facility licensee's internal control procedures;

(9) suspected criminal activity;

(10) malfunction or repair of surveillance equipment;

(11) an emergency activity;

(12) surveillance conducted on anyone or any activity that appears unusual, irregular or illegal or appears to violate Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law or this Subchapter;

(13) surveillance conducted at the request of the gaming facility licensee, an employee of the gaming facility licensee, a commission representative or the New York State police;

(14) other notations deemed necessary by surveillance room employees or the commission to ensure compliance with Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this Subchapter.

§ 5314.4. Required equipment; capabilities.

The surveillance system shall include, at a minimum, the following:

(a) A surveillance system shall include light-sensitive cameras with lenses of sufficient magnification to allow the reading of information on, at a minimum, gaming chips, plaques, playing cards, dice, tiles, slot machine reel symbols, slot machine credit meters and employee credentials. Such cameras shall have 360-degree-pan, tilt and zoom capabilities, without camera stops, that allow effective and clandestine monitoring in detail and from various vantage points. A gaming facility licensee may use either an analog or digital video recording format, so long as the format selected incorporates current technology with regard to secure system access, video cameras, monitors, recorders, video printers, switches, selectors and other ancillary equipment and provides for surveillance of activities inside and outside the gaming facility.

(b) A surveillance system shall include video recording equipment that, at a minimum, shall:

(1) permit the preservation and viewing of a clear copy of the transmission produced by any camera connected to the surveillance system;

(2) be capable of superimposing the time and date of the transmission on each recording made by the video recording equipment; and

(3) enable the operator to identify and locate, through the use of a meter, counter or other device or method, a particular event that was recorded.

(c) A surveillance system shall be capable of recording media, which shall be replaced immediately upon the manifestation of any significant degradation in the quality of the images or sound, if applicable, recorded thereon.

(d) A surveillance system shall have audio capability in the soft-count room;

(e) A surveillance system shall have an emergency power system that can be used to operate the surveillance system in the event of a power failure, such power system to be tested at least annually, or more frequently if a test is failed; and

(f) A gaming facility shall implement a preventive maintenance program, executed by technicians subject to the direction and control of the director of surveillance, that ensures that the entire surveillance system is maintained in proper working order and that transparent covers over surveillance system cameras are cleaned in accordance with a routine maintenance schedule. In the event that preventive maintenance to be performed by a technician assigned to another department is required on an emergency basis, the surveillance department shall have priority with respect to staffing resources of such other department to ensure the efficacy of the surveillance system.

(g) Routine maintenance of surveillance equipment must be completed in one of the following ways:

(1) without compromising any of the surveillance coverage provided by the surveillance system; or

(2) according to a plan subject to the review and approval of the commission.

§ 5314.5. Required surveillance.

(a) Each gaming facility licensee shall provide surveillance of the following locations and activities:

(1) gaming conducted at each table game and the activities in the gaming pits;

(2) gaming conducted at the slot machines;

(3) operations conducted at and in the cashiers' cage, any satellite cage and each office ancillary thereto;

(4) operations conducted at and in the slot booths;

(5) operations conducted at automated coupon-redemption machines;

(6) count processes conducted in the count rooms;

(7) movement and storage of cash, gaming chips and plaques, drop boxes, bill validator boxes, slot cash storage boxes, slot drop boxes and slot drop buckets;

(8) entrances and exits to the gaming facility, count rooms and any other location required by the commission;

(9) equipment designated by the commission in conjunction with the operation of an electronic-transfer credit system, a gaming-voucher system and a slot-monitoring system approved to conduct manual slot payouts;

(10) operation of automated jackpot-payout machines, gaming-voucher-redemption machines, gaming-voucher systems and electronic-transfer credit systems;

(11) all table games;

(12) gaming facility licensee’s parking garages, driveways and valet parking areas; and

(13) all other areas as that the commission may designate.

(b) Whenever a gaming facility licensee replaces or modifies a gaming device on the gaming floor or other restricted areas, the surveillance department shall conduct an inspection as to the sufficiency of surveillance coverage. For those replacements or modifications that impact surveillance coverage, the director of the surveillance department shall prepare and submit to the commission prior to implementation a written certification attesting that the inspection was conducted and the surveillance coverage is sufficient.

§ 5314.6. Required recording.

A surveillance system shall be required to record, during the times and in the manner indicated below, all transmissions from cameras used to observe the following locations, persons or transactions:

(a) all table games, whether active or inactive;

(b) all activities conducted inside the cage, count room and satellites;

(c) each simulcast and keno window that is open for business;

(d) such main bank areas where gross revenue functions are performed;

(e) the collection of drop boxes, slot drop boxes and slot cash storage boxes and the count of the contents therein;

(f) any armored car collection or delivery of cash for which security escort or surveillance coverage is required;

(g) the inspection and distribution of gaming equipment to gaming pits;

(h) the retrieval of gaming equipment from gaming pits at the end of the gaming day and their delivery to the location designated and approved for inspection, cancellation, destruction or, if applicable, reuse;

(i) each transaction conducted at a kiosk, automated bill breaker, voucher/coupon redemption and jackpot payout machine, as well as each replenishment or other servicing of any such machines; and

(j) the entrances and exits to the gaming facility, count rooms and all other locations as the commission may require in writing.

§ 5314.7. Surveillance records retention.

(a) A recording of routine activity shall contain a date-and-time reading and shall be retained for not less than 14 days. All activity in the cage and count rooms shall be retained for not less than 21 days. The commission may, in its discretion, order a longer retention period for a particularly identified recording.

(b) A visual or audio recording of detention or questioning of a detained patron or employee shall be provided immediately to the commission upon request. Such recording shall contain a date-and-time reading and shall be labelled with all of the following:

(1) the date and time the recording was made;

(2) the identities of the surveillance department employee or employees responsible for the monitoring; and

(3) the identity of the surveillance department employee who provides such recording media and the time and date of delivery to the commission. Such recording shall be retained for not less than 14 days after the original recording is provided to the commission.

(c) An original recording of a violation of internal controls or criminal activity shall be provided immediately to the commission. A copy of such recording shall be retained for

not less than 90 days after the original is provided to the commission. Such recording shall contain a date-and-time reading and be marked with all of the following:

(1) the date and time the recording was made;

(2) the identity of the surveillance department employee or employees responsible for the monitoring; and

(3) the identity of the surveillance department employee who provided to the commission the media from the recorder.

PART 5315

Accounting Controls

Section
5315.1 Gross gaming revenue
5315.2 Promotional gaming credits
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5315.15 Online monitoring and control system
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5315.17 Anti-money laundering program

§ 5315.1. Gross gaming revenue.

(a) For slot machines, gross gaming revenue is total wagers minus promotional gaming credits and total payouts.

(b) In the event of a slot machine system malfunction, gross gaming revenue shall be calculated as total drop minus vouchers and coupons out, promotional gaming credits out and hand-pay payouts. Drop equals the total amount of cash, vouchers and the dollar amount of promotional gaming credits as set forth in section 5315.2 of this Part.

(c) For table games, gross gaming revenue is total drop plus ending table inventory and credit slips, minus promotional gaming credits, fills and beginning table inventory. Drop

equals the total amount of cash, chips, markers and the dollar amount of promotional gaming credits as set forth in section 5315.2 of this Part. Table inventory is total coins and chips.

(d) For player-banked poker games, gross gaming revenue is the total amount of rake, which is a commission charged by the house from each pot for maintaining or dealing a game.

(e) For progressive jackpots, the gaming facility licensee shall submit for commission approval the calculation of gross gaming revenue and any offsetting factors.

(f) For all tournaments, gross gaming revenue shall include any entry fees and buy-ins exceeding the amount of prizes paid out per event. If the value of all prizes paid out exceeds the amount received in tournament fee revenue, a gaming facility licensee may not declare a loss against the gross gaming revenue.

(g) A gaming facility licensee shall not exclude from gross gaming revenue money paid out on wagers that are knowingly accepted by the licensee in violation of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law or this Subchapter.

(h) Any check cashed, transferred, conveyed or given in violation of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law shall be invalid and unenforceable for the purposes of collection, but all sums received from gaming operations less the total of all sums paid out as winnings shall be included in the calculation of gross gaming revenue.

§ 5315.2. Promotional gaming credits.

(a) Promotional gaming credit is a specified dollar amount that may be used by a player to play without paying any other consideration and is considered, without limitation, the following:

(1) Slot coupons are allowed to be redeemed for slot credits. Such coupon shall have printed on it the name of the issuing gaming facility, the city or town in which the gaming facility is located, the value of such coupon and an expiration date or, alternatively, the dates such coupon is valid for redemption.

(2) Table game coupons are allowed to be redeemed for play. Such coupon shall have printed on it the name of the issuing gaming facility, the city or town in which the gaming facility is located, the value of such coupon and an expiration date or, alternatively, the dates such coupon is valid for redemption.

(3) Match play coupons are allowed for wagering at table games. A patron's matching wager shall equal or exceed the dollar value of the match play coupon. A match play coupon shall have printed on it the name of the issuing gaming facility, the city or town in which the gaming facility is located, the value of the coupon and an explanation of such coupon's use. Match play coupons are a wager and shall be paid the specified

odds payout for the wager being made. Each coupon shall have an expiration date printed on such coupon.

(4) Notwithstanding the foregoing in this subdivision, electronic representations of coupons may be used provided that the records of issuance and redemption of such coupons are documented, retained and audited according to this Part.

(b) The annual deductible value of promotional gaming credits on slots authorized for use by the gaming facility licensee in any State fiscal year shall not exceed 15 percent of slot gross gaming revenue and the annual deductible value of promotional gaming credits on table games authorized for use by the gaming facility licensee in any State fiscal year shall not exceed five percent of table game gross gaming revenue. The commission may, at the commission's discretion, authorize deviations from these limitations upon satisfactory illustration of benefit to the state.

(c) A gaming facility licensee found to be in violation of subdivision (b) of this section shall be subject to a fine of no more than $25,000.00.

(d) Credits paid for by a gaming facility licensee and provided to a patron shall not be considered promotional gaming credits.

§ 5315.3. [Repealed]

§ 5315.4. Minimum bankroll.

A gaming facility licensee shall assure the financial integrity of gaming operations by the maintenance of a gaming bankroll, or equivalent provisions, adequate to pay prizes to gaming patrons when due by maintaining, on a daily basis, a gaming bankroll, or equivalent provisions, in an amount at least equal to such facility's immediate cash requirement exposure for player prizes. To demonstrate such financial integrity, a gaming facility licensee shall maintain a minimum bankroll established through the use of the minimum bankroll verification worksheet provided by the commission to calculate and determine the minimum bankroll. Thirty days prior to the issuance of an operation certificate, each gaming facility licensee shall submit to the commission for review and, in the discretion of the commission, approval the minimum bankroll verification worksheet. Each gaming facility licensee shall continually review and evaluate daily bankroll requirements and notify the commission in writing if such licensee requests to change the amount of the minimum bankroll. Such notification shall be provided to the commission at least 10 days prior to the implementation of a new funding level. Maintenance of a minimum bankroll is subject to audit or review by the commission.

§ 5315.5. [Reserved].

§ 5315.6. [Reserved].

§ 5315.7. [Reserved].

§ 5315.8. Unclaimed funds.

A gaming facility licensee shall retain unclaimed funds, cash and prizes for the period prescribed by Racing, Pari-Mutuel Wagering and Breeding Law section 1354. Unclaimed funds, cash and prizes shall be reported to the commission on the gross gaming revenue report during the week in which the funds, cash and prizes expire and shall be remitted to the commission with the gross gaming revenue for that week.

§ 5315.9. Internal audit requirements.

(a) A gaming facility licensee shall establish an internal audit department, which shall be supervised by a person referred to in this section as an *audit department executive*. The internal audit department shall be independent, as defined by the International Standards for the Professional Practice of Internal Auditing. The audit department executive shall be responsible for, without limitation, the following:

(1) review and appraisal of the adequacy of internal control;

(2) compliance with internal control procedures;

(3) reporting to the commission of instances of noncompliance with the system of internal controls;

(4) reporting to the commission of any material weaknesses in the system of internal controls; and

(5) recommendation of procedures to eliminate any material weaknesses in the system of internal control.

(b) An internal audit department shall audit, at least annually, a gaming facility licensee's compliance with laws, rules, regulations and internal controls relating to:

(1) the operation of table games and gaming devices;

(2) cage and count-room operations;

(3) the calculation of gross gaming revenue and taxes paid thereon;

(4) the operation of the gaming facility's licensing program;

(5) the operation of the gaming facility's player rewards program;

(6) 31 CFR Part 1021; and

(7) other requirements as specified by the commission.

(c) All audits conducted pursuant to subdivision (b) of this section shall be conducted according to professional internal auditing standards promulgated by the Institute of Internal Auditors.

(d) Notwithstanding subdivisions (a) through (c) of this section, a gaming facility licensee may, with written approval from the commission, engage an independent certified public accountant to provide internal audit services. Such independent certified public accountant may not provide both internal audit services and audit the gaming facility licensee's financial statements. The gaming facility licensee shall be responsible for the oversight and conduct of internal audit.

(e) The audit department executive, upon request by the commission, shall submit to the commission any report, work paper or other documents maintained by the internal audit department no later than 48 hours after such request.

(f) No later than 30 days after the start of a gaming licensee's fiscal year, the audit department executive shall file a report with the commission summarizing all audits performed by the audit department, including findings and management responses.

(g) No later than 15 days preceding the start of the gaming facility licensee's fiscal year, the audit department executive shall file such gaming facility's audit plan with the commission for the upcoming year.

§ 5315.10. Audited financial statements.

(a) A gaming facility licensee, unless specifically exempted by the commission in writing, shall, at its own expense, cause the annual financial statements of such licensee to be audited in accordance with generally accepted auditing standards by an independent certified public accountant licensed to practice in the State.

(b) The annual financial statements required by subdivision (a) of this Part shall be prepared on a comparative basis for a gaming facility licensee's current and prior standard financial year, and shall present financial position and results of operations in conformity with generally accepted accounting principles.

(c) The commission may require other financial information in a format prescribed by the commission to be included as supplementary information in relation to the audited financial statements as a whole. Such information shall be subjected to auditing procedures as required by generally accepted auditing standards and include the independent auditors' report on such supplementary information.

(d) Two copies of the audited financial statements, together with the report thereon of a gaming facility licensee's independent certified public accountant, shall be filed with the commission no later than 120 days following the end of a gaming facility licensee's fiscal year.

(e) In addition to a gaming facility licensee's audited financial statements, each gaming facility licensee shall submit a copy of the management letter prepared by the independent certified public accountant that lists any internal control or operational weaknesses noted during the financial statement audit and recommendations for improvement. The gaming facility licensee shall prepare a response to the issues outlined in the management letter that describes any corrective actions taken or planned to be taken and include a copy of this response with its submission to the commission as required in subdivision (d) of this section.

(f) In addition to the management letter, the commission may require a gaming facility licensee to engage an independent certified public accountant approved by the commission to perform an additional review of internal controls, cause such licensee's business and managerial practices to be audited and review specified expenditures that conform to specifications the commission prescribes. The commission shall notify a gaming facility licensee of the type of report required, the scope of such report and the frequency with which such report should be performed. This review shall be performed at the expense of the gaming facility licensee unless the commission determines otherwise. A gaming facility licensee shall respond to recommendations in such report noting any corrective actions taken or planned to be taken. A gaming facility licensee shall submit to the commission two copies of such report, including the required response to the commission, within 120 days following the end of the period covered by such report, unless the commission instructs otherwise.

(g) If a gaming facility licensee or any of its affiliates is publicly held, such gaming facility licensee or the affiliate shall make available and provide written notice to the commission any report, including, without limitation, forms S-1, 8-K, 10-Q, 10-K, proxy or information statements and all registration statements, required to be filed by such licensee or affiliates with the United States Securities and Exchange Commission or other domestic or foreign securities regulatory agency, at the time of filing with such agency.

(h) If an independent certified public accountant who was previously engaged as the principal accountant to audit a gaming facility licensee's financial statements resigns or is dismissed as such gaming facility licensee's principal accountant, or another independent certified public accountant is engaged as principal accountant, a gaming facility licensee shall file a report with the commission within 10 days following the end of the month in which such event occurs, setting forth the following:

(1) the date of such resignation, dismissal or engagement;

(2) whether in connection with the audits of the two most recent years preceding such resignation, dismissal or engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which disagreements if not resolved to the satisfaction of the former accountant would have caused such accountant to make reference in connection with such accountant's report to the subject matter of

disagreement, including a description of each such disagreement. The disagreements to be reported shall include those resolved and those not resolved;

(3) whether the principal accountant's report on the financial statements for any of the past two years contained an adverse opinion or disclaimer of opinion or was qualified. The nature of such adverse opinion, disclaimer of opinion or qualification shall be described; and

(4) the gaming facility licensee shall request the former accountant to furnish to the gaming facility licensee a letter addressed to the commission stating whether that accountant agrees with the statements made by the gaming facility licensee in response to subdivision (h) of this section. Such letter shall be filed with the commission as an exhibit to the report required by subdivision (h) of this section.

(i) The commission has the authority to conduct, or have conducted, an audit or review of any of a gaming facility licensee's financial controls and records.

§ 5315.11. Accounting and financial records.

(a) A gaming facility licensee shall maintain complete, accurate, legible and permanent records of all transactions pertaining to such licensee's revenues, expenses, assets, liabilities and equity in conformance with generally accepted accounting principles. The failure of a gaming facility licensee to maintain records according to such principles shall be a violation of this section.

(b) The accounting records maintained by the gaming facility licensee shall be maintained using a double entry system of accounting with transactions recorded on the accrual basis and supported by detailed subsidiary records. Such subsidiary records shall include, at a minimum, each of the following:

(1) detailed general ledger accounts identifying all revenue, expenses, assets, liabilities and equity for such gaming facility licensee;

(2) a record of all investments, advances, loans and accounts receivable balances due to such gaming facility licensee;

(3) a record of all loans and other accounts payable by such gaming facility licensee;

(4) a record of all accounts receivable written off as uncollectible by such gaming facility licensee;

(5) journal entries prepared by such gaming facility licensee;

(6) records that identify drop and win for each gaming device and table game and records accumulated for each by shift or by another accounting period pre-approved in writing by the commission;

(7) records supporting the accumulation of the costs for complimentary services and items, including records required to comply fully with all the Federal financial recordkeeping requirements set forth in 31 CFR Part 1021;

(8) records required by such gaming facility licensee's system of internal controls;

(9) work papers supporting the daily reconciliation of cash accountability; and

(10) other records that the commission has required, in writing, to be maintained.

(c) Notwithstanding anything in this section to the contrary, each accounting records shall be kept for a period of not less than seven years from date of creation of such record.

§ 5315.12. Submission of standard financial and statistical reports.

A gaming facility licensee shall maintain, at such gaming facility or such location approved in writing by the commission, accurate and complete accounting records pertaining to gaming operations. Such records shall be maintained in accordance with generally accepted accounting principles. In connection with such records:

(1) gaming facility licensees, unless specifically exempted by the commission, may be required to file interim reports of financial, statistical and informational data. The commission shall prescribe a set of standard reporting forms and instructions to be used by each gaming facility licensee in filing such reports;

(2) each report required to be submitted to the commission by this Part shall be received by the filing date in electronic format or postmarked no later than the required filing date unless a gaming facility licensee requests an extension. Requests for an extension shall be submitted to the commission in writing prior to the required filing date; and

(3) copies of all financial statements and statistical reports required to be filed by this Part shall be furnished by a gaming facility licensee with attestation from an authorized financial officer of such licensee.

§ 5315.13. Retention, storage of records

(a) In addition to other records and information required by this Part, each gaming facility licensee shall maintain and keep current the following records in regard to the equity structure and owners of such licensee:

(1) If a corporation:

(i) a certified copy of articles of incorporation and any amendments thereto;

(ii) a copy of by-laws and amendments thereto;

(iii) an incumbency list of officers and directors;

(iv) minutes of all meetings of stockholders and directors;

(v) a current list of all stockholders and stockholders of affiliates, including the names of beneficial owners of shares held in street or other name where any beneficial owner has a beneficial interest in two percent or more of the outstanding shares of any class, addresses and the number of shares held by each and the date acquired;

(vi) a complete record of all transfers of stock;

(vii) a record of amounts paid to the corporation for issuance of stock and other capital contributions and dates thereof;

(viii) a record, by stockholder, of all dividends distributed by the corporation; and

(ix) a record of all salaries, wages, and other remuneration (including prerequisites), direct and indirect, paid during the calendar or fiscal year, by the corporation, to all officers, directors, and stockholders with an ownership interest at any time during the calendar or fiscal year, equal to or greater than five percent of the outstanding capital stock of any class of stock.

(2) If a partnership:

(i) a schedule showing the amounts and dates of capital contributions, the names and addresses of the contributors and percentage of interest in net assets, profits, and losses held by each;

(ii) a record of the withdrawal of partnership funds or assets;

(iii) a record of salaries, wages and other remuneration (including prerequisites), direct and indirect, paid to each partner during the calendar or fiscal year; and

(iv) a copy of the partnership agreement and certificate of limited partnership, if applicable.

(3) If a sole proprietorship:

(i) a schedule showing the name and address of the proprietor and the amount and date of such proprietor's original investment;

(ii) a record of dates and amounts of subsequent additions to the original investment and withdrawals therefrom; and

(iii) a record of salaries, wages and other remuneration (including prerequisites), direct or indirect, paid to the proprietor during the calendar or fiscal year.

(4) If a limited liability company:

(i) a certified copy of the articles of organization;

(ii) a certified copy of the operating agreement;

(iii) a list of all current and former managers, including names and addresses;

(iv) a list of the members, including names, addresses, the percentage of interest in net assets, profits and distributions of cash held or attributable to each, the amount and date of each capital contribution of each member, the date the interest was acquired and the method of determining a member's interest;

(v) a schedule of all withdrawals of company funds or assets by members;

(vi) a schedule of direct or indirect salaries, wages and other remuneration, including prerequisites, paid to each member during the calendar or fiscal year;

(vii) a copy of the membership ledger or its electronic equivalent;

(viii) a complete record of all transfers of membership interests; and

(ix) a schedule of amounts paid to the company for the issuance of membership interests and other capital contributions and the dates the amounts were paid.

(b) All records in regard to ownership shall be located on the premises of a gaming facility, unless the commission allows a specific exemption to such gaming facility licensee.

(c) A gaming facility licensee or applicant shall, upon request by the commission, provide a list of all record holders of any or all classes of publicly traded securities issued by any holding company or by any other affiliated entity that is required to qualify as a financial source.

(d) A gaming facility licensee shall provide the commission, upon request, with the records required to be maintained as set forth in Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law or this Subchapter. Each gaming facility licensee is responsible for the acts and omissions of its agents, employees and contractors in complying with all obligations imposed by law, this Subchapter and internal control minimum procedures. Each gaming facility licensee shall retain all such records within the State of New York for at least seven years after such records are made and the related gaming tax return is filed. Records include, without limitation, formats as hard-copy documents, revenue system database, tables and fields structures of the database, meter files and electronic reports.

(e) Failure to keep and provide such records is an unsuitable method of operation and subject to a fine, penalty or revocation of license.

§ 5315.14. Review, examination of records.

The commission or the commission's designee may:

(1) conduct periodic examinations of the accounting and financial records of gaming facility licensees;

(2) review the accounting principles and procedures used by gaming facility licensees;

(3) review and observe methods and procedures used by gaming facility licensees to count and handle cash, chips, tokens, gaming coupons, tickets, gaming wagers, gaming payments and negotiable instruments;

(4) examine accounting and financial records of the gaming facility licensee or a person controlling, controlled by or under common control with the gaming facility licensee, within a gaming facility licensee's establishment or gaming facility licensee's other establishments located in New York, or other locations as agreed to with the gaming facility licensee;

(5) request the gaming facility licensee to file copies of tax returns, tax records and tax adjustments with the commission; and

(6) obtain copies from the gaming facility licensee of outstanding deposited check instruments, checks returned and held, collection activities taken and settlement of disputed items.

§ 5315.15. Online monitoring and control system.

A gaming facility licensee shall have an online monitoring and control system connected to each slot machine in such gaming facility to record and monitor such slot machine's activities. The system shall be accessible by the commission or the commission's designee.

§ 5315.16. Altering or falsifying gaming documents.

Any person who alters or falsifies information recorded on gaming documents, at the time of the transaction or after the fact, for the purpose of concealment, deception or circumvention of internal control minimum procedures, or for any other purpose, may be subject to a fine, penalty or revocation of license by the commission.

§ 5315.17. Anti-money laundering program.

(a) Consistent with the requirements of the Federal Bank Secrecy Act, (31 U.S.C. 5311, et seq) and 31 CFR Part 1021, a gaming facility licensee is defined as a *financial institution* and shall comply with Federal law pertaining to reportable currency transactions and transactions that are believed to be suspicious. To accomplish these objectives, a gaming facility licensee shall, at a minimum:

(1) establish a system of internal policies, procedures and controls tailored to assure ongoing compliance;

(2) employ an anti-money laundering compliance officer and file the name of such officer with the commission;

(3) conduct an internal and/or external independent audit to test for compliance and provide copies to the commission;

(4) train licensed personnel in reportable currency transactions and identifying unusual or suspicious transactions;

(5) assign an individual or group of individuals to be responsible for day-to-day compliance; and

(6) employ the use of automated programs to aid in assuring compliance when automated processing systems are in use.

(b) A gaming facility licensee also shall comply with the requirements set forth in section 504.3 of Title 3 of these Codes, Rules and Regulations as if such licensee were a regulated institution within the meaning of such section.

(c) In connection with implementing subdivision (a) of this section, a gaming facility licensee shall:

(1) assess anti-money-laundering-related risks present within its business, considering, among other things, gaming volume and character, range of financial services offered, characteristics of certain games, patron behaviors and patron characteristics;

(2) vest the individual or group of individuals responsible for anti-money-laundering compliance with appropriate authority and resources to implement the program and assist the gaming facility in managing risk;

(3) extend training to employees who have direct interaction with patrons or who handle or review patron transactions subject to the Bank Secrecy Act, including

(i) those engaged in the operation of gaming facility games (at least beginning with supervisors and above);

(ii) gaming facility marketing employees (including domestic and international hosts, branch office employees and special events employees);

(iii) cage employees;

(iv) surveillance employees;

(v) audit employees; and

(vi) senior management;

(4) identify customers and customer play that potentially possess the greatest risk of money laundering, including, among other things, requiring patrons to provide full name, permanent address, social security number and a valid, current government-issued photo identification. For a high-volume patron whose activity exceeds a certain level, undertaking a review of such patron's identity and source of funds against public records and third-party databases;

(5) file currency transaction reports with the appropriate Federal agency when a patron either provides to such gaming facility or takes away from such gaming facility, more than $10,000 in currency during such gaming facility's 24-hour gaming day.

(6) file suspicious activity reports with the appropriate Federal agency when a gaming facility knows, suspects or has reason to suspect that a transaction aggregating at least $5,000

(i) involves funds derived from illegal activity;

(ii) is intended to disguise funds or assets derived from illegal activity;

(iii) is designed to avoid Bank Secrecy Act reporting or recordkeeping requirements;

(iv) uses the gaming facility to facilitate criminal activity;

(v) has no business or apparent lawful purpose; or

(vi) is not the sort of transaction in which the particular patron would be expected to engage and such gaming facility knows of no reasonable explanation for the transaction after examining the available facts; and

(7) adopt a recordkeeping system to preserve for each patron, subject to due diligence procedures,

(i) a record of those specific procedures performed to analyze a patron's gaming patterns and financial transactions;

(ii) any due diligence report created;

(iii) any risk determination; and

(iv) any action taken as a result, including monitoring of patron, reports to law enforcement agencies or changes in gaming facility services available to such patron.

Such records shall be maintained for at least five years after the relationship is terminated.

(d) To ensure compliance with this section, each gaming facility licensee shall submit to the commission by April 15 of each year a compliance finding statement on a form issued by the commission and duly executed by the gaming facility's designated anti-money laundering compliance officer.

PART 5316

Cage and Count Standards

Section
5316.1 Cashiers' cage; satellite cages; standards
5316.2 Accounting controls for the cashiers' cage; satellite cages and kiosks
5316.3 Count room characteristics
5316.4 Drop boxes; transportation to and from games; storage
5316.5 Opening; counting and recording of drop box contents
5316.6 Secured delivery station specifications
5316.7 Kiosks
5316.8 Phases of certification
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5316.11 Contents of critical memory
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5316.15 Transaction limits
5316.16 Metering
5316.17 Verification
5316.18 Printers
5316.19 Voucher validation
5316.20 Voucher issuance and redemption

§ 5316.1. Cashiers' cage; satellite cages; standards.

(a) Each gaming facility shall have on or immediately adjacent to the gaming floor a physical structure known as a cashiers' cage to house the cashiers and to serve as the central location in the gaming facility for:

(1) the custody of the cage inventory, comprising currency and forms, documents and records normally associated with the operation of a cage;

(2) the receipt, distribution and redemption of vouchers in conformity with this Subchapter; and

(3) such other functions normally associated with the operation of a cashiers' cage.

(b) The cage shall be designed and constructed to provide maximum security for the materials housed and the activities performed therein. Such design and construction shall include:

(1) manually triggered silent alarm systems for the cage, the ancillary office space of the cage and any related gaming facility vault, which systems shall be connected directly to the monitoring rooms of the closed-circuit television system and the gaming security department office; and

(2) a double-door entry and exit system that will not permit a person to pass through the second door until the first door is securely locked.

(i) The first door of the double-door entry and exit system adjacent to the gaming floor shall be controlled by security or surveillance personnel. The second door of the double-door entry and exit system shall be controlled by cage personnel.

(ii) The double-door entry and exit system shall have closed-circuit television coverage that shall be monitored during all hours of operation by the gaming surveillance department.

(iii) Any entrance to the cage that is not a double-door entry and exit system shall be an alarmed emergency exit door only.

The gaming facility shall identify in such facility's internal control procedures which department will be responsible for controlling these points of access and shall include procedures for managing the security of these points of access.

(c) Each gaming facility may also have one or more satellite cages and/or kiosks separate and apart from the cashiers' cage but adjacent to areas of gaming operation, established to maximize security, efficient operations or player convenience and comfort and designed and constructed in accordance with this Part. Subject to commission approval, satellite cages and/or kiosks may perform any or all of the functions of the cashiers' cage.

The functions that are conducted in satellite cages and/or kiosks shall be subject to the applicable accounting controls set forth in this Subchapter.

(d) Each gaming facility licensee shall file with the commission the names of all persons having control of the entrance to the cage, any satellite cages and vaults, as well as all persons able to operate alarm systems for the cage, any satellite cages and vaults.

(e) Whenever the commission or the internal controls of a gaming facility licensee require or authorize documents to be transported from the cashiers' cage to a satellite cage or from a satellite cage to the cashiers' cage or another satellite cage, the gaming facility licensee shall notify surveillance and transport the documents through the use of cage personnel, unless the commission or such gaming facility licensee's internal control provides otherwise.

(f) Notwithstanding any other provision of this Subchapter, any gaming facility licensee that operates two or more gaming areas within the facility that are physically connected in a manner deemed appropriate by the commission may, with the prior written approval of the commission, operate a single cashiers' cage in one such gaming area to serve as the central location for the functions set forth in subdivision (a) of this section for all of the gaming areas; provided, however, that the gaming facility licensee shall be required to operate such satellite cages in each gaming area as the commission may deem necessary.

§ 5316.2. Accounting controls for the cashiers' cage; satellite cages and kiosks.

(a) At the opening of every shift, in addition to the imprest funds normally maintained by the general cashiers, the gaming facility licensee shall have on hand in the cage or readily available thereto, a reserve cash bankroll in a minimum amount approved in writing by the commission.

(b) General cashiers shall operate with individual imprest inventories of cash and such cashiers' functions shall include, without limitation, the following:

(1) receiving cash, vouchers, chips, checks issued by the licensee, cash equivalents and complimentary gifts in exchange for cash;

(2) receiving reserve cash cashiers' documentation with signatures thereon, required to be prepared for the effective segregation of functions in the cashiers' cage;

(3) preparing forms for the completion of payments for gaming prizes; and

(4) issuance of vouchers.

(c) Reserve cash (main bank) cashiers' functions shall include, without limitation, the following:

(1) receiving cash, vouchers, chips, jackpot payout slips, and cash equivalents from general cashiers;

(2) receiving cash from the count room;

(3) preparing the overall cage reconciliation and accounting records;

(4) preparing the daily bank deposit for cash, markers and checks;

(5) receiving from general cashiers, documentation with signatures thereon, required to be prepared for the effective segregation of functions in the cashiers' cage;

(6) being responsible for the reserve cash bankroll; and

(7) receiving unsecured currency from accounting department representatives or other gaming facility employees in emergent situations (e.g. machine jams, emergency drops, etc).

(d) Signatures and employee license numbers of those attesting to the accuracy of the information contained on the cashiers' count sheets shall be, at a minimum, of the following cashiers, after preparation of the cashiers' count sheets:

(1) the general cashiers assigned to the incoming and outgoing shifts; and

(2) the reserve cash cashiers assigned to the incoming and outgoing shifts.

(e) At the end of each gaming day, at a minimum, a copy of the cashiers' count sheets and related documentation shall be forwarded to the accounting department of the gaming facility for agreement of opening and closing inventories and agreement of amounts thereon to other forms, records and documents required by this Subchapter.

§ 5316.3. Count room characteristics.

(a) The gaming facility shall have, adjacent to the cashiers' cage, a count room specifically designated, designed and used exclusively for counting unverified cash.

(b) The count room shall be designed and constructed to provide maximum security for the materials housed therein and for the activities conducted therein. The gaming facility licensee shall design and construct a count room with, at a minimum, the following security measures:

(1) a metal door, or door of other construction approved by the commission, installed on each entrance and exit;

(2) each entrance and exit door shall be equipped with two separately keyed locks and an alarm device, approved in writing by the commission, that audibly signals the surveillance department whenever a door to the count room is opened;

(3) each lock on the doors shall be controlled by a unique key that is not compatible with any other locks;

(4) the key to one of the locks shall be maintained and controlled by the security department in a secure area, access to which shall be gained only by a security department supervisor, and the key to the other lock shall be maintained and controlled by the gaming department; and

(5) the security department shall establish an internal control procedure, subject to the prior approval in writing by the commission, regarding the signing out of all keys removed from the secure location.

(c) Located within the count room shall be:

(1) a count table constructed of clear glass or similarly clear material used for the emptying, counting and recording of the contents of drop boxes.

(2) closed-circuit television cameras and microphones wired to the surveillance department capable of, without limitation, the following:

(i) effective and detailed audio-video and/or digital monitoring and recording of the entire count process; and

(ii) effective, detailed video or digital monitoring and recording of the interior of the count room, including storage cabinets or trolleys used to store bill acceptor drop boxes.

(d) All disposal containers and trash bags shall be clear and inspected by security upon the conclusion of the count.

§ 5316.4. Drop boxes; transportation to and from games; storage.

(a) Each gaming facility licensee shall maintain on file with the commission a schedule setting forth the specific times at which drop boxes will be brought to or removed from table games and bill acceptors. Each gaming facility licensee also shall maintain and make available to the commission upon request the names and employee license or registration numbers of all employees participating in the transportation of drop boxes. If the commission requires that a commission representative be present for transportation of drop boxes, no drop box shall be brought to or removed from any game or removed from any bill acceptor at other than the time specified in such schedule except with the express written approval of the commission. Notwithstanding anything to the contrary in this subdivision, the gaming facility licensee may develop and use a plan for removing

drop boxes from games under exigent circumstances. If a gaming facility licensee alters procedures for removing drop boxes due to unforeseen exigent circumstances, such gaming facility licensee shall timely notify the commission of the reasons for the change in procedures and the details of how the drop boxes were removed.

(b) Except as otherwise provided in paragraph (3) of this subdivision, all drop boxes removed from games shall be transported directly to and secured in the count room by at least one gaming facility security department member.

(1) Upon the removal of a drop box from a game, such drop box shall be placed immediately in an enclosed trolley that is secured by two separately keyed locks. The key to one lock shall be maintained and controlled by an employee designated in the gaming facility licensee's system of internal controls. The key to the second lock shall be maintained and controlled by the gaming facility security department in a secure location. Access to the gaming facility security department's key shall be controlled, at a minimum, by a sign-out and sign-in procedure approved in writing by the commission. The gaming facility security department key shall be returned to such key's secure location immediately upon the completion of the collection and transportation of the drop boxes.

(2) Prior to the movement of any trolley containing drop boxes from the gaming floor, a person designated to supervise the count shall verify in writing that the number of drop boxes being removed from the gaming area equals the number of drop boxes that have been loaded on the trolley and that the lock controlled by the gaming facility security department has been activated. If a trolley is being transported from the gaming floor to the count room, a gaming facility supervisor shall also verify that the gaming facility department lock on the trolley has been activated.

(3) A drop box being replaced by an emergency drop box shall be transported directly to and secured in the count room by at least one gaming facility security department member and one gaming facility supervisor. The use of a trolley shall not be required.

(c) Except as provided in subdivision (d) of this section, all drop boxes not attached to a game, including emergency drop boxes that are not actively in use, shall be stored in the count room or other secure area outside the count room approved in writing by the commission, in an enclosed storage cabinet or trolley and secured in such cabinet or trolley by a separately keyed, double locking system. The key to one lock shall be maintained and controlled by the gaming facility security department and the key to the second lock shall be maintained and controlled by a gaming facility department employee. Access to the gaming facility security department's key shall be limited to a supervisor of that department.

(d) Notwithstanding subdivision (c) of this section, the supervisor of the gaming facility security department may, immediately prior to the commencement of the count process, issue the key to the storage cabinet or trolley to a person designated to supervise the

count for the purpose of gaining access to the drop boxes to be counted. Any key removed from the gaming facility security department shall be returned immediately following the conclusion of the count of the drop boxes and the return of any empty emergency drop boxes to the respective storage cabinet or trolley for such drop box. The gaming facility security department shall establish a sign-out and sign-in procedure approved in writing by the commission for all such keys removed. Each gaming facility licensee that permits the gaming facility security department key to be issued to a person designated to supervise the count shall submit for approval in writing by the commission internal control procedures governing the control over the key when the count team takes a break.

§ 5316.5. Opening; counting and recording of drop box contents.

(a) The contents of the drop boxes shall be counted and recorded in the count room in conformity with this section unless the commission expressly has approved in writing an alternative plan submitted by the gaming facility licensee. Under no circumstances shall the gaming facility licensee conduct counting and recording of the drop box contents in a manner that does not comply with the one set forth in this Subchapter or one that has been approved in writing by the commission.

(b) A gaming facility licensee shall maintain on file with the commission the specific times during which the drop boxes are to be removed from games and the specific times during which the contents of the drop boxes are to be counted and recorded. Drop boxes shall be removed from games and be counted and recorded with sufficient frequency to allow daily electronic funds transfers of all money owed to the commission and the State of New York, including tax and other withholdings, as applicable.

(c) The opening, counting and recording of the contents of drop boxes shall be performed in the presence of a person designated to supervise the count. To gain entrance to the count room, an employee shall present a gaming facility credential with photograph.

(d) All persons present in the count room during the count process, except for auditors, commission and security personnel, shall wear a full-length, short sleeve (no longer than mid-forearm), one-piece, pocketless outer jumpsuit with openings only for the arms, feet and neck, unless another type of garment is approved in writing by the commission. The gaming facility licensee shall file with the commission procedures governing the proper wearing and immediate inspection of jumpsuits worn by the count team members to ensure that items are not removed from the count room without proper authority and that the jumpsuits have not been altered in any way. The count team is prohibited from removing the jumpsuits from the gaming facility. No person present in the count room shall:

(1) carry a pocketbook or other container, unless such pocketbook or other container is transparent; or

(2) remove his or her hands from, or return them to, a position on or above the count table unless both the backs and palms of his or her hands are first held straight out and exposed to the view of other members of the count team and the closed-circuit television camera.

(e) A gaming facility licensee shall file with the commission procedures for scheduled breaks to be taken by the count team members during the count. This submission shall also address the use of restroom facilities that are located in the count room or close proximity thereto.

(f) Immediately prior to the commencement of the count:

(1) the doors to the count room shall be locked securely;

(2) a count team member shall notify a person assigned to the gaming facility surveillance department closed-circuit television monitoring room that the count is about to begin, after which such person shall make an audio-video and/or digital recording, with the time and date inserted thereon, of the entire count process, which recording shall be retained by the gaming facility surveillance department for no less than 21 days from the date of recording, unless otherwise directed in writing by the commission; and

(3) the count room supervisor, or his or her supervisor, shall record, in writing, the name and employee license or registration number of each person who shall participate in the count process and whether each such individual is scheduled to:

(i) be present in the count room during the entire count process;

(ii) enter the count room during the count process; or

(iii) leave the count room prior to the conclusion of the count process.

(g) No person shall be permitted to enter or leave the count room during the count process, except in an emergency, unless such person's name is on the written notice required by paragraph (3) of subdivision (f) of this section.

(1) if the gaming facility licensee permits a member of the count team to enter or leave the count room during the count process, any employee remaining in the count room shall be required to display his or her hands in accordance with subdivision (d) of this section and to step away from the count table until the count team member has entered or left the count room.

(2) the count and recording process shall be discontinued whenever fewer than three count team members are present in the count room.

(3) once the count process has been started, the count room supervisor shall be required to notify the gaming facility surveillance department closed-circuit television monitoring room whenever a count room door will be opened, prior to the opening of such door.

(h) *Procedures and requirements for conducting the count*.

(1) Prior to commencing gaming operations and as part of the internal control submission required by Racing, Pari-Mutuel Wagering and Breeding Law section 1332 and section 5313.1 of this Subchapter, the gaming facility shall submit a description of the system for opening, counting and recording the contents of slot cash storage boxes and table game drop boxes. Such system, at a minimum shall include:

(i) A workflow diagram that indicates the location of all equipment used in the count, including tables, baskets and bins, and the flow of all currency and paperwork from the start of the count to the conclusion of the count. The approved workflow diagram shall also be filed with the surveillance department of the gaming facility;

(ii) A description of all computer equipment, software, files or reports used in the counting and recording process and all other systems, if any, that communicate with that computer equipment. The submission shall include:

(*a*) the names of all revenue files, the names of the employees who have access to such files and what type of access such persons have; and

(*b*) controls to prevent access to any count room information by anyone outside of the count room until the entire count process is concluded; and

(iii) The procedures for conducting each required count, which shall include, at a minimum, the following:

(*a*) in full view of the surveillance cameras, the contents of each slot cash storage box or table game drop box shall be emptied on the count table and either manually counted separately on the count table or counted in a currency counting machine located in a conspicuous location on, near or adjacent to the count table;

(*b*) after the contents of each slot cash storage box or table game drop box have been emptied on the count table, the inside of the slot cash storage box or table game drop box shall be held up to the full view of the surveillance cameras to assure that all contents of the slot cash storage box or table game drop box have been removed, after which the slot cash storage box or table game drop box shall be locked and placed in the storage area;

(*c*) the contents of each slot cash storage box or table game drop box shall be segregated by a count team member into separate stacks on the count table by each denomination of currency and by the type of required forms or documents. A gaming facility licensee may use a machine to sort currency automatically by denomination;

(*d*) mutilated or torn currency shall be separated by denomination and recorded as revenue if the bill includes one entire serial number and one letter and number of the serial number from the other half of the bill;

(*e*) mutilated or torn currency that is not recorded as revenue shall be placed in a sealed transparent envelope or container and transferred to the main bank by the main bank cashier or cage supervisor at the end of the count;

(*f*) except as provided in clause (*g*) of this subparagraph, each denomination of currency shall be counted separately by one count team member who shall place individual bills of the same denomination on the count table in full view of the surveillance cameras. The currency shall then be counted by a second count team member who is unaware of the result of the original count and who, after completing this count, shall confirm the accuracy of the total, either verbally or in writing, with that reached by the first count team member;

(*g*) a gaming facility licensee may aggregate counts by denomination of all currency collected in substitution of the second count required pursuant to clause (*f*) of this subparagraph, if the original counts are being performed automatically by a machine that counts and records automatically the value of currency and the accuracy of such machine has been tested suitably and proven in accordance with clause (*h*) of this subparagraph;

(*h*) currency counting machines used to count and strap currency, gaming vouchers and coupons may be used if:

(*1*) prior to the start of each slot or table game count, the counting machine is tested in accordance with the procedures contained in the gaming facility licensee's internal controls to verify the accuracy of the counting machine;

(*2*) the counting machine automatically provides two separate counts of the funds at different stages of the count process and, if the separate counts are not in agreement, document the discrepancy; and

(*3*) the counting machine is capable of determining the value of a gaming voucher or coupon by independently examining information printed on the gaming voucher or coupon. The information is used by the counting equipment to either calculate the value internally or obtain the value directly from the gaming voucher system or coupon system in a secure manner.

When the gaming voucher system is used to obtain the value of a gaming voucher or coupon, the gaming voucher system shall perform a calculation or integrity check to ensure that the value has not been altered in the system in any manner since the time of issuance; and

(*i*) A gaming voucher or coupon deposited in a slot cash storage box or table game drop box from a fully automated electronic gaming table shall be counted and included in the calculation of revenue without regard to the validity of the gaming voucher or coupon.

(2) Once the count process has started, the doors to the count room shall be opened only for one of the following:

(i) to allow the entire count team to take a scheduled work break;

(ii) to allow for a change of commission representative;

(iii) to allow a main bank cashier or cage supervisor to enter the count room;

(iv) to allow the placement of a slot cash storage box or table game drop box or to remove a trolley or empty slot cash storage boxes or table game drop boxes from the count room;

(v) to allow the count team and the commission representative to exit the room at the conclusion of the count; or

(vi) in the event of an emergency.

(3) When the entire count team takes a scheduled break, all cash that has been removed from the slot cash storage boxes or table game drop boxes shall be counted at least once and secured in a manner approved by the commission before any member of the count team may leave the count room.

(4) All table game drop boxes from table games that are not fully automated electronic gaming tables shall be counted and recorded at least once each gaming day. The gaming facility licensee shall designate which slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables will be counted and recorded each gaming day. The following shall be counted and recorded separately:

(i) slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables;

(ii) table game drop boxes from banking games that are not fully automated electronic gaming tables; and

(iii) table game drop boxes from nonbanking games.

(5) After the contents of slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables have been removed and counted, a count team member shall present the currency to a main bank cashier or cage supervisor in the count room who shall recount, either manually or mechanically, the currency prior to having access to the information recorded by the count team.

(6) Table game drop boxes from table games that are not fully automated electronic gaming tables shall be counted and recorded as follows:

(i) As the contents of each table game drop box are counted, a count team member shall either manually record the results of the count on the daily banking table game count report and the daily nonbanking table game count report or use a computer-generated daily banking table game report. The daily banking table game count report and the daily nonbanking table game count report shall be a three-part form consisting of an original and two duplicates. The distribution of the daily banking table game count report and the daily nonbanking table game count report shall be as follows:

(*a*) The original shall be delivered to the revenue audit department by the count room supervisor immediately after leaving the count room at the conclusion of the count.

(*b*) The second copy shall be delivered to the commission representative by the count room supervisor immediately after leaving the count room at the conclusion of the count.

(*c*) The third copy shall be retained by the cage supervisor or main bank cashier.

(ii) After the contents of each table game drop box from a banking table game are counted, a member of the count team shall record, manually on the daily banking table game count report or electronically on a computer system, the following information for banking table game:

(*a*) the value of each denomination of currency counted;

(*b*) the total value of all denominations of currency counted; and

(*c*) the gaming date of the items being recorded, the total number of banking table game drop boxes opened and counted and the date that the daily banking table game count report is being prepared or generated.

(iii) After the contents of each table game drop box from a nonbanking table game are counted, a member of the count team shall record, manually on the daily nonbanking table game count report or electronically on a computer system, the following information for each nonbanking table game drop box:

(*a*) the value of poker rake chips counted;

(*b*) the value of value chips counted;

(*c*) the total value of poker rake chips and value chips counted; and

(*d*) the gaming date of the items being recorded, the total number of nonbanking table game drop boxes opened and counted and the date that the daily nonbanking table game count report is being prepared or generated.

(iv) After preparation of the daily banking table game count report and the daily nonbanking table game count report or the electronic equivalents prepared on a computer system, the count team members and the count room supervisor shall sign the reports attesting to the accuracy of information recorded thereon. The count room supervisor shall verify that all of the table game drop boxes from table games that are not fully automated electronic gaming tables that were collected and opened by count team members have been recorded on the reports.

(v) Once all currency has been counted and the final count totals have been obtained, employees may not be permitted to leave the count room, except in an emergency, until the recount and presentation procedures in subparagraph (vi) of this paragraph have been completed.

(vi) After the contents of all table game drop boxes from table games that are not fully automated electronic gaming tables have been removed and counted, all cash, value chips and poker rake chips shall be presented in the count room by a count team member to a main bank cashier or cage supervisor who, prior to having access to the information recorded on the daily banking table game count report and the daily nonbanking table game count report or electronic equivalents and in the presence of the count team members, shall recount, either manually or mechanically, the currency, value chips and poker rake chips presented in accordance with the following requirements:

(*a*) The main bank cashier or cage supervisor shall have physical access to all currency, value chips and poker rake chips presented for recounting. Currency, value chips or poker rake chips for recounting may not be wrapped or placed in a sealed bag or container until the entire recount has been completed and the daily banking table game count report and the daily nonbanking table game count report or electronic equivalents have been signed by the entire count team, the count room supervisor, the main bank cashier or cage supervisor.

(*b*) The main bank cashier or cage supervisor may bulk-count all strapped currency and full chip racks.

(*c*) All partial straps, loose currency, mutilated or torn currency, value chips and poker rake chips shall be recounted by the main bank cashier or cage supervisor either by hand or with an approved counting device.

(*d*) Upon completion of the recount, the main bank cashier or cage supervisor shall attest by signature on the daily banking table game count report and the daily nonbanking table game count report or electronic equivalents the amounts of currency, value chips and poker rake chips counted.

(e) When all required signatures have been obtained, the second copy of the daily banking table game count report and the daily nonbanking table game count report or electronic equivalents shall be delivered to the commission representative and the third copy shall be retained by the cage supervisor or main bank cashier.

(*f*) The original daily banking table game count report and the daily nonbanking table game count report or electronic equivalents, the requests for fills, the fill slips, the requests for credits, the credit slips, the issuance copy of the counter checks, the table inventory slips and any other supporting documentation shall be transported directly to the accounting department and shall not be available to cage personnel.

(vii) A count room employee, in the presence of a person designated to supervise the count, shall conduct a thorough inspection of the entire count room and all counting equipment located therein to verify that no currency, value chips, poker rake chips, counter checks, gaming vouchers, coupons or supporting documentation remains in the room.

(7) If any problems occur with the slot or table count procedures or machines (for example, computer interface malfunctions or strap overages or shortages), a detailed written report explaining the problem, the reason for the problem and the corrective action taken shall be filed by the count room supervisor within 24 hours of the conclusion of the count or within 24 hours of the discovery of the variance.

(8) Notwithstanding the requirements of this section and section 5316.17 of this Part, a gaming facility licensee may submit, as part of its internal controls, alternate procedures for the separate collection, distribution, opening and counting of nonbanking table game drop boxes in a room, other than the count room, provided that each of the following criteria are met:

(i) The room for the counting of nonbanking table game drop boxes shall be dual-access-controlled by the finance department of the gaming facility and the security or surveillance department of the gaming facility and covered by the gaming facility licensee's surveillance system.

(ii) Immediately prior to the commencement of the nonbanking table game count, an employee of the finance department of the gaming facility who is participating in the count shall notify the surveillance department of the gaming facility that the count is about to begin so that surveillance can record the entire count process.

(iii) The count shall be conducted by at least two employees of the finance department of the gaming facility who are not assigned as poker room cage employees on that gaming day and who have no incompatible duties.

(iv) The opening, counting and recording of the contents of nonbanking table game drop boxes may not commence until two employees in the finance department of the gaming facility are present.

(v) Persons who participate in the nonbanking table game count may not remove their hands from or return them to a position on or above the count table unless the backs and palms of the hands are first held straight out and exposed to the view of other finance department employees of the gaming facility involved in the count and a surveillance camera.

(vi) The contents of each nonbanking table game drop box shall be counted and recorded in accordance with paragraph (6) of subdivision (h) of this section. After preparation of the daily nonbanking table game count report or the electronic equivalents prepared on a computer system, the finance department employees who participated in the count shall sign the report attesting to the accuracy of the information recorded thereon. Once the contents of the nonbanking table game drop boxes have been counted and the final count totals have been obtained, employees may not leave the room, except in an emergency, until the recount and presentation procedures set forth in subparagraph (vii) of this paragraph have been completed.

(vii) The cash, value chips and poker rake chips removed from the nonbanking table game drop boxes shall then be presented to a cage supervisor who did not participate in the count and shall be recounted and recorded in accordance with paragraph (6) of subdivision (h) of this section.

(viii) The gaming facility licensee shall submit procedures governing how scheduled work breaks will be conducted, if any, during the nonbanking table game count.

§ 5316.6. Secured delivery station specifications.

(a) The gaming facility licensee shall provide a secure structure for all of the following purposes:

(1) armored car cash deliveries;

(2) armored car cash pickups; and

(3) the delivery and pickup of other valuables as may be needed from time to time.

(b) The structure shall be designated the *secured delivery station* and shall be under covert surveillance and monitored during all hours of operation. Continuous surveillance shall be conducted when deliveries and pickups are made.

(c) A secured delivery station shall:

(1) be located out of the general view of patrons, non-surveillance employees and non-security employees;

(2) have a garage door that is electronically controlled from the surveillance room;

(3) have a secure room between the secured delivery station and the gaming facility. The room shall have secure doors with bulletproof glass that are programmed so that both doors cannot be open at the same time and so that neither door can open unless the garage door to the secured delivery station is closed and secured;

(4) have color cameras and monitors that are in compliance with the specifications for surveillance equipment in these regulations and that survey and monitor activities in all of the following areas:

(i) the secured delivery station;

(ii) the secured room immediately adjacent to the secured delivery station;

(iii) the area outside the garage door to the secured delivery station; and

(iv) the area inside the gaming facility.

(d) Surveillance personnel shall advise security officers and other applicable gaming facility licensee personnel in advance of deliveries and pick-ups so the officers and personnel can provide foot escorts to and from secured areas within the gaming facility. Delivery personnel who are not duly licensed and authorized gaming facility licensee employees shall not be allowed to enter the secured areas or restricted areas of the gaming facility without an escort.

§ 5316.7. Kiosks. *Kiosks* are patron interface units that may be used to perform various tasks including, without limitation, the tasks described in this section.

(a) *Voucher/coupon redemption*. Kiosks are usually interfaced to some type of monitoring or control system that will play a role in the critical functions of the kiosk. Gaming devices that have the option of issuing payments via voucher printers are customarily interfaced to a validation system. When a voucher is redeemed for cash, the voucher on the

validation system shall be updated to reflect a *redeemed* status. When a patron uses a kiosk as the method of redemption, the kiosk shall read the voucher and notify the validation system of all required validation information. The system shall then determine if the voucher is valid and transmit to the kiosk the amount to be paid or instruct the kiosk to reject the voucher. For valid vouchers, payment is made to the patrons from various denominations, coin and currency payment mechanisms.

(b) *Bill breaking*. *Bill breaking* is the act of making change. A patron may wish to insert a bill for any combination of change. Bill breaking may include an insertion of a large denomination bill for the issuance of smaller denomination bills.

(c) *Voucher issuance*. Voucher issuance kiosks that issue vouchers via voucher printers shall be interfaced to a validation system. When a voucher is printed from the kiosk, the voucher on the validation system shall be updated to reflect a *pending* status. The voucher issuance kiosk shall receive all its validation information from the voucher validation system. The voucher validation system shall ensure that the correct information is sent to the issuance kiosk and the kiosk shall validate the incoming message packets through an error-checking mechanism before printing a voucher. When the voucher printed by the kiosk is redeemed at a gaming device, cashiers' cage or kiosk, the system shall change the pending status of the voucher to redeemed status.

(d) *Promotional point redemption*. Promotional point redemption defines the process of a patron redeeming promotional player points at the kiosk for cash or a voucher. The kiosk in this case is being used as an alternative to the current process of the player approaching the gaming facility cage or player services desk to redeem their points. The kiosk in this case shall be interfaced only to an approved promotional system/gateway. This Part addresses the use of kiosks when redeeming player points for cash or voucher. This Part does not address the use of kiosks for redemption of player points for gaming facility merchandise and/or other services.

(e) *Information reporting*. The kiosk may be used to display marketing information for customers. This feature is not covered by this Part, as such displays do not affect the integrity of kiosk security and/or accounting.

§ 5316.8. Phases of certification.

The certification of a kiosk shall be based on licensed independent laboratory testing, where the laboratory will test the integrity of the kiosk in conjunction with each compatible system or systems along with compliance with this Part.

§ 5316.9. Kiosk terminal requirements.

(a) *Kiosk terminal security*. The main door, which shall be locked, shall be manufactured of materials that are suitable for allowing only legitimate access to the inside of the kiosk terminal (*i.e.*, locks, doors and their associated hinges) shall be capable of withstanding

determined and unauthorized efforts to gain access to the inside of the kiosk and shall leave evidence of tampering if such an entry is made.

(b) *Kiosk terminal wiring*. A kiosk shall be designed so that power and data cables into and out of the kiosk can be routed so that such cables are not accessible to the general public. This requirement is for kiosk integrity reasons only, not for health and safety. Security-related wires and cables that are routed into a logic area shall be fastened securely within the interior of the kiosk terminal.

(c) *On/off switch*. An on/off switch that controls the electrical current shall be located in a place that is readily accessible within the interior of a kiosk so that power cannot be disconnected from outside of the kiosk using the on/off switch. The on/off positions of the switch shall be labeled.

(d) *Switches and jumpers*. If a kiosk contains switches and/or jumpers, all switches or jumpers shall be documented fully for evaluation by a licensed independent testing laboratory.

(e) *Kiosk terminal identification*. A kiosk shall have an identification badge affixed to the exterior of the cabinet by the manufacturer. Such badge shall not be removable without leaving evidence of tampering and shall include the following information:

(1) the manufacturer;

(2) a unique serial number;

(3) a kiosk model number; and

(4) the date of manufacture.

(f) *Patron safety*. Electrical and mechanical parts and design principals of a kiosk terminal shall not subject a patron to any physical hazards. The manufacturer of the devices or those that purchase the devices shall be responsible for safety and electromagnetic compatibility testing.

(g) *Kiosk integrity*. The licensed independent testing laboratory shall perform certain tests to determine whether or not outside influences affect performance or create cheating opportunities. This certification applies exclusively to tests conducted using current and retrospective methodology. During the course of testing, the laboratory shall inspect for marks or symbols indicating that a device has undergone product safety compliance testing. The laboratory shall also perform, where possible, a cursory review of submissions and information contained therein related to electromagnetic interference, radio frequency interference, magnetic interference, liquid spills, power fluctuations and environmental conditions. Electrostatic discharge testing is intended only to simulate techniques observed in the field being used to attempt to disrupt the integrity of the kiosk.

A kiosk shall be able to withstand the following tests, resuming operation without operator intervention:

(1) *electro-static interference.* Protection against static discharges requires that the kiosk's conductive cabinets be grounded in such a way that static discharge energy shall not damage permanently or inhibit permanently the normal operation of the electronics or other components within the kiosk. Kiosks may exhibit temporary disruption when subjected to a significant electro-static discharge greater than human body discharge, but they shall exhibit the capacity to recover and complete any interrupted function without loss or corruption of any control or critical data information associated with the kiosk. The tests shall be conducted with a severity level of a maximum of 27 kilovolts air discharge; and

(2) *state of kiosk.* For commercial components involved in functions covered by this standard that are affected (*e.g.*, a personal computer monitor), there shall be a method to determine the state the kiosk was in if any of the components fail from static discharge.

(h) *Tower light*. A kiosk involved in functions covered by this Part shall have a light located conspicuously on its top, that automatically illuminates when an error condition has occurred or a *call attendant* (if applicable) has been initiated by the patron. This requirement may be substituted for an alternate means that alerts gaming facility staff of error conditions and patron seeking assistance occurrences. Alternative means to alert staff may be considered on a case-by-case basis.

(i) *Requirements for external doors/external compartments*. The interior of the kiosk cabinet shall not be accessible when all doors are closed and locked. Doors shall be manufactured of materials that are suitable for allowing only legitimate access to the inside of the kiosk cabinet (*i.e.*, locks, doors and their associated hinges). Doors shall be capable of withstanding determined and unauthorized efforts to gain access to the inside of the kiosk cabinet and shall leave evidence of tampering if such an entry is made.

(j) *Kiosk logic door and logic area*. A kiosk shall use a logic area that is a separately locked cabinet area (with its own locked door) that houses electronic components that have the potential to significantly influence the operation of the kiosk. There may be more than one such logic area in a kiosk.

(k) *Electronic components*. Electronic components that are recommended to be housed in one or more logic areas are:

(1) a central processing unit and any program storage device that contains software that may affect the integrity of the kiosk, including, without limitation, accounting, system communication and peripheral firmware devices involved in, or that significantly influence the intended operation of a kiosk or accounting, revenue or security. Any exceptions shall be evaluated on a case-by-case basis;

(2) communication-controller electronics and components housing the communication program storage device. Any exceptions shall be evaluated on a case-by-case basis; and

(3) the non-volatile (*NV*) memory back-up device, if applicable, shall be kept within a locked logic area.

(l) *Coin/token and currency compartments*. Coin or token and currency compartments shall be locked separately or similarly secured as approved by the commission in writing from the main kiosk cabinet area. Access to the currency storage area shall be secured via separate key locks and the kiosk shall be fitted with sensors that indicate door open/close or stacker receptacle removed, provided power is supplied to the kiosk. If the kiosk is interfaced with a monitoring system, these alerts shall be sent to the system when possible.

(m) *Video monitors/touch screens*. Video monitor touch screens shall meet the following criteria:

(1) A touch screen, if applicable, shall be accurate and once calibrated shall maintain that accuracy for at least the manufacturer's recommended maintenance period.

(2) A touch screen, if applicable, shall be able to be re-calibrated without access to the kiosk cabinet other than opening the main door.

(3) There shall be no hidden or undocumented buttons/touch points, if applicable, anywhere on the screen that affect negatively or impact the proper operation of the kiosk, except as provided for by the instructions for patron kiosk usage.

(n) *Back-up of memory*. A kiosk shall have the ability to retain data for all critical memory and shall be capable of maintaining the accuracy of all information required for 30 days after power is discontinued from the kiosk.

§ 5316.10. Bill validators.

(a) All paper currency devices shall be able to detect the entry of valid bills, coupons, vouchers or other approved notes, as applicable, and provide a method to enable the kiosk software to interpret and act appropriately upon a valid or invalid input. The paper currency acceptance device or devices shall be electronically-based and be configured to ensure that they accept only valid bills of legal tender, coupons, vouchers or other approved notes and shall reject all other items. Rejected bills, vouchers, coupons or other approved notes shall be returned to the patron. The bill-input system shall be constructed in a manner that protects against vandalism, abuse or fraudulent activity. A bill-acceptance device shall comply with the following:

(1) each valid bill, coupon, voucher or other approved note shall register the actual monetary value or the appropriate number of credits received on the kiosk; and

(2) a credit meter shall update upon bill insertion. Cash shall be dispensed only when:

(i) the bill or other note has passed the point where such bill or note is accepted and stacked; and

(ii) the validator has sent the “irrevocable stacked” message to the kiosk.

(b) *Communications*. All bill validators shall communicate with the kiosk using a bi-directional protocol.

(c) *Factory set bill validators*. If bill validators are designed to be factory-set only, it shall not be possible to access or conduct maintenance or adjustments to such bill validators in the field, other than:

(1) selecting desired acceptance for bills, coupons, vouchers or other approved notes and their limits;

(2) changing certified control program media or downloading certified software;

(3) maintaining, adjusting and repairing per approved factory procedures; or

(4) implementing options that set the direction or orientation of acceptance.

Adjusting the bill validator for the tolerance level for accepting bills or notes of varying quality shall not be allowed externally to the kiosk. Adjustments of the tolerance level shall be allowed only with adequate levels of security in place through lock and key, physical switch settings or other accepted methods approved by the commission on a case-by-case basis

(d) *Bill validator stacker requirements*. Each bill validator shall have a secure stacker and all accepted items shall be deposited into the secure stacker. The secure stacker and its receptacle are to be attached to the kiosk in such a manner so that they cannot be easily removed by physical force. In addition:

(1) The bill validator device shall have the ability to detect a “stacker full” condition.

(2) There shall be a separately keyed lock to access the stacker area. This keyed lock shall be separate from the main door and shall be required to remove the bills from the stacker.

(e) *Self-test*. The bill validator device shall perform a self-test at each power up. In the event of a self-test failure, the bill validator shall automatically disable itself (*i.e.*, enter bill reject state) until the error state has been cleared.

§ 5316.11. Contents of critical memory.

(a) *Critical memory*. Critical memory is used to store all data that is considered vital to the continued operation of the kiosk, including, without limitation:

(1) all electronic meters required in section 5316.17 of this Part; including last-bill data and door-open metering;

(2) voucher-redeemed log, provided such log is not stored on printed paper within the device; and

(3) software state (the last normal state, last status or tilt status the kiosk software was in before interruption).

(b) *Function of NV memory reset*. Following the initiation of a NV-memory-reset procedure (using a certified NV-memory-clear method) the kiosk software shall execute a routine that initializes all bits in critical NV memory to the default state. All memory locations intended to be cleared as per the NV-memory-clear process shall be reset fully in all cases. For kiosks that allow for partial NV-memory clears, the methodology in doing so shall be accurate.

(c) *Maintenance of critical memory*. Critical memory storage shall be maintained by a methodology that enables errors to be identified. Such methodology may involve signatures, checksums, partial checksums, multiple copies, timestamps and/or effective use of validity codes. This subdivision is not intended to preclude the use of alternate storage media types, such as hard disk drives, for the retention of critical data. Such alternate storage media shall maintain critical data integrity in a manner consistent with the requirements in this section, as applicable to the specific storage technology implemented.

(d) *Data alteration*. A kiosk shall not permit the alteration of any meter or error-condition log information without supervised access controls. In the event meter or error-condition log data is changed, an audit log shall be capable of being produced to document:

(1) data element altered;

(2) data element value prior to alteration;

(3) data element value after alteration;

(4) time and date of alteration; and

(5) personnel that performed alteration (user login).

§ 5316.12. Communication.

For voucher or coupon issuance and/or redemption features, a kiosk shall be designed to allow for communication with a validation system. All communications between the kiosks and the validation system shall be secured. This network security shall be implemented by the gaming facility's information technology department, unless the commission approves a different department at such facility to be used.

§ 5316.13. Error conditions.

(a) A kiosk shall be capable of detecting and displaying the following error conditions set forth in this subdivision. The error condition shall cause the tower light to illuminate or an audible alarm to sound. The kiosk shall be able to recover to the state it was in immediately prior to the interruption occurring, including during payment. Error conditions requiring attendant intervention are set forth in paragraphs (7) through (12) of this subdivision. Error conditions are:

(1) Power loss or power reset.

(2) System and kiosk not communicating (this may be detected upon voucher insertion/issuance request only).

(3) Door open (all external doors).

(4) Bill acceptor stacker full (this condition shall cause the bill acceptor to disable itself to no longer accept anything).

(5) Bill acceptor door open.

(6) Stacker door open or stacker removed.

(7) Coin or currency out error.

(8) Coin hopper or cash dispenser empty or timed out (this condition shall not require immediate intervention if an alternate method of payment available (*e.g.*, $6 voucher and $5 bill-hopper are not available, but the kiosk could still pay the patron in one-dollar bills from the $1 hopper)).

(9) RAM error (critical memory).

(10) Low RAM battery (if battery external to the RAM itself used).

(11) Voucher-in jam.

(12) Printer errors, where applicable including:

(i) out of paper/paper low;

(ii) printer jam/failure; and

(iii) printer disconnected, which may be detected only when the software tries to instruct the kiosk to print.

(b) For kiosks that use error codes, a description of the kiosk error codes and their meanings shall be affixed on the inside of the kiosk.

(c) If any error condition set forth in subdivision (a) of this section occurs during the acceptance and/or escrowing of a voucher, the voucher shall be returned to the patron without a status change on the validation system or, once the error condition is cleared, the kiosk shall proceed to pay the patron and indicate a status of redeemed on the system.

§ 5316.14. Program interruption and resumption.

(a) *Interruption*. After a program interruption (*e.g.*, processor reset), kiosk software shall be able to recover to the state such software was in immediately prior to the interruption occurring. It is acceptable for the kiosk to return to a completion state provided the history and all credit and accounting meters comprehend a completed state. If a power failure occurs during acceptance of a bill or other note, the bill validator shall give proper credits or return the note, notwithstanding that there may be a small window of time where power may fail and credit may not be given. In such a case, the window shall be less than one second.

(b) *Resumption*. On program resumption, the following procedures shall be performed, at a minimum:

(1) any communications to an external device shall not begin until the program resumption routine, including self-tests, is completed successfully;

(2) kiosk control programs shall test themselves for possible corruption due to failure of the program storage media. The authentication may use a checksum; however, it is preferred that the cyclic redundancy check calculations is used as a minimum (at least 16-bit). Other test methodologies shall be of a certified type; and

(3) the integrity of all critical memory shall be checked.

§ 5316.15. Transaction limits.

Each kiosk shall be able to have transaction limits for issuance and for voucher redemption, where applicable. The configuration of the transaction limit shall be via a secure means. The transaction limit shall conform to the reporting thresholds for winnings established by the United States Internal Revenue Code.

§ 5316.16. Metering.

(a) *Kiosk meter information.* Kiosk meter information shall be accessible only by an authorized person and shall have the ability to be displayed on demand using a secure means. Accounting and occurrence meters shall be labeled so that such meters can be clearly understood in accordance with their functions. Each kiosk shall be equipped with a device, mechanism or method for retaining the value of all meter information specified in this section that shall be preserved in the event of power loss to the kiosk.

(b) *Accounting meters*. Electronic accounting meters shall be at least eight digits in length. If the meter is being used in dollars and cents, at least eight digits shall be used for the dollar amount. The following accounting information shall be maintained within critical memory:

(1) a “total in” meter that accumulates, or meters that accumulate, the total value of all coins, bills, vouchers and coupons accepted by the device. Separate “in” meters shall report the value of all vouchers redeemed and the value of all bills redeemed and the value of all coins redeemed;

(2) a “total out” meter(s) for payments issued by the machine. Separate “out” meters shall report the value of all coins, bills and vouchers dispensed by the machine; and

(3) a “hand pay” meter shall reflect the cumulative amounts paid by an attendant in the event that a voucher cannot be printed.

(c) *Occurrence meters*. Occurrence meters shall be at least three digits in length and roll over to zero upon the next occurrence, any time the meter is higher than the maximum number of digits. The following occurrence information shall be maintained within critical memory:

(1) a meter that accumulates the number of times the external door was opened;

(2) a meter that accumulates the number of times the cash area door was opened;

(3) total number of all notes accepted by the bill validator; and

(4) a breakdown, by denomination, of each note type accepted by the bill acceptor.

§ 5316.17. Verification.

(a) *Independent control program verification*. A kiosk shall have the ability to allow for an independent integrity check of the device’s software from an outside source. All control programs that may affect the integrity of the kiosk shall be subject to third-party device authentication, which may be embedded within the kiosk software by having an interface port for a third-party device to authenticate the media or by allowing for removal of the media such that verification may be accomplished externally. Such integrity check shall

provide a means for field verification of the software to identify and validate the programs. The licensed independent testing laboratory, prior to the kiosk approval, shall evaluate the integrity check method.

(b) *Authentication program approval.* If the authentication program is contained within the kiosk software, the manufacturer shall receive written approval from the licensed independent testing laboratory prior to submission to such laboratory.

§ 5316.18. Printers.

(a) *Payment by voucher printers*. If a kiosk has a printer that is used to make payments, the kiosk may pay the player by issuing a printed voucher. The printer shall print on a voucher as set forth in subdivision (b) of section 5316.20 and the kiosk shall support the transmission of data to a validation system that records the following information regarding each payout voucher printed:

(1) value of credits in local monetary units in numerical form;

(2) time of day the voucher was printed, in 24-hour format showing hours and minutes;

(3) date, in any recognized format, indicating the day, month and year;

(4) kiosk Identification number; and

(5) unique validation number.

(b) *Additional requirements.* In addition to the requirements set forth in subdivision (a) of this section, if a kiosk supports printing duplicate vouchers, the kiosk shall print only one copy to the patron but have the ability to retain voucher-out information on the last 25 vouchers (the voucher-out log may contain vouchers and receipts), in order to resolve patron disputes. If a kiosk supports printing single vouchers, the kiosk shall have the ability to retain electronically the last-25-voucher-out information. An approved validation system shall be used to validate the payout voucher. The voucher information on the system shall be retained at least so long as the voucher is valid at that location. If offline voucher issuance is supported, the kiosk shall mask all but the last four digits of the validation number as displayed in the 25-voucher-out log.

(c) *Printer location*. If a kiosk is equipped with a printer, such printer shall be located in a locked area of the kiosk (*i.e.*, require opening of a locked external door), but not be housed within the logic area or the drop box.

§ 5316.19. Voucher validation.

(a) *Payment by voucher printer*. Payment by voucher printer as a method of credit redemption shall be permissible only when:

(1) a kiosk is linked to a computerized voucher validation system that allows validation of the printed voucher. Validation approval or information shall come from the voucher-validation system in order to validate vouchers. Vouchers may be validated at any location, so long as such validation meets the requirements set forth in this section. Provisions shall be made if communication is lost and validation information cannot be sent to the validation system, thereby requiring the manufacturer to have an alternate method of payment. The validation system shall be able to identify duplicate vouchers to prevent fraud by reprinting and redeeming a voucher that had been issued; or

(2) by use of an approved alternative method that includes the ability to identify duplicate vouchers to prevent fraud by reprinting and redeeming a voucher that had been issued.

(b) *Voucher information*. A voucher produced by a kiosk shall contain, at a minimum, the following printed information:

(1) gaming facility name/site identifier (it is permissible for this information to be contained on the voucher stock itself);

(2) kiosk identification number;

(3) date and time (24-hour format that is understood by the local date/time format);

(4) alpha and numeric currency amount of the voucher;

(5) voucher sequence number;

(6) validation number (including a copy of the validation number on the leading edge of the voucher);

(7) bar code or any machine readable code representing the validation number;

(8) type of transaction or other method of differentiating voucher types (assuming multiple voucher types are available). Additionally, whenever the voucher type itself is a non-cashable item and/or just a receipt, the voucher explicitly shall express that it has no cash value;

(9) indication of an expiration period from date of issue, or date and time the voucher will expire (24-hour format that is understood by the local date/time format). It is permissible for such information to be contained on the voucher stock itself (*e.g.*, “Expires in one year”); and

(10) if offline voucher issuance is supported, an offline authentication identifier shall, at a minimum, be printed on the immediate next line following the leading edge validation number that in no way overwrites, or otherwise compromises, the printing

of the validation number on the voucher (not required for vouchers that are non-redeemable at a gaming device). The offline authentication identifier shall be derived by a hash, or other secure encryption method of at least 128 bits, that uniquely will identify the voucher, verify that the redeeming system was also the issuing system and validate the amount of the voucher. Where a suitable authentication identifier is not printed on the voucher, the kiosk shall print, at most, one wagering instrument after the kiosk-to-validation-system communication has been lost.

(c) *Validation number or barcode.* Information set forth in subdivision (b) of this section is permitted to be part of the validation number or barcode. Multiple barcodes are permitted and may represent more than just the validation number.

§ 5316.20. Voucher issuance and redemption.

(a) *Voucher issuance*. A voucher is permitted to be generated at a kiosk through an internal printer. Vouchers that reflect partial credits may be issued automatically from a kiosk. Cashier/change booth issuance is permitted, if supported by the validation system.

(b) *Offline voucher issuance*. If offline voucher issuance is supported, a kiosk shall meet the following minimum set of requirements to incorporate the ability to issue offline vouchers after a loss of communication has been identified by the kiosk:

(1) Rules for issuance. The kiosk shall not issue more offline vouchers than it has the ability to retain and display in the kiosk maintained voucher-out log.

(2) Request for re-seeding. The kiosk shall not request validation numbers and seed, key, etc. values used in the issuance of vouchers until all outstanding offline voucher information has been communicated fully to the voucher validation system.

(3) Rules for re-seeding. The kiosk shall request a new set of validation numbers and seed, key, etc. values used in the issuance of online/offline vouchers if the current list of validation numbers and seed, key, etc. values have the possibility of being compromised, which include, without limitation, the following cases:

(i) after power has been recycled; and/or

(ii) upon exit of a main door open condition.

(4) The values for the seed, key, etc. shall never be viewable through any display supported by the kiosk. Additionally, validation numbers always shall be masked when viewable through any display supported by the kiosk such that only the last four digits of the validation number are visible.

(c) *Online voucher redemption*. Vouchers may be inserted in a kiosk participating in the validation system provided that no currency is dispensed by the kiosk prior to confirmation of the voucher validity.

(d) *Offline voucher redemption*. If offline voucher issuance is supported, the offline voucher redemption may be validated as an internal control process at the specific gaming device or kiosk that issued the voucher. A manual hand pay may be conducted for the offline voucher value.

PART 5317

Monitoring and Control Systems and Validation

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§ 5317.1. Phases of certification.

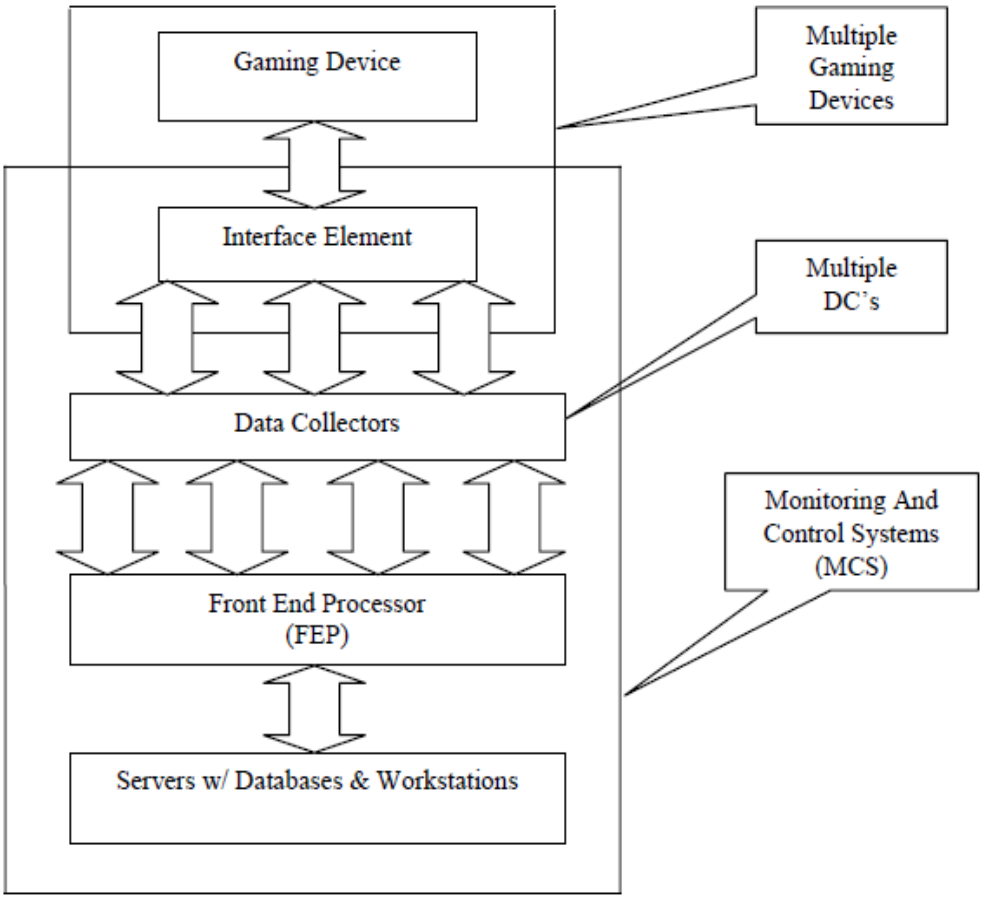
The approval of an online monitoring and control system (*MCS*) shall be certified in two phases:

(a) initial testing, where the licensed independent testing laboratory pursuant to Part 5320 shall test the integrity of the system in conjunction with gaming devices, in a laboratory setting with the equipment assembled; and

(b) onsite certification by a licensed independent testing laboratory pursuant to Part 5318 of this Subchapter, where the communications and setup shall be tested on the gaming facility floor prior to implementation.

§ 5317.2. Graphical overview.

(a) The purpose of this Part is to lend a visual depiction of a generic online monitoring and controls computer system and is not intended to mandate any particular component or system topology, so long as functionality is maintained. The diagram in this subdivision represents the terms used throughout this Part in order to clarify individual components.



(b) This Part is limited to communications from the gaming device to the MCS, and not in the reverse order, with the exception of the voucher validation system requirements that are incorporated in section 5317.39 of this Part.

§ 5317.3. Scope of standard.

This Part shall regulate only MCS and validation system requirements necessary to achieve certification when interfaced to gaming devices, for the purpose of mandatory communication of certain security events and electronic meters. All relevant monetary transactions at the gaming-device level shall be handled through:

(a) *Credit issuance*.

(1) Currency notes (bills) accepted via approved bill validators;

(2) Approved voucher (items) accepted via approved bill/voucher validators; or

(3) Player account cards (cashless).

(b) *Credit redemption*.

(1) Hand-pays;

(2) Voucher (items) paid by approved voucher printers; or

(3) Player account cards (cashless).

§ 5317.4. Exceptions to standard.

This Part does not govern MCS requirements for any other form of monetary transaction. Such standard also does not govern advanced bi-directional communication protocols (*i.e.*, EFT, AFT, bonusing, promotional, system-based progressives, features that use an RNG, etc.) that support credit transfer between gaming device and MCS. Such standard supports only one-way communication of events originated at the gaming-device level to the MCS, with the exception of the voucher validation system requirements that are incorporated within section 5317.39 of this Part. Such standard does not exclude gaming devices that operate with player account cashless transactions for the purpose of mandatory communication of security events and electronic meters. All relevant monetary transactions at the slot machine level are handled via electronic transfer through a secure communication protocol. These device types shall meet the applicable requirements set forth herein, specifically governing metering information and significant events in addition to other commission standards that may apply.

§ 5317.5. Interface element requirements.

Each gaming device installed in a gaming facility shall have a device or interface element installed inside a secure area of such gaming device, that provides for communication between such gaming device and an external data collector.

§ 5317.6. Metering requirements.

If not directly communicating with gaming device meters, an interface element shall maintain separate electronic meters, of sufficient length, to preclude the loss of information from meter rollovers or a means to identify multiple rollovers, as provided for in the connected gaming device. Such electronic meters should be capable of being reviewed on demand, at the interface-element level via an authorized access method.

§ 5317.7. Battery backup requirements.

An interface element shall retain the required information, for no fewer than 72 hours, after a power loss. If this data is stored in volatile RAM, a battery backup shall be installed within the interface element.

§ 5317.8. Information buffering.

If an interface element is unable to communicate the required information to the MCS, such element shall provide a means to preserve all mandatory meter and significant-event information until such time as such information can be communicated to the MCS. Gaming device operation may continue until critical data will be overwritten and lost.

§ 5317.9. Comprehensive checks.

(a) A comprehensive check of interface-element critical memory shall be made during each power resumption and each interface-element restart.

(b) The interface-element critical memory may be monitored continuously for corruption or with comprehensive checks occurring at the start of game play.

(c) The control program (software that operates the interface element's functions) may allow for the interface element to ensure continually the integrity of all control-program components residing in non-volatile memory.

§ 5317.10. Interface-element requirements for offline ticketing support.

The set of minimum requirements set forth in subdivisions (b) through (e) of this section shall be met for an interface element to be capable of providing validation information to a gaming device for the issuance of offline vouchers after a loss of communication to the voucher validation system has been identified.

(b) The interface element shall be capable of communicating to the game that the offline voucher issuance is supported.

(c) The interface element shall meet the manual authentication identification requirements set forth in subdivision (e) of section 5317.39 of this Part.

(d) The interface element shall limit the number of provided validation numbers and seed, key, etc. values used for the issuance of offline vouchers to a maximum of 25 unused pairs. The interface element shall not provide to a slot machine any more than 25 validation numbers and seed, key, etc. values allowed for the issuance of offline vouchers until all outstanding offline voucher information has been communicated fully to the voucher validation system.

(e) The interface element shall set a maximum expiration length of no more than 30 gaming days 'for all provided and still unused validation numbers and seed, key, etc. values. Expired validation numbers and seed, key, etc. values shall be discarded in a way that prevents the re-use of unique combinations of validation numbers and seed, key, etc. values for a sufficient period of time on the system.

§ 5317.11. Address requirements.

The interface element shall allow for the association of a unique identification number to be used in conjunction with a gaming device file on the MCS. Such identification number shall be used by the MCS to track all mandatory information of the associated gaming device. Additionally, the MCS should not allow for duplicate gaming device file entry of such identification number.

§ 5317.12. Configuration access requirements.

The interface element setup/configuration menu, or menus, shall be unavailable unless such menus are being used in an authorized access method.

§ 5317.13. Front end controller and data collector requirements.

A MCS may possess a front end processor (*FEP*) that gathers and relays all data from the connected data collectors to the associated database or databases. The data collectors, in turn, collect all data from connected gaming devices. Communication between components shall be via a method approved by the commission and at a minimum conform to the communication protocol requirements set forth in section 5317.27 of this Part. If the FEP maintains buffered/logging information, there shall be a system in place that prevents the loss of critical information contained therein.

§5317.14. Server and database requirements.

A MCS shall consist of a server or servers, networked system or distributed systems that direct overall operation. A MCS shall possess an associated database that stores, or databases that store, all entered and collected system information.

§ 5317.15. System clock.

A MCS shall maintain an internal clock that reflects the current time and date that shall be used to provide for the following:

(a) time stamping of significant events;

(b) reference clock for reporting; and

(c) time stamping of configuration changes.

§ 5317.16. Synchronization feature.

The MCS shall be able to synchronize any clock connected to the MCS.

§ 5317.17. Database access.

The MCS shall not have a built-in facility in which a gaming facility patron or employee can bypass the system auditing to modify the database directly. Gaming facilities shall maintain secure access control.

§ 5317.18. Jackpot/fill functionality.

A MCS system shall have an application or facility that captures and processes every hand-pay message from each gaming device. Hand-pay messages shall be created for single wins (jackpots), progressive jackpots and accumulated credit cashouts (canceled credits), each of which results in hand-pays.

§ 5317.19. Tax-reporting threshold.

Every single-win or hand-pay message received by the MCS that is in excess of a limit that is required by Federal or State tax reporting shall advise the user of the need for a W2-G or 1042-S form to be processed, either via the MCS or manually. This option shall not be capable of being overridden. The keyed reset ability to return winnings from a taxable event to a gaming device should require user intervention to void the original jackpot slip that is generated.

§ 5317.20. Jackpot/fill slip information.

The following information is required for all slips generated by the MCS (subdivisions (b) through (f), (m) and (n) apply to fill slips and subdivisions (b) through (e) and (g) through (n) apply to jackpot slips):

(a) type of slip;

(b) numeric slip identifier (which increments per event);

(c) date and time (shift, if required);

(d) gaming device number;

(e) denomination;

(f) amount of fill;

(g) amounts of jackpot, accumulated credit and additional pay;

(h) W-2G indication, if applicable;

(i) additional payout, if applicable;

(j) total before taxes and taxes withheld, if applicable;

(k) amount to patron;

(l) total credits played and game outcome of award;

(m) soft meter readings; and

(n) relevant signatures as required by the commission.

§ 5317.21. Surveillance/security functionality.

A MCS shall provide an interrogation program that enables online comprehensive searching of the significant event log for the current day and for the previous 14 days through archived data or restoration from backup where maintaining such data on a live database is deemed inappropriate. The interrogation program shall have the ability to perform a search based at least on the following:

(a) date and time range;

(b) unique interface element/gaming device identification number; or

(c) significant event number/identifier.

§ 5317.22. Gaming device management functionality.

A MCS shall have a master slot file that is a database of every gaming device in operation at such gaming facility, including, at minimum, the following information for each entry:

(a) unique interface element/location identification number;

(b) gaming device identification number as assigned by the gaming facility;

(c) denomination of the gaming device (such denomination may reflect an alternative value, in the case of a multi-denomination game);

(d) theoretical hold of the gaming device; and

(e) control program or programs within the gaming device.

If the MCS retrieves any of such parameters directly from the gaming device, sufficient controls shall be in place to ensure accuracy of such information.

§ 5317.23. Accounting functionality.

A MCS shall have an application or facility that allows controlled access to all accounting (financial) information and shall be able to create all mandatory reports in the reporting requirements under section 5317.32 and any additional reports the commission may require.

§ 5317.24. Exclusions.

Generally, any system or component not specified in this Part that impacts revenue reporting shall be submitted for testing to the independent laboratory approved by the commission pursuant to Part 5320 of this Subchapter. For example, a standalone player-tracking system is not required for submission unless the function of such system includes embedded features that affect revenue. Such systems may be tested for operation and version control if such features are integrated in a MCS submission.

§ 5317.25. Communication protocol.

A monitoring and control system shall support a defined communication protocol and function as indicated by the communication protocols. A MCS shall provide for the following:

(a) all critical data communication shall be protocol-based and/or incorporate an error-detection-and-correction scheme to ensure an accuracy of 99 percent or better of messages received;

(b) all critical data communication that may affect revenue and is unsecured either in transmission or implementation shall employ encryption. The encryption algorithm shall employ variable keys or similar methodology to preserve secure communication; and

(c) all communication performed within such system, in its entirety, shall accurately function as indicated by the communication protocol that is implemented.

§ 5317.26. Significant events.

(a) Notice of significant events that a gaming device generates shall be sent via the interface element to the MCS using an approved communication protocol. Each such event shall be stored in a database that includes the following:

(1) date and time that the event occurred; and

(2) identity of the gaming device that generated such event; and

(i) a unique number/code that defines such event; or

(ii) a brief text that describes the event in the local language.

(b) Significant events including the following shall be collected from the gaming device and transmitted to the system for storage:

(1) power resets or power failure;

(2) hand-pay conditions (amount needs to be sent to the system):

(i) gaming device jackpot (an award in excess of the single-win limit of the gaming device);

(ii) cancelled credit hand-pay; and

(iii) progressive jackpot (an award in excess of the single-win limit of the gaming device).

(3) door openings (any door that gives access to a critical area on the gaming device). Door switches (discrete inputs to the interface element) are acceptable if their operation does not result in redundant or confusing messaging;

(4) bill (item) validator errors (the errors described in subparagraphs (i) and (ii) of this paragraph should be sent as a unique message, if supported by the communication protocol):

(i) stacker full (it is recommended that an explicit “stacker full” error message not be used, because doing so may promote a security issue, but “bill validator malfunction” or the equivalent may not); and

(ii) bill (item) jam.

(5) gaming device low RAM battery error;

(6) reel spin errors (if applicable with individual reel number identified);

(7) printer errors (if printer supported):

(i) printer empty/paper low; and

(ii) printer disconnect/failure.

§ 5317.27. Priority events.

The following significant events shall be conveyed to the MCS in a timely manner in cases where the game is unable to distinguish the specifics of the event:

(a) loss of communication with interface element;

(b) loss of communication with gaming device;

(c) memory corruption of the Interface element, if storing critical information; and

(d) RAM corruption of the gaming device.

It is permissible for each of the significant events described in paragraphs (a) through (d) of this section to be sent to the system as a generic error code.

§5317.28. Meters.

Metering information shall be generated on a gaming device and collected by the interface element and sent to the MCS via a communication protocol. Such information may be either read directly from the gaming device or relayed using a delta function. Metering information on the MCS shall be labeled so that such information can be understood clearly in accordance with the relevant function.

§ 5317.29. Required meters.

While electronic accounting meters should be communicated directly from the gaming device to the MCS, it is acceptable to use secondary MCS calculations where appropriate. The metering information described in paragraphs (a) through (l) of this section shall be communicated from the gaming device and stored on the system in units equal to the denomination of the gaming device or in dollars and cents.

(a) Coin in.

(1) The system shall maintain pay table coin-in and theoretical payback percentage information provided by the gaming device for each multi-game or multi-denomination/multi-game.

(2) The system shall maintain pay table coin-in and weighted average theoretical payback percentage information provided by each gaming device that contains pay tables with a difference in theoretical payback percentage that exceeds four percent between wager categories.

(3) This subdivision shall not apply to keno or skill games.

(b) Coin out.

(c) Total drop (total value of all bills and vouchers dropped).

(d) Attendant paid jackpots (hand-pays).

(e) Attendant paid cancelled credits (if supported on the gaming device).

(f) Bills in (total monetary value of all bills accepted).

(g) Vouchers out.

(h) Machine-paid external bonus payout.

(i) Attendant-paid external bonus payout.

(j) Attendant-paid progressive payout.

(k) Machine-paid progressive payout.

(l) Vouchers in (total monetary value of all vouchers accepted).

§ 5317.30. Clearing meters.

An interface element shall not have a mechanism whereby an unauthorized user can cause the loss of stored accounting meter information. See also section 5317.10 of this Part.

§ 5317.31. Required reports.

Significant event and metering information shall be stored on the MCS in a database and accounting reports are generated subsequently by querying the stored information. Reports shall be generated on a schedule determined by the commission, which typically consists of daily, monthly and yearly periods and life-to-date reports generated from stored database information. Such reports at minimum shall consist of the following:

(a) net win/revenue report for each gaming device;

(b) drop comparison reports for each medium dropped (*e.g.,* coupons, bills) with dollar and percent variances for each medium and aggregate for each type;

(c) metered versus actual jackpot comparison report with the dollar and percent variances for each and aggregate;

(d) theoretical hold versus actual hold comparison with variances;

(e) significant event log for each gaming device; and

(f) other reports, as required by the commission.

§ 5317.32. Security requirements.

(a) *Access control*. The MCS shall support either a hierarchical role structure whereby user and password define program or individual-menu-item access or logon program/device security based strictly on user and password or personal identification number. In addition, the MCS shall not permit the alteration of any significant log information communicated from the gaming device. Additionally, there shall be a provision for system administrator notification and user lockout or audit trail entry, after a set number of unsuccessful login attempts.

(b) *Data alteration*. The MCS shall not permit the alteration of any accounting or significant-event-log information that was properly communicated from the gaming device without supervised access controls. In the event that financial data is changed, an automated audit log shall be capable of being produced to document:

(1) data element altered;

(2) data element value prior to alteration;

(3) data element value after alteration;

(4) time and date of the alteration; and

(5) personnel who performed the alteration (by reporting user login).

(c) *Additional system features; gaming device program verification requirements*. If supported, a MCS may provide redundant functionality to check gaming device game software. The following information shall be reviewed for validity prior to implementation:

(1) software signature algorithm or algorithms; and

(2) data communications error-check algorithm or algorithms.

§ 5317.33. Verification algorithm timing.

Verification may be user-initiated or triggered by a specific significant event or events on the gaming device. To ensure complete coverage, verification should be performed after each of the following events:

(a) gaming device power up; and

(b) new gaming device installed.

§ 5317.34. Flash download requirements.

If supported, a MCS may use flash technology to update interface element software if all of the following requirements are met:

(a) flash download functionality shall be, at a minimum, password-protected and should be at a supervisor level. The MCS can continue to locate and verify versions currently running, but the MCS is not permitted to load code that is not currently running on the system without user intervention;

(b) an audit log shall record the time and date of a flash download and some provision shall be made to associate such log with the version, or versions, of code that was downloaded and with the user who initiated such download. A separate flash audit log report is recommended; and

(c) all modifications to the download-executable or flash file or files shall be submitted to and licensed independent testing laboratory for approval. Such approved laboratory shall perform a flash download to the system existing at such approved laboratory and verify

operation. Such approved laboratory shall then assign signatures to any relevant executable code and flash file or files that can be verified by a commission representative in the field. Additionally, each flash file shall be available to the commission to verify the signature of such file.

Subdivisions (a) through (c) of this section refer to loading of new system-executable code only. Other program parameters may be updated so long as the process is controlled securely and subject to audit.

§ 5317.35. Remote access requirements.

If supported, a MCS may use password-controlled remote access to a MCS so long as the following requirements are met:

(a) remote access user-activity log is maintained depicting logon name, time, date, duration and activity while logged in;

(b) no unauthorized remote-user administration functionality (adding users, changing permissions, etc.) shall be permitted;

(c) no unauthorized access to the database, other than information retrieval using existing functions, shall be permitted;

(d) no unauthorized access to the operating system shall be permitted; and

(e) if remote access is to be continuous, then a network filter (firewall) shall be installed to protect access.

§ 5317.36. Verification of system software.

System software components and modules shall be verifiable by a secure means at the system level, denoting program identification and version. The system shall have the ability to allow for an independent integrity check of the components and modules from an outside source. Such ability is required for all control programs that may affect the integrity of the system. Such ability shall be capable of being authenticated by a third-party device, which may be embedded within the system software or having an interface port for a third-party device to authenticate the media. Such integrity check shall provide a means for field verification of the system components and modules to identify and validate the programs and files. The licensed independent testing laboratory, prior to system approval, shall approve the integrity check method. If the authentication program is contained within the system software, the manufacturer shall receive written approval from the licensed independent testing laboratory prior to submission.

§ 5317.37. Backups and recovery.

(a) *Backup requirements.* The MCS shall have sufficient redundancy and modularity so that if any single component or part of a component fails, gaming can continue. There shall be redundant copies of each log file or system database, or both, on the MCS, with open support for backups and restoration.

(b) *Recovery requirements*. In the event of a catastrophic failure when the MCS cannot be restarted in any other way, the system shall have the capability of being reloaded from the last viable backup point and fully recovering the contents of such backup, which should consist of at least the following information:

(1) significant events;

(2) accounting information;

(3) auditing information;

(4) specific site information, such as slot file, employee file, progressive set-up, etc.; and

(5) If voucher issuance is supported, all information used in the voucher redemption process, including information specific to the redemption of offline vouchers, if applicable.

§ 5317.38. Voucher validation system requirements.

(a) *Voucher validation system*. A voucher validation system may be integrated entirely into a MCS or exist as an entirely separate system.

(b) *Payment by voucher printer*. Payment by voucher printer as a method of credit redemption on a gaming device is permissible only when the gaming device is linked to an approved validation system or MCS that allows validation of the printed voucher. Validation information shall come from the validation system or MCS using a secure communication protocol. For support of offline voucher issuance, the gaming device shall be linked to an approved validation system or MCS that allows validation of the printed voucher, but does not have to be in constant communication for the issuance of voucher to be permissible.

(c) *Voucher Issuance*. The voucher validation system shall be able to communicate the following voucher data to the gaming device to print on the voucher:

(1) gaming facility name and site identifier;

(2) indication of an expiration period from the date of issuance, or the date and time the voucher will expire (24-hour format that is understood by the local date and time format), if applicable;

(3) system date and time (24-hour format that is understood by the local date and time format); and

(4) voucher validation number for the gaming device to generate the validation number.

(d) *Algorithm for generating voucher validation numbers or seeds*.

(1) System validation. The algorithm or method used by the validation system or MCS to generate the voucher validation number shall guarantee an insignificant percentage of repetitive validation numbers.

(2) Gaming-device-generated validation number (system seed). The validation system shall send a unique seed to the gaming device upon enrolling the gaming device as voucher-printing-capable. The system subsequently may send a new seed to the gaming device after a voucher is printed. The algorithm or methods used to determine the seed shall guarantee an insignificant percentage of repetitive validation numbers.

(e) *Algorithm for generating offline voucher authentication identifiers*. If supported, the offline authentication identifier shall be of a unique value that is derived by a hash, or other secure encryption method of at least 128 bits, that uniquely will identify the wager instrument, verify that the redeeming system was also the issuing system and validate the amount of the voucher. The following minimum set of input shall be used to create the authentication identifier:

(1) slot machine identifier;

(2) validation number;

(3) voucher amount; and

(4) secure seed, key, etc. provided by the validation system or MCS to the gaming device.

(i) Secure seeds, keys, etc. as assigned shall be sufficiently random. Measures to avoid predictability will be reviewed by the licensed independent testing laboratory pursuant to Part 5318 of this Subchapter on a case-by-case basis.

(ii) The minimum length for any secure seeds, keys, etc. employed by the validation system or MCS shall be chosen from a pool of the variable type specified

by the communication protocol used. The pool shall comprise at least 10 to the power of 14 randomly distributed values.

(f) *System voucher records*.

(1) The validation system shall retrieve the voucher information correctly based on the secure communication protocol implemented and store the voucher information into a database.

(2) The voucher record on the host system shall contain at a minimum the following voucher information:

(i) validation number;

(ii) date and time the gaming device printed the voucher (24-hour format that is understood by the local date and time format);

(iii) type of transaction or other method of differentiating voucher types (assuming multiple voucher types are available);

(iv) numeric value of voucher in dollars and cents;

(v) status of voucher (*i.e.*, valid, unredeemed, pending, void, invalid, redemption in progress, redeemed, etc.);

(vi) date and time the voucher will expire (24-hour format that is understood by the local date and time format or expiration period from date of issuance), if applicable;

(vii) Machine number (or cashier or change booth location number, if voucher creation outside the gaming device is supported) that identifies the location from which the voucher was issued.

(g) *System requirements for offline ticketing support*. Offline ticketing shall:

(1) support the identification and redemption of offline vouchers through a system provided application;

(2) log all access and operations of users of the application described in paragraph (1) of this subdivision for 14 days through archived data or restoration from backup where maintaining such data on a live database is deemed inappropriate;

(3) the validation system or MCS shall set a maximum expiration length of no more than 30 gaming days for all provided and still-unused validation numbers and seed, key, etc. values;

(4) expired validation numbers and seed, key, etc. values shall be discarded in a way that prevents the re-use of unique combinations of validation numbers and seed, key, etc. values for a sufficient period of time on the system.

(h) *Voucher printing during loss of communication with validation system*. For validation systems that communicate to a gaming device through an interface board (also called a system machine interface board), if any links between the interface board and the MCS database go down, the interface board shall:

(1) not respond to the validation request from the gaming device and stop voucher printing;

(2) prevent the gaming device from further voucher issuance; and

(3) not read or store any further voucher information generated by the gaming device.

A maximum of two vouchers directly after loss of communication is acceptable, in cases where the interface element already has been seeded by the system, so long as the voucher issuance information is sent immediately, when communication is reestablished.

(i) *Online voucher redemption*. Vouchers can be redeemed at a gaming device, cashier or change booths or other approved validation terminals (kiosks), so long as such locations are enrolled for voucher validation with a validation system.

(1) The validation system shall process voucher redemption correctly according to the secure communication protocol implemented;

(2) The validation system shall update the voucher status on the database during each phase of the redemption process accordingly, so that whenever the voucher status changes, the system updates the database. Upon each status change, the database shall indicate the following information:

(i) date and time of status change;

(ii) voucher status;

(iii) voucher value;

(iv) machine number or source identification from where the voucher information came from.

(j) *Offline voucher redemption*. If supported, offline vouchers can be redeemed at a cashier or change booth, so long as such locations are enrolled for voucher validation with a validation system.

(1) The validation system at a minimum shall support the identification and redemption of offline vouchers through a system-provided application.

(2) The validation system shall process offline voucher redemption correctly according to the secure communication protocol implemented.

(3) The validation system shall update the voucher status on the database during each phase of the redemption process accordingly. In other words, whenever the voucher status changes, the system shall update the database. Upon each status change, the database shall indicate the following information:

(i) date and time of status change;

(ii) ticket/voucher status;

(iii) ticket/voucher value;

(iv) machine number or source identification from where the voucher information came.

(k) *Cashier and change booth operation*. All validation terminals shall be user-controlled and password-controlled. When a voucher is presented for redemption, a cashier:

(1) shall scan the bar code via an optical reader or equivalent; or

(2) shall input the voucher validation number manually; and

(3) may print a validation receipt, after the voucher is electronically validated, if applicable.

(l) *Validation receipt information*. Any validation receipt, at a minimum, shall contain the following printed information:

(1) machine number;

(2) validation number;

(3) date and time paid;

(4) amount; and

(5) cashier or change booth identifier.

(m) *Invalid voucher notification*. The validation system or MCS shall have the ability to identify the following occurrences and notify the cashier that one of the following conditions exists:

(1) voucher cannot be found on file (*e.g.,* stale date, forgery, etc.);

(2) voucher has already been paid; or

(3) amount of voucher differs from amount on file. This requirement of this paragraph can be met by display of the voucher amount for confirmation by cashier during the redemption process).

(n) *Voucher redemption during communication loss*. If the online data system temporarily goes down and validation information cannot be sent to the validation system or MCS, an alternate method of payment shall be provided either by the validation system possessing unique features (*e.g.*, validity checking of voucher information in conjunction with local database storage), to identify duplicate vouchers and prevent fraud by reprinting and redeeming a voucher that was previously issued by the gaming device; or use of an approved alternative method as designated by the commission that will accomplish the same. A maximum of two vouchers directly after loss of communication is acceptable, in cases where the interface element has already been seeded by the system, so long as the voucher issuance information is sent immediately, when communication is reestablished. This subdivision does not apply to systems employing an approved offline voucher routine.

(o) *Redemption terminals (kiosks)*. Refer to Part 5316 for technical standards for redemption terminals.

(p) *Reporting requirements*. The following reports shall be generated at a minimum and reconciled with all validated/redeemed vouchers:

(1) voucher issuance report;

(2) voucher redemption report;

(3) voucher liability report;

(4) voucher drop variance report;

(5) transaction detail report, which shall be available from the validation system that shows all vouchers generated by a gaming device and all vouchers redeemed by the validation terminal or other gaming device; and

(6) cashier report, which shall detail individual vouchers, the sum of the vouchers paid by a cashier or change booth or redemption terminal.

The requirements set forth in paragraphs (2) and (4) of this subdivision shall not apply where two-part vouchers exist for the gaming device wherein the first part is dispensed as an original voucher to the patron and the second part remains attached to the printer mechanism as a copy (on a continuous roll) in such gaming device.

(q) *Database and validation component security*. Once validation information is stored in the database, such data shall not be altered in any way. The validation system database shall be encrypted or password-protected and shall possess a non-alterable user audit trail to prevent unauthorized access. The normal operation of any device that holds voucher information shall not have any options or method that may compromise voucher information. Any device that holds voucher information in its memory shall not allow removing of the information unless it has first transferred that information to the database or other secured component, or components, of the validation system.

§ 5317.39. System environmental and safety requirements.

(a) *Hardware and player safety*. Electrical and mechanical parts and design principles of the electronic associated hardware shall not subject a player to any physical hazards.

(b) *Environmental effects on system integrity standard*. A licensed independent testing laboratory shall perform certain tests to determine whether or not outside influences affect game fairness to the player or create cheating opportunities. An online system shall be able to withstand the following tests, resuming game play without operator intervention:

(1) Electromagnetic interference. Systems shall not create electronic noise that affects the integrity or fairness of the neighboring associated equipment.

(2) Electrostatic interference. Protection against static discharges requires that the system's hardware be grounded in such a way that static discharge energy shall not damage or inhibit the normal operation of the electronics or other components within the system. A system may exhibit temporary disruption when subjected to a significant electrostatic discharge greater than human-body discharge, but such system shall exhibit a capacity to recover and complete any interrupted function without loss or corruption of any control or data information associated with such system. Such tests shall be conducted with a severity level of up to 27 kilovolts air discharge.

§ 5317.40. Electronic table games system.

(a) This section shall apply when an electronic table game (*ETG*) or games operate as a part of a table game system that is independent of any external gaming system.

(b) All electronic table games systems shall meet the requirements set forth in sections 5317.15, 5317.16, 5317.25, 5317.32, and 5317.35 of this Part.

(c) All communications in ETGs shall pass through at least one application-level firewall approved by the commission and shall not have a facility that allows for an alternate network path.

(1) A firewall application shall:

(i) maintain an audit log of the following information:

(*a*) all changes to configuration of the firewall;

(*b*) all successful and unsuccessful connection attempts through the firewall; and

(*c*) the source and destination IP addresses, port numbers and MAC addresses; and

(ii) disable all communications and generate an error event if the audit log becomes full.

(2) The system shall provide for interrogation that enables online comprehensive searching of the significant-event log.

(3) The system shall contain an access-level control structure that is capable of limiting access to programs, menu items or other secure areas of the system by means of a user name and login combination, personal identification number or other equivalent means.

(4) The system shall not permit the alteration of any significant log information without supervised access control.

(5) There shall be a system administrator notification and user lockout or audit trail entry after a set number of unsuccessful login attempts.

(6) The system shall record:

(i) date and time of the login attempt;

(ii) username supplied; and

(iii) success or failure.

(7) The use of generic user accounts on servers is not permitted.

(8) The system shall not permit the alteration of any accounting or significant event log information without supervised access controls. In the event financial data is changed, an audit log shall be capable of being produced to document:

(i) data element altered;

(ii) data element value prior to alteration;

(iii) data element value after alteration;

(iv) time and date of alteration; and

(v) user login.

(d) In addition to the requirements set forth in section 5317.35 of this Part, a gaming facility licensee or a licensed manufacturer shall submit to the commission for review and approval procedures to be established in the use of remote access as set forth in subdivision (b) of section 5321.10 of this Subchapter. Such procedures shall designate, at a minimum, authorized users and authorized settings of the electronic table game or games.

(1) Remote access shall authenticate all computer systems based on the authorized settings of the electronic table game and firewall application that establishes a connection with the electronic table game pursuant to the following requirements:

(i) a remote access user activity log is maintained by both the gaming facility and the licensed manufacturer, depicting the following information:

(*a*) authorizing individual;

(*b*) purpose;

(*c*) user login;

(*d*) time and date; and

(*e*) duration and activity while logged in.

(ii) unauthorized remote user administration functionality is prohibited;

(iii) unauthorized access to the database is prohibited;

(iv) unauthorized access to the operating system is prohibited; and

(v) if remote access is to be on a continuous basis, then a network filter shall be installed to protect access, as approved by the commission.

(2) The system shall implement self-monitoring of all critical interface elements and shall have the ability to notify effectively the system administrator of any error condition, provided the condition is not catastrophic.

(3) The system shall be able to perform the operation prescribed in paragraph (2) of this section with a frequency of at least once in every 24-hour period and during each power-up and power reset.

(e) A gaming facility licensee shall report any requirements that cannot be met as a result of manual intervention from a live dealer to the commission prior to submission for required testing as set forth in Part 5318 of this Subchapter.

PART 5318

Independent Testing Laboratories

Section
5318.1 Use of independent testing laboratories
5318.2 Licensing of independent testing laboratories
5318.3 Additional standards for issuance of a casino vendor enterprise license to an independent testing laboratory
5318.4 Required notification and reporting
5318.5 Operation and conduct
5318.6 Testing and certification results

§ 5318.1. Use of independent testing laboratories.

(a) Testing, certification and approval of games and gaming equipment, including gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto, shall comply with Racing, Pari-Mutuel Wagering and Breeding Law section 1335(8).

(b) A licensed manufacturer, a distributor or operator of games or gaming devices or a gaming facility licensee shall be solely responsible for the payment of any fees imposed by the independent testing laboratory for the services of such laboratory.

(c) A licensed manufacturer, distributor or operator of games or gaming devices or gaming facility licensee shall pay any and all costs associated with any review or approval the commission performs of a game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any components thereof or modification thereto, including any costs associated with the commission's review of the licensed independent testing laboratory's testing and certification as described in subdivision (a) of this section.

§ 5318.2. Licensing of independent testing laboratories.

(a) An independent testing laboratory that intends to test and certify games, gaming devices, gaming-associated equipment, cashless-wagering systems, inter-casino linked systems, mobile-gaming systems or interactive-gaming systems or any components thereof or modifications thereto, for use in a licensed gaming facility shall be licensed by the commission as a casino vendor enterprise pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1326 and Parts 5303 and 5307 of this Subchapter.

(b) The commission may require each testing facility at which an independent testing laboratory conducts testing and certification procedures to be licensed as a casino vendor enterprise pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1326 and Parts 5303 and 5307 of this Subchapter.

(c) An independent testing laboratory shall be certified to perform testing for each of the following categories:

(1) games and game variations;

(2) gaming devices and gaming device modifications;

(3) gaming-associated equipment and gaming-associated equipment modifications;

(4) cashless-wagering systems and cashless-wagering system modifications;

(5) inter-casino linked systems and inter-casino linked system modifications;

(6) mobile-gaming systems and mobile-gaming system modifications;

(7) interactive-gaming systems and interactive-gaming-system modifications; and

(8) any other category of testing and certification that the commission may deem appropriate.

§ 5318.3. Additional standards for issuance of a casino vendor enterprise license to an independent testing laboratory.

(a) Each applicant for an independent testing laboratory license shall:

(1) be independent from any licensed manufacturer, distributor or operator of any game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto;

(2) be accredited in accordance with ISO/IEC 17025 by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement; and

(3) demonstrate it is technically competent in testing the category of game, device or system for which a license is sought.

(b) An independent testing laboratory and its owners, managers, supervisory personnel and employees:

(1) shall not have a financial or other interest, direct or otherwise, in a licensed manufacturer, distributor, or operator of any game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto;

(2) shall not participate, consult or otherwise be involved in the design, development, programming or manufacture of any game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto;

(3) shall not have any other interest in or involvement with a licensed manufacturer, distributor or operator of games or gaming devices that could cause the independent testing laboratory to act in a manner that is not impartial; and

The restrictions set forth in paragraphs (1) and (2) of this subdivision do not limit an independent testing laboratory or its owners, managers, supervisory personnel and employees from providing consulting services to a licensed manufacturer, distributor or operator of games or gaming devices, provided that such services do not directly or indirectly indicate, suggest or imply how to design, develop, program or manufacture a game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any components thereof or modification thereto.

(c) Each applicant for an independent testing laboratory license and its owners, managers, supervisory personnel and employees shall produce such information, documentation and assurances as the commission may request concerning the criteria set forth in this section.

(d) The commission shall maintain a list of licensed independent testing laboratories on the commission's website, along with the categories of testing each is certified to perform.

§ 5318.4. Notification and reporting requirements.

(a) A licensed independent testing laboratory shall notify the commission immediately if a licensed manufacturer, distributor or operator of games or gaming devices:

(1) attempts, directly or indirectly, to influence improperly a licensed independent testing laboratory or its owners, managers, supervisory personnel and employees, in regard to a game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto, that it, or another person or entity, has submitted for testing or certification for use in a licensed gaming facility; or

(2) engages in any transaction with a licensed independent testing laboratory that such manufacturer, distributor or operator is using, has used or intends to use to inspect or certify a game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto, for use by a licensed gaming facility, in which the licensed independent testing laboratory is required to participate, consult or otherwise be involved in the design, development, programming or manufacture of such items. This restriction does not limit a licensed manufacturer, distributor or operator of games or gaming devices from engaging such licensed independent testing laboratory to provide consulting services, provided that such services do not directly or indirectly indicate, suggest or imply how to design, develop, program or manufacture such items.

(b) Licensed independent testing laboratories shall maintain copies of the results of any ISO/IEC 17025 audits or reviews and shall notify the commission in writing of the availability of such results within 15 days of when such results become available to the licensed independent testing laboratory. Such copies shall be provided to the commission upon request.

§ 5318.5. Conduct and operation.

(a) In the interest of preserving a competitive gaming industry, a licensed independent testing laboratory shall not implement or maintain any procedure or policy or take any action that would:

(1) inhibit or prevent a licensed manufacturer, distributor or operator of games or gaming devices from submitting a game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system, or any component thereof or modification thereto, for testing and certification for use in a licensed gaming facility; or

(2) call into question or tend to erode the independence of the licensed independent testing laboratory from any clients that use the services of such laboratory.

(b) A licensed independent testing laboratory shall maintain a version-controlled system of testing documentation and methodologies that such laboratory uses to provide certification and such materials shall be made available to the commission upon request. Original testing documentation, methodologies and any revisions to the testing documentation or methodologies must be approved in writing by the commission prior to being used.

(c) All testing shall be conducted in accordance with this Subchapter and all technical standards, control standards, control procedures, policies and industry notices that the commission may implement or issue.

(d) All testing shall be performed by a licensed or registered employee of the licensed independent testing laboratory. The commission may permit a licensed independent testing laboratory to use the services of a third party other than a licensed or registered employee of the independent testing laboratory to perform certain specific functions associated with the testing and certification procedures to be performed. Any such request shall be made in writing subject to the review and approval of the commission in advance of using the services of a third party.

(e) A licensed independent testing laboratory shall not use, rely on or otherwise refer to any testing, results or work product performed by another licensed testing laboratory for any game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system, or any component thereof or modification thereto that has not previously been approved in writing by the commission.

(f) A licensed independent testing laboratory shall implement and maintain a system of peer review to monitor the quality of the testing and certification procedures performed by such laboratory.

(g) A licensed independent testing laboratory shall consult with the commission prior to testing, evaluating, analyzing, certifying, verifying or rendering opinions for or on behalf of the commission relating to any new technology or concept.

(h) A licensed independent testing laboratory shall consult the commission on any questions relating to the testing and certification of any game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked systems, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto.

(i) A licensed independent testing laboratory shall keep confidential all information and data prepared or obtained as part of the testing and certification process.

(j) A licensed independent testing laboratory shall implement and maintain security and access control systems designed to secure and protect the confidentiality of all equipment, software and other information entrusted to it as part of the testing and certification process.

(k) A licensed independent testing laboratory shall maintain all test equipment in accordance with the manufacturer's specifications and recommendations and shall provide the commission with evidence of such upon demand.

(l) A licensed independent testing laboratory shall retain all submission and testing-related documentation. Such records may be maintained in electronic form. The obligation to maintain such records continues even if the independent testing laboratory ceases to be licensed with the commission or otherwise ceases its business operation.

The independent testing laboratory may turn all such records over to the commission in electronic form as an alternative to having to maintain such records after such laboratory is no longer licensed or after such laboratory ceases business operation.

(m) The commission may conduct periodically an onsite evaluation and review of each licensed independent testing laboratory to evaluate certification results and to verify continued compliance with all licensing requirements and protocols.

(n) The commission shall, at all times, have immediate and unfettered access to the licensed independent testing laboratory's place of business.

(o) The commission may establish a system to evaluate the continued quality of the testing and certification performed by a licensed independent testing laboratory.

(p) A licensed independent testing laboratory, its employees, management and owners shall remain independent of any licensed manufacturer, distributor or operator of games or gaming devices.

(q) no independent testing laboratory employee who was employed by, or performed any work for, a licensed manufacturer, distributor or operator of games or gaming devices within one year prior to such person's date of employment with such independent testing laboratory shall be permitted to inspect or certify any game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system, or any component thereof or modification thereto for use in a licensed gaming facility, with which such person had any involvement whatsoever while employed by such licensed manufacturer, distributor or operator of games or gaming devices.

(r) Violation of the provisions set forth in this section shall constitute an unsuitable method of operation.

§ 5318.6. Testing and certification results.

(a) Each licensed independent testing laboratory shall provide the commission with the results of the testing and certification process for the commission’s approval. The results shall include, at a minimum, the following:

(1) a statement, signed under penalty of perjury, that the certification process was conducted in accordance with this Subchapter and that the product being certified to the best of the licensed independent testing laboratory's knowledge and belief, meets the requirements of this Subchapter and all technical standards, control standards, control procedures, policies and industry notices implemented or issued by the commission;

(2) the name of the licensed independent testing laboratory that performed the testing;

(3) the license number of the licensed independent testing laboratory that performed the testing;

(4) the location or locations of the facility or facilities the licensed independent testing laboratory used to perform the testing;

(5) the date the game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto was submitted to the licensed independent testing laboratory for certification;

(6) the start and end dates of the testing performed;

(7) an attestation statement that the game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto source code was reproduced;

(8) the part and version number or numbers of the game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto submitted for certification;

(9) the unseeded HMAC-SHA1 signature of all applicable files, or other method as approved in writing by the commission;

(10) a description of the configuration of the game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto as tested;

(11) a description of the scope of testing performed;

(12) identification of the State of New York-approved testing document or documents by name and version number;

(13) a description of any issues found during the testing process and the resolution thereof, made available upon request by the commission;

(14) identification of any modification that was not identified by the manufacturer, made available upon request by the commission;

(15) a complete description of the testing conducted as part of the certification of the game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto that was not covered by the

requirements of this Subchapter and all technical standards, control standards, control procedures, policies and industry notices that the commission implements or issues;

(16) a list of all jurisdictions in which the game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto has been granted or denied licensure, registration, or similar approval; and

(17) any additional information regarding the testing and certification that the licensed independent testing laboratory considers appropriate for the commission to consider as part of the approval process.

(b) The commission shall approve or reject the results as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1335(8)(b).

(c) The commission may add, modify or remove conditions following the initial gaming device approval as necessary to ensure the integrity of the game, gaming device, gaming-associated equipment, cashless-wagering system, inter-casino linked system, mobile-gaming system or interactive-gaming system or any component thereof or modification thereto and the effective administration of Article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law.

PART 5319

Standards for Gaming Devices

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§ 5319.1. Gaming device approval.

Prior to the commencement of gaming activities, all gaming devices shall be tested and certified by a licensed independent testing laboratory pursuant to Part 5318 of this Subchapter.

§ 5319.2. Machine requirements.

(a) A gaming device shall be robust enough to resist forced entry.

(b) Electrical and mechanical parts and design principals of a gaming device shall not subject a player to any physical hazards.

(c) *Game integrity standard*. Tests shall be performed to determine whether outside influences affect game fairness to the player or create cheating opportunities. The independent testing laboratory approved by the commission also shall perform, where possible, a cursory review of submissions related to electromagnetic interference, radio frequency interference, magnetic interference, liquid spills, power fluctuations and environmental conditions. Electrostatic discharge testing is intended only to simulate techniques observed in the field being used to attempt to disrupt the integrity of electronic gaming devices.

(d) A gaming device shall be able to withstand the following electrostatic interference tests, resuming game play without operator intervention:

(1) Random number generator. A random number generator (*RNG*) and random selection process shall be impervious to influences from outside the device, including, without limitation, electromagnetic interference, electrostatic interference and radio frequency interference.

(2) Electrostatic interference. Protection against static discharges shall require that a gaming device's conductive cabinets be grounded in such a way that static discharge energy shall not damage permanently, or inhibit permanently the normal operation of the electronics or other components within such gaming device. A gaming device may exhibit temporary disruption when subjected to a significant electrostatic discharge greater than human body electrostatic discharge, but such device shall exhibit a capacity to recover and complete any interrupted play without loss or corruption of any control or critical data information associated with such gaming device. Tests of such protection shall be conducted with a severity level of a maximum of 27 kilovolts air discharge.

(e) Each gaming device shall meet the following hardware requirements:

(1) Microprocessor controlled. A gaming device shall be controlled by one or more microprocessors or the equivalent in such a manner that a game outcome is controlled completely by the microprocessor or a mechanical device, as approved in section 5319.35 of this Part; and

(2) On/off switch. An on/off switch that controls the electrical current shall be located in a place that is readily accessible within the interior of the gaming device but is located so that power cannot be disconnected from outside of the gaming device using the on/off switch. The on and off positions of the switch shall be labeled.

§ 5319.3. Gaming device wiring.

A gaming device shall be designed so that power and data cables into and out of such gaming device can be routed so that such cables are not accessible to the general public. Security-related wires and cables that are routed into a logic area shall be fastened securely within the interior of such device.

§ 5319.4. Machine identification.

A gaming device shall have an identification badge affixed to the exterior of the cabinet of the device by the manufacturer. Such badge shall not be removable without leaving evidence of tampering. Such badge shall include the manufacturer's name, a unique serial number, the gaming device model number and the date of manufacture.

§ 5319.5. Tower light.

(a) A gaming device shall have a light, located conspicuously on the top of such device, that illuminates automatically when:

(1) a player has won an amount or is collecting credits that the device cannot pay automatically;

(2) an error condition (including "Door Open") has occurred; or

(3) a player initiates a "Call Attendant".

(b) For devices such as "bar-top" games, it is permissible for the tower light to be shared among other gaming devices or to be substituted by an audible alarm.

(c) The commission may approve, on a case-by-case basis, alternative means to alert appropriate personnel in regard to the operation of a gaming device.

§ 5319.6. Manipulation of power supply.

A gaming device shall not be affected adversely, other than through resets, by surges or dips of 20 percent of the supply voltage. It is acceptable for the equipment to reset so long as no damage to the equipment or loss or corruption of data is experienced in the field. Upon reset, a game shall return to its previous state. It is acceptable for a game to return to a game completion state so long as the game history and all credit and accounting meters reflect a completed game.

§ 5319.7. Requirements for external doors and external compartments.

(a) Gaming device doors shall be manufactured using materials that are suitable for allowing only legitimate and authorized access to the inside of the cabinet (*i.e.*, locks, doors and their associated hinges shall be capable of withstanding determined and unauthorized efforts to gain access to the inside of the gaming device and shall leave evidence of tampering if such an entry is made).

(b) The seal between the cabinet and the door of a locked area shall be designed to resist the entry of objects.

(c) All external doors shall be locked and monitored by door access sensors, which when opened shall cease game play (with the exception of a drop box door), disable all voucher and currency acceptance and enter an error condition, which at a minimum shall illuminate the tower light and send the error condition to the gaming facility accounting system, when applicable.

(d) A gaming device shall protect against the insertion of any device that will disable a door-open sensor when such gaming device's door is shut without leaving evidence of tampering.

(e) The sensor system of a gaming device shall register an external door as being open when such door is moved from its fully closed and locked position, so long as power is supplied to the device.

§ 5319.8. Logic door and logic area.

(a) *Logic area*. The logic area shall be a separately locked cabinet area (with its own locked door), which houses electronic components that have the potential to influence significantly the operation of a gaming device. There may be more than one such logic area in a gaming device. The logic door shall be monitored.

(b) *Electronic Components*. Electronic components that are required to be housed in one or more logic areas shall be:

(1) a central processing unit and any program storage device that contains software that may affect the integrity of gaming, including, without limitation, the game accounting, system communication and peripheral firmware devices involved in, or that influence significantly, the operation and calculation of game play, game display, game result determination or game accounting, revenue or security. The commission may evaluate any exceptions on a case-by-case basis;

(2) communication controller electronics and components housing the communication program storage device. The commission may evaluate any exceptions on a case-by-case basis; and

(3) the non-volatile (*NV*) memory back-up device shall be kept within a locked logic area.

§ 5319.9. Currency compartments.

(a) Currency compartments shall be locked separately from the main cabinet area.

(b) Access to the currency storage area shall be secured via separate key locks and shall be fitted with sensors that indicate door open/close or stacker receptacle removed, so long as power is supplied to the device.

(c) Access to the currency storage area shall be through two levels of locks (the relevant outer door plus one other door or lock) before currency can be removed.

§ 5319.10. Program memory, non-volatile memory and non-volatile devices used to store program memory.

(a) *Non-volatile memory requirements*.

(1) A gaming device shall have the ability to retain data for all critical memory, as set forth in section 5319.11 of this Part, and shall be capable of maintaining the accuracy of all information required for 30 days after power is discontinued from such gaming device.

(2) For rechargeable battery types only, if a battery backup is used as an “off-chip” battery source, such battery backup shall recharge itself to its full potential in a maximum of 24 hours. The shelf life of such battery backup shall be at least five years.

(3) NV memory that uses an off-chip backup power source to retain NV memory contents when the main power is switched off shall have a detection system that shall provide a method for software to interpret and act upon a low-battery condition before the battery reaches a level where such battery is no longer capable of maintaining NV memory.

(4) Clearing NV memory shall require access to the locked logic area or other secure method that the commission shall control.

(b) *Function of NV memory reset*. Following the initiation of an NV memory reset procedure (using an approved NV memory-clear method), a game program shall execute a routine that initializes all bits in critical NV memory to the default state. All memory locations intended to be cleared through such NV memory-clear process shall be fully reset in all cases. The commission shall review and, in the discretion of the commission, approve the methodology for games that allow for partial NV memory clears.

(c) *Default reel position or game display*. The default reel position or game display immediately after an NV memory reset shall not be the advertised top award on any selectable line. The default game display, upon entering game-play mode, also shall not

be the advertised top award. This section applies to the base game only and not to any secondary bonus features.

(d) *Configuration settings*. A configuration setting that causes an obstruction to the electronic accounting meters without an NV memory clear shall not be permitted. A change to the denomination shall be performed by a secure means, which includes access to the locked logic area or other secure method, so long as such method can be controlled by the commission (*e.g.*, security tape, password or PIN-based controls)

§ 5319.11. Contents of critical memory.

Critical memory is used to store all data that is considered vital to the continued operation of a gaming device. Such data include, without limitation:

(a) all electronic meters required in section 5319.52 of this Part, including last-bill data, power-up and door-open metering;

(b) current credits;

(c) gaming device and game configuration data;

(d) information pertaining to the last 10 games with the game outcome (including the current game, if incomplete). Gaming devices offering games with a variable number of free games per base game may satisfy this requirement by providing the capability to display the last 50 free games in addition to each base game;

(e) software state (the last normal state, last status or tilt status the gaming device software was in before interruption);

(f) any pay table configuration information residing in memory; and

(g) at minimum, a log of the last 100 significant events as set forth in section 5317.27 of this Subchapter. The commission may grant waivers of this subparagraph for specific games.

§ 5319.12. Maintenance of critical memory.

(a) Critical memory storage shall be maintained by a methodology that enables errors to be identified. Such methodology may involve signatures, checksums, partial checksums, multiple copies, timestamps and/or effective use of validity codes. This section is not intended to preclude the use of alternate storage media types, such as hard disk drives, for the retention of critical data. Such alternate storage media still are expected to maintain critical data integrity in a manner consistent with the requirements in this section, as applicable to the specific storage technology implemented.

(b) Comprehensive checks of critical memory shall be made following game initiation but prior to display of game outcome to the player. It is recommended that critical memory be

monitored continuously for corruption. The methodology shall detect failures with an extremely high level of accuracy.

(c) An unrecoverable corruption of critical memory shall result in an error. The memory error shall not be cleared automatically and shall result in a tilt condition, which facilitates the identification of the error and causes the gaming device to cease further function. The critical memory error shall also cause any communication external to the gaming device to cease immediately. An unrecoverable critical memory error shall require a full NV-memory-clear performed by a person authorized by the gaming facility's approved system of internal controls.

(d) Non-volatile memory space that is not critical to gaming device security (*e.g.*, video or sound) is not required to be validated.

§ 5319.13. Program storage device requirements.

The term *program storage device* means the media or an electronic device that contains the critical control program components. Device types include, without limitation, EPROMs, compact flash cards, optical disks, hard drives, solid state drives, USB drives or other storage technology that may evolve. Each program storage device shall:

(a) be housed within a fully enclosed and locked logic compartment;

(b) be clearly marked with sufficient information to identify the software and revision level of the information stored in the device. In the case of media types on which multiple programs may reside, it is acceptable to display this information via the attendant menu;

(c) validate itself during each processor reset; and

(d) validate itself the first time such storage device is used.

In addition, CD-ROM, DVD and other optical-disk-based program storage shall not be a re-writeable disk and the "session" shall be closed to prevent any further writing.

§ 5319.14. Control program requirements.

(a) *Control program verification*.

(1) EPROM-based program storage. Gaming devices that have control programs residing in one or more EPROMs shall employ a mechanism to verify control programs and data. Such mechanism shall use, at a minimum, a checksum. It is recommended that a cyclic redundancy check be used (at least 16-bit).

(2) Non-EPROM program storage.

(i) Software shall provide a mechanism for the detection of unauthorized and corrupt software elements, upon any access, and subsequently prevent the execution or usage of such corrupt elements by a gaming device. Such mechanism

shall employ a hashing algorithm that produces a message digest output of at least 128 bits.

(ii) In the event of a failed authentication after a game has been powered up, a gaming device immediately should enter an error condition and display an appropriate error. This error shall require operator intervention to clear and shall not clear until the data authenticates properly, following operator intervention, or the media are replaced or corrected, and the gaming device's memory is cleared. Control program verification mechanisms will be evaluated on a case-by-case basis based on industry-standard security practices.

(3) Alterable media. In addition to the requirements set forth in paragraph (2) of this subdivision shall:

(i) employ a mechanism that tests unused or unallocated areas of the alterable media for unintended programs or data and tests the structure of the media for integrity. Such mechanism shall prevent further play of the gaming device if unexpected data or structural inconsistencies are found; and

(ii) employ a mechanism for keeping a record any time a control program component is added, removed or altered on any alterable media. Such record shall contain a minimum of the last 10 modifications to the media and each record shall contain the date and time of the action, identification of the component affected, the reason for the modification and any pertinent validation information. Alterable program storage does not include memory devices typically considered to be alterable that have been rendered "read-only" by either a hardware or software means.

(b) *Program identification*. Program storage devices that do not have the ability to be modified while installed in a gaming device during normal operation shall be marked clearly with sufficient information to identify the software and revision level of the information stored in such devices.

(c) *Independent control program verification*. A gaming device shall have the ability to allow for an independent integrity check of such device's software from an outside source. An independent integrity check is required for all control programs that may affect the integrity of the game. In such integrity check, the software shall be authenticated by a third-party device, which may be embedded within the game software, by having an interface port for a third-party device to authenticate the media, or by allowing for removal of the media such that the media can be verified externally. This integrity check shall provide a means for field verification of the software to identify and validate the program. An approved testing laboratory shall, prior to device approval, evaluate the integrity-check method. If the authentication program is contained within the game software, the manufacturer shall receive written approval from the testing laboratory prior to submission for testing.

§ 5319.15. Multi-station games.

(a) A *multi-station game* means a gaming device unit that incorporates more than one player terminal and has just one random number generator which is controlled by the master terminal. The master terminal, containing the game's central processing unit shall determine the outcome of the game and random number generator results. The game display is typically shared among the player terminals and each player terminal shall also display all game results. Each terminal shall meet the applicable technical standards outlined throughout this Part, including gaming device identification and metering. This section does not apply to central-determined-type games, nor does this section apply to community-bonus-style games. There shall be a method for each player to know when the next game will begin, such as a countdown timer.

(b) As applicable, multi-station gaming devices shall meet the hardware requirements and software requirements of this Part.

(c) The master terminal, which contains the random number generator, shall meet the hardware requirements and software requirements of this Part. Bill validator requirements do not apply to the master terminal.

§ 5319.16. Printed circuit board.

(a) Each printed circuit board (*PCB*) shall be identifiable by name or number and revision level. Where feasible, this identification should be readily viewed without removal of the PCB from the gaming device.

(b) The top assembly revision level of a PCB shall be identifiable.

(c) If track cuts and/or patch wires are added to a PCB, then a new revision number or level shall be assigned to the assembly.

(d) Manufacturers shall ensure that circuit board assemblies used in their gaming devices conform functionally to the documentation and the certified versions of those PCBs that were evaluated and certified by an independent testing laboratory approved by the commission.

(e) The manufacturer's name, logo or abbreviated symbol on a PCB is recommended.

§ 5319.17. Patch wires.

All patch wires and track cuts shall be documented in a service manual and/or service bulletin and shall be submitted to the testing laboratory. This requirement does not prohibit required repairs in the field.

§ 5319.18. Switches and jumpers.

(a) All hardware switches or jumpers contained in a gaming device shall be fully documented for evaluation by an approved test laboratory.

(b) All hardware switches and/or jumpers in a gaming device that may alter configuration settings, pay tables, game denomination or payout percentages shall meet the requirements of this Part and shall be housed within a logic compartment of the gaming device. This includes top award changes (including progressives), selectable settings or any other option that would affect a payout percentage.

§ 5319.19. Mechanical devices used for displaying of game outcomes.

(a) Electromechanically controlled display devices (*e.g.* reels or wheels) shall have a sufficiently closed loop of control so as to enable the software to detect a malfunction and/or any attempt to interfere with the correct operation of that device.

(b) Mechanical assemblies (*e.g.*, reels or wheels) shall have some mechanism that ensures the correct mounting of the assembly's artwork, if applicable.

(c) Displays shall be constructed in such a way that winning symbol combinations match up with pay lines or other indicators.

(d) A mechanical assembly shall be so designed that such assembly is not obstructed by any other components.

§ 5319.20. Video monitor/touch screens.

(a) Any video monitor touch screen shall be accurate and, once calibrated, shall maintain such accuracy for at least the length of the manufacturer's recommended preventative maintenance period.

(b) Any video monitor touch screen should be able to be recalibrated without access to the gaming device cabinet other than opening the main door.

(c) There shall be no hidden or undocumented buttons or touch points anywhere on a video monitor touch that affect game play and/or that impact the outcome of the game, except as provided for by the game rules.

§ 5319.21. Bill validators and other methods of inserting financial instruments into a gaming device.

(a) *Bill Validators*. All paper currency acceptance devices shall be able to detect the entry of valid bills, coupons, vouchers or other approved notes, as applicable, and provide a method to enable the gaming device software to interpret and act appropriately upon a valid or invalid input. A paper currency acceptance device shall be electronically based and be configured to ensure that such device accepts only valid bills of legal tender,

coupons, vouchers or other approved notes, and shall reject all other items. Rejected bills, vouchers, coupons or other approved notes should be returned to the player. Vouchers are paper slips that are treated as a unit of currency, which may be redeemed for cash or exchanged for credits on the gaming device. Coupons are paper slips primarily used for promotional purposes, which may be of a cashable or non-cashable value. A bill input system shall be constructed in a manner that protects against vandalism, abuse or fraudulent activity.

(1) Each valid bill, coupon, voucher or other approved note shall register the actual monetary value or the appropriate number of credits received for the denomination being used on the player's credit meter.

(2) Credits shall be registered only when:

(i) the bill or other note has passed the point where such bill or note is accepted and stacked; and

(ii) the acceptor has sent the "irrevocably stacked" message to the gaming device.

(3) Each bill validator shall be designed to prevent the use of cheating methods such as stringing, the insertion of foreign objects and any other manipulation that may be deemed as a cheating technique. A method for detection of counterfeit bills shall be implemented.

(4) Acceptance of any bills, vouchers, coupons or other approved notes for crediting to the credit meter shall be possible only when the gaming device is enabled for play. Other states, such as error conditions, including door opens, audit mode and game play, shall cause the disabling of the bill validator system.

(5) Each gaming device or bill validator shall have the capability of detecting and displaying the following error conditions (for bill validators, it is acceptable to disable or flash lights with respect to the bill validator itself):

(i) full stacker, in which case it is recommended that an explicit "stacker full" error message not be used, in order to minimize security risk; rather, a message such as "bill validator malfunction" is suggested;

(ii) bill jams;

(iii) stacker door open;

(iv) stacker removed; and

(v) any other bill validator malfunction.

(b) All bill validators shall communicate to the gaming device using a bi-directional protocol.

(c) If bill validators are designed to be factory-set only, no access to such bill validators, maintenance or adjustments to such bill validators in the field, shall be permitted, other than:

(1) the selection of desired acceptance for bills, coupons, vouchers or other approved notes and their limits;

(2) changing of certified control program media or downloading of certified software;

(3) adjustments of the tolerance level for accepting bills or notes of varying quality, but not externally and only if adequate levels of security are in place, such as through lock-and-key, physical switch settings or other accepted methods approved by the commission on a case-by-case basis;

(4) maintenance, adjustment and repair per approved factory procedures; or

(5) options that set the direction or orientation of acceptance.

(d) For games that allow tokenization, the game shall record monetary value from the bill acceptor and post to the player's credit meter the entire amount inserted and display any fractional credits, when applicable. It is acceptable for a device to store the fractional credits if one of the following conditions is met:

(1) the game displays the credit meter in dollars and cents; or

(2) the game informs the player that there are fractional credits stored on the device at an opportune time, to avoid the possibility of the player walking away from the gaming device without such knowledge.

§ 5319.22. Machine metering of bill validator events.

(a) A gaming device that contains a bill validator device shall maintain sufficient electronic metering to be able to display the following:

(1) total monetary value of all items accepted;

(2) total number of all items accepted; and

(3) a breakdown of the bills accepted;

(4) the number of bills accepted for each bill denomination; and

(5) for all other notes (vouchers and coupons), a game shall have a separate meter that reports the number of items accepted, not including bills.

(b) A gaming device that uses a bill validator shall retain in its memory and display the information required in subdivision (a) of this section of the last five items accepted by the bill validator (*i.e.*, currency, vouchers, coupons, etc.). The bill validator recall log may be

combined or maintained separately by item type. If combined, the type of item accepted shall be recorded with the respective timestamp.

§ 5319.23. Acceptable bill validator locations.

If a gaming device is equipped with a bill validator, such bill validator shall be located in a locked area of such gaming device (*e.g.*, require opening of the main door to access), but not in the logic area of such gaming device. Only the bill or voucher insertion area is permitted to be accessible by the player.

§ 5319.24. Bill validator stacker requirements.

Each bill validator shall have a secure stacker and all accepted items shall be deposited into the secure stacker. The secure stacker and its receptacle are to be attached to the gaming device in such a manner so that such stacker and receptacle cannot be removed easily by physical force and shall meet the following rules:

(a) the bill validator device shall have the ability to detect a stacker-full condition; and

(b) there shall be a separate keyed lock to access the stacker area. This keyed lock shall be separate from the main door. In addition, a separate keyed lock shall be required to remove the bills from the stacker.

§ 5319.25. Credit redemption.

(a) Available credits may be collected from a gaming device by a player pressing a collect or cash-out button at any time other than during:

(1) a game being played;

(2) audit mode;

(3) any door open;

(4) test mode;

(5) a credit meter or win meter increment, unless the entire amount is placed on the meters when the collect button is pressed; or

(6) an error condition, provided the error condition prevents a valid cash-out that is not supported through some other means.

(b) If credits are collected, and the total credit value is greater than or equal to a game limit, the game shall lock up until the credits have been paid, and the hand-pay is cleared by a gaming facility employee.

(c) In certain situations, the printing of multiple independent tickets, each below the ticket limit, is an acceptable alternative, if approved by the commission.

§ 5319.26. Printers.

(a) A gaming device shall have a printer that is used to make payments by issuing a printed voucher. Such printer shall print on a voucher as set forth in section 5319.28 of this Part. A gaming device shall support the transmission of data to the gaming facility accounting system that records the following information in regard to each payout voucher printed:

(1) value of credits in currency;

(2) time of day the voucher was printed in 24-hour format, showing hours and minutes;

(3) date indicating the day, month and year;

(4) gaming device number or machine number; and

(5) unique validation number.

(b) A gaming device shall either keep a duplicate copy or print one copy for the player, but shall have the ability to retain and display the last-25-voucher-out information to resolve player disputes. In addition, an approved system shall be used to validate the payout voucher, and the voucher information on the gaming facility accounting system shall be retained at least as long as the voucher is valid at that location. If offline voucher issuance is supported, a gaming machine shall mask all but the last four digits of the validation number as displayed in the 25-voucher-out log.

(c) The printer shall be located in a locked area of a gaming device (*i.e.*, require opening of a locked external door), but not be housed within the logic area or the drop box.

(d) A printer shall have mechanisms to allow control-program software to interpret and act upon the following conditions:

(1) out of paper/paper low. It is permissible for the gaming device to not lock up for these conditions, yet there shall be a means for an attendant to be alerted;

(2) printer jam/failure; and

(3) printer disconnected. It is permissible for the gaming device to detect this error condition when the game tries to print.

§ 5319.27. Voucher validation.

Payment by voucher printer as a method of credit redemption is permissible only when:

(a) the gaming device is linked to a computerized voucher validation system that allows validation of the printed voucher. Validation approval or information shall come from the voucher validation system in order to validate vouchers. Vouchers may be validated at any location within the gaming facility, so long as such validation meets the standards in

this section. Provisions shall be made if communication is lost and validation information cannot be sent to the validation system, thereby requiring the manufacturer to have an alternate method of payment. A validation system shall be able to identify duplicate vouchers to prevent fraud by reprinting and redeeming a voucher that was previously issued by the gaming device; or

(b) an alternative method approved by the commission is used that includes the ability to identify duplicate vouchers to prevent fraud by reprinting and redeeming a voucher that was previously issued by the gaming device.

§ 5319.28. Voucher information.

A voucher shall at a minimum contain the following printed information:

(a) gaming facility identifier (It is permissible for this information to be contained on the ticket stock itself);

(b) machine number (or cashier/change booth location number, if voucher creation outside of the gaming device is supported);

(c) date and time (24-hour format);

(d) numeric dollar amount of the cash and/or the promotional value of the voucher, displayed independently;

(e) the cash value of the voucher displayed in text;

(f) voucher sequence number, which refers to a sequential number generated by the gaming device and includes the bank and game location;

(g) validation number (including a copy of the validation number on the leading edge of the voucher);

(h) bar code or any machine readable code representing the validation number;

(i) type of transaction or other method of differentiating voucher types, assuming multiple voucher types are available. Additionally, it is strongly recommended that whenever the voucher type is a non-cashable item, including a prize voucher that required attendant intervention to print and that contains an offset barcode that cannot be inserted into another gaming device to make additional wagers, that the ticket explicitly expresses that it has “no cash value”;

(j) indication of an expiration period from date of issue, or date and time the voucher will expire (24-hour format). It is permissible for this information to be contained on the ticket stock itself (*e.g.*, “Expires in one year”); and

(k) if offline voucher issuance is supported, an offline authentication identifier shall, at a minimum, be printed on the immediate next line following the leading edge validation

number that in no way overwrites, or otherwise compromises, the printing of the validation number on the ticket (not required for vouchers that are non-redeemable at a gaming machine). The offline authentication identifier shall be derived by a hash, or other secure encryption method of at least 128 bits, that uniquely will identify the voucher, verify that the voucher was created in the gaming facility where the redemption is occurring and validate the amount of the voucher. When a suitable authentication identifier is not printed on the voucher, a gaming device shall only allow for one additional voucher print out after such gaming device to system communications has been lost.

§ 5319.29. Voucher issuance and redemption.

(a) A voucher may be generated at a gaming device through an internal printer. Vouchers that reflect partial credits may be issued automatically from a gaming device. Additionally, cashier and change-booth issuance is permitted, if supported by the validation system.

(b) A gaming device shall, at a minimum, meet the following to incorporate the ability to issue offline vouchers after a loss of communication has been identified by such gaming device:

(1) such gaming device shall not issue more offline vouchers than such gaming device has the ability to retain and display in the ticket-out log maintained by such gaming device;

(2) such gaming device shall not request validation numbers and seed, key, etc. values used in the issuance of vouchers until all outstanding offline voucher information has been communicated fully to the voucher validation system;

(3) such gaming device shall request a new set of validation numbers and seed, key, etc. values used in the issuance of online/offline voucher if the current list of validation numbers and seed, key, etc. values have the possibility of being compromised, which include, without limitation, the following cases:

(i) after power has been recycled; or

(ii) upon exit of a main door open condition; and

(4) the values for the seed, key, etc. shall never be viewable through any display supported by such gaming device. Additionally, validation numbers always shall be masked when viewable through any display supported by such gaming device such that only the last four digits of the validation number are visible.

(c) Vouchers may be inserted in a gaming device using the validation system, provided that no credits are issued to such gaming device prior to confirmation of voucher validity.

(d) The offline voucher redemption may be validated as an internal control process at the specific gaming device that issued the voucher. A manual hand-pay may be conducted for the offline voucher value.

§ 5319.30. Software requirements; display.

(a) Pay glass or video displays shall be identified clearly and shall state accurately the rules of the game and the award that will be paid to a player when such player obtains a specific win.

(b) Pay glass or video displays shall indicate clearly whether awards are designated in credits, currency or some other unit.

(c) A gaming device shall reflect any change in award value that may occur in the course of play. Such notice may be accomplished with a digital display in a conspicuous location of such gaming device that such game shall clearly indicate as such.

(d) All pay table information, rules of play and help-screen information should be able to be accessed by a player, prior to such player committing to a bet. Such information shall include unique game features, extended play, free spins, double-up, take-a-risk, auto play, countdown timers, symbol transformations and community-style bonus awards.

(e) Pay glass or video displays shall not be certified for use if the information provided thereon is inaccurate.

(f) A game shall not advertise upcoming wins (*e.g.*, three-times-pay coming soon) unless:

(1) it is mathematically demonstrable that an award occurrence is upcoming; and

(2) if a player is shown a graphic representation in the form of a progress indicator, such representation shall accurately depict the current progress towards such an award.

(g) Each game that offers a feature such as free games or a fever mode shall display the number of feature games that are remaining during each game.

(h) Any games that use multiple decks of cards shall alert a player as to the number of card decks in play.

§ 5319.31. Software requirements; information to be displayed.

A gaming device shall display, or shall have displayed on the glass of such gaming device, the following information to the player at all times such gaming device is available for player input:

(a) the player’s current credit balance;

(b) the current bet amount (only during the base game or if the player can add to the bet during the game);

(c) all possible winning outcomes, or be available as a menu item or on the help menu;

(d) win amounts for each possible winning outcome, or be available as a menu or help-screen item;

(e) the amount won for the last completed game (until the next game starts or betting options are modified);

(f) the player options selected (*e.g.*, bet amount, lines played) for the last completed game (until the next game starts or a new selection is made); and

(g) the denomination being played.

In the alternative, the items described in subdivisions (e) and (f) of this section may be made available to a player as a menu item or on a help menu. It is recommended that a disclaimer in regard to "malfunction voids all pays" (or equivalent language) be clearly displayed. Should such a disclaimer be used, such information shall be affixed permanently to the exterior of the machine and not be removable.

§ 5319.32. Multi-line games.

(a) Each individual line in a multi-line game to be played shall be indicated clearly by a gaming device so that the player is in no doubt as to which lines are being bet on. Displaying the number of lines bet shall be sufficient to meet this requirement.

(b) The credits bet per line shall be shown. It is acceptable if the bet-per-line can be calculated from the number of lines bet and the total bet.

(c) The winning pay line or lines shall be discernable clearly to the player (*e.g.*, on a video game, it may be accomplished by drawing a line over the symbols on the pay line or lines and/or the flashing of winning symbols and line selection box). Where there are wins on multiple lines, each winning pay line may be indicated in turn. The requirements in this subdivision would not apply to electromechanical reel games unless technology is used that implements pay lines similar to those used on video displays (*e.g.*, backlit reels flashing for each winning pay line).

§ 5319.33. Game cycle.

A game is considered complete when the final transfer to the player's credit meter takes place or when all credits wagered are lost. The following are all considered to be part of a single game:

(a) games that trigger a free-game feature and any subsequent free games;

(b) second-screen bonus features;

(c) games with player choice (*e.g.*, draw poker or blackjack);

(d) games where the rules permit wagering of additional credits (*e.g.*, blackjack insurance or the second part of a two-part keno game); and

(e) double-up/gamble features.

§ 5319.34. Game selection process.

(a) Each possible permutation or combination of game elements that produces a winning or losing game outcome shall be available for random selection at the initiation of each play, unless otherwise denoted by the game.

(b) After selection of the game outcome, a gaming device shall not make a variable secondary decision that affects the result shown to the player. For instance, if the random number generator chooses an outcome that the game will be a loser, the game shall not substitute a particular type of loser to show to the player, thus eliminating the possibility of simulating a near-miss scenario where the odds of the top award symbol landing on the pay line are limited, but appear frequently above or below the pay line.

(c) A gaming device shall use appropriate protocols to protect the random number generator and random selection process from influence by associated equipment that may be communicating with such gaming device.

§ 5319.35. RNG requirements.

The selection of game symbols or production of game outcomes for a gaming device using a RNG shall:

(a) be statistically independent;

(b) conform to the desired random distribution;

(c) pass various recognized statistical tests; and

(d) be unpredictable.

§ 5319.36. Applied tests.

An independent testing laboratory approved by the commission may employ the use of various recognized tests to determine whether or not the random values produced by the random number generator pass the desired confidence level of 99 percent. Such independent testing laboratory may choose the appropriate tests on a case-by-case basis depending on the RNG under review. Such tests may include, without limitation:

(a) chi-square test;

(b) equi-distribution (frequency) test;

(c) gap test;

(d) overlaps test;

(e) poker test;

(f) coupon collector's test;

(g) permutation test;

(h) Kolmogorov-Smirnov test;

(i) adjacency criterion tests;

(j) order statistic test;

(k) runs tests (patterns of occurrences should not be recurrent);

(l) interplay correlation test;

(m) serial correlation test potency and degree of serial correlation (outcomes should be independent of the previous game);

(n) tests on subsequences; and

(o) Poisson distribution.

§ 5319.37. Background RNG activity requirement.

A RNG shall be cycled continuously in the background between games and during game play at a speed that cannot be timed by the player.

§ 5319.38. RNG seeding.

The first seed shall be determined randomly by an uncontrolled event. After every game there shall be a random change in the RNG process (new seed, random timer, delay, etc.) in order to ensure that the RNG does not start at the same value every time. It is permissible not to use a random seed. Nevertheless, a manufacturer shall ensure that multiple games will not synchronize.

§ 5319.39. Live game correlation.

Where a gaming device plays a game that is recognizable to be a simulation of a live casino game, such as poker, blackjack, roulette, etc., the same probabilities associated with the live game shall be evident in the simulated game, unless otherwise denoted on the display or help screen.

§ 5319.40. Symbol probability.

For game types such as spinning reel games or video spinning reel games, unless otherwise denoted on the pay glass, the mathematical probability of a symbol appearing in a position for any game outcome shall be constant.

§ 5319.41. Card games.

The requirements for games depicting cards being drawn from a deck are the following:

(a) At the start of each game or hand, the cards shall be drawn fairly from a randomly shuffled deck or decks. Replacement cards shall not be drawn until needed and shall be drawn in accordance with the rules of the game, to allow for multi-deck and depleting decks.

(b) Cards removed from the deck shall not be returned to the deck except as provided by the rules of the game depicted.

(c) As cards are removed from the deck, such cards shall be used immediately as directed by the rules of the game (*i.e.*, the cards are not to be discarded due to adaptive behavior by the gaming device).

(d) It is acceptable to draw random numbers for replacement cards at the time of the first-hand random number draw, so long as the replacement cards are used sequentially as needed.

§ 5319.42. Ball drawing games.

The requirements for games depicting balls being drawn from a pool (*e.g.*, keno) are as follows:

(a) At the start of each game, only balls applicable to the game are to be depicted. For games with bonus features and additional balls that are selected, balls should be chosen from the original selection without duplicating an already-chosen ball.

(b) The pool shall not be re-mixed except as provided by the rules of the game as depicted.

(c) As balls are drawn from the pool, such balls shall be used immediately as directed by the rules of the game (*i.e.*, the balls are not to be discarded due to adaptive behavior by the gaming device).

§ 5319.43. Scaling algorithms.

(a) If a random number with a range shorter than that provided by the RNG is required for some purpose within the gaming device, the method of re-scaling (*i.e.*, converting the number to the lower range) is to be designed in such a way that all numbers within the lower range are equally probable.

(b) If a particular random number selected is outside the range of equal distribution of re-scaling values, it is permissible to discard such random number and select the next in sequence for the purpose of re-scaling.

§ 5319.44. Mechanical-based RNG games.

(a) A mechanical-based RNG game is a game that employs the laws of physics in any way to generate the outcome of such game. All mechanical-based RNG games shall meet the requirements of this Part, with the exception of provisions in sections 5319.37, 5319.38 and 5319.43 that dictate the requirements for electronic random number generators. Mechanical-based RNG games shall meet the following:

(b) The independent testing laboratory approved by the commission shall test multiple iterations of a mechanical-based RNG game to gather enough data to verify randomness. In addition, the manufacturer may supply live data to assist in such evaluation.

(c) The mechanical pieces of a mechanical-based RNG game shall be constructed of materials to prevent decomposition of any component over time (*e.g.*, a ball shall not disintegrate prior to scheduled replacement).

(d) The properties of physical items used to choose the selection in a mechanical-based RNG game shall not be altered.

(e) A player shall not have the ability to interact physically or come into physical contact or manipulate the machine physically with the mechanical portion of a mechanical-based RNG game.

(f) The commission may require replacement parts after a pre-determined amount of time for mechanical-based RNG game to comply with subdivision (b) of this section. In addition, the device or devices may require periodic inspections to ensure the integrity of a device. Each mechanical-based RNG game shall be reviewed on a case-by-case basis.

§ 5319.45. Software requirements for percentage payout.

(a) If progressives, bonus systems, merchandise and so on are external to a game's prize pool, the values shall not be included in the percentage-payout calculation. The independent testing laboratory approved by the commission shall provide the minimum and maximum theoretical payout percentage for the game within a certification report, unless otherwise noted. Additional external awards added to a game shall require a re-evaluation of the theoretical payout percentage, considering the value of the award and other relevant factors. The independent testing laboratory approved by the commission shall re-evaluate a game's theoretical payout percentage when requested.

(b) Gaming devices that may be affected by player skill shall meet the requirement of this section when using a method of play that will provide the greatest return to the player over a period of continuous play.

(c) The minimum percentage requirement shall be met when playing at the lowest end of a non-linear pay table (*i.e.*, if a game is continuously played at a minimum bet level for the cycle of the game and the theoretical return to the player is lower than the minimum percentage, then such pay table is not permissible).

(d) Double-up or gamble options shall have a theoretical return to the player of 100 percent.

§ 5319.46. Odds.

The highest single advertised payout on each gaming device shall occur, statistically, at least once in 50 million games. Such requirement shall not apply to multiple awards won together on the same game play where the aggregate prize is not advertised. Such requirement shall not apply to games that make it possible for a player to win the highest win multiple times through the use of free games. This section does apply to each wager that wins the maximum award. If the highest advertised award can occur within a bonus or free-game feature, the odds calculation shall include the odds of obtaining the bonus round, including the odds to achieve the top award.

§ 5319.47. Bonus games.

(a) *Bonus game requirements*. Games that have awards calculated that occur from game play within the base game's cycle (*e.g.*, bonus features, including free games) shall meet the following:

(1) the game shall display clearly to the player which game rules apply to the current game state. Such rules shall be made available to the player prior to the start of the bonus game (rather than during the bonus game);

(2) the game shall clearly display to the player the possible win-amount ranges, multiplier ranges and so on that can be obtained from bonus play;

(3) a game that offers a bonus game, other than those that occur randomly, shall display to the player sufficient information to indicate the current status towards the triggering of the next bonus game;

(4) if the game requires obtaining several events or symbols toward a feature, the number of events or symbols needed to trigger the bonus shall be indicated along with the number of events or symbols collected to any point;

(5) the game shall not adjust the likelihood of a bonus occurring based on the history of prizes obtained in previous games (*i.e.*, games shall not adapt their theoretical return to the player based on past payouts);

(6) if a game's bonus is triggered after accruing a certain number of events or symbols or combination of events or symbols of a different kind over multiple games, the probability of obtaining like events or symbols shall not deteriorate as the game progresses (*e.g.*, for identical events or symbols it is not permitted that the last few events or symbols needed are more difficult to obtain than the previous events or symbols of that kind);

(7) the game shall make it clear to the player that the player is in a bonus mode, in order to minimize the possibility of the player walking away from the gaming device not knowing that the game is in a bonus mode;

(8) bonus game awards are part of the game cycle with predetermined award values. Bonus play award contributions to the program payout percentage are calculated consistent with awards of the regular game cycle. Specifically, if the cycle for bonus play awards is different from the base game cycle, then the bonus play awards, occurring within the base game's cycle, shall be calculated as part of the game's payout; and

(9) the game shall display the rules of play for the bonus game awards, the rewards associated with each bonus play award and the character combinations that will result in the specific payouts. For bonus play awards achieved by obtaining specific game results, the progress of the award shall be displayed.

(b) *Player selection or interaction in bonus games*. A gaming devices that offers a bonus game or extended feature that requires player selection or interaction is prohibited from automatically making selections or initiating games or features unless such gaming device meets the requirements set forth in paragraphs (1) through (3) of this subdivision and explains the mechanism for auto-initiation or selection on the device glass or video display.

(1) A player shall be presented with a choice and shall acknowledge specifically an intent to have the gaming device auto-initiate the bonus or extended play feature by means of a button press or other physical or machine interaction.

(2) The bonus or extended feature shall provide only one choice to the player (*i.e.*, press button to spin wheel). In such a case, the device may auto-initiate the bonus or extended feature after a time-out period of at least two minutes.

(3) The bonus or extended feature shall be offered as part of community play that involves two or more patrons and where the delay of an offered selection or game initiation will impact directly the ability for other players to continue their bonus or extended features. Prior to making selections automatically or initiating a community-based bonus or feature, a player shall be made aware of the time remaining in which the player shall make a selection or initiate play.

§ 5319.48. Extra credits wagered during bonus games.

If a bonus or feature game requires extra credits to be wagered during the bonus and the game accumulates all winnings (from the trigger and the feature to a temporary win meter, rather than directly to the credit meter), such game shall:

(a) provide a means whereby winnings on the temporary meter can be bet (via the credit meter) to allow for instances where the player has an insufficient credit meter balance to complete the feature;

(b) transfer all credits on the temporary meter to the credit meter upon completion of the feature;

(c) not exceed the maximum bet limit, if one is set; and

(d) provide the player an opportunity not to participate.

§ 5319.49. Mystery awards.

It is acceptable for a game to offer a mystery award, which is an award that is not tied to any specific symbol combination, if such game indicates the maximum amount the player potentially could win. If the minimum amount that potentially could be won is not displayed, such amount will be assumed to be zero. In addition, both a minimum and maximum amount shall be displayed for any mystery award if the method to receive such award involves strategy or skill, including methods whereby the value of the pay table is used in order to make decisions that could increase the return to the player (*e.g.*, video poker).

§ 5319.50. Multiple games on the gaming device; selection of game for display.

(a) A *multi-game* is a game that simultaneously can be configured for use with multiple themes and/or multiple pay tables.

(b) The methodology employed by a player to select a particular game for play on a multi-game gaming device shall be explained clearly to the player on such gaming device and be capable of being followed easily.

(c) A gaming device shall have a means to inform clearly the player of all games, their rules and/or their pay tables, before such player shall commit to playing such games.

(d) A player shall at all times be made aware of which game theme has been selected for play and is being played, as applicable.

(e) When multiple game themes are offered for play, a player shall not be forced to play a particular game unless the game screen clearly indicates the game selection is unchangeable. If not disclosed, a player shall be able to return to the main menu.

(f) It shall not be possible to select or start a new game before the current play is completed and all relevant meters have been updated, including features, gamble and other options of the game, unless the action to start a new game terminates the current play in an orderly manner.

(g) The set of games or the pay table or tables offered to the player for selection may be changed only by a secure certified method that includes turning on and off games available for play. The rules set forth in subdivision (d) of section 5319.10 of this Part, in regard to configuration settings, shall govern the NV-memory-clear-control requirements for these types of selections. When a pay table is turned off, an NV-memory-clear is not

required so long as the gaming device keeps the data of the previous pay table (in memory.

(h) No changes to the set of games or to the pay table or tables offered to the player for selection are permitted while there are credits on such player's credit meter or while a game is in progress, notwithstanding specific protocol features that might have allowed such changes to be made in a controlled fashion.

§ 5319.51. Electronic metering within the gaming device.

(a) *Credit meter units and display*. The credit meter shall be maintained in credits or cash value and at all times indicate all credits or cash available for the player to wager or cash out, with the exception of when the player is viewing an informational screen such as a menu or help-screen item. Such screen should be displayed to the player unless a tilt condition or malfunction exists.

(b) *Tokenization*. If the currency amount is not an even multiple of the tokenization factor for a game or the credit amount has a fractional value, the credits displayed for such game may be displayed and played as a truncated amount (*i.e.*, fractional part removed). However, the fractional credit amount shall be made available to the player when the truncated credit balance is zero.

(c) *Credit meter, incrementing*. The value of all prizes awarded shall be added to the player's credit meter, except for hand-pays or merchandise.

(d) *Progressives*. Progressive awards may be added to the credit meter if either:

(1) the credit meter is maintained in currency;

(2) the progressive meter is incremented to whole credit amounts; or

(3) the progressive prize in currency is converted properly to credits upon transfer to the player's credit meter in a manner that does not mislead the player (*i.e.*, make unqualified statement "wins meter amount" and then rounds down on conversion or cause accounting imbalances). See also Part 5321 of this Subchapter.

(e) *Collect meter*. There shall be a collect meter, which shall show the number of credits or cash, collected by the player upon a cash-out. This meter should be displayed to the player unless a tilt condition or malfunction exists. The number of credits or cash collected shall be subtracted from the player's credit meter and added to the collect meter. This meter may include hand pays.

(f) *Software meter information access*. The software meter information shall be accessible only by an authorized gaming facility employee and shall have the ability to be displayed on demand using a secure means.

(g) *Electronic accounting and occurrence meters*. Electronic accounting meters shall be at least 10 digits in length. These meters shall be maintained in credit units equal to the denomination or in dollars and cents. If the meter is being used in dollars-and-cents format, eight digits shall be used for the dollar amount and two digits used for the cents amount. Devices configured for multi-denomination play shall display the units in dollars and cents. The meter shall roll over to zero upon the next occurrence, any time the meter exceeds 10 digits and after 9,999,999,999, or any other value that is logical, has been reached. Occurrence meters shall be at least eight digits in length. Occurrence meters are not required to roll over automatically. Meters shall be labeled so such meters may be clearly understood in accordance with their functions. All gaming devices shall be equipped with a device, mechanism or method for retaining the value of all meter information specified in this section, which shall be preserved in the event of power loss to the gaming device. The following paragraphs (1) through (22) describe accounting meters, except where noted otherwise.

(1) *Coin in*. A gaming device shall have a meter that accumulates the total value of all wagers, whether the wagered amount results from the insertion of currency, deduction from a credit meter or any other means. This meter shall, with the exception of keno or skill games:

(i) not include subsequent wagers of intermediate winnings accumulated during game play sequence, such as those acquired from games permitting double-up wagers;

(ii) for all games, provide the coin-in information, on a per-paytable basis, to calculate a weighted average theoretical payback percentage; and

(iii) for a pay table with a difference in theoretical payback percentage that exceeds four percent between wager categories, it is recommended that the device maintain and display coin-in meters and the associated theoretical payback percentage for each wager category with a different theoretical payback percentage and calculate a weighted average theoretical payback percentage for such pay table.

(2) *Coin out.* A gaming device shall have a meter that accumulates the total value of all amounts directly paid by the device as a result of winning wagers, whether the payout is made to a credit meter or by any other means. This meter shall not record amounts awarded as the result of an external bonusing system or a progressive payout.

(3) *Attendant-paid jackpots.* A gaming device shall have a meter that accumulates the total value of credits paid by an attendant resulting from a single game cycle, the amount of which is not capable of being paid by such gaming device itself. Such amount does not include progressive amounts or amounts awarded as a result of an external bonusing system. Such meter shall include only awards resulting from

specifically identified amounts listed in the manufacturer's par sheet. Jackpots that are keyed to the credit meter shall not increment this meter.

(4) *Attendant-paid cancelled credits.* A gaming device shall have a meter that accumulates the total value paid by an attendant resulting from a player-initiated cash-out that exceeds the physical or configured capability of such device to make the proper payout amount.

(5) *Bill in.* A gaming device shall have a meter that accumulates the total value of currency accepted and a specific occurrence meter for each denomination of currency accepted that records the number of bills accepted of each denomination.

(6) *Ticket and/or voucher in or ticket in.* A gaming device shall have a meter that accumulates the total value of all gaming-device vouchers accepted by such device.

(7) *Ticket and/or voucher out or ticket out.* A gaming device shall have a meter that accumulates the total value of all gaming-device vouchers and payout receipts issued by the device.

(8) *Electronic funds transfer in (EFT in).* A gaming device shall have an EFT-in meter that accumulates the total value of cashable credits electronically transferred from a financial institution to such gaming device through a cashless wagering system.

(9) *Cashless account transfer in or wagering account transfer (WAT) in.* A gaming device shall have a meter that accumulates the total value of cashable credits electronically transferred to such gaming device from a wagering account by means of an external connection between such device and a cashless wagering system.

(10) *Cashless account transfer out or WAT out.* A gaming device shall have a meter that accumulates the total value of cashable credits electronically transferred from such gaming device to a wagering account by means of an external connection between such device and a cashless wagering system.

(11) *Non-cashable electronic promotion in.* A gaming device shall have a meter that accumulates the total value of non-cashable credits electronically transferred to such gaming device from a promotional account by means of an external connection between such device and a cashless wagering system.

(12) *Cashable electronic promotion in.* A gaming device shall have a meter that accumulates the total value of cashable credits electronically transferred to such gaming device from a promotional account by means of an external connection between such device and a cashless wagering system.

(13) *Non-cashable electronic promotion out.* A gaming device shall have a meter that accumulates the total value of non-cashable credits electronically transferred from such gaming device to a promotional account by means of an external connection between such device and a cashless wagering system.

(14) *Cashable electronic promotion out.* A gaming device shall have a meter that accumulates the total value of cashable credits electronically transferred from such gaming device to a promotional account by means of an external connection between such device and a cashless wagering system.

(15) *Cashable promotional credit wagered.* This meter is not an accounting meter. If a gaming device supports cashable promotional credits, the gaming device shall have a meter that accumulates the total value of promotional cashable credits that are wagered, including credits that are transferred to the machine electronically or through the acceptance of coupons or vouchers.

(16) *Coupon promotion in.* A gaming device shall have a meter that accumulates the total value of all gaming-device promotional coupons accepted by such device.

(17) *Coupon promotion out.* A gaming device shall have a meter that accumulates the total value of all gaming-device promotional coupons issued by such device.

(18) *Machine-paid external bonus payout.* A gaming device shall have a meter that accumulates the total value of additional amounts awarded as a result of an external bonusing system and paid by such device.

(19) *Attendant-paid external bonus payout*. A gaming device shall have a meter that accumulates the total value of amounts awarded as a result of an external bonusing system paid by an attendant. Bonus payouts that are keyed to the credit meter shall not increment this meter.

(20) *Attendant-paid progressive payout.* A gaming device shall have a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the device itself. Progressive payouts that are keyed to the credit meter shall not increment this meter.

(21) *Machine-paid progressive payout.* A gaming device shall have a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by such device. This meter does not include awards paid as a result of an external bonusing system.

(22) *Games played.* This meter is not an accounting meter. A gaming device shall have meters that accumulate the number of games played.

(h) *Paytable-specific meters*. In addition to the master electronic accounting meters required by subdivision (g) of this section, each individual game available for play shall have the pay table meters credits bet (*i.e.*, coin in) and credits won (*i.e.*, coin out) in either credits or dollars. Even if a double-up or gamble game is lost, the initial win amount, and not credits-bet amount, shall be recorded in the game-specific meters.

(i) *Double-up or gamble meters*. For each type of double-up or gamble feature offered, there shall be sufficient meters to determine such feature's actual return percentage,

which shall increment accurately every time a double-up or gamble play concludes, including all amounts wagered and won during interim plays. These meters shall reflect amount wagered and amount won. If such gaming device does not supply accounting for the double-up or gamble information, the feature shall provide for the ability to be disabled.

§ 5319.52. Communication protocol.

(a) In order to communicate with a gaming facility accounting system, a device shall function accurately as indicated by the communication protocol that is implemented.

(b) A gaming device shall not allow any information contained in communication to or from the gaming facility accounting system that is intended by the communication protocol to be protected, or that is of a sensitive nature, to be viewable through any display mechanism supported by such gaming device. Such communication includes, without limitation, validation information, secure PINs, credentials or secure seeds and keys.

§ 5319.53. Error conditions.

(a) A gaming device shall be capable of detecting and displaying the error conditions described in this section and of illuminating the tower light or sounding an audible alarm. Error conditions shall cause a gaming device to lock up and require attendant intervention except as noted within this section. Error conditions shall be cleared either by an attendant or upon initiation of a new play sequence after the error has cleared except for errors described in paragraphs (1) and (3) of subdivision (c) of this section, which are deemed critical errors that require further evaluation. Error conditions shall be communicated to an online monitoring and control system, where applicable.

(b) *Door-open error conditions*.

(1) All external doors (*e.g.*, main, belly, top box);

(2) drop box door;

(3) stacker door; and

(4) any other currency storage areas that have a door.

(c) *Other error conditions*.

(1) NV memory error (for any critical memory);

(2) Low NV memory battery for batteries external to the NV memory itself or low power source;

(3) Program error or authentication mismatch;

(4) Reel-spin errors. The specific reel number shall be identified in the error code. This should be detected under the following conditions:

(i) a mis-index condition for rotating reels, that affects the outcome of the game;

(ii) in the final positioning of the reel, if the position error exceeds one-half of the width of the smallest symbol excluding blanks on the reel strip; and

(iii) microprocessor-controlled reels shall be monitored to detect malfunctions such as a reel that is jammed, or is not spinning freely, or any attempt to manipulate the final resting positions of such reels.

(d) *Error Codes*. For games that use error codes, a description of gaming-device error codes and their meanings shall be affixed inside the gaming device. This subdivision shall not apply to video-based games.

§ 5319.54. Program interruption and resumption.

(a) *Interruption*. After a program interruption (*e.g.*, processor reset), software shall be able to recover to the state such software was in immediately prior to the interruption occurring. It is acceptable for the game to return to a game-completion state so long as the game history and all credit and accounting meters comprehend a completed game. If a power failure occurs during acceptance of a bill or other note, the bill validator shall give proper credits or return the note.

(b) *Restoring power*. When a gaming device is powered down while in an error condition, upon restoring power, the specific error message shall still be displayed and the gaming device shall remain locked-up. If power-down is used as part of the error reset procedure upon power-up or door closure, a gaming device shall check for the error condition and confirm that the error is no longer in existence.

(c) *Simultaneous inputs*. A program shall not be affected adversely by the simultaneous or sequential activation of the various inputs and outputs, such as “play buttons,” that might, whether intentionally or not, cause malfunctions or invalid results.

(d) *Resumption*. On program resumption, the following procedures shall be performed as a minimum requirement:

(1) any communications to an external device shall not begin until the program resumption routine, including self-tests, is completed successfully; and

(2) the bill validator device shall perform a self-test at each power up. In the event of a self-test failure, the bill validator shall disable itself automatically (*i.e.*, enter bill-reject state) until the error state has been cleared.

(e) *Microprocessor-controlled reels.* Microprocessor-controlled reels (*e.g.*, stepper motor reels) shall re-spin automatically to the last-valid-play mode result when the play mode is

re-entered and the reel positions have been altered (*e.g.*, the main door is closed, power is restored, audit mode is exited or an error condition cleared).

(f) *Required door metering*. Software shall be able to detect access to the following doors or secure areas, provided power is supplied to a device:

(1) all external doors (*e.g.*, main, belly, top box);

(2) drop box door;

(3) stacker door; and

(4) any other currency storage areas that have a door.

§ 5319.55. Door open procedures.

When a gaming device's external doors are opened, the game shall cease play, enter an error condition, display an appropriate error message, disable bill acceptance and either sound an alarm or illuminate the tower light, or both.

§ 5319.56. Door close procedures.

When all of a gaming device's external doors are closed, the game shall return to its original state and display an appropriate error message, until the next game has ended.

§ 5319.57. Taxation reporting limits.

A game shall be capable of entering a lock-up condition if any awards from a single game cycle are in excess of a limit that is required for Federal or State tax reporting. It is permissible to provide a mechanism to accrue W2-G-eligible winnings to a separate meter. Such meter shall not provide for the ability to place wagers and when collected by the player, the game shall lock-up and require an attendant to assist the player.

§ 5319.58. Test/diagnostic mode (demo mode).

(a) *Credits.* If a gaming device is in a test, diagnostic or demo mode, any test that incorporates credits entering or leaving such gaming device shall be completed on resumption of normal operation. No mode other than normal operation (ready for play) shall increment any of the electronic meters. Any credits on the gaming device that were accrued during the test, diagnostic or demo mode shall be cleared automatically before such mode is exited. Specific meters are permissible for these types of modes, provided the meters indicate as such.

(b) *Entry to test/diagnostics mode*. The opening of the main cabinet door of a gaming device automatically may place such gaming device in a service or test/diagnostic mode. Test/diagnostic mode may also be entered by action of a gaming facility employee for purposes of an audit. Such modes shall not be accessible to a player.

(c) *Exiting from test/diagnostic mode*. When exiting from test-diagnostic mode, a game shall return to the original state such game was in when the test mode was entered.

(d) *Test games*. If a gaming device is in a game-test mode, such gaming device shall indicate clearly that such gaming device is in a test mode, not normal play.

§ 5319.59. Game history recall.

(a) Information on at least the last 10 games always is to be retrievable upon the operation of a suitable external key-switch or another secure method that is not available to a player.

(b) Last-play information shall provide all information required to reconstruct fully the last 10 games. All values shall be displayed, including the initial credits or ending credits, credits bet and credits won, pay-line symbol combinations and credits paid, whether the outcome resulted in a win or loss. Such information is permitted to be represented in graphical or text format and should include the final game outcome, including all player choices and bonus features. In addition, the last-play information shall include the results of double-up or gamble wagers, if applicable. It is allowable to display values in currency in place of credits. If a progressive was awarded, it is sufficient to indicate that the progressive was awarded and not display the value.

(c) The10-game recall shall reflect bonus rounds in their entirety. If a bonus round lasts for a number of events, each with a separate outcome, each such event shall be displayed with its corresponding outcome, regardless if the result is a win or loss. The recall also shall reflect position-dependent events if the outcome results in an award. Gaming devices offering games with a variable number of free games, per base game, may satisfy the requirement of this subdivision by providing the capability to display the last 50 free games in addition to each base game.

§ 5319.60. Electronic table games.

All electronic table games (*ETGs*) shall meet the requirements set forth in sections 5319.12, 5319.13, 5319.14 and 5319.35 of this Part.

(a) *Communication protocol.* Each component of an ETG system shall function as indicated by the communication protocol implemented. All protocols shall use communication techniques that have proper error detection and/or recovery mechanisms that are designed to prevent unauthorized access or tampering, employing data encryption standards or equivalent encryption with secure seeds or algorithms. Any alternative measures shall require approval of the commission in writing.

(b) *System integrity.* The server or system component or components shall reside in a secure area where access is limited to authorized staff as set forth in the gaming facility licensee's approved system of internal controls. Access to the logic components of the game shall be logged on the system or on a computer or other logging device that resides

outside the secure area and is not accessible to the employee or employees gaining access to the secure area.

(1) The logged data shall include time and date and user login.

(2) The resulting logs shall be retained for a minimum of 90 days.

(c) *RNG*. Each RNG shall meet the requirements set forth in section 5319.35 of this Part and the following requirements:

(1) In the game selection process:

(i) each possible permutation or combination of game elements that produces winning or losing game outcomes shall be available for random selection at the initiation of each play, unless otherwise denoted by the game;

(ii) after selection of the game outcome, the ETG shall not make a variable secondary decision that affects the result shown to the player; and

(iii) an ETG shall use protocols that effectively protect the RNG and random selection process from influence by associated equipment that may be communicating with the ETG.

(2) The RNG shall be cycled continuously in the background between games and during game play at a speed that cannot be timed by the player. Periods when the RNG may not be cycled (*e.g.*, interrupts) shall be kept to a minimum.

(3) The first seed shall be determined randomly by an uncontrolled event such that the seed randomly changes after every game. A licensed manufacturer is not required to use a random seed so long as such manufacturer shall ensure that games do not synchronize.

(4) Games depicting cards being drawn from a deck shall meet the following requirements:

(i) at the start of each hand, the cards shall be drawn from a randomly shuffled deck;

(ii) replacement cards shall not be drawn until needed and allow for multi-deck and depleting decks in accordance with game rules;

(iii) cards once removed from the deck shall not be returned to the deck except as provided by the rules of the game depicted; and

(iv) as cards are removed from the deck, such cards shall be used immediately as directed by the rules of the game.

(d) *Maintenance of critical memory*. Critical memory storage may be maintained by the player terminal or the system, where applicable.

(e) *Player interface terminal requirements*. Player interface terminals may either be a display mechanism where the system performs all operations of the game (also known as thin client) or a mechanism that contains its own logic function in conjunction with the ETG (also known as thick client). Such player interface terminals shall meet the hardware and software requirements set forth in this Part.

(f) *Notification of non-compliance*. A gaming facility shall report any requirements that cannot be met as a result of manual intervention from a live dealer to the commission prior to submission for required testing as set forth in Part 5318 of this Subchapter.

PART 5320

Slot Tournaments and Progressive Gaming Devices

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§ 5320.1. Definitions.

Unless the context indicates otherwise, the following definitions are applicable throughout this Part.

(a) *Multiple-gaming-device-linked progressive* means multiple gaming devices that offer a common progressive jackpot or jackpots that are linked to a progressive controller within a single gaming facility location.

(b) *Multi-site progressive gaming device* means a device that is interconnected in more than one gaming facility.

(c) *Progressive controller* means hardware and software that control communications among the devices that calculate the values of progressive jackpots and display information within a progressive gaming device link and on the associated progressive meter.

(d) *Progressive gaming device* means a gaming device that has an increasing jackpot, based on a pre-set rate of progression. A progressive gaming device may include games that award progressive jackpots or a pool based on criteria other than obtaining winning symbols on the machine, such as “mystery jackpot.” A progressive gaming device does not include one in which games incorporate a bonus feature as part of the game theme that offers awards that increase as the game is played and does not allow for configuration of typical progressive game parameters (*e.g.*, seed values, contribution rates, overflow values, max pool values, etc.).

(e) *Progressive jackpot* means an award for a winning play of a game or, in the case of a mystery jackpot, a non-winning play of the game.

(f) *Progressive meter* means a progressive gaming device that is, or devices that are, linked, directly or indirectly to a mechanical, electrical or electronic device, including a video display, if applicable, that shows the payoff that increases at a pre-set rate of progression.

(g) *Stand-alone progressive gaming device* means a single progressive game that is not a part of a link.

§ 5320.2. Tournament program.

Each gaming device may be equipped with a program certified by the independent testing laboratory approved by the commission pursuant to Part 5318 of this Subchapter that allows for tournament-mode play. Tournament-mode play shall, as a default on any gaming device equipped with such program, be disabled. Such option shall be enabled only by a control method approved by the commission, which shall require manual intervention and/or total replacement of the logic board with a tournament board certified by the independent testing laboratory approved by the commission pursuant to Part 5318 of this Subchapter.

§ 5320.3. Hardware.

A tournament game shall comply with the requirements set forth in sections 5319.30 through 5319.60 of this Subchapter, unless the commission determines in writing that a provision in such sections is inapplicable to such game.

§ 5320.4. Software.

(a) A gaming device enabled for tournament play shall not accept credits from any source or pay out credits in any way, but shall use credit points only. Tournament credits shall

have no cash value. Tournament-enabled games shall not increment any mechanical or electromechanical meters unless such meters are designed exclusively for use with tournament software. Tournament-enabled gaming devices shall not communicate any tournament-related accounting information to the gaming facility's slot accounting system. The percentage requirements in sections 5319.47 through 5319.50 of this Subchapter are waived for tournament games.

(b) All gaming devices used in a single tournament shall use the same electronics and machine settings as other gaming devices involved in such tournament, including reel-speed settings.

§ 5320.5. Progressive component requirements; hardware and player safety.

Electrical and mechanical parts and design principals of the electronic associated progressive hardware shall not subject a player to any physical hazards.

§ 5320.6. Environmental effects on progressive integrity.

(a) *Environmental effects.* The independent testing laboratory approved by the commission pursuant to Part 5318 of this Subchapter shall perform tests set forth in this section to determine whether or not outside influences affect game fairness to the player or create cheating opportunities. During the course of testing, such laboratory shall inspect for marks or symbols indicating that a device has undergone product safety compliance testing. Such laboratory also shall perform, where possible, a cursory review of submissions and information contained therein related to electromagnetic interference, radio frequency interference, magnetic interference, liquid spills, power fluctuations and environmental conditions. Electrostatic discharge testing is intended only to simulate techniques observed in the field that are used to attempt to disrupt the integrity of progressive gaming devices. A progressive system shall be able to withstand the test described in subdivision (b) of this section, and resume function without operator intervention.

(b) *Electrostatic interference*. Protection against static discharges requires that progressive components be grounded in such a way that static discharge energy shall not damage permanently, or inhibit permanently the normal operation of the electronics or other components within a progressive system. Progressive system components may exhibit temporary disruption when subjected to a significant electrostatic discharge greater than that produced by a human body, but such components shall exhibit a capacity to recover and complete any interrupted function without loss or corruption of any control or critical data information associated with such progressive system. Such tests shall be conducted with a severity level of a maximum of 27 kilovolts air discharge.

§ 5320.7. Progressive meter/display requirements.

(a) *Progressive displays*. A progressive meter shall be visible to all players who are playing a device that potentially might win the progressive amount if the progressive jackpot combination appears, except for mystery jackpots. A player shall know that he or she is playing a progressive game and not have to play the maximum bet amount to find out. The following applies to all progressive meter displays:

(1) The progressive meter shall display the current total of the progressive jackpot in the monetary value or credits (the monetary value may vary for multi-site progressive displays). Because the polling cycle does cause a delay, the jackpot meter need not show precisely the actual monies in the progressive pool at each instance. This paragraph does not apply to mystery jackpots.

(2) If the progressive award will not doubled or tripled when won during a feature, such feature shall be indicated clearly on the display.

(b) *Types of updating displays*. The use of odometer and other paced updating displays are permitted. The progressive meter shall display the winning value within 30 seconds of the jackpot being recognized by the central system. In the case of the use of paced updating displays, the system jackpot meter shall display the winning value after the jackpot broadcast is received from the central system.

(c) *Progressive display digital limitations*. If a progressive meter progresses to such meter's maximum display amount, such meter shall freeze and remain at the maximum value until awarded to a player.

(d) *Alternating displays*. When applicable, it is sufficient to have progressive information displayed in an alternating fashion.

§ 5320.8. Progressive controller requirements.

A progressive system shall meet the standards for gaming devices set forth in Part 5319 of this Subchapter. The requirements of this Part apply equally to one progressive gaming device linked to a progressive controller or is internally controlled, as well as several progressive gaming devices linked to one progressive controller within one gaming facility or multiple gaming facilities.

(a) *Progressive controller description*. A progressive controller shall calculate the values of the progressives and display the information within a progressive gaming device link and the associated progressive meter (if applicable, progressive controllers may be internally controlled by the games control program). A progressive controller may consist of more than one discrete component and include, without limitation, PC-based computers, wiring, interface boards and collection nodes, etc.

(b) *Setting jackpot amounts*. The entry or modification of system jackpot parameter values shall be secure. Any change to the jackpot amount shall conform to the gaming facility's approved system of internal controls. All progressive gaming devices or any progressive system component approved by the commission shall be able to display, the following information for each progressive prize offered (if applicable):

(1) current value, which is the current prize amount;

(2) overflow, which is the amount exceeding limit to be counted as gross gaming revenue;

(3) hits, which is the number of times the progressive jackpot was won;

(4) wins, which is the total value of wins for the progressive jackpot or a history of the last 25 progressive hits;

(5) base, which is the starting value;

(6) limit, which is the jackpot limit value (if the jackpot is capped at a maximum limit, this subdivision does not require to add the overflow amounts to the next starting value and shall be determined on a case-by-case basis);

(7) increment, which is the percentage increment rate;

(8) secondary increment, which is the percentage increment rate after limit is reached;

(9) hidden increment, which is the percentage increment rate for the reserve pool;

(10) reset value, which is the amount the progressive resets to after the progressive jackpot is won; and

(11) the participating gaming devices.

(c) *Progressive controller program interruption*. After a program interruption (*e.g.*, power down), software shall be able to recover to the state such software was in immediately prior to the interruption occurring.

(d) *Internal link progressive controller*. For link progressives where the progressive controller is part of the game software (internal link), all games on such link shall conform to the following criteria:

(1) require a secure method for configuring each game on the link;

(2) changes to progressive settings shall not be made, unless a change involves a secure method;

(3) each game on the link shall be identified uniquely;

(4) only one game on the link shall function as the master progressive controller;

(5) if the game configured as the master controller becomes inoperative, all games on the link must tilt;

(6) if any game on the link loses communication with the master controller, that game must tilt; and

(7) the progressive link shall be capable of displaying all progressive parameters (*i.e.*, contribution, reset amount, levels, etc.).

(e) *Progressive resumption*. On program resumption, the following procedures, at a minimum, shall be performed:

(1) any communications to an external device shall not begin until the program resumption routine, including self-tests, is completed successfully;

(2) a progressive system control program shall test itself for possible corruption due to failure of the program storage media. The authentication may use the checksum. It is preferred, however, that the cyclic redundancy check calculations are used at a minimum (at least 16 bit). Other test methodologies shall be acceptable if at a comparable level of integrity; and

(3) the integrity of all critical memory shall be checked.

(f) *Communications for jackpot signaling*. There shall be a secure, two-way communication protocol between the main game processor board and the progressive system. In addition, the progressive system shall be able to:

(1) send to the electronic gaming device the amount that was won, for metering purposes; and

(2) update constantly the progressive display as play on the link is continued.

(g) *Monitoring of credits bet*. During the normal mode of progressive gaming devices, the progressive controller shall monitor continuously each device on the link for the pre-set rate of progression and shall multiply the same by the rate of progression and denomination in order to determine the correct amounts to apply to the progressive jackpot. Such monitoring shall be 99.99% accurate.

(h) *Access to the progressive controller*. Each progressive controller used with a progressive gaming device shall be housed in a secure environment that allows access only by authorized personnel. Access to the controller shall conform to the gaming facility's approved system of internal controls.

(i) *Progressive controller required meters*. The progressive controller or other approved progressive system component shall keep the information described in paragraphs (1) through (5) of this subdivision in non-volatile memory, which shall be displayed on demand. Such meters shall be 99.99% accurate.

(1) The number of progressive jackpots won on each progressive level if the progressive display has more than one winning amount.

(2) The cumulative amounts paid on each progressive level if the progressive display has more than one winning amount.

(3) The maximum amount of the progressive payout for each level displayed.

(4) The minimum amount of the progressive payout for each level displayed.

(5) The rate of progression for each level displayed.

(j) *Controller and display functions during progressive jackpot win*. When a progressive jackpot is recorded on an electronic gaming device that is attached to the progressive controller, the progressive controller shall allow for the following to occur on the device and/or progressive display:

(1) display the winning amount;

(2) display the electronic gaming device identification that caused the progressive meter to activate if more than one electronic gaming device is attached to the controller;

(3) automatically reset to the reset amount and continue normal play; and

(4) display the new progressive values that are current on the link.

(k) *Base progressive jackpot amount*. The initial amount of a progressive jackpot shall begin at or above an award for that particular gaming device that makes the entire meter payout greater than the minimum percentage requirement.

(l) *Progressive controller error conditions*. When a controller error occurs the gaming device shall alternate displays between the current amount and an appropriate error message that is visible to all players or that can alert the gaming facility to such error condition. The progressive controller shall convey the appropriate signal to disable the games using the progressive, and an error shall be displayed on the progressive meter, or its equivalent, if any of the following events occurs:

(1) during a communication failure between the game and the controller or anywhere within the progressive controller system;

(2) when there have been multiple communication errors;

(3) when a controller checksum or signature has failure;

(4) when a controller's RAM or program storage device mismatch or failure occurs;

(5) when the jackpot configuration is lost or is not set;

(6) if there has been an unreasonable amount of credits bet (an unreasonable amount of credits bet is defined by the progressive setup that is based on the number of bets and number of gaming devices; or

(7) if the game meters are validated against the controller's meters (via communications between the game board and controller) and such meters do not reconcile.

(m) *Transferring of progressive jackpot*. The progressive controller shall have a secure means of transferring a progressive jackpot and/or prizes to another progressive controller or other commission-approved progressive system component. Transferring of progressive jackpots shall meet the gaming facility's approved system of internal controls.

(n) *Jackpot limits*. The controller may be configured with a limit on the jackpot of a progressive gaming device, if the limit imposed is greater than the jackpot payout on the gaming device at the time the limit is imposed. This limit shall be posted on or near the device or devices to which the limit applies.

(o) *Time limits*. The progressive controller may have the ability to set time limits that limit the time the progressive is available.

§ 5320.9. Progressive jackpots.

(a) *Games excluded.* A bonus game where certain circumstances are required to be satisfied, prior to awarding a fixed bonus prize, is not a progressive game and is not subject to this section.

(b) *Swapping progressive levels*. For progressives offering multiple levels of awards, a player shall always be paid the higher progressive amount, if a particular combination is won that should trigger the higher-paying award. Such circumstance may occur when a winning combination may be evaluated as more than one of the available pay table combinations (*e.g.*, a flush is a form of a straight flush and a straight flush is a form of a royal flush).

(c) *Gaming device requirements when any progressive is awarded*. When a progressive prize has been awarded, a gaming device or other commission-approved progressive component shall perform the following:

(1) display a message indicating the progressive award;

(2) lock-up software until the award has been paid by the attendant, unless the prize is transferred to the player's credit meter;

(3) update all progressive-related meters; and

(4) alert a player upon winning any jackpot in a manner designed to minimize the possibility of such player from abandoning an award.

(d) *Progressive gaming device metering requirements*. An electronic gaming device is required to update the electronic meters in such device to reflect the winning progressive jackpot amount consistent with this Part and the electronic accounting meter requirements in Part 5319 of this Subchapter. Progressives meeting or exceeding income tax reporting limits shall require payment by an authorized gaming facility employee. Progressive wins may be added to the credit meter if either:

(1) the credit meter is maintained in monetary value or credits;

(2) the progressive meter is incremented to whole credit amounts; or

(3) the prize, in monetary value, is converted to credits on transfer to the player's credit meter in a manner that does not mislead the player. The conversion from monetary value to credits must always round up.

§ 5320.10. Progressive awards paid by over time.

Any gaming facility or group of gaming facilities that offers a progressive award paid over time shall notify players with an appropriate display or sign on the gaming device, except that such display or sign need not include the cash equivalent value. In addition, the following shall be provided to all players:

(1) the displayed jackpot will be paid over time and not in one lump sum; and

(2) the period of time covering the payments.

§ 5320.11. Progressive percentage requirements and odds.

Each device on a link shall have the same probability of winning the progressive, adjusted for the denomination played. For example, the probability shall remain the same for multiple-denomination games based on the monetary value of the wager (*e.g.*, a two-coin $1 game has the probability of 1:10,000 and a two-coin $2 game on the same link has the probability 1:5,000).

§ 5320.12. Independent control program verification.

The controller software and any associated critical software used within the progressive system shall have the ability to allow for an independent integrity check of the device's software from an outside source and is required for all control programs that may affect the integrity of the game. Such check shall be accomplished through authentication by a third-party device. This integrity check shall provide a means for field verification of the software to identify and validate the program. The independent testing laboratory approved by the commission pursuant to Part 5318 of this Subchapter, prior to device approval, shall approve the integrity-check method. If the authentication program is continued within the control program, the manufacturer shall receive written approval from such laboratory prior to submission.

§ 5320.13. Multi-site progressive requirements; phases of approval.

The independent testing laboratory approved by the commission shall certify a multi-site system by:

(a) testing the integrity of the gaming device or devices in conjunction with a progressive system in the laboratory setting with the equipment assembled, noting on the initial certification report items to be tested in accordance with subdivision (b) of this section that have the potential to operate out of compliance if installed or configured incorrectly; and

(b) onsite verification where the progressive communications and setup are tested on the gaming floor prior to implementation.

§ 5320.14. Multi-site central computer requirements.

(a) *Approvals.* A gaming facility that offers multi-site progressive games shall submit for commission approval a system of accounting and internal controls.

(b) *Location of central monitoring system*. The central computer shall be in a secure location with controlled and limited access.

(c) *Method of communication for multi-site gaming devices*. The method of communication may be a non-shared, dedicated line or equivalent. Dial-tone systems may be used so long as devices at the local site are not able to be disabled from another outside line or manipulated by any other means. When the method of communication is a shared line, appropriate encryption and security shall be in place to avoid corruption or compromise of data.

(d) *Data collection requirement*. Multi-site systems shall ensure that security information and the amounts-wagered information is communicated at least once every 60 seconds for terrestrial lines (dedicated phone lines) and in a reasonable amount of time for radio frequency, from each participating gaming device to the central computer system.

(e) *Multi-site encryption method*. All multi-site property systems shall use an encryption method that has been approved by the laboratory approved by the commission pursuant to Part 5318 of this Subchapter. Such encryption method shall include the use of different encryption keys or seeds so that encryption can be changed in a real-time fashion.

(f) *Multi-site monitoring and other online system requirements*. The online system shall monitor the meter readings and error events of each gaming device regardless of any outside monitoring system.

(g) *Central monitoring system power supply*. The central computer site shall be equipped with uninterruptible power supply that shall allow the central computer to conduct an orderly shutdown if power is lost. Should the central monitoring system use hard-disk peripherals, the central computer shall be capable of online data redundancy.

(h) *Communication failure*. A gaming device shall disable itself immediately and suspend play if communication is lost to the local collection unit hub. The gaming device may resume play only when communication to such local hub is restored. If communication is lost between the local hub and the central computer, a gaming device may continue to play, so long as the progressive information from all games connected to the local hub is buffered. Once the local hub's buffer is full, the hub shall disable games that are connected to such hub. Upon reestablishing communication with the central computer, such hub shall relay accurately all buffered progressive information to the central system and the system-wide totals are to be updated.

(i) *Central monitoring system required reports*. Credits contributed to the system after a jackpot occurs in real-time, but during the same polling cycle, shall be deemed to have been contributed to the progressive amount prior to such jackpot. Credits contributed to the system subsequent to the jackpot message being received, as well as credits contributed to the system before the jackpot message is received by the system, but registered after the jackpot message is received at the system, will be deemed to have been contributed to the progressive amount of the next jackpot. Any multi-site system shall supply, as requested, the following reports:

(1) Progressive summary. A report indicating the amount of, and basis for, the current jackpot amount (the amount currently in play).

(2) Aggregate report. A report indicating the balancing of the system with regard to system wide totals.

(3) Payoff report. A report that clearly demonstrates the method of arriving at the payoff amount. Such report shall include the credits contributed, beginning at the polling cycle immediately following the previous jackpot, and shall include all credits contributed up to and including the polling cycle that includes the jackpot signal.

(j) *Multi-site system meter readings*. All meter reading data shall be obtained in real time in an on-line, automated fashion. When requested to do so, the system shall return meter readings on all gaming devices attached to the system. The meter readings shall be identical to the meter information retained in the gaming device accounting meter (or gaming devices accounting meters). Manual reading of meter values is not permitted to be substituted for the requirements of this subdivision. The meter, in either credit or monetary value, shall account for all amounts wagered. The purpose of the credits-bet meter reading is to verify and compare the progressive amount, or amounts, in conjunction with the rate of progression.

(k) *Multi-site system door monitoring*. A multi-site progressive system shall have the ability to monitor entry into the front door of a gaming device and report any such entry to the central system immediately.

(l) *Jackpot wins during poll cycle*. If a jackpot is recognized in the middle of a system-side poll cycle, the overhead display may contain a value less than the aggregated jackpot amount calculated by the central system. The credit values from the remaining portion of such poll cycle shall be received by the central system but not the local site, in which case the jackpot amount paid always shall be the higher of the two reporting amounts.

§ 5320.15. Multi-site progressive procedures.

A gaming facility shall develop, implement and document procedures for the generation and retention of reports that include the following:

(a) reconciliation of meters and jackpot payouts;

(b) collection drop of gaming device funds;

(c) jackpot verification and payment procedures that include an inspector be present for independent prize verification and payment.

(d) system maintenance;

(e) system accuracy;

(f) system security; and

(g) system failures including:

(1) the local hub;

(2) the central site;

(3) failures in communications; and

(4) backup and recovery.

§ 5320.16. Multi-site jackpots.

When multiple jackpots occur and there is no definitive way of knowing which jackpot occurred first, such jackpots shall be deemed to have occurred simultaneously. A gaming facility shall submit procedures for payment of such jackpot occurrences in its system of internal controls, which shall be subject to review and approval by the commission. If there is a communication failure described in subdivision (h) of section 5320.14 of this Part, a winning player wagering at a non-updated site may also be eligible to win a jackpot amount.

PART 5321

Electronic Gaming Devices and Equipment

Section
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§ 5321.1. Definitions.

(a) *Dealer-controlled electronic table game* means a table game operated by a live dealer that uses electronics as part of the game's operation in connection with the collection and storage of game outcome, accounting and significant-event data.

(b) *Electronic wagering system* means a computer or server and any related hardware, software or other device that permits wagering to be conducted at a table game.

(c) *Game account* means the funds that are available to a player for use at an electronic table game.

§ 5321.2. Possession and transportation of gaming devices.

(a) A gaming facility licensee shall possess, maintain or exhibit gaming devices and equipment in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1335(2).

(b) Persons seeking to transport gaming devices pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 104(21) shall submit a written request to the commission . Such a request shall be submitted five days before the gaming device is to be transported and contain, at a minimum, the following information:

(1) the name and address of the entity shipping or moving the gaming device;

(2) the name and address of the entity who owns the gaming device, if different from the entity shipping or moving the device;

(3) the method of shipment or movement and the name and address of the common carrier or carriers, if applicable;

(4) the name and address of the entity to whom the gaming device is being sent and the destination of the gaming device, if different from that address;

(5) the quantity of gaming devices being shipped or moved and the manufacturer's serial number of each machine;

(6) the expected date and time of delivery to, or removal from, any authorized location within the State of New York;

(7) the port of entry, or exit, if any, of the gaming device if the origin or destination of the gaming device is outside the continental United States; and

(8) the reason for transporting or moving the gaming device.

(c) In addition to the requirements in subdivision (b) of this section, if a gaming facility licensee is shipping gaming devices to or from the gaming facility’s approved, off premises storage location, the gaming facility licensee shall comply with the requirements in subdivision (b) of this section and record the movement in the gaming facility licensee's movement log. If a gaming device is being transported to the licensed facility from the licensee's approved, off-premises storage location, the gaming facility licensee shall specify in the notice required under subdivision (b) of this section whether the gaming device will be placed directly onto the gaming floor or stored off the gaming floor in a restricted area within the licensed gaming facility.

(d) Gaming hardware and software shall be transported in separate shipments at all times.

§ 5321.3. Gaming device inventory.

(a) In order to use a gaming device in a gaming facility, a gaming facility licensee shall have first submitted for approval to the commission in writing:

(1) in the case of a physical gaming device, the unique serial number and the date of manufacture for each copy of the gaming device that the gaming facility licensee intends to use; or

(2) in the case of software made for a gaming device, the maximum number of instances that the gaming facility licensee intends to use the software at any one time in the gaming facility.

(b) A gaming facility licensee shall ensure that a gaming device complies with conditions set forth in the commission's approval. The commission may at any time inspect any gaming device and revoke or condition a previously granted approval if such device fails to adhere to commission approved conditions. Prior to revoking or conditioning the approval of a gaming device currently in use, the commission shall allow a licensed manufacturer, distributor or operator of games or gaming devices or gaming facility licensee a reasonable amount of time to bring such device into compliance.

(c) A gaming facility licensee shall promptly inform the commission in writing of any gaming device that is no longer in its possession.

§ 5321.4. Notice and connection to the central computer system.

(a) Prior to use for gambling activity, a gaming device on a gaming floor shall be connected or linked to a central control computer system.

(b) To ensure accuracy in the central computer system and the retrieval of real-time meter information from the gaming device in conjunction with the movement of a gaming device, a gaming facility licensee shall provide the commission with written notice of the slot or electronic table game movement, prior to any of the following:

(1) placement of a gaming device on the gaming floor;

(2) movement of a gaming device between gaming device locations on the gaming floor; and

(3) removal of a gaming device from the gaming floor.

§ 5321.5. Gaming device master lists.

Prior to the commencement of operations, a gaming facility licensee shall file a gaming floor gaming device master list and a restricted area/off-premises gaming device master list with the commission.

(a) A gaming floor gaming device master list shall list all gaming devices located on the gaming floor in consecutive order by the gaming device location number and include the following:

(1) list preparation date; and

(2) a description of each gaming device including:

(i) zone/location number;

(ii) asset number;

(iii) manufacturer's serial number;

(iv) base denomination, or if configured for multiple denominations, a list of the denominations;

(v) game software/program ID;

(vi) operating system/base ROM;

(vii) manufacturer name;

(viii) gaming-device model;

(ix) model type (reel or video);

(x) game theme/description;

(xi) minimum payout percentage;

(xii) machine-displayed payout percentage;

(xiii) pay-table ID;

(xiv) if the gaming device is a progressive, the type of progressive, the progressive controller type and the progressive software; and

(xv) fund transfer/voucher system software.

(b) If a gaming device is configured to allow a patron to select from multiple game themes, each game theme, minimum and machine-displayed payout percentages and pay-table ID shall be listed in the gaming floor gaming device master list. Instead of listing each game theme, minimum and machine displayed payout percentage and pay-table ID for a gaming device configured to offer multiple game themes with the gaming device, a gaming facility licensee may use a unique generic code for the game theme and attach an appendix that lists the game themes, minimum and machine-displayed payout percentages and pay-table IDs that correspond to each unique generic game theme code.

(c) A restricted area/off-premises gaming device master list shall include all gaming devices located off the gaming floor in a restricted area within the licensed gaming facility, or in storage locations in the State of New York off the premises of the licensed facility, grouped by the location where the gaming devices are located. A restricted area/off-premises gaming device master list shall include the following information:

(1) list preparation date; and

(2) a description of each gaming device including:

(i) location of the gaming device;

(ii) asset number;

(iii) manufacturer's serial number;

(iv) game software/program ID;

(v) operating system/base ROM;

(vi) game theme/description;

(vii) manufacturer name;

(viii) gaming device model; and

(ix) model type (reel or video).

(d) Once a gaming device has been placed in an authorized location on the gaming floor, stored in a restricted area off the gaming floor within the licensed facility or in a location in the State of New York off the premises of the licensed gaming facility, all subsequent movements of such gaming device shall be recorded in a gaming device movement log that includes:

(1) asset number and model and manufacturer's serial number of the moved gaming device;

(2) date and time of movement;

(3) location from which the gaming device was moved;

(4) location to which the gaming device was moved;

(5) date and time of any required notice to the commission in connection with activation or disabling of the gaming device in the central control computer system; and

(6) signature of the employee responsible for verifying the movement of the gaming device

(e) Documentation summarizing gaming device movements, as described in subdivision (d) of this section, shall be submitted to the commission in writing.

(f) On the first of each month a gaming facility licensee shall file an updated gaming floor gaming device master list and an updated restricted area/off-premises gaming device master list containing the information required under subdivisions (b) through (d) of this section. The gaming floor gaming device master list and the restricted area/off-premises gaming device master list shall be filed with the commission.

§ 5321.6. Off-premises storage.

(a) A gaming facility licensee shall not store gaming devices off the premises of a licensed facility without prior approval from the commission.

(b) A gaming facility licensee seeking to store gaming devices off the premises of a licensed facility shall submit a written request to the commission for off-premise storage. Such written request shall include:

(1) the location and a physical description of the proposed storage facility;

(2) a description of the type of surveillance system that has been or will be installed at the proposed storage facility;

(3) the plan to provide 24-hour surveillance;

(4) the anticipated number of gaming devices that may be stored at the proposed storage facility; and

(5) the manufacturer's serial number of each machine.

(c) Before the commission approves a request for off-premise storage of gaming devices, the commission may request to inspect the proposed storage facility.

(d) The commission shall approve or disapprove requests within 60 days. Approvals by the commission may be subject to specific terms and conditions.

§ 5321.7. Slot area.

(a) Slot machines used in the conduct of gaming shall be located and arranged in such a manner so as to advance the interests as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1335(8)(d)(1) through (5).

(b) Each gaming facility licensee shall be permitted to install and operate one slot machine for every 10 square feet of its gaming floor space that may be allotted to slot area, as determined in accordance with subdivision (d) of this section.

(c) The total amount of gaming floor space that a gaming facility licensee may use for slot machines, the walkways between them and other structures or areas that are reasonably related to the use of slot machines, such as slot booths, change booths, change machines, slot carousels, walls, columns or other architectural structures, and any other structures or areas that are reasonably related to, and contained within gaming floor space that is dedicated to, the use of slot machines, shall not exceed 90 percent of the total amount of gaming floor space.

(d) The total amount of gaming floor space dedicated to the slot area shall be measured by identifying the perimeter of each such area on the gaming floor plan.

(e) Any gaming floor space that is not used for slot area pursuant to subdivision (e) of this section shall be dedicated to authorized games other than slot machines and related support and circulation space.

§ 5321.8. Live gaming-floor testing and software installation.

(a) Prior to the testing of gaming devices, table game devices, associated equipment and displays on a live gaming floor, a gaming facility licensee shall seek approval from the commission to conduct such testing by notifying the commission in writing at least 72 hours prior to the proposed test date. Such notification shall include:

(1) a detailed narrative description of the type of testing to be conducted, including the reason for the testing, a list of individuals conducting the testing and the gaming facility licensee's procedures for conducting the testing;

(2) the date, time and approximate duration of the testing;

(3) the model, gaming device location number and asset number of the gaming device to be tested; and

(4) the location within the gaming facility where the testing will occur.

(b) A gaming facility licensee shall notify the commission at least 72 hours prior to the installation of any new software or the installation of any change in previously approved software prior to the installation of:

(1) automated gaming voucher and coupon redemption machines;

(2) wide-area progressive systems;

(3) slot-monitoring systems;

(4) casino-management systems;

(5) player-tracking systems;

(6) external-bonusing systems;

(7) cashless-funds-transfer systems;

(8) server-supported slot systems;

(9) server-based slot systems;

(10) automated-jackpot payout machines;

(11) electronic table games;

(12) fully automated electronic table games;

(13) progressive-table-game systems;

(14) electronic-wagering systems;

(15) additional automated bill-breaker machines, automated gaming-voucher and coupon-redemption machines, automated jackpot-payout machines and automated teller machines on the gaming floor;

(16) gaming voucher systems; and

(17) server-supported slot systems.

(c) The notification required pursuant to subdivision (b) of this section shall include:

(1) a description of the reasons for the new installation or change in previously approved software;

(2) a list of the current computer components, software identifications or versions that are to be modified or replaced;

(3) a list of the proposed computer components, software identifications or versions that will modify or replace the existing components or software;

(4) the method to be used to complete the proposed installation;

(5) the date and time that the proposed modification will be installed and the estimated time for completion;

(6) the name, title and employer of the person or persons performing the installation;

(7) the plan to handle disruptions, if any, to the gaming floor;

(8) the approximate length of time the gaming floor or systems will be disrupted; and

(9) plans for system backup prior to any proposed installation.

(d) Testing and installation of a multi-site progressive system on the live gaming floor shall meet the certification requirements as set forth in Part 5318 of this Subchapter.

§ 5321.9. Servicing standards.

(a) No electronic gaming device or equipment may be placed into operation at a gaming facility unless such equipment is in a suitable operating condition.

(b) A gaming facility licensee shall notify the commission's on-site staff about, and remove from operation, any electronic gaming device or equipment that becomes unsuitable for operation.

(c) Any maintenance, repair or other type of servicing of an electronic gaming device or equipment that is to be or has been placed into operation at a licensed gaming facility shall occur in a secure location approved by the commission, including the gaming floor.

(d) Any maintenance, repair or other type of servicing of an electronic gaming device or equipment that requires breaking a seal or dual-key access shall be conducted in the presence of on-site commission staff.

(e) A gaming facility licensee shall keep a manual entry access log to document every entry into a gaming device or equipment. Such log, at a minimum, shall include:

(1) name and license or registration number of the person gaining entry;

(2) date and time of the entry;

(3) reason for opening;

(4) the electronic gaming device or equipment's asset number of identification; and

(5) any other information as required by the commission.

(f) A gaming facility licensee shall keep a log of electronic gaming device or equipment undergoing any maintenance, report or other type of servicing. Such log, at a minimum, shall include the following:

(1) name and license or registration number of the person involved in the maintenance, repair or other type of servicing;

(2) date and time of the maintenance, report or other type of servicing;

(3) areas or components of the equipment accessed;

(4) the electronic gaming device or equipment's asset number of identification; and

(5) any other information as required by the commission.

(g) The logs required in subdivisions (e) and (f) of this section shall be maintained for a period of five years and shall be made immediately available to the commission upon request.

(h) Upon completion of any maintenance, repair or other type of servicing of any electronic gaming device or equipment or the determination not to return the equipment to operation at a gaming facility, a gaming facility licensee shall submit a written report to the commission detailing the issue with such device or equipment and describing either how such issue was resolved or why such issue could not be resolved.

§ 5321.10. Remote system access.

(a) In emergency situations or as an element of technical support, an employee of a licensed casino vendor enterprise may perform analysis of, or render technical support with regard to, a gaming facility licensee's slot-monitoring system, casino-management system, player-tracking system, gaming-voucher system or other commission-approved system from a remote location.

(b) In addition to the requirements set forth in section 5313.1 of this Subchapter, a gaming facility licensee shall establish a system of internal controls applicable to remote-system access. The internal control procedures submitted by the gaming facility licensee shall be designed to protect the physical integrity of the systems and related data and be capable of limiting the remote access to the system or systems requiring technical support.

§ 5321.11. RAM clears.

A gaming facility licensee shall notify the commission at least 48 hours prior to any scheduled RAM clears. When a gaming facility licensee becomes aware of a nonresponsive electronic gaming device and communication between the gaming device

and central computer cannot be reestablished, the gaming facility licensee shall immediately notify on-site commission staff. The gaming facility licensee shall not perform any RAM clears until on-site commission staff has recorded or attempted to record the information on the financial meters.

§ 5321.12. Electronic wagering systems.

(a) Electronic wagering at a table game shall be conducted through the use of an electronic wagering system. When an electronic wagering system is in use at a table game, only those wagers that are specified in Part 5324 of this Subchapter shall be offered at such table game.

(b) An electronic wagering system shall be a dedicated computer system. The computer or server controlling the system shall be under dual-key control by the gaming facility licensee's accounting or finance department and another authorized department as set forth in the gaming facility's approved system of internal controls or sealed, pursuant to section 5313.11 of this Subchapter.

(c) An electronic table game shall have the ability to authenticate the transmission of data between the various components of the electronic table game system.

(d) All aspects of an electronic wagering system, including the computer or server and any related hardware, software or related devices shall be tested by a licensed independent testing laboratory and approved in accordance with section 5318 of this Subchapter prior to use at a gaming facility.

(e) An electronic wagering system shall:

(1) credit funds to the game account of a player when a player buys in to a game at a particular table game and debit any remaining funds from the game account when a player cashes out of the game;

(2) permit a player to wager from a game account, collect losing wagers from the game account and pay winning wagers by crediting the amount of the winnings and corresponding wager to the game account;

(3) in player-banked poker games:

(i) debit game accounts and increment pots for wagers placed, and distribute winning pots by crediting the game accounts of the winning players in the appropriate amounts;

(ii) extract the rake from players or pots and debit the game accounts of players in the appropriate amounts; and

(iii) make each player's balance or table stakes visible to all players in the game.

(4) depict the transactions described in paragraphs (1) through (3) of this subdivision through one or more electronic fund displays that are visible to each player;

(5) disclose to each player at all times the current balance in the player's game account;

(6) accurately report and audit the table game's win or loss or player-banked poker revenue; and

(7) be capable of generating reports setting forth, by gaming day, for each table game using the electronic wagering system including:

(i) the total amount deposited into the game account of each player;

(ii) the total amount deposited into game accounts by all players;

(iii) the total amount credited to the game account of each player in payment of winnings;

(iv) the total amount credited to the game accounts of all players in payment of winnings;

(v) the total amount collected from each player as losing wagers;

(vi) the total amount collected from all players as losing wagers;

(vii) for player-banked poker, the total amount deducted from the game account of each player for collection of rake time charges;

(viii) for player-banked poker, the total amount collected from the accounts of all players for collection of rake time charges;

(ix) for player-banked poker, the total amount collected from poker pots for collection of rake;

(x) the total amount withdrawn from game accounts by each player.

(xi) the total amount withdrawn from game accounts by all players; and

(xii) the table game win or loss or player-banked poker revenue.

(f) An electronic table game system shall display a signal clearly visible to the surveillance department whenever a door or cabinet at an electronic table game is open, whenever there is a malfunction in the operation of the electronic table game system, or any component thereof, including whenever a printer or currency jam occurs.

(g) After installation but prior to use at a gaming facility, electronic wagering systems shall be inspected by a licensed independent testing laboratory.

§ 5321.13. Electronic table games internal control requirements.

In addition to the requirements set forth in section 5313.1 of this Subchapter, a gaming facility licensee using an electronic table game system shall include in its system of internal controls:

(a) procedures to ensure the physical security of the computer or server and related hardware, software and other devices;

(b) procedures to ensure the integrity and security of all sensitive data and software;

(c) procedures to ensure that access to sensitive data and software is limited to appropriate personnel only; and

(d) procedures to ensure the logging of the events and the availability of records to permit an effective audit of the conduct of the system and the reporting of revenue.

§ 5321.14. Fully automated electronic table games.

(a) A fully automated electronic table game shall have software or hardware installed that distinguishes the fully automated electronic table game from a slot machine.

(b) A fully automated electronic table game shall have the capability to accept currency or gaming vouchers and to issue a gaming voucher to a player for any winnings.

(c) A fully automated electronic table game shall be equipped with the meters listed in section 5319.52 of this Subchapter.

§ 5321.15. Dealer-controlled electronic table games.

(a) All aspects of an electronic-table-game system, including the computer or server and related hardware, software or related devices, shall be tested by a licensed independent testing laboratory, prior to use at a gaming facility.

(b) Dealer-controlled electronic table games shall comply with the requirements set forth in sections 5321.12 and 5321.13 of this Part, except:

(1) the dual key control described in subdivision (b) of section 5321.12 of this Part shall be controlled by the gaming facility licensee's accounting or finance department and another authorized department as set forth in the gaming facility's approved system of internal controls; and

(2) the information required in the game of player-banked poker under paragraph (4) of subdivision (e) of section 5321.12 of this Part shall be visible to the dealer or boxperson.

(c) A dealer-controlled electronic table game shall have the ability to authenticate the transmission of data between the various components of the electronic-table-game system.

(d) A dealer-controlled electronic table game system shall display a signal clearly visible to the surveillance department whenever a door or cabinet at an electronic table game is open and whenever there is a malfunction in the operation of the electronic table game system, or any component thereof, including whenever a printer or currency jam occurs.

(e) An electronic table game that is not a fully automated electronic table game shall be equipped, at minimum with the meters listed in paragraphs (1) through (5), (20) and (21) of subdivision (g) of section 5319.52 of this Subchapter.

§ 5321.16. Procedures for buying in to and cashing out of a dealer-controlled table game using an electronic wagering system.

(a) When a dealer-controlled table game is not equipped with a bill validator, a player shall buy into such game using an electronic wagering system by presenting currency or value chips to the dealer or boxperson. When a player presents currency or value chips to a dealer or boxperson, the dealer or boxperson shall credit an equivalent amount of funds to the game account of the player, which shall be registered on the electronic fund display and acknowledged by the player. The dealer or boxperson shall promptly deposit the currency or value chips into the table inventory or drop box.

(b) A player shall cash out a dealer-controlled table game using an electronic wagering system by receiving value chips from the dealer or boxperson from the table inventory container equal in value to the balance in the game account of the player. After cashing out the player, the dealer or boxperson shall zero out the amount on the electronic fund display of the player.

§ 5321.17. Waivers.

(a) The commission may, on its own initiative, waive one or more requirements in this Part or the technical standards applicable to electronic gaming devices and associated equipment upon a determination that nonconforming electronic gaming device or associated equipment or modification as configured meets operational integrity requirements.

(b) A licensed casino vendor enterprise may submit a written request to the commission for a waiver for one or more of the requirements in this section or the technical standards applicable to electronic gaming devices and associated equipment. The request shall:

(1) include supporting documentation demonstrating how the electronic gaming device or associated equipment for which the waiver has been requested will still meet operational integrity requirements; and

(2) be approved by the commission.

§ 5321.18. Linked progressive table games.

(a) Two or more table games that are located within the same gaming facility and offer a shared progressive jackpot shall be linked using an approved local area progressive (*LAP*) controller.

(b) The LAP controller shall:

(1) be capable of uniquely identifying each linked progressive table game.

(2) become inoperable if any of the following errors occur:

(i) random access memory failures;

(ii) power failures;

(iii) self-check errors;

(iv) incorrect configurations; or

(v) lost jackpot configurations;

(3) be designed to:

(i) recover from an error or communication failure and, when recovered, to return to the state such LAP controller was in prior to the error or communication failure;

(ii) automatically and accurately calculate the progressive jackpot amount based on a configured rate of progression and continuously update the required displays and meters;

(iii) accurately identify and record the order of winning progressive jackpots when two or more linked progressive table games achieve the same winning game outcome at nearly the same time;

(iv) complete a self-check when powered-up. A LAP controller shall be designed so that it becomes operational only if it has successfully passed a self-check. A self-check shall include an authentication of the LAP controller software by means of, at a minimum, a 16-bit cyclical redundancy check; and

(4) not allow progressive parameter changes while a progressive link is in operation.

(c) Any progressive connected to a LAP controller shall become unplayable when the LAP controller is disabled or inoperable or if the progressive loses communication with the LAP controller.

(d) A gaming facility shall specify the following in its documented internal controls required under section 5313.1 of this subchapter:

(1) the mechanism by which the certificate holder and the patrons will be notified if the LAP controller or the linked progressive on a table game becomes inoperable;

(2) the secure location within the licensed facility where the LAP controller will be stored;

(3) an access matrix containing a list of users and a description of their access rights to the LAP controller software; and

(4) key controls over the cabinet or rack that houses the LAP controller.

(e) A gaming facility is required to house physically, in each location where a LAP controller is stored, an entry authorization log that documents each time a LAP controller is accessed. Such log shall:

(1) contain the date, time, purpose for accessing the LAP controller and signature of the person accessing the LAP controller;

(2) be maintained in the location where the LAP controller unit is housed; and

(3) have recorded a sequence number and the manufacturer's serial number of the LAP controller.

(f) A gaming facility seeking to use a linked progressive on a table game shall submit for approval the location and manner of installing a progressive meter display mechanism.

(g) Two or more table games within the same gaming facility that are linked to a common progressive meter for the purpose of offering a shared progressive jackpot shall:

(1) have the same probability of hitting the combination that will award the progressive jackpot as every other table game linked to the common progressive meter; and

(2) require that the same progressive wager amount be invested to entitle the player a chance at winning the progressive jackpot.

(h) Progressive wager amounts shall not be changed by a gaming facility unless such gaming facility receives approval for a proposed change from the commission in writing, pursuant to section 5323.13 of this subchapter.

(i) Table games that offer a linked progressive jackpot shall not be made available for play by the public until the LAP controller and the linked progressive table games have been tested by a licensed independent testing laboratory pursuant to Parts 5318 and 5320 of this subchapter.

(j) All pay tables for linked progressive table game combinations shall be submitted to the commission for approval, prior to use.

PART 5322

Table Game Equipment

Section
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§ 5322.1. Definitions.

Unless the context indicates otherwise, the following definitions are applicable throughout this Part.

(a) *Base plate* means the interior shelf of the dealing shoe on which the cards rest.

(b) *Continuous shuffling device* means an electronic dealing device designed to reshuffle continuously the cards of a discard rack randomly into a dealing shoe so that those integrated cards are being dealt from a changing card stack.

(c) *Edge* means the surface of a chip across which its thickness can be measured in a perpendicular line from one face to the other.

(d) *Edge spot* means an identifying characteristic used on the edge of each value chip issued by a gaming facility licensee.

(e) *Face* means each of the two surfaces of a chip across which the diameter of the chip can be measured.

(f) *Face plate* means the front wall of the dealing shoe against which the next card to be dealt rests and that typically contains a cutout.

(g) *Impress* means the roulette chips, which are used for gaming, that remain at each roulette table or table inventories that are maintained by player-banked Poker dealers on an impress basis.

(h) *Impressment* means an inventory conducted on each impress.

(i) *Plaques* mean a solid, one-piece object constructed entirely of plastic or other substance and have at least two but no more than six smooth, plane surfaces. At least two of the plane surfaces, each to be known as a face, shall be opposite and parallel to each other and identical in shape, which shall be a square, rectangle or ellipse. Other surfaces of a plaque shall be known collectively as the edge.

(j) *Primary color* means the predominant color used on a chip.

(k) *RFID chip* means a chip that contains a radio-frequency identification tag that can be used to determine the authenticity of the chip.

(l) *Secondary color* means any color on the face or edge of the chip that is used as a contrast to the chip's primary color.

§ 5322.2. Gaming chips; physical characteristics, issuance and use.

(a) *Physical characteristics applicable to all chips; issuance and use*.

(1) Each chip shall be in the form of a disk and, except as otherwise provided in this Part, shall have a uniform diameter of one and 9/16^{ths} inches, or the metric equivalent, for each chip in a denomination of less than $500. Each chip in a denomination of $500 or more shall have a uniform diameter of one and 11/16th inches, or the metric equivalent.

(2) No chip shall be used in a gaming facility unless and until the design specifications of the proposed chip are, prior to the manufacture of the chip, submitted to and approved in writing by the commission, which submission shall include a detailed schematic depicting the actual size and, as appropriate, location of the following:

(i) each face, including any indentations or impressions;

(ii) the edge; and

(iii) any colors, words, designs, graphics or security measures contained on or in the chip.

(3) Each chip issued by the gaming facility shall be designed and manufactured with sufficient graphics or other security measures to the greatest extent possible, to prevent the counterfeiting of the chip.

(b) *Value chips; denominations; physical characteristics*.

(1) A gaming facility shall be authorized to issue and use value chips in denominations of $1, $2, $2.50, $5, $10, $20, $25, $100, $500, $1,000, $5,000, $10,000, $20,000, $25,000 and $100,000 and other denominations approved in writing by the commission.

(2) Each monetary denomination of value chip issued by the gaming facility shall contain a predominant color unique to that denomination, to be known as the *primary color*, as set forth in paragraph (3) of this subdivision. A *secondary color* on a value chip is any color, other than that such chip's primary color, included on the face or edge of the chip as a contrast to such chip's primary color, except that no primary color shall be used as a secondary color on a value chip of another denomination where such use on the edge is reasonably likely to cause confusion as to the chip's denomination when the edge alone is visible.

(3) A value chip shall appear as the color set forth in this paragraph when such chip is viewed both in daylight and under incandescent light. In conjunction with the primary colors, the gaming facility shall use contrasting secondary colors for the edge spots on each denomination of value chip. The primary color that the gaming facility shall use for each denomination of value chip shall be as follows:

Denomination	Color
$1	White
$2	Light blue
$2.50	Pink
$5	Red
$10	Blue
$20	Yellow
$25	Green
$100	Black
$500	Purple
$1,000	Orange
$5,000	Gray
$10,000	Brown

$20,000	Gold
$25,000	Fluorescent radiant red
$100,000	Metallic gold

(4) Each value chip issued by a gaming facility shall contain certain identifying characteristics that may appear in any location at least once on each face of the chip and are applied in a manner that ensures that each such characteristic shall be visible clearly and remain a permanent part of the chip. These characteristics shall, at a minimum, include:

(i) the monetary denomination of the value chip, expressed in numbers;

(ii) the name, logo or other approved identification of the gaming facility issuing the value chip, which shall be applied in such a manner so as to be visible to the gaming facility's surveillance department using the closed-circuit television system; and

(iii) the primary color of the value chip.

(5) In addition to the characteristics specified in paragraph (4) of this subdivision, each value chip in a denomination of $25 or more shall contain a design or other identifying characteristic that is unique to the manufacturer of the chip.

(6) Each value chip issued by the gaming facility shall contain an identifying characteristic, to be known as an edge spot, which shall:

(i) be applied in a manner that ensures that the edge spot shall be clearly visible on the edge and on each face of the value chip and remain a permanent part of the value chip; and

(ii) be created by using:

(*a*) the primary color of the chip;

(*b*) one or more secondary colors; and

(*c*) a design, pattern or other feature that a person with adequate training readily could use to identify, when viewed through a closed-circuit television system, the denomination of the particular value chip when placed in a stack of chips, in the table inventory or in any other location where only the edge of the value chip is visible; provided, however, that the design, pattern or feature created by the primary and secondary colors shall be sufficient by itself to satisfy the requirements of this subdivision if approved in writing for that purpose by the commission.

(7) Each value chip with a denomination less than $25 shall contain at least one anti-counterfeiting measure and each value chip with a denomination of $25 or more shall contain at least three anti-counterfeiting measures in addition to those items required to appear on the face or edge of a value chip by this section. Each value chip with a denomination of $25,000 or more shall contain at least four anti-counterfeiting measures in addition to those items required to appear on the face or edge of a value chip by this section.

(8) In addition to any other requirement imposed by the commission and this section, the edge spots on a value chip that has non-identical faces shall appear uniform in design, pattern or other feature when viewed from the perspective of the same face on any other value chip in the set. Notwithstanding the foregoing, the edge spots on a value chip that has non-identical faces and a denomination below $25 may appear uniform in design, pattern or other feature or as an inverted mirror image thereof when viewed from the perspective of either face on any other value chip in the set.

(c) *Non-value chips; physical characteristics, permitted uses, inventory and impressment.*

(1) Each non-value chip shall be used only in games authorized by the commission.

(2) Each non-value chip issued by the gaming facility shall contain certain identifying characteristics that may appear in any location at least once on each face of the chip and shall be applied in a manner that ensures that each such characteristic shall be clearly visible and remain a permanent part of the chip. The characteristics required by subparagraphs (i) and (ii) of this paragraph shall be applied in such a manner so as to be visible to the gaming facility's surveillance department using the gaming facility's closed-circuit television system. The identifying characteristics of a non-value chip, at a minimum, shall include:

(i) the name, logo or other approved identification of the gaming facility issuing the non-value chip;

(ii) a design, insert or symbol that will permit a set of non-value chips being used at a particular gaming table to be distinguished readily from the non-value chips being used at every other gaming table in the gaming facility;

(iii) the name of the game; and

(iv) such color and design combinations as approved by the commission so as to distinguish readily the non-value chips of each player at a particular gaming table from the non-value chips of every other player at the same gaming table and the value chips issued by the gaming facility.

(3) Each non-value chip issued by the gaming facility shall contain an identifying characteristic, to be known as an edge spot, that shall:

(i) be applied in a manner that ensures that the edge spot shall be clearly visible on the edge and on each face of the non-value chip and remain a permanent part of the non-value chip;

(ii) be created by using the colors approved by the commission for the face of the particular non-value chip, in combination with one or more other colors that provide a contrast with the color on the face of the chip; and

(iii) include a design, pattern or other feature approved in writing by the commission that a person with adequate training readily could use to identify, when viewing the non-value chip through a closed-circuit television system, the player to whom the non-value chip has been assigned when the non-value chip is placed in a stack of chips or in any other location where only the edge of the non-value chip is visible; provided, however, that the design, pattern or feature created by the colors required by paragraph (2) of this subdivision shall be sufficient by itself to satisfy the requirements of this subdivision if approved in writing for that purpose by the commission.

(4) Each non-value chip shall be assigned to a particular gaming table and shall be issued and used for gaming at that table only. All non-value chips used at a particular gaming table shall have the same design, insert or symbol. Neither the gaming facility nor any employee thereof shall knowingly allow any patron to remove a non-value chip from the table at which it was issued.

(5) An impressment of the non-value chips assigned to each gaming table shall be completed at least once every 30 days. The gaming facility shall record the results of the impressment in a chip inventory ledger and shall perform the impressment in accordance with the system of internal controls as set forth in section 5313.1 of this subchapter.

(6) The gaming facility shall record in a chip inventory ledger and submit to the commission, a monthly summary of the non-value chip inventory for each gaming table. This monthly summary shall include, at a minimum, the following information for each non-value chip color, design and other identifiers:

(i) the number of non-value chips received from the manufacturer during the month;

(ii) the balance on hand at the beginning of the month;

(iii) the number of non-value chips distributed to each roulette table during the month;

(iv) the number of non-value chips returned to inventory during the month; and

(v) the balance on hand at the end of the month.

(d) A gaming facility licensee may issue promotional chips only to be used in promotions as approved by the commission. The physical characteristics of such chips shall be sufficiently distinguishable from the approved design specifications of any gaming value or non-value chip issued by the gaming facility licensee so as reasonably to ensure that such promotional chip will not be confused with authorized chips. At a minimum, such promotional chips shall:

(1) be unique in terms of size, weight and color;

(2) have no edge designs unique to chips;

(3) bear the name of the gaming facility issuing them and the phrase “No Cash Value” on both faces; and

(4) shall include the letters “NY” and the name of the city or county in which the gaming facility is located.

(e) A gaming facility licensee may issue promotional non-value chips that are prohibited from use in gaming. The physical characteristics of such non-value chips shall be sufficiently distinguishable from approved design specifications of any gaming value or non-value chip issued by the gaming facility licensee so as reasonably to ensure that such promotional non-chips will not be confused with authorized chips. At a minimum, such promotional non-chips shall:

(1) be unique in terms of size, weight and color;

(2) have no edge designs unique to chips;

(3) bear the name of the gaming facility issuing them and language on both faces stating that they have no redeemable value; and

(4) shall include the letters “NY” and the name of the city or county in which the gaming facility is located.

(f) A gaming facility may use RFID chips.

§ 5322.3. Reserve set of chips and removal from active use.

(a) Unless otherwise authorized in writing by the commission, for each set of value chips that a gaming facility elects to issue in a denomination of $25, $100 or $500, such gaming facility shall also have at least one approved reserve set of chips that may be used as a backup for the set of chips in active use. Each reserve set of value chips maintained for use by the gaming facility shall have different secondary colors than the primary set of value chips.

(b) A gaming facility shall have a reserve non-value chip for each color used in the gaming facility, with a design insert or symbol different from those non-value chips comprising the primary set.

(c) A gaming facility shall remove the primary set of chips in use from active play whenever it is believed the gaming facility is taking on counterfeit chips or whenever any other impropriety or defect in the use of such set of chips makes removal of the chips from active use necessary or whenever the commission so directs in writing. An approved reserve set of value chips and a reserve set of non-value chips shall be placed into active play whenever the primary set is removed.

(d) Whenever the chips in active use are removed from play, the gaming facility immediately shall notify on site commission staff of such fact and the reasons for such occurrence.

(e) Notwithstanding subdivision (a) of this section, a gaming facility shall obtain written commission approval to commingle two or more different samples within a single set of value chips from the same or different manufacturers for a particular denomination of value chip with a denomination of $100 or less, provided that each sample of a particular denomination shall have the same secondary color and edge design. Any approved sample of a particular denomination of value chip within a single set of chips may be placed in or removed from active use by the gaming facility at any time.

(f) Each set of chips that the commission approves for use by a gaming facility shall receive a unique and permanent alphabetical designation. This designation shall be assigned by such gaming facility during the design schematic approval process and shall be used for all inventory procedures. If a gaming facility elects to commingle chips pursuant to subdivision (e) of this section, in addition to the assigned alphabetical designation for that set of chips, each different sample within the set shall also be assigned an accompanying unique numeric designation.

§ 5322.4. Nature, exchange and redemption of chips, plaques and table game promotional coupons.

(a) All wagering on gaming tables in a gaming facility shall be conducted with chips and plaques; provided, however, that table game promotional coupons shall be permitted for use in wagering at games authorized by the commission. A gaming facility licensee shall submit to the commission a sample of each table game promotional coupon.

(b) Chips and plaques previously issued by a gaming facility licensee that are not in active use by such gaming facility shall not be used for wagering at gaming tables and shall neither be accepted nor exchanged for any purpose at a gaming table. Such chips and plaques shall be redeemed only at the cashier’s cage pursuant to subdivision (g) of this section.

(c) Chips and plaques shall be issued to a patron only at the request of such patron and shall not be given as change in any other transaction but a gaming transaction. Chips and plaques shall be issued only by dealers to patrons at gaming tables. Chips and plaques shall be redeemed by patrons only at the cashier's cage; provided, however, that value chips may be:

(1) issued to a patron in payment of a winning keno bet and as part of a keno wagering transaction in which value chips are tendered for wager; and

(2) used by a patron for keno wagering, including keno wagers in public keno areas.

(d) Except as provided in subdivision (j) of this section and as the commission otherwise may specifically approve in writing, a gaming facility shall redeem such gaming facility's chips and plaques only from such gaming facility's gaming patrons and shall not knowingly redeem such gaming facility's chips and plaques from any non-gaming-patron source.

(e) Non-value chips shall be presented for redemption only at the table from which such chips were issued and shall not be redeemed or exchanged at any other location within a gaming facility. When non-value chips are presented for redemption, a dealer shall accept such chips in exchange for an equivalent amount of value chips or plaques, which a patron may then use in gaming or redeem in the same manner as any other value chip or plaque.

(f) A gaming facility shall have the discretion to permit, limit or prohibit the use of value chips at games where the use of non-value chips is authorized by the commission; provided, however, that when value chips are in use, a gaming facility and such gaming facility's employees shall keep an accurate account of the wagers made with value chips at any such game so that the wagers made by each player are readily distinguishable from those being made by every other player at such table.

(g) Each chip and plaque is solely evidence of a debt that the gaming facility owes to the person legally in possession of such chip or plaque, and shall remain the property of the issuing gaming facility licensee. A gaming facility shall have the right at any time to demand that a person in possession of a chip or plaque surrender the item for redemption in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1335(9), except when the chips were obtained or are being used unlawfully as set forth in Racing, Pari-Mutuel Wagering and Breeding Law sections 1332(2) and 1345.

(h) If a patron requests by mail to redeem value chips in any amount, a gaming facility may effectuate such redemption in accordance with such gaming facility's system of internal controls.

(i) A gaming facility shall accept, exchange or redeem only chips or plaques that such gaming facility has issued and shall not knowingly accept, exchange or redeem chips or

plaques, or objects purporting to be chips or plaques, that have been issued by any other gaming facility.

(j) Non-gaming employees of a gaming facility who are authorized to receive chips as personal gratuities may redeem such chips at the cashier's cage or at another secure location in the gaming facility as approved in writing by the commission. Gaming chips redeemed by employees at a non-cage employee redemption site shall be exchanged on a daily basis with the cashier's cage in accordance with procedures approved in writing by the commission.

§ 5322.5. Receipt of chips from manufacturer or distributor; inventory, security, storage, destruction.

(a) When chips are received from the manufacturer or distributor thereof, they shall be opened and checked in accordance with the gaming facility's system of internal controls. Any deviation between the invoice accompanying the chips and the actual chips received or any defects found in such chips s shall be reported immediately to the commission.

(b) After checking the chips received, a gaming facility licensee shall cause to be recorded in a chip inventory ledger the assigned alphabetical designation (*i.e.*, active or reserve), the denomination of the value chips received, the number of each denomination of value chip received and the number and description of all non-value chips received, the date of any such receipt and the signatures of the individuals who checked any such chips. If the chips will not be put into active use, the ledger also shall identify the storage location.

(c) Any chips not in active use shall be stored in a secured storage area approved by the commission adjacent to and accessible exclusively from the casino floor.

(d) Whenever any chips are taken from or returned to a secured storage area approved by the commission, at least two employees shall be present and the following information shall be recorded with the date and signatures of the employees involved:

(1) the assigned alphabetical designation as set forth in subdivision (b) of this section , and if applicable, any numeric designation;

(2) the number and dollar amount for each denomination of value chip removed or returned;

(3) the number and description of the non-value chips removed or returned;

(4) the specific storage area being entered; and

(5) the reason for the entry into the storage area.

(e) At the end of each gaming day, each gaming facility shall compute and record the unredeemed liability for each denomination of value chips by comparing the total chips

purchased less chips destroyed or taken into income to the amount of chips on hand in the cages and in the table inventories. At least once every three months, at a minimum, each gaming facility shall inventory all sets of value chips in the possession of such gaming facility and shall record the result of such inventory in the chip inventory ledger. The unredeemed chip liability and value chip inventory shall be tracked electronically using a computerized system that details the total authorized amount of the chips by denomination as recorded by a cage supervisor or gaming facility supervisor, and the on-hand physical inventory of the chips controlled in the chip bank and on each gaming table. The unredeemed chip liability represents the difference between chips authorized and chips in inventory. .

(f) If a gaming facility licensee elects to commingle chips as set forth in subdivision (e) of section 5322.3 of this Part, an employee of such gaming facility's accounting department shall, on a quarterly basis, inventory all chips of a particular sample and readjust the starting inventory for those chips that are no longer in the possession of such gaming facility. The adjusted inventory figure shall be recorded in the chip inventory ledger and shall be the new beginning inventory figure for the next quarter for purposes of computing the daily outstanding chip liability required by this section.

(g) Prior to the destruction of chips, a gaming facility shall notify the commission in writing of the date and the location at which the destruction will be performed, the denomination, number and amount of value chips to be destroyed, the description and number of non-value chips to be destroyed and a detailed explanation of the method of destruction. Unless otherwise authorized by the commission in writing, the destruction of chips shall be carried out in the presence of at least two employees of the gaming facility, one of whom shall be from the accounting department of the gaming facility and one of whom shall be from the security department. The denomination, number and amount of value chips, in the case of non-value chips, the description and number so destroyed shall be recorded in the chip inventory ledger together with the signatures of the individuals carrying out such destruction and the date on which such destruction took place. A gaming facility also shall maintain a written log of the names and titles of all personnel involved in each such destruction.

(h) A gaming facility shall ensure that at all times there is adequate security, as approved by the commission in writing, for all chips in its possession.

§ 5322.6. Tournament chips.

(a) If a gaming facility conducts table game tournaments, the tournaments shall be conducted using tournament chips.

(b) The identifying characteristics of a tournament chip shall include, at a minimum:

(1) the name, logo or other approved identification of the gaming facility issuing the tournament chip;

(2) the word “Tournament”;

(3) the denomination of the chip;

(4) the phrase “No Cash Value”; and

(5) color or design combinations so as to readily distinguish the tournament chips from:

(i) the roulette chips used for the play of roulette at such gaming facility; and

(ii) the value chips issued by any other gaming facility.

(c) Tournament chips shall be stored in a secure area approved by the commission in writing.

(d) Each gaming facility shall conduct an inventory of all tournament chips prior to the start and after the completion of each tournament.

(e) Discrepancies in any inventory shall be reported immediately to the commission. The discrepancy report shall include the balance for denomination of tournament chips on hand at the beginning of the tournament and the balance on hand at the end of each tournament.

§ 5322.7. Plaques; issuance, use and physical characteristics.

(a) Plaques may not be issued or used by a gaming facility unless:

(1) the design specifications of the proposed plaque are submitted to the commission and approved. The submission shall include a detailed schematic depicting the actual size and, as appropriate, location of the following:

(i) each face;

(ii) the edge; and

(iii) any colors, words, designs, graphics or security measures on the plaque including the minimum identifying characteristics listed in subdivision (e) of this section.

(2) a sample plaque of each denomination to be used, manufactured in accordance with its approved design specifications, is made available to the commission for its inspection and written approval at the gaming facility; and

(3) a system of internal procedures and administrative and accounting controls governing the distribution, redemption, receipt and inventory of plaques, by serial

number, is submitted and approved as part of the gaming facility's system of internal control as set forth in section 5313.1 of this Subchapter.

(b) The face of a square plaque shall have a surface area of no less than nine square inches. The face of a rectangular or elliptical plaque may not be smaller than three inches in length by two inches in width. In the case of an elliptical plaque, the length and width of the plaque shall be measured by its axes.

(c) A plaque issued by a gaming facility licensee shall be designed and manufactured with sufficient graphics or other security measures to prevent, to the greatest extent possible, the counterfeiting of the plaque.

(d) A gaming facility may issue and use plaques in denominations of $25,000, $50,000 and $100,000 and other denominations approved by the commission in writing. Plaques of a specific denomination used by a gaming facility shall be in a shape and of a size that is identical to the shape and size of all other plaques of that denomination issued by the gaming facility. The size and shape of each denomination of plaque issued by a gaming facility licensee shall be readily distinguishable from the size and shape of every other denomination of plaque issued by such gaming facility.

(e) Each plaque issued by a gaming facility shall contain identifying characteristics that appear at least once on each face of the plaque and are applied in a manner that ensures that each identifying characteristic is clearly visible and remains a permanent part of the plaque. These characteristics shall be visible to surveillance employees using such gaming facility licensee's surveillance system and include, at a minimum:

(1) the denomination of the plaque, expressed in numbers of at least 3/8 inches in height;

(2) the name, logo or other approved identification of the gaming facility issuing the plaque; and

(3) a unique serial number.

(f) A gaming facility licensee may not issue, use or allow a patron to use in its gaming facility any plaque that it knows, or reasonably should know, is materially different from the sample of that plaque approved in accordance with subdivision (a) of this section.

§ 5322.8. Big wheels.

(a) *Wheel*. A mechanical wheel, circular in shape, with a diameter of less than five feet, the rim of the wheel shall be divided into 54 sections equally spaced sections with 23 containing a color, number or symbol indicating sixth prize, 15 sections containing a color, number or symbol indicating fifth prize, eight sections containing a color, number or symbol indicating fourth prize, four sections containing a color, number or symbol indicating third prize, two section containing a color number or symbol indicating second

prize, and two sections containing a color, number or symbol indicating first. Each section shall be covered with glass, Plexiglas or a similar material.

(b) Wheel prize depictions shall be arranged clockwise around the rim of the wheel with the color, number or symbol indicating or corresponding to each prize in the following order: first prize, sixth prize, fifth prize, sixth prize, fourth prize, fifth prize, sixth prize, third prize, sixth prize, fourth prize, sixth prize, fifth prize, sixth prize, second prize, sixth prize, fifth prize, sixth prize, fourth prize, fifth prize, sixth prize, third prize, sixth prize, fifth prize, fourth prize, sixth prize, fifth prize, sixth prize, first prize, fifth prize, fourth prize, firth prize, sixth prize, fifth prize, sixth prize, third prize, sixth prize, fourth prize, sixth prize, fifth prize, sixth prize, second prize, sixth prize, fifth prize, sixth prize, fourth prize, fifth prize, sixth prize, third prize, sixth prize, fifth prize, fourth prize, sixth prize, fifth prize and sixth prize.

(c) *Spindles*. The equally spaced section of the wheel referenced in subdivision (a) of this section shall be separated by spindles constructed of stainless steel or such other rigid, inflexible substance.

(d) A stationary indicator constructed of leather, rubber, plastic or such other firm, pliable substance that shall be used to identify the section occupying the space between two immediately adjacent spindles as the winning section.

(e) *Mirror*. A mirror shall be used as to enable the dealer to view the wheel and determine a winning section without have to turn away from the layout to do so.

§ 5322.9. Roulette; wheels, balls and readers.

(a) *Roulette wheel*. Each roulette wheel shall be of a single-zero variety or a double-zero variety as described in this paragraph:

(1) Each single-zero roulette wheel shall have 37 equally spaced compartments around the wheel where the roulette ball shall come to rest. The roulette wheel shall also have a ring of 37 equally spaced areas to correspond to the position of the compartments with one marked zero and colored green and the others marked 1 to 36 and colored alternately red and black, which numbers shall be arranged around the wheel as approved in writing by the commission. The color of each compartment shall either be a corresponding color to those depicted on the ring or a neutral color as approved by the commission in writing.

(2) Each double-zero roulette wheel shall have 38 equally spaced compartments around the wheel where the roulette ball shall come to rest. The roulette wheel shall also have a ring of 38 equally spaced areas to correspond to the position of the compartments with one marked zero and colored green, one marked double-zero and colored green, and the others marked 1 to 36 and colored alternately red and black, which numbers shall be arranged around the wheel as approved in writing by the

commission. The color of each compartment shall either be a corresponding color to those depicted on the ring or a neutral color as approved by the commission in writing.

(3) A double-zero roulette wheel may be used as a single-zero roulette wheel, provided that:

(i) if a double-zero table layout is used, the “00” wager area on the layout is obscured with a cover or other approved device that clearly indicates that such a wager is not available; and

(ii) appropriate signage is posted at the roulette table to notify players that:

(*a*) a double-zero roulette wheel is being used as a single zero roulette wheel, and that double zero is not an available wager;

(*b*) if the roulette ball comes to rest in a compartment marked double zero, the spin will be declared void and the wheel and ball will be re-spun; and

(*c*) wagers on red, black, odd, even, 1 to 18 and 19 to 36 shall be lost if the roulette ball comes to rest in a compartment marked zero.

(b) *Roulette ball*. The ball used in gaming at roulette shall be made completely of a non-metallic substance and not be less than 12/16 of an inch nor more than 14/16 of an inch in diameter unless otherwise approved by the commission in writing.

(c) *Optical roulette readers*. Optical roulette readers that read the winning number and transmit it to the table terminal and to the roulette display are permitted provided that each device is tested and approved as required by Part 5318 of this Subchapter.

§ 5322.10. Manual or automated shakers.

(a) All shakers shall be tested and approved as required by Part 5318 of this Subchapter.

(b) Manual and automated shakers that have not been filled with dice may be stored in a locked compartment in a pit stand. An automated shaker that has been filled with dice shall be secured to the table at all times.

(c) At the end of each gaming day, the gaming facility shall inspect all manual or automated shakers that have been placed in use for gaming for evidence of tampering. Evidence of tampering discovered at this time shall be reported immediately to the on-site commission staff. Each such report shall include, at a minimum:

(1) the date and time when the tampering was discovered;

(2) the name and signature of the person discovering the tampering;

(3) the table number where the manual or automated shaker was used; and

(4) the name and signature of the employee assigned to operate directly the table and the supervisor assigned to the table.

§ 5322.11. Dice; physical characteristics.

(a) Except as otherwise provided in this section, each die used in a game authorized by the commission shall:

(1) be formed in the shape of a perfect cube and of a size no smaller than 0.750 inches on each side or any larger than 0.775 inches on each side;

(2) be transparent and made exclusively of cellulose except for the spots or name of the gaming facility and serial numbers or letters contained thereon;

(3) have the surface of each of its sides perfectly flat and the spots contained in each side perfectly flush with the area surrounding the spots;

(4) have all edges and corners perfectly square and forming perfect 90 degree angles;

(5) have the texture and finish of each side exactly identical to the texture and finish of all other sides;

(6) have its weight equally distributed throughout the cube and no side of the cube heavier or lighter than any other side of the cube;

(7) have its six sides bearing circular spots from one to six respectively, with the diameter of each spot equal to the diameter of every other spot on the die;

(8) have spots arranged so that the side containing one spot is directly opposite the side containing six spots, the side containing two spots is directly opposite the side containing five spots and the side containing three spots is directly opposite the side containing four spots. Each spot shall be placed on the die by drilling into the surface of the cube and filling the drilled out portion with a compound that is equal in weight to the weight of the cellulose drilled out, and that forms a permanent bond with the cellulose cube and shall extend into the cube exactly the same distance as every other spot extends into the cube to an accuracy tolerance of 0.0004 inches; and

(9) have the name, logo or other approved identification of the gaming facility imprinted or impressed thereon.

(b) Each die used in the authorized game of pai gow poker shall comply with the requirements of subdivision (a) of this section except as follows:

(1) each die shall be formed in the shape of a perfect cube and of a size no smaller than 0.637 inches on each side or any larger than 0.643 inches on each side; and

(2) the spots on each die do not have to be equal in diameter.

§ 5322.12. Pai gow tiles; physical characteristics.

(a) Pai gow shall be played with a set of 32 rectangular blocks to be known as tiles. Each tile in a set shall be identical in size and shading to every other tile in the set.

(b) Each tile used in gaming at pai gow shall:

(1) be made of a non-transparent black material, formed in the shape of a rectangle, and be of a size no smaller than 2.5 inches in length, one inch in width and 0.375 inches in thickness;

(2) have the surface of each of its sides perfectly flat, except that the front side of each tile shall contain spots that shall extend into the tile exactly the same distance as every other spot;

(3) have on the front of each tile an identifying feature unique to the gaming facility;

(4) have the texture and finish of each side, with the exception of the front side, exactly identical to the texture and finish of all other sides;

(5) have the back and sides of each tile within a set be identical and no tile within a set shall contain any marking, symbol or design that will enable a person to know the identity of any element on the front side of the tile or that will distinguish any tile from any other tile within a set; and

(6) have identifying spots on the front of the tiles that are either red or white or both.

(c) Each set of tiles shall be packaged separately and shall be sealed completely in such a manner so that any tampering shall be evident.

§ 5322.13. Dice; pai gow tiles; receipts, storage, inspections, removal from use, destruction.

(a) When dice and pai gow tiles for use in the gaming facility are received from the manufacturer or distributor thereof, such dice and pai gow tiles shall, immediately following receipt, be inspected to assure that the seals on each box are intact, unbroken and free from tampering. Boxes that are not intact, or on which the seals are broken, shall be inspected at that time to assure that the dice and pai gow tiles within conform to regulation standards and are completely in a condition to assure fair play. Boxes satisfying these criteria, together with boxes having unbroken, intact and untampered seals, shall then be placed for storage in a locked cabinet in the cashier's cage or within

a primary or secondary dice or pai gow tile storage area. Dice and pai gow tiles that are to be distributed to gaming table pits or tables for use in gaming shall be distributed from a locked cabinet in the cashier's cage or from a secure primary dice or pai gow tile storage area, the location and physical characteristics of which shall be approved in writing by the commission. Secondary dice and pai gow tile storage areas may be used for the storage of surplus dice and pai gow tiles if approved in writing by the commission. Dice and pai gow tiles maintained in secondary dice and pai gow tiles storage areas shall not be distributed to gaming table pits or gaming tables for use in gaming until such dice and pai gow tiles have been moved to a primary dice and pai gow tiles storage area. All secondary dice and pai gow tiles storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved in writing by the commission.

(b) All envelopes, bags and containers used in this section for dice and pai gow tiles at a pit stand or in a primary dice and pai gow tiles storage area shall be transparent. The envelopes, bags or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident. The envelopes, bags or containers and their seals shall be approved in writing by the commission.

(c) All dice and pai gow tiles shall be inspected and distributed to gaming tables in accordance with the gaming facility's system of internal controls as set forth in section 5313.1 of this Subchapter.

(d) The gaming facility shall remove any dice and pai gow tiles:

(1) at any time of the gaming day if there is any indication of tampering, flaws or other defects that might affect the integrity or fairness of the game; or

(2) at the request of the commission.

(e) At the end of each gaming day or at such other times as may be necessary, a gaming facility shall inspect visually each die and pai gow tiles for evidence of tampering. Such evidence discovered at such time or at any other time shall be reported immediately to the commission.

(1) Any dice and pai gow tiles showing evidence of tampering shall be placed in a clear sealed envelope, bag or container.

(i) A label shall be attached to each envelope, bag or container that shall identify the table number, date and time and shall be signed by:

(*a*) an employee assigned to directly operate and conduct the game at that table; and

(*b*) the supervisor assigned the responsibility for supervising the operation and conduct of such game.

(ii) The employees responsible for delivering such dice to the commission also shall sign the label.

(iii) The onsite commission staff receiving such dice and pai gow tiles shall sign the label and retain such dice and pai gow tiles and the original label at the commission office. Duplicate copies shall be returned to the pit and maintained in a locked compartment in the pit.

(2) All other dice and pai gow tiles shall be put into clear envelopes, bags or containers at such time.

(i) A label shall be attached to each clear envelope, bag or container that shall identify the table number, date and time and shall be signed by the appropriate employees identified in subparagraph (i) of paragraph (1) of this subdivision.

(ii) The clear envelope, bag or container shall be sealed appropriately and maintained in a locked compartment in the pit stand until collection.

(f) All extra dice and pai gow tiles in dice and pai gow tile reserve that are to be destroyed or canceled shall be placed in a sealed clear envelope, bag or container, with a label attached to each clear envelope, bag or container that identifies the date and time and is signed by gaming facility management.

(g) Notwithstanding subdivision (f) of this section, a gaming facility licensee may reconstruct tile sets with prior written approval from the commission.

(h) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming facility and approved in writing by the commission, and at such other times as may be necessary, all envelopes, bags or containers of used dice and pai gow tiles and any dice and pai gow tiles in dice and pai gow tile reserve that are to be destroyed or canceled shall be collected and transported to the dice and pai gow tiles destruction area for cancellation or destruction. The employees involved shall record their signatures. No dice and pai gow tiles that have been placed in use in gaming shall remain on a table for more than 24 hours.

(i) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by a gaming facility and approved in writing by the commission, and at such other times as may be necessary, gaming facility management may collect all extra dice and pai gow tiles in dice and pai gow tile reserve. These dice and pai gow tiles shall be inspected or re-inspected in accordance to the gaming facility's system of internal controls prior to their use in gaming.

(j) A gaming facility shall control dice and pai gow tiles inventory through documentation, which at a minimum shall include the following information:

(1) the total number on hand;

(2) the total number removed from storage;

(3) the total number returned to storage or received from the manufacturer;

(4) the date of each transaction; and

(5) the name and signatures of the supervisor and the security department representative.

Table games management at a gaming facility shall perform a reconciliation on a daily basis of total number of the dice and pai gow tiles distributed, the dice and pai gow tiles destroyed and canceled, the dice and pai gow tiles returned to the primary dice and pai gow tiles storage area and, if any, the dice and pai gow tiles in dice and pai gow tiles reserve. Staff of the accounting or internal audit departments of a gaming facility shall conduct, at least once every three months, a physical inventory of the dice and pai gow tiles. Such inventory shall be verified to the total number of dice and pai gow tiles on hand. Any discrepancies shall be reported immediately to the commission.

(k) All destruction and cancellation of dice and pai gow tiles, other than those retained for commission inspections or in the custody of the commission, shall be completed within 48 hours of collection.

(1) Cancellation shall occur by drilling a circular hole of at least ¼ inch in diameter through the center of each die.

(2) Destruction shall occur by shredding or any other form of destruction as approved in writing by the commission.

(3) The destruction and cancellation of dice and pai gow tiles shall take place in a secure dice and pai gow tile cancellation and destruction area, the location of which shall be approved in writing by the commission.

(4) The gaming facility shall maintain a log, which the commission may inspect from time to time, of all destroyed and cancelled dice and pai gow tiles under this subdivision.

§ 5322.14. Playing cards; physical characteristics.

(a) Cards used to play at any table game authorized by the commission shall be in decks of 52 cards with each card identical in size and shape to every other card in such deck or decks of cards. Notwithstanding the foregoing, decks used to play pai gow poker and other games as approved by the commission shall include one or two additional cards known as a joker, the backs of which shall be identical in color, design, size and shape to every other card in such deck.

(b) Each deck shall comprise four suits: diamonds, spades, clubs and hearts.

(c) Each suit shall comprise 13 cards: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three and two. The face of the ace, king, queen, jack and 10 value cards may contain an additional marking, as approved in writing by the commission, which will permit a dealer, prior to exposing his or her hole card at the game of blackjack, to determine the value of that hole card.

(d) The backs of each card in the deck shall be identical and no card shall contain any marking, symbol or design that will enable a person to know the identity of any element printed on the face of the card, or that will in any way differentiate the back of that card from the back of any other card in the deck.

(e) The backs of all cards in the deck shall be designed and manufactured so as to diminish, as far as possible, the ability of any person to place concealed markings thereon.

(f) The design to be placed on the backs of cards used by a gaming facility shall contain the name, logo or other approved identification of such gaming facility and shall be submitted to the commission for written approval prior to use of such cards at a gaming table.

(g) Each deck of cards shall be packaged separately, shall contain a seal affixed to the opening of such package and shall be sealed securely in a cellophane or other such similar transparent, tamper-resistant covering.

(h) Nothing in this section shall prohibit a manufacturer from manufacturing decks of cards with one or more jokers contained therein; provided, however, that such jokers shall not be used by a gaming facility in the play of any game other than pai gow poker or other games approved by commission that require the use of a joker or jokers.

§ 5322.15. Playing cards; receipts, storage and removal from use.

(a) When decks of cards are received for use in the gaming facility from the manufacturer or distributor thereof, such decks shall be placed in a secured storage area approved by the commission.

(b) Immediately prior to the commencement of each gaming day and at other times as may be necessary, table games management, in the presence of the on-site commission staff, shall remove the appropriate number of decks of cards for that gaming day from a secured storage area approved by the commission.

(c) All decks, prior to their use at a gaming table, shall be inspected by the dealer and with such inspection verified by a supervisor. Card inspection at a gaming table shall require each deck to be used at that table to be sorted into new deck sequence, by suit, to assure that all cards are in the deck. The dealer also shall check the back of each card

to assure that such card is the same color as the other cards in the deck and is not flawed, scratched or marked in any way.

(1) If, after checking the cards, the dealer finds that a card is unsuitable for use, a supervisor immediately shall notify the commission and replace the deck with a new one from the pit stand.

(2) An unsuitable deck shall be placed in a clear sealed envelope, bag or container, identified by table number, date and time and shall be signed by the dealer and supervisor assigned to that table. The supervisor shall either maintain the envelope, bag or container in a secure locked compartment within the pit stand until collection or shall turn the sealed envelope, bag or container over to the on-site commission staff if so directed.

(d) All envelopes, bags and containers used to hold or transport cards collected shall be transparent. The envelopes, bags or containers and the method used to seal them shall be designed and constructed so that any tampering shall be evident. The envelopes, bags or containers and seals shall be approved in writing by the commission.

(e) Any decks that have been opened and placed on a gaming table for use in a multi-deck dealing shoe shall be changed at least every 24 hours. In addition, cards opened for use:

(1) at any card game authorized by the commission that permits players to handle the cards and that are dealt from a dealing shoe shall be changed at least every four hours; and

(2) at any card game authorized by the commission that permits players to handle the cards and that are dealt from the dealer's hand shall be changed at least every four hours.

(f) A dealer shall replace cards damaged during the course of play by requesting a supervisor to replace the card or cards with a new card or cards from a locked compartment in the pit stand. Damaged cards shall be placed in a clear sealed envelope or bag identified by table number, date and time and shall be signed by the dealer and the employee who brought the replacement card to the table. The supervisor shall maintain the envelopes, bags or containers in a locked compartment within the pit stand and notify the on-site commission staff for inspection.

(g) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming facility and approved in writing by the commission, and at such other times as may be necessary or if so directed by the on-site commission staff, a supervisor shall collect all used decks. Such decks shall be placed in a clear sealed envelope, bag or container. A label shall be attached to each envelope, bag or container that shall identify the table number, date and time and shall

be signed by the dealer and supervisor assigned to the table. The supervisor shall maintain the envelopes, bags or containers in a locked compartment within the pit stand until collection.

(h) The gaming facility shall remove any decks:

(1) at any time during the day if there is any indication of tampering, flaws, scratches, marks or other defects to a card or cards that might affect the integrity or fairness of the game; or

(2) at the direction of the commission.

(i) All extra decks in card reserve with broken seals shall be placed in a clear sealed envelope, bag or container, with a label attached to each envelope or container identifying the date and time, that is signed by management of the gaming facility.

(j) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by each gaming facility and approved in writing by the commission, and at such other times as may be necessary, all envelopes, bags or containers with damaged cards, cards used during the gaming day and all extra decks in card reserve with broken outer wrappings or seals shall be collected and delivered to the card cancellation and destruction area approved by the commission. All employees involved shall record their signatures.

(k) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming facility and approved in writing by the commission, and at such other times as may be necessary, gaming facility management may collect all extra decks held in card reserve in a locked compartment in the pit stand. If collected, all sealed decks shall either be transported to the approved card cancellation and destruction area or returned to the secured storage area approved by the commission.

(l) When the envelopes, bags or containers of used cards and reserve cards with broken outer wrappings or seals are transported to the approved card cancellation and destruction area, such cards shall be inspected for tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play, prior to cancellation or destruction.

(1) For playing cards used at gaming tables in which the players handle the cards, the gaming facility shall cause to be inspected either:

(i) all decks used during the day; or

(ii) a sample of decks selected at random or in accordance with an approved stratification plan, provided that the procedures for selecting the sample size and for assuring a proper selection of the sample are submitted to and approved in

writing by the commission. Such sample shall be collected, stored and inspected separately from the sample required by subparagraph (ii) of paragraph (2) of this subdivision and shall not be commingled with any cards from such sample.

(2) For playing cards used in baccarat, mini-baccarat or midi-baccarat, a gaming facility shall cause to be inspected either:

(i) all decks used during the day; or

(ii) a sample of decks selected at random or in accordance with an approved stratification plan, provided that the procedures for selecting the sample size and for assuring a proper selection of the sample are submitted to and approved in writing by the commission. This sample shall be collected, stored and inspected separately from the sample required by subparagraph (ii) of paragraph (1) of this subdivision and shall not be commingled with any cards from such sample.

(3) A gaming facility also shall inspect:

(i) any cards that the commission requests the gaming facility to remove for the purpose of inspection;

(ii) any cards the gaming facility removed for indication of tampering; and

(iii) all cards used at games that permit players to handle cards.

(4) The procedures for inspecting all decks required to be inspected under this subdivision shall, at a minimum, include:

(i) the sorting of the cards sequentially by suit into new deck order;

(ii) the inspection of the backs with an ultraviolet light;

(iii) the inspection of the sides of the cards for crimps, bends, cuts and shaving;

(iv) the inspection of the front and back of all plastic cards for consistent shading and coloring; and

(v) any other test required by the commission.

(5) Each gaming facility shall develop internal control procedures for returning the repackaged cards to the secured storage area approved by the commission. Repackaged cards shall be collected by a supervisor and returned to the pit stand.

(6) The employee performing a card inspection shall detail the procedures performed and list the tables from which the cards were removed and the results of the

inspection. The employee performing such inspection shall record his or her signature upon completion of the inspection procedures.

(7) Each gaming facility shall submit the training procedures for those employees performing the inspection, which shall be approved in writing by the commission.

(8) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered at this time, or at any other time, shall be reported immediately to the commission. Such report shall accompany the cards when delivered to the commission. The cards involved shall be retained for investigation by the commission. The commission representative receiving the cards shall record his or her signature and secure and retain the original cards. The gaming facility shall retain an additional copy of such report.

(m) Each gaming facility shall control the card inventory through documentation, which at a minimum shall include the following:

(1) the total number of decks of cards on hand;

(2) the total number of decks of cards removed from storage;

(3) the total number of decks of cards returned to storage or received from the manufacturer;

(4) the date of each transaction;

(5) the name and signatures of the employees involved;

(6) a reconciliation by gaming facility management on a daily basis of the total number of decks of cards distributed, the total number of decks of cards destroyed and canceled, the total number of decks of cards returned to the secured storage area or areas approved by the commission and, if any, the total number of decks of cards in card reserve; and

(7) a physical inventory of the cards at least once every three months by the accounting or internal audit departments. Such inventory shall be verified to the total number of decks of cards on hand. Any discrepancies shall be reported immediately to the commission.

(n) Where decks of cards in an envelope, bag or container are inspected and found to be without any indication of tampering marks, alterations, missing or additional cards or anything that might indicate unfair play, those cards, shall, within 48 hours of collection, be destroyed or canceled. All decks of cards released by the commission immediately shall be destroyed or canceled as set forth in subdivision (j) of section 5322.10.

(o) Destruction and cancellation of cards shall take place in a secure place, the location of which shall be approved in writing by the commission. The adequacy of the destruction and cancellation process shall be approved in writing by the commission.

(1) Destruction of cards shall be by shredding by the security department or a vendor approved in writing by the commission.

(2) Cancellation of cards shall be by drilling a circular hole of at least one-fourth of an inch in diameter through the center of each card in the deck or another method approved in writing by the commission.

(3) The gaming facility shall maintain a log, which the commission may inspect from time to time, of all destroyed or cancelled cards under this subdivision.

§ 5322.16. Pre-shuffled and pre-inspected playing cards.

(a) The gaming facility may elect to pre-inspect and pre-shuffle cards prior to the delivery of the cards to an open gaming table or use a licensed manufacturer to supply pre-shuffled and pre-inspected cards.

(b) If the gaming facility elects to pre-inspect and pre-shuffle cards, the process shall occur at a closed gaming table or another location approved in writing by the commission and shall be performed by a dealer and verified by a supervisor with no concurrent supervisory responsibility for open gaming tables. A gaming facility's surveillance department shall record the procedures required by paragraphs (1) through (4) of this section and such gaming facility shall retain each such recording as required in this Subchapter.

(1) Upon receipt of the decks, the dealer shall perform the procedures in paragraphs (2) through (4) of this subdivision independently for each batch of cards that will be sealed in a container, with the number of decks of cards in each batch being equal to the number of decks of cards required for the table game, in which such decks are intended to be used.

(2) The dealer shall inspect visually the back of each card to assure that such card is not flawed, scratched or marked in any way that might compromise the integrity or fairness of the game.

(3) The dealer shall then shuffle the cards, manually or using an approved automated shuffling device in a manner permitted by the applicable rules governing the table game at which the cards will be used.

(4) To ensure that there are no missing or extra cards, the dealer shall inspect the cards using a machine approved in writing by the commission. The machine shall issue a receipt that shall, at a minimum, include:

(i) the manufacturer, model and serial number of the card inspection machine;

(ii) the name or identification number of the dealer who operated the machine;

(iii) the location at which the inspection was performed;

(iv) the date and time of the inspection;

(v) the manufacturer and type of cards, the number of decks and the table game for which the cards are inspected;

(vi) the result of the inspection and, if failed, the identification of any missing or extra card or cards; and

(vii) the number of the seal to be used on the clear container in which the cards will be placed pursuant to paragraph (7) of this subdivision.

(5) If an inspection fails, the gaming facility licensee shall follow the procedures as set forth in section 5322.15 of this Part.

(6) Upon completion of the pre-inspection and pre-shuffling of the cards in the batch, the dealer and supervisor shall sign the receipt certifying that the cards were pre-inspected and pre-shuffled in accordance with this section.

(7) For each batch of pre-inspected and pre-shuffled cards, the dealer shall place the cards together with the receipt required in paragraph (4) of this subdivision in a clear container that is designed or constructed so that any tampering shall be evident. The container shall be sealed with a pre-number label unique to such container. Procedure for the maintenance and security of used seals, and the distribution, return and reconciliation of seals used on containers holding pre-inspected and pre-shuffled cards shall be detailed in each gaming facility's system of internal controls as set forth in section 5313.1 of this Subchapter.

(8) The sealed containers of cards shall be transported by a supervisor or a security officer in the pit stand or a secured storage area approved by the commission where such cards shall be placed back into card inventory and segregated from cards that have not been pre-inspected and pre-shuffled. A record of the transport of the sealed containers of cards to the secured storage area approved by the commission shall be maintained. When cards are needed for play, each container of cards shall be delivered by a supervisor to an open gaming table. Upon delivery, the supervisor shall unseal the container and place the decks of cards on the gaming table in front of the dealer. The supervisor shall record on the receipt contained with the container, the date, time and shift that the container was opened and the pit and table number where cards are to be used. Once such information has been recorded, the supervisor shall sign the receipt and retain the receipt and container at the gaming table.

(c) If the gaming facility elects to use a licensed manufacturer to supply pre-inspected and pre-shuffled cards, the manufacturer shall:

(1) obtain approval in writing from the commission for the automated shuffling device or automated process used to pre-shuffle cards; and

(2) implement a process for shuffling and packaging card that shall, at a minimum, include:

(i) visual inspection of the back of each card to assure that such card is not flawed, scratched or marked in any way that might compromise the integrity or fairness of the game;

(ii) verification that each package of cards contains the correct number and is constituted in accordance with the specific rules of the game in which such cards are intended to be used; and

(iii) insertion of the cards in a package with a tamper-proof seal or seals that bear or bears a conspicuous indication if the package has been opened. The exterior of the package shall indicate:

(*a*) the total number of decks contained within the package; and

(*b*) the game or games in which the cards are intended to be used;

(iv) generation by the automated shuffling device in use or automated process, of a receipt to be inserted in the sealed package or affixed to the exterior thereof that shall include the following information:

(*a*) the total number of cards and decks contained with the package;

(*b*) the date and time the cards were shuffled and verified;

(*c*) identification of the manufacturer's employee who performed the process in this subparagraph or the identification of the specific equipment that performed the process in such a manner that a responsible employee can be identified; and

(*d*) the manufacturer, model and serial number of the device used to shuffle the cards or the identity of the specific automated process or equipment used to shuffle the cards.

(d) Cards inspected and shuffled in accordance with paragraph (c) of this subdivision shall be delivered to an open gaming table in the manufacturer's sealed packaging. Prior to using the cards at a gaming table, a supervisor shall inspect such package for evidence

of tampering. If there is evidence of tampering, all cards in the package shall not be used and the gaming facility shall follow procedures set forth in section 5322.15 of this Part.

(e) Upon opening the package in accordance with paragraph (c) of this subdivision, the supervisor shall record on the receipt contained within the package, the date and time that the package was opened and the pit and table number where cards are to be used. Once the information has been recorded, the supervisor shall sign the receipt, place the cards on the table in front of the dealer and retain the receipt and original package at the gaming table.

(f) For all pre-inspected and pre-shuffled cards, upon the initial use and patron request the dealer shall perform a wash and a strip shuffle or riffle shuffle of the cards and then cut the cards in the manner prescribed by the rules governing the particular table game.

(g) Upon removal from a gaming table, pre-inspected and pre-shuffled cards shall be placed in the original container or package, as applicable, in which such cards were delivered to the table, together with the receipt, and returned for inspection as needed.

(h) The commission may, at any time, require the gaming facility to provide any container or package of pre-inspected and pre-shuffled cards.

§ 5322.17. Card readers.

(a) All card readers must be tested and approved as required by Part 5318 of this Subchapter.

(b) Card readers may be used provided that a supervisor inspects each device at the beginning of the gaming day.

§ 5322.18. Hand deals; dealing shoes; automated dealing devices.

(a) Unless otherwise permitted in Part 5324 of this Subchapter, a gaming facility licensee shall not authorize hand deals pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1335(11).

(b) Dealing shoes shall be secured to gaming tables when the tables are open for gaming activity and secured in locked compartments when the tables are not open for gaming activity.

(c) Each dealing shoe shall be designed and constructed with such features as the commission may require to maintain the integrity of the gaming table at which such shoe is used. Such features shall include, at a minimum, the following:

(1) at least the first four inches of the base plate shall be white;

(2) the sides of the shoe below the base plate shall be transparent or have a transparent sealed cutout, unless the dealing shoe is otherwise constructed to prevent any object from being placed into, or removed from, the portion of the dealing shoe below the base plate and to permit the inspection of this portion of the shoe; and

(3) a stop underneath the top of the face plate shall preclude the next card to be dealt from being moved upwards for more than 1/8 inch distance.

(d) A baccarat dealing shoe, in addition to meeting the requirements of paragraphs (1) through (3) of subdivision (c) of this section, shall also adhere to the following specifications:

(1) a removable lid shall be opaque from the point where it meets the face plate, to a point at least four inches from the face plate;

(2) the sides and back of the dealing shoe above the base plate shall be opaque; and

(3) a device within the shoe shall, when engaged, prevent the cards from moving backward in the shoe.

(e) A dealing shoe, in addition to meeting the requirements of subdivision (c) of this section, may, at the discretion of the gaming facility, also contain a device approved in writing by the commission mounted on the front of the face plate so as to preclude the players from viewing the next card to be dealt.

(f) All dealing shoes in the gaming facility shall be inspected at the beginning of each gaming day by a supervisor assigned to the table prior to cards being placed in such shoes and devices. The purpose of such inspection shall be to assure that there has been no tampering with the dealing shoe or automated shuffling device that contains no playing cards, and that the automated card shuffling device dispenses the correct number of cards, if so designed.

(g) For table games at which a dealing shoe is used, the shoe shall be located on the side of the table to the left of the dealer, and the discard rack shall be located on the side of the table to the right of the dealer.

(h) Automated dealing devices are permitted provided they are tested and approved as required by Part 5318 of this Subchapter.

§ 5322.19. Automated card shuffling devices.

(a) Automated card shuffling devices may be used to shuffle and dispense at all card games authorized by the commission in addition to a dealing shoe, provided that:

(1) the automated card shuffling device has been tested and approved as required by Part 5318 of this Subchapter;

(2) the procedures for using such device for shuffling, dispensing and dealing the cards are approved in writing by the commission; and

(3) the internal control procedures ensuring the security of an automated card shuffling device are approved in writing by the commission.

(b) For table games at which an automated card shuffling device is used, the location of the automated card shuffling device shall be approved by the commission in writing, and the discard rack shall be on the side of the gaming table opposite such device.

(c) Unless authorized by the commission, automated card shuffling devices require locking covers.

(d) Unless authorized by the commission, a gaming facility licensee may not use a continuous shuffling device.

PART 5323

Table Game Standards

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§ 5323.1. Definitions.

(a) Unless the context clearly indicates otherwise, the following definitions are applicable throughout this Part.

(1) *Boxperson* means the first-level supervisor who is responsible for directly participating in and supervising the operation and conduct of the game of craps.

(2) *Jackpot drop box* means a box secured with a lock used for the placement of cash or cash equivalents for contribution to the jackpot prizes.

(3) *Layout* means the table game cover containing designated areas for patrons to place the various wagers of the game and such rules of the game, payoff odds and other information or graphics as the commission may require.

(4) *Payout* means the winnings that result from a wager.

(5) *Progressive wager coupon* means non-cashable instruments that may be used for progressive play.

(6) *Tip box* means a clear box secured by a lock that is used for the collection of gratuities.

(7) *Vigorish* means the amount that may be charged by the gaming facility on a winning wager as provided in this Subchapter.

(b) A gaming facility shall submit to the commission for its review and approval procedures to be established pursuant to this Part. The commission shall approve any such procedures only in writing. Subsequent modifications to such procedures shall be submitted by the gaming facility to the commission for its approval, in writing. Any modification shall not take effect unless first approved by the commission in writing.

§ 5323.2. Approval of table games layouts, signage, equipment and other matters.

(a) The commission may require a gaming facility to submit table game staffing plans, tournament schedules, dealer training programs and schematics of gaming guides, table game layouts, signage and equipment.

(b) For purposes of this section, schematics or physical samples of table game equipment that shall be submitted to the commission for review and approval include:

(1) cards;

(2) dice;

(3) pai gow tiles;

(4) chips;

(5) plaques;

(6) commemorative chips;

(7) manual and automated shakers;

(8) big wheels and roulette wheels;

(9) envelopes and containers used to hold or transport table game equipment; and

(10) other table game devices that are not otherwise required to be submitted to a licensed independent testing laboratory for approval.

(c) Within 30 calendar days following the filing of a table game staffing plan, tournament schedule, dealer training program or a prototype of gaming guides, table game layouts, signage or equipment, commission staff will review the submission.

(d) The gaming facility licensee may implement the table game staffing plan, tournament schedule, dealer training program or a prototype of gaming guides, table game layouts, signage or equipment on the 30th calendar day following the filing of such with the commission, unless the commission provides notice pursuant to subdivision (e) of this section objecting to such filing.

(e) If during the 30-day review period set forth in subdivision (c) of this section, the commission determines that a table game staffing plan, tournament schedule, dealer training program, prototype of a gaming guide, table game layout, signage or equipment is deficient or inconsistent with this Subchapter, the commission, by written notice to the gaming facility, shall specify the nature of the deficiency or inconsistency and, when possible, an acceptable alternative. The gaming facility then shall submit a revised plan, schedule, program or prototype.

(f) Prior to gaming facility use, the commission shall conduct an onsite inspection and approve the location and physical characteristics of equipment storage and destruction areas.

(g) The commission may periodically inspect the equipment storage and destruction areas approved in subdivision (f) of this section.

(h) A gaming facility shall obtain approval from the commission for:

(1) alternative locations for:

(i) equipment that is required to be on the table game, including drop boxes, shakers, shufflers, discard racks and tip boxes, prior to the commencement of operations at such table game; and

(ii) the complete text of the rules of all authorized games;

(2) amendments to such gaming facility's plan for the distribution and collection of drop boxes or jackpot drop boxes;

(3) sample sets of chips, plaques and promotional chips manufactured in accordance with approved design specifications; and

(4) the collection times for dice, cards, tiles and other table game equipment from the gaming floor.

§ 5323.3. Table games training standards.

In addition to the requirements set forth in section 5313.1 of this Subchapter, a gaming facility licensee shall, as part of its system of internal controls, establish a dealer training program.

§ 5323.4. Table inventories.

(a) Whenever a table game in a gaming facility is opened for gaming, operations shall commence with an amount of chips and coins to be known as the table inventory. A gaming facility shall not cause or permit chips or coins to be added to, or removed from, such table inventory during the gaming day except:

(1) in exchange for cash, table-game coupons or issuance copies of counter checks presented by patrons in accordance with section 5323.10 of this Part;

(2) in payment of winning wagers and collection of losing wagers made at such table game;

(3) in exchange for chips received from a patron having an equal aggregate face value;

(4) in conformity with the fill and credit slip procedures set forth in such gaming facility's system of internal controls;

(5) coin may be used for the purpose of marking vigorish and/or paying an amount won minus the vigorish; and

(6) chips placed on or in the wagering devices used for optional bonus wagers authorized by the commission always shall be placed in the table inventory container.

(b) Whenever a table game is not open for gaming activity, the table inventory including key controls and appropriate documentation prepared in conformity with the procedures set forth in this Part shall comply with standards set forth in the gaming facility's system of internal controls.

§ 5323.5. Opening table for gaming.

(a) Immediately prior to opening the table game for gaming, employees assigned to such table shall unlock the container after verifying that such container is the proper one for such table game by matching the table number affixed to such container with the table number affixed to such table game.

(b) The dealer or boxperson assigned to a table game shall count the contents of the container in the presence of a supervisor assigned to such table game and shall reconcile the count with the amount that is supposed to be inside the container.

(c) Signatures attesting to the accuracy of the information recorded on the opener shall be placed on such opener by the dealer or boxperson assigned to the table and the supervisor that observed the dealer or boxperson count the contents of the container.

(d) Any discrepancy between the amount of chips and/or coins counted and the amount of chips and/or coins recorded on the opener shall be reported immediately to management and on-site commission staff at such gaming facility. The pit personnel shall fill out a table discrepancy form, put one copy in the drop box and one copy shall be provided to the on-site commission staff. The gaming facility's security department then shall complete a report and immediately shall forward a copy of the report to the on-site commission staff.

(e) After the count of the contents of the container and the signing of the opener, such slip shall be deposited immediately in the drop box attached to the table game by the dealer or boxperson after the opening of such table.

§ 5323.6. Shift changes at table games.

(a) Whenever table games are to remain open for gaming activity at the conclusion of a shift, the chips and coins remaining at such table games at the time of the shift change shall be counted by either the dealer, boxperson or supervisor assigned to the outgoing shift and the dealer or boxperson assigned to the incoming shift or the dealer or boxperson assigned to the table game at the time of a drop box shift change that does not necessarily coincide with an employee shift change. The count shall be observed by a supervisor assigned to the table game of the outgoing shift or a supervisor assigned to the table game at the time of the drop box shift change.

(b) The chips and coins counted shall be recorded by the supervisor assigned to the table game of the outgoing shift or the supervisor assigned to the table game at the time of a drop box shift change.

(c) The supervisor shall record the following:

(1) the date and identification of the shift ended;

(2) the game and table number;

(3) the total value of each denomination of chips and coins remaining at the table game; and

(4) the total value of all denominations of chips and coins remaining at the table game.

(d) Signatures attesting to the accuracy of the information recorded shall be of either

(1) the dealer or boxperson and the supervisor assigned to the incoming and the outgoing shifts; or

(2) the dealer or boxperson and the supervisor assigned to the table games at the time of a drop box shift change.

(e) Upon meeting the signature requirements described in subdivision (d) of this section, the closer shall be deposited in the drop box that is attached to the table game immediately prior to the change of shift or the drop box shift change and the opener shall be deposited in drop box that is attached to the table game immediately following the change of shift or drop box shift change.

§ 5323.7. Closing table games.

(a) Whenever gaming activity at a table game is concluded, the chips and coins remaining at the table game shall be counted by the dealer or boxperson assigned to the table game and observed by the supervisor assigned to the table game.

(b) The chips and coins counted shall be recorded by the supervisor assigned to the table game.

(c) The supervisor shall record the following:

(1) the date and identification of the shift ended;

(2) the game and table number;

(3) the total value of each denomination of chips and coins remaining at the table game; and

(4) the total value of all denominations of chips and coins remaining at the table game.

(d) Signatures attesting to the accuracy of the information recorded at the time of closing table games shall be by the dealer or boxperson and the supervisor assigned to the table game who observed the dealer or boxperson count the contents of the table inventory.

(e) Upon meeting the signature requirements described in subdivision (d) of this section, all containers shall be locked.

§ 5323.8. Distributing chips and coins to table games.

(a) A fill request shall be prepared to authorize the preparation of a fill for the distribution of chips and coins to table games.

(b) The following information, at a minimum, shall be recorded:

(1) the date, time and shift of preparation;

(2) the denomination of chips and/or coins to be distributed to the table games;

(3) the total amount of each denomination of chips and/or coins to be distributed to the table games;

(4) the game and table number to which the chips and/or coins are to be distributed;

(5) the signature of the table games supervisor; and

(6) signatures of every employee involved in the distribution, attesting to the accuracy of the information contained on the fills.

(c) Every distribution shall be performed in accordance with the standards set forth in the gaming facility's system of internal controls as set forth in section 5313.1 of this Subchapter.

§ 5323.9. Removing chips and coins from table games.

(a) A credit slip shall be prepared to authorize the removal of chips and/or coins from table games to the cashier's cage. The following information, at a minimum, shall be recorded:

(1) the date, time and shift during which the removal of chips and/or coins occurs;

(2) the denomination of chips and/or coins to be removed from the table game;

(3) the total amount of each denomination of chips and/or coins to be removed from the table game;

(4) the game and table number from which the chips and/or coins are to be removed;

(5) the signature of the dealer or boxperson and supervisor assigned to the table game from which the chips and/or coins are to be removed;

(6) time of preparation of the credit slip;

(7) the signature of the preparer or, if computer prepared, the identification code of the preparer; and

(8) signatures from every employee involved in the removing of chips and coins from table games, attesting to the accuracy of the information contained on the credit slip.

(b) Chips, tokens and/or cash equivalents shall be removed from the table tray by the dealer or boxperson and shall be broken down and verified by the dealer or boxperson in public view prior to placing them in racks for transfer to the cage; and

(c) Cross fills (the transfer of chips between table games) and cash exchanges are prohibited in the pit.

(d) Every removal shall be performed in accordance with the standards set forth in the gaming facility's system of internal controls as set forth in section 5313.1 of this Subchapter.

§ 5323.10. Acceptance of cash and coupons in exchange of chips or plaques.

(a) Whenever cash or a promotional coupon is presented by a patron at a table game for exchange for chips:

(1) the cash or promotional coupon shall be spread on the top of the table game by the dealer or boxperson accepting it in full view of the patron who presented it and the supervisor assigned to such table game;

(2) the amount of the cash or promotional coupon shall be announced orally by the dealer or boxperson accepting it in a tone of voice calculated to be heard by the patron who presented it and the supervisor assigned to such table game;

(3) the dealer or boxperson shall not distribute the chips to the patron until he or she receives approval from a supervisor; and

(4) immediately after an equivalent amount of chips has been given to the patron, the cash or promotional coupon shall be taken from the top of the table game and deposited by the dealer or boxperson into the drop box attached to the table game.

(b) Whenever a match-play coupon and chips are presented as a wager by a patron at an authorized game:

(1) such match-play coupon shall be placed underneath the chips wagered by the patron;

(2) the chips shall be placed on such coupon in such a way that the type and value of the coupon shall be visible at all times;

(3) if the chips wagered by the patron are greater than the stated value of such match-play coupon, the dealer shall physically determine the additional amount in excess of the match-play value, and distinguish the additional amount in accordance with the gaming facility licensee's system of internal controls;;

(4) only one match-play coupon may be used with the wager;

(5) if the wager wins, the wager shall be paid in accordance with the terms and conditions of the coupon; and

(6) whether the wager wins or loses, the coupon shall be deposited by the dealer into the drop box attached to the table game at the time the winning wager is paid or the losing wager is collected.

(c) Whenever a progressive wager coupon is presented by a patron at an authorized game in which a progressive payout wager coupon may be used, the dealer shall:

(1) comply with the procedures set forth in paragraphs (1) and (2) of subdivision (a) of this section;

(2) remove from the table inventory container a chip that is equal in value to the value of the progressive wager coupon, place the chip in the progressive wager acceptor device and prohibit the patron from withdrawing such progressive payout wager;

(3) immediately after placing the chip in the progressive wager acceptor device, take the coupon from the top of the table game and deposit it in the drop box attached to the table game; and

(4) permit only one progressive wager coupon to be used by a patron per hand.

(d) A gaming facility may, in its discretion, require that a coupon be canceled upon acceptance by the dealer or boxperson, so as to prevent the subsequent use of such coupon.

§ 5323.11. Minimum and maximum wagers, additional wagering requirements.

(a) Except as otherwise provided in this section, the minimum and maximum wagers permitted at any authorized table game shall be established by the gaming facility and approved by the commission.

(b) A gaming facility may offer:

(1) different maximum wagers at one table game for each permissible wager in an authorized game; and

(2) different maximum wagers at different table games for each permissible wager in an authorized game.

(c) A gaming facility may increase or decrease the permissible maximum wager or decrease the permissible minimum wager at a table game at any time. A permissible minimum wager may be increased at a table game:

(1) at any time, if no patrons are playing at the table game; or

(2) when patrons are playing the game, if the gaming facility:

(i) provides at least a 30-minute advance notice of the change;

(ii) posts a sign at the table game advising patrons of the change and the time that such change will go into effect; and

(iii) announces the change to patrons who are at such table game.

(d) Notwithstanding subdivision (c) of this section, a gaming facility may, in its discretion, permit a player to wager below the established minimum wager or above the established maximum wager at a table game.

(e) Any wager accepted by a dealer shall be paid or lost in its entirety in accordance with the rules of the game, notwithstanding that the wager exceeded the current table maximum or was lower than the current table minimum not previously approved.

(f) Nothing in this section shall preclude a gaming facility from establishing additional wagering requirements that are consistent with the rules of the game provided that the gaming facility satisfies the notice requirements under section 5323.13 of this Part.

(g) The amount of the minimum and maximum wagers shall be posted conspicuously on a sign at each table. The location, size and language of each sign required by this section shall be submitted to the commission for review and approval.

§ 5323.12. Payout odds.

The gaming facility shall post a sign at each table game advising patrons of the payout odds for the game in effect at that table. The gaming facility may change pay tables at its discretion at any time after the conclusion of a round of play upon prior notice to the commission, so long as the gaming facility complies with the minimum pay tables set forth

in Part 5324. This section is not applicable if the payout odds are imprinted on the table layout, as approved by the commission.

§ 5323.13. Rules of games notice.

(a) A gaming facility shall provide notice of the rules under which a particular table game will operate by posting a sign, or making available other documentation, at such table game advising patrons of the rules in effect at such table game.

(b) Except as provided in subdivision (c) of this section, a gaming facility may not change the rules under which a particular table game operates unless the facility submits and receives approval from the commission in writing in regard to a proposed rules of game amendment.

(c) The location, size and language of each sign or documentation required by this section shall be submitted to the commission for review and approval.

§ 5323.14. Patron access to the rules of the game; gaming guides.

(a) Each gaming facility shall maintain a printed copy of the complete text of the rules of all authorized games and all other information required to be made available to the public pursuant to this Subchapter. Such information shall be made available to the public for inspection upon request.

(b) Each gaming facility shall make available to patrons upon request an abridged version of the information required to be made available pursuant to subdivision (a) of this section. Each such version, to be known as a gaming guide, may be produced in a printed, video or other format.

(c) No gaming guide shall be issued, displayed or distributed by a gaming facility unless and until the commission has approved in writing a sample thereof.

(d) Each gaming facility may display a gaming guide at any location in its establishment. Such display shall not be considered to constitute advertising within the meaning of section 5325.6 of this Subchapter.

§ 5323.15. Progressive table game system.

(a) Each progressive electronic or live table game shall have:

(1) a progressive meter visible from the front of the table game, which shall increase in value based upon wagers, that advises the players of the amount that can be won if the player receives the corresponding outcome;

(2) a meter that accumulates the total value of credits paid as a result of progressive awards paid to the player.

(3) a cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots.

(4) a key and keyed switch to reset the progressive meter or meters or other reset mechanism; and

(5) a key locking the compartment housing the progressive meter or meters or other means by which to preclude unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (5) of this subdivision.

(b) Progressive meters may not be turned back to a lesser amount unless one of the following occurs:

(1) the amount indicated has been actually paid to a winning patron;

(2) the progressive jackpot amount won by the patron has been recorded in accordance with the gaming facility's system of internal controls;

(3) the progressive jackpot has, upon approval by the commission in writing, been transferred to another progressive table game; and

(4) the change is necessitated by a table game or meter malfunction, in which case, a written explanation shall be sent to the commission.

(c) Prior to removing a progressive jackpot from the gaming floor, a gaming facility licensee shall:

(1) submit to the commission for approval a plan for the transfer of accrued prize amount minus the seed value amount to another progressive prize pool within the same gaming facility; and

(2) conduct such transfer in the presence of onsite commission staff.

(d) Subdivision (c) of this section does not apply to multi-site progressive jackpots provided that the gaming facility licensee has submitted to the commission for approval the terms and conditions of such jackpots.

§ 5323.16. Payment of progressive wagers at table.

(a) Whenever a patron wins a table game progressive payout, the gaming facility shall either:

(1) pay the wager from the chips in the table inventory container; or

(2) issue a receipt to the patron that may be exchanged for payment at the cashier's cage.

(b) If the gaming facility pays the wager described in paragraph (2) of subdivision (a) of this section, the following shall apply:

(1) All table games progressive payments shall be made in the presence of a table games supervisor.

(2) All progressive payouts shall be recorded prior to reducing or resetting the progressive meter. The documentation shall contain the following information:

(i) date;

(ii) time;

(iii) table number;

(iv) the configuration of the winning hand;

(v) progressive meter amount;

(vi) progressive award amount; and

(vii) signature of the table games supervisor.

(3) Receipts shall be prepared by the table games supervisor and issued to patrons for progressive payouts. Receipts shall contain the following information:

(i) date, time and shift;

(ii) pit and table number;

(iii) amount of the progressive meter;

(iv) total jackpot won;

(v) the configuration of the winning hand;

(vi) signature of preparer;

(vii) signature of dealer;

(viii) signature of patron;

(ix) an indication as to on what hand the payout is based; and

(x) name of patron and account number, if the patron is a member of the gaming facility licensee's player tracking system.

(4) The table games supervisor shall validate the winning progressive hand prior to preparing the documentation. Following preparation, the patron must sign and be given a duplicate copy. The progressive meter amount shall be recorded prior to resetting the progressive meter.

(5) The record of jackpots must contain the following information:

(i) date, time and shift;

(ii) window number;

(iii) pit and table number;

(iv) patron name (and account number, if applicable);

(v) amount on the progressive meter;

(vi) total jackpot won;

(vii) method of payment (cash or casino check);

(viii) the configuration of the winning hand;

(ix) signature of cashier or supervisor preparing the form;

(x) signature of the table games supervisor; and

(xi) an indication of the hand on which the payout is based.

(6) Appropriate tax withholding forms and other necessary paperwork shall be completed before a payout is dispersed to the patron pursuant to this section.

(7) The accounting department of the gaming facility shall verify and reconcile every progressive wager payout.

§ 5323.17. Table game tournaments.

(a) No gaming tournament shall be conducted unless the gaming facility licensee files a written notice with the on-site commission staff, at least five business days prior to the commencement of such tournament, which notice shall include, at a minimum, the following information:

(1) the date and time of the scheduled gaming tournament;

(2) a detailed description of the type of gaming tournament to be offered;

(3) the number of patrons involved in the gaming tournament;

(4) the exact location of the gaming tournament;

(5) a description of any additional security measures that will be implemented for the gaming tournament;

(6) a statement from the supervisors of the gaming facility licensee's security, gaming operations and surveillance departments that the proposed gaming tournament will not adversely affect the security and integrity of gaming operations; and

(7) a statement from the gaming facility controller or designee if the tournament impacts gross gaming revenue.

(b) For poker tournaments, a gaming facility licensee may require that a percentage of the prize pool offered to participants be withheld for distribution to the tournament dealers as tips or gratuities, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1337(3), so long as such gaming facility gives prior notice to the commission.

(c) The on-site commission staff may at any time require the licensee to immediately cease any gaming tournament conducted, if the gaming tournament provided is in any material manner different from the description contained in the submission filed pursuant to subdivision (a) of this section or in any way compromises the security or integrity of gaming operations or the collection of gross revenue.

(d) Gaming tournaments involving games where the outcome depends on the skill of the participant are authorized provided that some element of chance is also part of the game.

§ 5323.18. Request to offer a new table game or new feature for an existing table game.

A table game device manufacturer, gaming-related gaming service provider or a gaming facility that desires to offer a new table game that is not in this Subchapter or a new wager, pay table or feature as part of a table game included in this Subchapter shall file a written request with the commission for approval. Such request shall contain, at a minimum:

(a) a detailed description of the table game or feature, including the rules of play and wagering that would be used for such new table game or feature. In addition, the table game device manufacturer, gaming-related gaming service provider or gaming facility shall:

(1) indicate whether the game is a variation of an authorized game, a composite of authorized games or a new game;

(2) provide the true odds, the payout odds and the house advantage for each wager;

(3) provide a sketch or picture of the game layout, if any; and

(4) provide sketches or pictures of the equipment used to play the game;

(b) the reason why the new table game or feature is being proposed and, if the request is not filed by a gaming facility, the name of the gaming facility that is interested in offering the new table game or feature;

(c) a list of other gaming jurisdictions where the new table game or feature is currently being offered; and

(d) whether the game, its name or any of the equipment used to play the game is covered by any copyrights, trademarks or patents, either issued or pending.

§ 5323.19. Temporary permission to operate table games or table game features.

The commission, by directive, may authorize the temporary operation of a table game or table game feature for the purpose of determining whether such game or feature should be authorized on a permanent basis. The rules of such table game or table game feature shall be posted on the commission's website and shall be made available for inspection by the gaming facility in the manner set forth in section 5323.14 of this Part. Any such temporary authorization shall not exceed 270 days.

PART 5324

Table Game Rules

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§ 5324.1. Definitions.

(a) The following words and terms, when used in this section, have the following meaning unless the context clearly indicates otherwise:

(1) *3rd street wager* means an additional wager in Mississippi stud poker made by a player, in an amount equal to one, two or three times the amount of the player’s ante wager, after the player has been dealt such player’s initial two cards.

(2) *4th street wager* means an additional wager in Mississippi stud poker made by a player, in an amount equal to one, two or three times the amount of the player’s ante wager, after the first community card has been revealed by the dealer.

(3) *5th street wager* means an additional wager in Mississippi stud poker made by a player, in an amount equal to one, two or three times the amount of the player’s ante wager, after the second community card is revealed by the dealer.

(4) *All-in* means a player who has no funds remaining on the poker table to continue betting in a round of play but who still retains the right to contend for that portion of the pot in which the player has already placed a bet.

(5) *Ante* means a predetermined initial wager required to be made in a poker game prior to any cards being dealt in order to participate in the round of play.

(6) *Bad beat* means one or more pre-designated high-value poker hands that, when held by a player as a losing hand in a round of play, shall result in a bad beat payout if the gaming facility has elected to offer a bad beat payout at that poker table.

(7) *Bank* means the player in pai gow poker who elects to have the other players and dealer play against him or her and accepts the responsibility to pay all winning wagers.

(8) *Banker hand bonus* means a payout made to a player who placed an imperial pai gow bonus wager if the banker's seven cards form one of the qualifying hands, except that the banker hand bonus for a player banking a round of play shall be determined by the dealer's seven cards.

(9) *Bet* or *bet wager* means an action by which a player places chips, plaques or another form of wagering approved by the commission in a designated area to move toward the completion of a round or game.

(10) *Betting round* means a complete wagering cycle in a hand of poker after all players have called, folded or gone all-in.

(11) *Blackjack* or *natural blackjack* means an ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer, except an ace and a 10-point-value card dealt to a player who has split pairs.

(12) *Blind* or *blind bet* means a mandatory wager that is required to be made by players at specific betting positions in poker, and all players in other table games, that are required to be made prior to any cards being dealt to participate in the round of play or game.

(13) *Bonus wager* means an optional wager that players may make to qualify for additional payouts given a specified hand or outcome.

(14) *Burn* means to remove the top or next card from the deck or shoe and discard such card face down.

(15) *Burn card* means a card taken from the top of a deck or the next card of a dealing shoe that is discarded face down and is not in play.

(16) *Button* means an object that is moved clockwise around the table to denote an imaginary dealer to determine the betting and dealing sequence.

(17) *Call* means a wager made in an amount equal to the immediately preceding wager.

(18) *Check* means that a player waives the right to make or place a wager but retains the right to remain in that game or round of play.

(19) *Co-banking* means the bank and the dealer each cover 50 percent of all winning pai gow wagers.

(20) *Come out point* means a total of 4, 5, 6, 8, 9 or 10 rolled in craps by the shooter on the come out roll.

(21) *Come out roll* means the first roll of the dice in craps at the opening of the game and the first roll of the dice after a decision with respect to pass bet and don't pass bet has been affected.

(22) *Come point* means a total of 4, 5, 6, 8, 9 or 10 rolled in craps by the shooter on the next roll following placement of a come bet or don't come bet.

(23) *Common card* means, in any game of stud poker, a card that is dealt face up if there are insufficient cards left in the deck to deal each player a card individually and that can be used by all players at the showdown.

(24) *Community card* means any card that is dealt face up and can be used by each player to form such player's best hand.

(25) *Copy hand* means a hand of a player in Asia poker, pai gow poker or pai gow tiles that is identical in rank or point value to the corresponding hand of the dealer.

(26) *Cover card* means an opaque plastic card used during the cut process and to conceal the bottom card of the deck.

(27) *Curator* means the player in baccarat who accepts the dealing shoe and who is responsible for dealing the cards in accordance with this Part and the instructions of the dealer calling the game.

(28) *Dead hand* means four tiles in pai gow poker that are placed in a separate area located to the left of the dealer or any hand dealt that is deemed no longer in play, such as a fouled hand in poker.

(29) *Dragon 7* means a banker's hand in a baccarat game that has a point count of 7 with a total of three cards dealt and the player's hand that has a point count of less than 7.

(30) *Draw* means, in any game of draw poker, an exchange by a player of cards held in such player's hand, after the initial round of betting, for an equal number of new cards from the deck or in other card games, the additional cards taken by a player or dealer to complete a hand.

(31) *Envy bonus* means an additional fixed sum payout made to a player in a poker game who placed an authorized wager in a predetermined amount that shall win if an envy bonus qualifying hand is reached.

(32) *Envy bonus qualifying hand* means a player's hand in a poker game with a rank included in the pay table selected by the gaming facility.

(33) *EZ baccarat* means a variation of baccarat in which vigorish is not collected.

(34) *Flop* means the first three community cards dealt face up in a poker game in the area designated for the placement of the community cards.

(35) *Flop wager* means the second wager in Texas hold 'em bonus poker, equal to twice the amount of the player's ante, that is required to be made prior to the flop being dealt in order to continue participation in the round of play.

(36) *Flush* means two, three, four, five or seven cards of the same suit prescribed by each type of poker game.

(37) *Fold* means the withdrawal of a player from a poker game or round of play by discarding such player's cards and not placing any further wagers.

(38) *Forced bet* or *bring in* means a wager that is required to start the wagering on the first betting round in a poker game.

(39) *Fouled hand* means a hand in a poker game that either has an improper number of cards or has come into contact with other cards in such a way as to render it impossible to determine accurately which cards are contained in the hand.

(40) *Four of a kind* means four cards of the same rank.

(41) *Half-kill* means when one player wins an entire qualifying pot in a poker game, the betting limits are increased by one-half the posted table wagering limits for the next hand and remain in effect until a pot is split between one player winning the high hand and another player winning the low hand or until a pot does not qualify in amount.

(42) *Hand* means the two, three, four, five, six or seven cards formed by the combination of cards owned by the player or dealer and the community cards offered, if applicable, that make the highest-ranking combination for that poker game.

(43) *High hand jackpot payout* means the total of the contribution collected during a qualifying period in a poker game that is payable to one or more players upon the occurrence of a qualifying high hand.

(44) *High hand*, for the following games, means:

(i) in the game of pai gow poker, the five-card hand that is formed from the seven cards dealt so as to rank equal to or higher than the two-card low hand;

(ii) in the game of Asia poker, the four-card hand formed by the player or dealer from the seven cards that was dealt, so that the four-card hand is higher in rank than the medium hand and low hand;

(iii) in the game of pai gow tiles, the two-tile hand formed with two of the four tiles dealt so as to rank higher than the hand formed from the remaining two tiles.

(45) *High-low split* means a form of poker in which there is a winner for both the highest and lowest-ranking hands.

(46) *Hole card* means a card dealt face down to the dealer or player.

(47) *Initial wager* means the wager that must be made by a player prior to any cards being dealt in order to participate in the round of play.

(48) *Kill* means when one player wins an entire qualifying pot in a poker game, the betting limits are twice the posted table wagering limits for the next hand and remain in effect until a pot is split between one player winning the high hand and another player winning the low hand or until a pot does not qualify in amount.

(49) *Lammer* means a small plastic disc with numbers or words that are normally used for markers.

(50) *Let it ride* means that a player chooses not to take back a wager in a poker game that may be withdrawn.

(51) *Low hand* means the one-card or two-card hand formed by the player or dealer in a poker game from the seven cards that are dealt, so that the one-card or two-card hand is lower in rank than the high hand and the medium hand, if applicable.

(52) *Low* means a game of poker in which the highest-ranking low hand wins the pot.

(53) *Medium hand* means the two-card hand formed by the player or dealer in Asia poker from the seven cards that are dealt so that the two-card hand is lower in rank than the high hand and higher in rank than the low hand.

(54) *Natural* means a hand in baccarat or mini baccarat that has a point count of 8 or 9 on the first two cards dealt.

(55) *Opening bet* means the first bet in a round of play.

(56) *Original deal* means the first card that is dealt to each player and the dealer in a poker game to determine the initial wager in a round of play.

(57) *Pai gow insurance wager* means an optional wager in a pai gow game where the player's seven cards form a seven-card hand with a rank of ace or lower (a pai gow), for which a payout will be awarded, regardless of the manner in which the player sets the high hand and the low hand and regardless of the outcome of the player's pai gow poker wager.

(58) *Pair* means two cards of the same rank.

(59) *Pair plus wager* means the wager that a player may make in three-card poker prior to any cards being dealt in order to compete against a posted pay table, regardless of the outcome of the player's hand against the dealer.

(60) *Panda 8* means a player's hand in baccarat that has a point count of 8 with a total of 3 cards dealt and the banker's hand that has a point count of less than 8.

(61) *Play wager* means an additional wager in a game of poker that a player shall make if the player opts to remain in competition against the dealer.

(62) *Player hand bonus* means a payout made to a player who placed an imperial pai gow bonus wager if a five-card hand, formed from the player's seven cards, is one of the qualifying hands.

(63) *Pot* means the amount that is awarded to the winning player or players in a poker game at the conclusion of a round of play and is equal to the total amount anted or bet by the players during the round of play, less any rake extracted and, if applicable, any amount contributed to a bad beat payout fund.

(64) *Premium qualifying poker hand* means a five-card or seven-card poker hand with a rank of four-of-a-kind or higher formed from the seven cards dealt to a player.

(65) *Progressive payout hand* means a hand in a game of poker predetermined by the gaming facility that results in a payout from the progressive total.

(66) *Protected hand* means a hand of cards in a game of poker that the player is physically holding or has placed under one or more chips.

(67) *Push* means a tie between the hand of the player and that of the dealer.

(68) *Qualifying hand* means a dealer's hand in a game of poker containing a minimum predetermined value of cards.

(69) *Qualifying high hand* means a high hand in a game of poker held by any player or players during a qualifying period that may result in a high hand jackpot payout.

(70) *Qualifying period* means a duration of time in a game of poker, as specified in the gaming facility's approved system of internal controls, when the gaming facility offers a high hand jackpot payout.

(71) *Qualifying poker hand* means a five-card or seven-card poker hand in pai gow poker with a rank of straight or higher formed from the seven cards dealt to a player.

(72) *Queens up wager* means the wager that a player is required to make in crazy 4 poker prior to any cards being dealt to compete against a posted pay table, regardless of the outcome of the player's hand against the dealer's hand.

(73) *Raise* means a bet in a game of poker in an amount greater than the immediately preceding bet in that betting round.

(74) *Rake* means the amount of chips, plaques or coin collected by the dealer as poker revenue.

(75) *Rank or ranking* means the relative position of a card, group of cards or hand.

(76) *River or river card* means the fifth and final community card dealt face up to the designated area of the layout in a game of poker.

(77) *River wager* means the fourth wager in Texas hold 'em bonus poker equal to the amount of the player's ante that the player may place prior to the river card being dealt.

(78) *Round of play* means one complete cycle of play in a game of poker during which all wagers have been placed, all cards have been dealt and all remaining wagers have been paid or collected in accordance with this Part.

(79) *Second highest* or *low hand* means the two tile hand formed with two of the four tiles dealt at the game of pai gow so as to rank lower than the hand formed from the remaining two tiles.

(80) *Set* or *setting the hands* means the process of forming the cards or tiles into a high, low and, if applicable, medium hand in the appropriate betting area.

(81) *Seven-card bonus wager* means an optional wager where the player's seven-card hand forms a five-card poker hand (best five cards out of seven cards) for which a payout is awarded without regard to the manner in which the player sets the high hand and the low hand and without regard to the outcome of the player's pai gow poker wager.

(82) *Showdown* means the action of revealing the hands of each player in a game of poker in order to determine who shall win the pot.

(83) *Side pot* means a separate pot in a game of poker formed when one or more players are all-in.

(84) *Six-card bonus wager* means an optional wager that a player will form a five-card poker hand listed on a posted payout table from the three cards dealt to the dealer and the three cards dealt to the player during that round of play.

(85) *Soft total* means the total point count of a hand in blackjack containing an ace when the ace is counted as 11 in value.

(86) *Straight flush* means two, three, four, five or seven cards of the same suit in consecutive rank prescribed by each game of poker.

(87) *Straight* means two, three, four, five or seven cards in consecutive rank prescribed by the rules of the game of poker.

(88) *Stub* means the remaining portion of the deck after all cards in a round of play in a game of poker have been dealt.

(89) *Suit* means one of the four categories of cards: club, diamond, heart or spade.

(90) *Suited match* means two cards of the same rank and suit.

(91) *Supreme pair* means the pair of tiles that form the highest-ranking hand in the game of pai gow and shall be formed with the 6 (2-4) tile and the 3 (1-2) tile.

(92) *Switch* means a player's one-time option to have the second cards dealt to that player's two blackjack hands exchanged with each other, thus creating two new blackjack hands.

(93) *Table stakes* means the currency, chips and plaques on the table that are in play. A player may not subtract from such player's currency, chips or plaques at any time during a round of play.

(94) *Three-of-a-kind* means three cards of the same rank in a game of poker.

(95) *Tie* means the rank of a player's card or cards and the rank of the dealer's card or cards or other player's cards in poker are equal.

(96) *Tie wager* means an optional wager in a game of baccarat, mini-baccarat, midi-baccarat and casino war, made at the same time as an initial wager or war wager, that the deal on which the tie wager is made will result in a tie hand.

(97) *Trips wager* means an optional wager in ultimate Texas hold 'em that a player may make prior to any cards being dealt that the player's best five-card hand will be a three-of-a-kind or better, with a winning trips wager being paid in accordance with a

posted pay table regardless of the outcome of the player's hand against the dealer's hand.

(98) *Turn* or *turn card* means the fourth community card dealt face up to the designated area of the layout in a game of poker.

(99) *Turn wager* means the third wager in Texas hold 'em bonus poker, equal to the amount of the player's ante, that a player may place prior to the turn card being dealt.

(100) *Up card* means any card dealt to a player face up.

(101) *Value* means the numerical point value assigned to a pair of tiles in a game of pai gow tiles.

(102) *War deal* means the deal of the cards that follows the placement of a war wager in a game of casino war.

(103) *War* or *go to war* means the decision of a player to place a war wager in a game of casino war when there is a tie hand on the original deal.

(104) *War wager* means a wager in a game of casino war, equal in amount to the player's initial wager, that is required to be made if the player elects to go to war.

(b) All definitions set forth in section 5300.1 of this Subchapter apply.

§ 5324.2. General.

(a) *Equipment and layout.*

(1) A table shall have a:

(i) drop box;

(ii) tip box attached to the dealer's side of the gaming table; and

(iii) if the table game uses cards, discard rack. The height of each discard rack shall equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used in the dealing shoe at the table. A taller discard rack may be used if such rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used in the dealing shoe at that table.

(b) *Preparing cards for gaming.*

(1) After receiving one or more decks of cards at the table, unless the cards have been pre-shuffled and pre-inspected according to the requirements set forth in section 5322.16 of this Subchapter, the dealer shall shuffle and inspect each deck of cards as required in subdivision (c) of section 5322.15 of this Subchapter.

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

(3) After the first player or players is afforded an opportunity visually to inspect the cards:

(i) if the dealer is shuffling manually, the cards shall be placed face down on the table, followed by a wash and shuffle of the cards so that the cards are intermixed randomly; and

(ii) if an automated card shuffling device or a continuous shuffling device is used as set forth in section 5322.19 of this Subchapter, all of the decks in one batch of cards shall be spread for inspection on the table separately from the decks in the other batch of cards. After the first player or players are afforded an opportunity visually to inspect the cards, each batch of cards shall separately be turned face down on the table, washed and deposited into the shuffling device.

(4) After the cards have been shuffled, the dealer shall offer the stack of cards, with backs facing away from him, to the players to be cut. The dealer shall prevent any cards from being disclosed by using cover cards or other precautionary methods as set forth in the gaming facility's approved system of internal controls.

(5) When a player is offered to cut the cards, the player shall place a cover card in the stack at least 14 cards in from either end. The player designated to cut the cards shall be the:

(i) first player to the table if the game is just beginning;

(ii) player on whose betting space the cover card appeared during the last round of play;

(iii) player at the farthest point to the right of the dealer if the cover card appeared on the dealer's hand during the last round of play; or

(iv) player at the farthest point to the right of the dealer if the re-shuffle was initiated at the discretion of the gaming facility.

(6) Once the cover card has been inserted by the player, the dealer shall take all cards in front of the cover card and place them to the back of the stack. If dealt from the dealing shoe, the dealer shall then take the entire stack of cards that was just shuffled and align them along the side of the dealing shoe. Thereafter, the dealer shall insert the cover card in the stack at a position at least one deck in from the back of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(7) If the player designated in paragraph (5) of this subdivision refuses the cut, the cards shall be offered to each other player moving clockwise around the table until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards. If the dealer is required to cut the cards, the dealer shall cut the deck by using only one hand and according to the following procedure:

(i) placing the cover card on the table in front of the deck of cards;

(ii) taking a stack of at least 14 cards from the top of the deck and placing them on top of the cover card; and

(iii) placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card.

(8) After the cards have been cut and before any cards have been dealt, a table games supervisor may require the cards to be re-cut if the table games supervisor determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a re-cut is required, the cards shall be re-cut, at the gaming facility's option, by the player who last cut the cards, or by the next person entitled to cut the cards.

(9) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in such a way that the cards can be readily arranged to indicate each player's hand in case of question or dispute. Unless otherwise prescribed by dealing procedures specific to each section of this part, the dealer shall pick up the dealer's card and then pick up the cards beginning with those of the player to the dealer's far right and moving counter-clockwise around the table. After all the players' cards have been collected, the dealer shall place all of the collected cards in the discard rack.

(10) A re-shuffle of the cards in the shoe shall take place after the cover card is reached in the shoe except that the gaming facility may determine after each round of play that the cards should be re-shuffled.

(11) If there is no gaming activity at a table that is open for gaming, all cards shall be removed from the table's shuffling or dealing devices and the discard rack and then spread face up on the table. Prior to commencement of gaming activity at such table,

the dealer shall repeat the procedures as set forth by paragraphs (3) through (9) of this subdivision.

(c) *Determining starting positions for the dealing of cards using shakers or a computerized random number generator.* In order to determine the starting position for the dealing of cards, a gaming facility may use any of the following procedures:

(1) By using a shaker.

(i) The dealer shall shake the dice contained within the shaker at least three times.

(ii) The dealer shall then remove the lid covering the shaker, total the dice and announce the total.

(iii) To determine the starting position, the dealer shall count counter-clockwise around the table, with the position of the dealer counted as number one, regardless of whether there is a wager at the position, until the count matches the total of the three dice.

(iv) After the dealing the cards has been completed in accordance with the specifications of each poker table game set forth in this Subchapter, the dealer shall place the cover on the shaker and shake the shaker once.

(v) The shaker shall then be placed to the right of the dealer.

(vi) The shaker shall have the name and/or logo of the gaming facility imprinted or impressed thereon.

(vii) The shaker shall contain three dice and shall be designed as to prevent the dice from being seen while the dealer is shaking it.

(viii) The dice shall be maintained at all times inside a pai gow shaker while at the table.

(ix) The dice shall be the responsibility of the dealer and shall never be left unattended while at the table.

(x) The dice shall not remain on the table for more than 24 hours.

(2) By using a computerized random number generator. The generator shall meet the requirements set forth in Part 5318 of this Subchapter.

(i) The computerized random number generator shall select and display a number from one through the number of maximum gaming positions permitted at the table.

(ii) The dealer shall announce verbally the number.

(iii) To determine the starting position, the dealer shall count counter-clockwise around the table, with the position of the dealer counted as number one, regardless of whether there is a wager at the position, until the count matches the number displayed by the random number generator.

(3) After the starting position for a round of play has been determined, the gaming facility may mark that position by the use of an additional cover card or similar object.

(d) *Procedures for dealing the cards from dealing shoes.*

(1) The dealer shall announce “no more bets” prior to dealing any cards. If the progressive payout wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional progressive payout wagers. If any progressive payout wagers have been made, the dealer shall collect the wagers, press the lock out button and, on the layout in front of the chip tray, verify that the number of chips wagered equals the number of progressive payout wagers accepted by the progressive table game system. The dealer shall then place the chips into the chip tray. Each player shall be responsible for verifying that such player’s respective progressive payout wager has been accepted.

(2) Cards shall be placed in a dealing shoe by the dealer or by an automated shuffling device.

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

(4) The dealer shall deal each card or stacks of cards according to the specifications of each table game set forth in this Part. After the cards have been dealt to each player and dealer, the dealer shall remove the stub from the manual dealing shoe and, except as required under subdivision (c) of section 5324.30 of this Subchapter, place the stub in the discard rack without exposing the cards.

(5) Unless otherwise provided in this Part, if a cut of the cards is required, the dealer shall cut the deck in accordance with paragraph (7) of subdivision (b) of this section.

(e) *Hand deals.* A dealer may deal any card game by hand in accordance with the following requirements:

(1) no more than two decks of cards shall be used;

(2) after the shuffle of the cards has been completed in accordance with subdivision (b) of this section, the dealer shall place the deck or decks of cards on top of a cover

card and then place the deck or decks of cards and the cover card in one hand, not to be changed during that round of play;

(3) the cards held by the dealer shall be held over the chip rack and in front of the dealer at all times.

(4) the dealer shall 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 table layout.

(5) the dealer shall expose any hole cards with the hand opposite the one in which the dealer holds the deck or decks of player cards.

(f) When using a dealing shoe, the dealer shall expose any hole cards by turning it over with the fingers of the hand farthest from the dealing shoe.

(g) Automated card shuffling devices or continuous shuffling devices shall be used in accordance with the following requirements:

(1) the backs of the cards in each batch shall be of the same color and design, but of a different color than the cards included in the other batch;

(2) one batch of cards shall be shuffled and stored in the shuffling device while the other batch is being dealt or used to play the game;

(3) both batches of cards shall be continuously alternated in and out of play, with each batch being used every other time; and

(4) the cards from only one batch shall be placed in the discard rack at any given time so the batches are never intermixed.

(h) *Shuffling and dealing irregularities.*

(1) If an automated card shuffling device is being used and the device jams or stops shuffling during a shuffle or fails to complete a shuffle, the cards shall be re-shuffled.

(2) If an automated card shuffling device cannot function correctly, the device shall be covered or have a sign indicating that it is out of order placed on the device before any other method of shuffling may be used at the table.

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

(4) A card found turned face up in the shoe shall not be used in any game and shall be burned. If more than one card is found face up in the shoe during the dealing of the cards, the round of play shall be void and the cards shall be re-shuffled.

(5) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled, cut and deposited into the dealing shoe. The first card shall then be burned and the dealer shall complete the round of play. Thereafter, play shall continue by using the shoe.

(6) If the incorrect number of stacks of cards are dealt, the cards shall be re-shuffled.

(i) *Card-reader irregularities.*

(1) If the card reader device is not operating, play shall continue as if a card reader is not in use.

(2) If the dealer neglects to check properly the dealer's hole card, the play shall continue as if a card reader is not in use.

(3) If the dealer exposes the dealer's hole card in error, the floorperson shall be called. The floorperson shall then instruct the dealer to turn the card back over, place it underneath the up card and continue play.

(4) If upon exposing the hole card it becomes apparent that the dealer incorrectly placed the card into the card reader, causing the hole card to be misread, the floor supervisor shall be called. The dealer shall be instructed to replace the hole card under the up card as if it had not been exposed and continue play.

(j) *Misdeals in card games.*

(1) Unless otherwise specified in this Part, a card drawn in error but not disclosed shall be used as though it were the next card drawn.

(2) 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.

(3) If one or more of the dealer's cards is exposed inadvertently prior to when the dealer is supposed to reveal the dealer's hand, the dealer shall call the floorperson and the floorperson shall instruct the dealer to turn the exposed card over and continue play.

(4) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void and the cards shall be re-shuffled.

(5) If a hole card is exposed prior to the dealer announcing “no more bets,” all hands shall be void.

(6) If the dealer exposes any of the cards dealt to a player, the player has the option of voiding the hand. Without looking at the unexposed cards, the player shall make the decision either to play out the hand or to void the hand.

(7) If the dealer does not set the dealer’s hands in the manner consistent with the gaming facility’s approved system of internal controls, the hands shall be reset.

(k) *Invalid dice rolls in games using shakers.*

(1) If the dealer uncovers a shaker and all three dice do not land flat on the bottom of the shaker, the dealer shall call a “no roll” and re-shake the dice.

(2) If the dealer uncovers a shaker and a die or dice fall out of the shaker, the dealer shall call a “no roll” and re-shake the dice.

(3) If the dealer incorrectly totals the dice and deals the first card or delivers the first stack to the wrong position, all hands shall be called dead and the dealer shall re-shuffle the cards.

(4) If an electronic shaker device malfunctions and the shaker has been uncovered, the dealer shall, in the presence of a supervisor, collect all losing wagers and pay all winning wagers. Once the wagers on the layout have been settled, all gaming at the table shall cease until the electronic device has been fixed.

(l) If a gaming facility offers a progressive payout wager, each table offering such wager shall have an approved progressive table game system for the placement of progressive payout wagers. The table game progressive payout wager system shall include without limitation:

(1) a wagering device at each betting position that acknowledges or accepts the placement of the progressive wager;

(2) a control device that controls or monitors the placement of progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced “no more bets;” and

(3) written procedures for the operation and use of the system and its components.

(m) If a player wins a progressive payout that cannot be paid from the chip tray, the player’s winning hand shall remain on the table until the necessary documentation as set forth in the gaming facility’s approved system of internal controls has been completed.

(n) If the light at a player's betting area that offers a side wager is not operating properly, no side wager shall be permitted in that area.

(o) A player shall first make a wager on the underlying game before placing any side wagers, even if the outcome of the side wager bet has no effect on the outcome of the underlying game.

(p) A player shall be responsible for:

(1) verifying that such player's wagers, including any progressive payout wagers, have been accepted accurately;

(2) not exchanging or communicating information regarding such player's hand or hands prior to the showdown;

(3) keeping the player's cards in full view of the dealer at all times; and

(4) such player's own hand including not allowing anyone other than the dealer to touch the player's cards.

(q) A verbal wager accompanied by cash shall not be accepted except in craps, mini craps, roulette and big wheel games.

(r) In card games, there is no ranking of suits in determining the winning hand.

(s) The wagers of each player shall be resolved one player at a time regardless whether the player wins, loses or pushes unless a player has placed a bonus wager. The hand of the player shall then be collected immediately by the dealer and placed in the discard rack.

(t) The gaming facility shall notify onsite commission staff and the surveillance department prior to implementing any changes to the procedures, vigorish or rake percentages and pay tables set forth in this Part.

WHEEL GAMES

§ 5324.3. Big-six wheel and other termed wheel games.

(a) *Equipment and layout.*

(1) Wheel games shall be played at a table having on one side places for the players and on the opposite side a place for the dealer.

(2) A layout for a wheel game shall contain, at a minimum:

(i) the name and/or logo of the gaming facility; and

(ii) betting spaces that shall be used by players to place their wagers, which shall contain colors, numbers or symbols representing the monetary denominations for sixth prize, fifth prize, fourth prize, third prize, second prize and first prize.

(b) *Wagers*.

(1) All wagers at wheel games shall be made by placing chips, plaques and, if applicable, a table game promotional coupon on the appropriate betting area of the wheel games layout.

(2) All wagers at wheel games shall be placed prior to the dealer announcing “no more bets” and signaling with a hand motion. No wager shall be made, increased or withdrawn after the dealer has announced and signaled such.

(3) The player or players at a wheel game whose wager or wagers were placed in the betting space matching the section upon which the indicator comes to rest shall win and be paid according to the odds reflected in subdivision (d) of this section.

(c) *Procedure for conducting wheel games*.

(1) To constitute a valid spin, the dealer shall spin the wheel with enough force so as to ensure that the wheel makes at least three full revolutions. If the wheel does not make three complete revolutions after the dealer spins it, the dealer shall call “no spin” and shall re-spin the wheel.

(2) After the wheel stops revolving, the section where the indicator comes to rest between spindles shall be declared the winning result.

(3) All losing wagers shall immediately be collected by the dealer and placed in the chip tray.

(4) Winning wagers shall be paid in accordance with the payout odds contained in subdivision (d) of this section.

(d) *Payout odds*. The gaming facility shall pay winning wagers at no less than the following odds:

Prize	Payout
Sixth	1:1
Fifth	2:1
Fourth	5:1
Third	10:1
Second	20:1
First	45:1

§ 5324.4. Roulette.

(a) *Equipment and layout.*

(1) Roulette shall be played at a table having on one side places for the players and on the opposite side a place for the dealers.

(2) A layout for a roulette game shall contain, at a minimum:

(i) the name and/or logo of the gaming facility; and

(ii) specific areas for the placement of wagers authorized in subdivision (d) of this section.

(b) A roulette table with a single or double layout may be staffed by the following two employees:

(1) dealer, who is in charge of the conduct of the game and whose primary duties are spinning the wheel, throwing the roulette ball, announcing winners, collecting losing wagers, paying winning wagers and collecting, entering or placing jackpot wagers; and

(2) checker or check racker, who separates and stacks the losing wagers that have been collected or swept from the layout by the dealer. The checker or check racker may help the dealer pay winning wagers.

(c) C*onduct of roulette*.

(1) All wagers at roulette shall be made by placing chips and, if applicable, a table game promotional coupon on the appropriate areas of the roulette layout.

(2) No person at a roulette table shall be issued or permitted to game with non-value chips that are identical in color and design to value chips or to non-value chips being used by another person at that same table. The gaming facility shall determine whether a person shall be permitted to wager a value chip with a table game promotional coupon at any roulette table at which table game promotional coupons are being accepted.

(3) Each player shall be responsible for the correct positioning of such player's wager on the roulette layout regardless of whether the player is assisted by the dealer. Each player shall ensure that any instructions the player gives to the dealer regarding the placement of a wager are correctly carried out.

(4) The roulette ball shall be spun by the dealer in a direction opposite to the rotation of the wheel and shall complete at least four revolutions around the track of the wheel to constitute a valid spin.

(5) While the ball is still rotating in the track around the wheel, the dealer shall call “no more bets” and make a visible hand motion indicating no more bets are to be accepted.

(6) Upon the ball coming to rest in a compartment, the dealer shall announce the number of such compartment and shall place a point marker to be known as a crown or dolly on that number on the roulette layout.

(7) After placing the crown on the layout the dealer shall first collect all losing wagers and then payoff all winning wagers.

(d) *Permissible wagers*.

(1) Inside bets.

(i) Single-number bet or straight-up bet. The player places the player’s wager squarely on one number on the layout, making certain that the wager does not touch any of the lines enclosing the number. This indicates that the player is betting that number to win.

(ii) The symbols 0 or 00. These symbols may be played the same as any straight or single-number bet by placing the wager on either zero or double zero.

(iii) Two-number bet or split bet. The player places the player’s wager directly on any line separating any two numbers. Any wager placed on the line separating the second dozen betting space from the third dozen betting space shall be considered the same as a wager placed on the line separating the zero from the double zero. If the winning number is one of the two wagered on, the player wins.

(iv) Three-number bet or street bet. The player places the player’s wager on the outside line of the layout. This indicates that the player is betting the three numbers opposite the wager, going across the layout (street). If the winning number is one of these three, the player wins.

(v) Four-number bet, square bet, quarter bet or corner bet. The player places the player’s wager on the intersection of the lines between any four numbers. If any one of these four numbers wins, the player wins.

(vi) Five-number bet or top line bet. The player places the player’s wager on the line separating the 1, 2 and 3 from the 0 and 00 spaces at a corner intersection. This indicates that the player is betting that one of the numbers 1, 2, 3, 0 or 00 will win.

(vii) Six-number bet or line bet. The player places the player’s wager on the intersection of the side line and a line between two streets. If any of these six numbers wins, the player wins.

(2) Outside bets.

(i) Twelve-number bet or column bet. The player places the player's wager on one of the three blank spaces at the bottom of the layout (some layouts have three squares marked 1st, 2nd, 3rd). This indicates that the player is betting the 12 vertical numbers above the space wagered on.

(ii) Dozens or twelve-number bet. The player places the player's wager on one of the spaces of the layout marked first 12, second 12 or third 12. The first 12 indicates that the player is betting on the numbers 1 to 12 inclusive; the second 12, the numbers 13 to 24 inclusive; and the third 12, the numbers 25 to 36 inclusive.

(iii) Low-number bet (1 to 18). The player places the player's wager on the layout space marked 1 to 18, which indicates that the player is betting on the numbers 1 to 18 inclusive.

(iv) High-number bet (19 to 36). The player places the player's wager on the layout space marked 19 to 36, which indicates that the player is betting on the numbers 19 to 36 inclusive.

(v) Black-color bet. The player places the player's wager on a space of the layout marked black or the large black diamond-shaped design and is betting that the winning color will be black.

(vi) Red-color bet. The player places the player's wager on the space of the layout marked red or the large red diamond-shaped design and is betting that the winning color will be red.

(vii) Odd-number bet. The player places the player's wager on the space of the layout marked odd. The player is betting that the winning number will be an odd number.

(viii) Even-number bet. The player places the player's wager on the space of the layout marked even. The player is betting that the winning number will be even.

(e) *Payout odds*. The gaming facility shall pay out each winning wager at no less than the following odds:

(1) Inside bets.

Wager	Payout
Single-number bet or straight-up bet	35:1
0 or 00 bet	35:1
Two-number bet or split bet	17:1

Wager	Payout
Three-number bet or street bet	11:1
Four-number bet	8:1
Square bet	8:1
Quarter bet	8:1
Corner bet	8:1
Five-number bet or top line bet	6:1
Six-number bet or line bet	5:1

(2) Outside bets.

Wager	Payout
Twelve-number bet or column bet	2:1
Dozens or twelve-number bet	2:1
Low-number bet (1 to 18)	1:1
High-number bet (19 to 36)	1:1
Black color bet	1:1
Red color bet	1:1
Odd-number bet	1:1
Even-number bet	1:1

(f) *Irregularities*.

(1) If the ball is spun in the same direction as the wheel, the dealer shall announce “no spin” and shall attempt to remove the roulette ball from the wheel prior to the ball coming to rest in one of the compartments.

(2) If the roulette ball does not complete four revolutions around the track of the wheel, the dealer shall announce “no spin” and shall attempt to remove the ball from the wheel prior to the ball coming to rest in one of the compartments.

(3) If a foreign object enters the wheel prior to the ball coming to rest, the dealer shall announce “no spin” and shall attempt to remove the ball from the wheel prior to it coming to rest in one of the compartments.

(4) If the roulette ball leaves the wheel during the ball’s revolution around the track, the dealer shall announce “no spin” and the roulette ball shall be inspected before being placed back into play.

(g) *Inspection and security procedures*.

(1) Prior to opening a roulette table for gaming activity, a table games supervisor assigned to that pit shall:

(i) inspect the roulette table and roulette wheel for any magnet or contrivance that could affect the fair operation of such wheel;

(ii) inspect the roulette wheel to assure that the wheel is level and rotating freely and evenly;

(iii) inspect the roulette wheel to assure that all parts are secure and free from movement;

(iv) inspect the roulette ball by passing the ball over a magnet or compass to assure the ball's non-magnetic quality; and

(v) if a double zero roulette wheel is being used as a single zero roulette wheel, confirm that the layout and signage comply with this section.

(2) If a gaming facility uses a roulette wheel that has external movable parts, any adjustments to the movable parts shall be made by appropriate personnel as set forth in the gaming facility's approved system of internal controls. Adjustments to the movable parts of a roulette wheel that is located on the gaming floor shall be made only:

(i) when the gaming facility is not open to the public; or

(ii) if the roulette wheel is moved to a secure location outside the gaming facility.

All adjustments shall be completed prior to the required inspections in paragraph (1) of this subdivision.

(3) The gaming facility may replace any of the movable parts at any time, provided, however, if any one or more of the movable parts are external then an inspection shall be completed by the commission staff prior to reopening the roulette wheel and table for gaming activity.

(4) A log shall be maintained that shall include, at a minimum, the date, the roulette table number, whether an adjustment or replacement was completed and the signature of the person making the adjustment or replacement.

(5) When a roulette table is not open for gaming activity, the roulette wheel shall be secured by placing a cover over the entire wheel and securely locking such cover to the roulette table.

BLACKJACK

§ 5324.10. General provisions relating to blackjack games.

(a) *Equipment and layout*.

(1) Blackjack shall be played at a table having on one side positions for the players and on the opposite side a place for the dealer.

(2) The layout for a blackjack table shall contain, at a minimum:

(i) the name and/or logo of the gaming facility; and

(ii) specific areas designated for the placement of wagers, which betting areas shall not exceed seven in number.

(iii) the following inscriptions describing:

(*a*) payout for blackjacks.

(*b*) the dealer shall draw on 16 and hit soft 17 or stand on any 17; and

(*c*) payout for insurance.

(iv) if the gaming facility offers optional bets, a separate area designated for the placement of the optional bet for each player.

(v) inscription that advises players of the payout odds or amounts for all permissible wagers offered by the gaming facility at such table. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amount for all permissible wagers shall be posted at each blackjack table.

(vi) an inscription indicating the payout limit per hand established by the gaming facility or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign that sets forth the required information shall be posted at each blackjack table.

(3) Each blackjack table may also have an approved table game progressive payout wager system for the placement of progressive wagers. A table game progressive payout wager system shall include, without limitation:

(i) a wagering device at each betting position that acknowledges or accepts the placement of the progressive wager;

(ii) a control device that controls or monitors the placement of progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that

prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced "no more bets;"

(iii) written procedures for the operation and use of the system and its components.

(4) If a blackjack table has an approved card-reader device attached to it, the floorperson assigned to the table shall inspect the card reader device at the beginning of each gaming day.

(b) *Cards; number of decks; value of cards.*

(1) Blackjack shall be played with at least one standard deck of cards with backs of the same color and design and at least one additional cover card. The cover card shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards. Notwithstanding the foregoing, the minimum number of decks used to play blackjack shall be:

(i) one or two, if dealt from the hand;

(ii) two, if the 20-point bonus wager or the in-between wager is authorized;

(iii) six, if any other or the optional bonus wager is authorized.

(2) The value of the cards contained in each deck shall be as follows:

(i) any card from 2 to 10 shall have its face value;

(ii) any jack, queen or king shall have a value of 10;

(iii) an ace shall have a value of 11, unless that value would give a player or the dealer a total in excess of 21, in which case, it shall have a value of one.

(3) If an automated card shuffling device is used, blackjack shall be played with at least two decks of cards and in accordance with the following:

(i) the cards shall be separated into two batches, with an equal number of decks included in each batch;

(ii) the backs of the cards in each batch shall be of the same color and design, but of a different color than the cards included in the other batch;

(iii) one batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being dealt or used to play the game;

(iv) both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe; and

(v) the cards from only one batch shall be placed in the discard rack at any given time.

(c) *Splitting pairs*.

(1) Whenever the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that the player makes a wager on the second hand in an amount equal to the original wager.

(2) When a player splits pairs, the dealer shall deal a card to the first incomplete hand on the dealer's left before proceeding to deal any cards to any other hand.

(3) After a second card is dealt to a split pair, the dealer shall announce the point total of such hand and the player shall indicate the player's decision to stand, re-split, if the second card is identical in value, draw or double down with respect thereto except that:

(i) a player may not split pairs after the third split on one betting position (a total of four hands) or after a double down wager has been made on that hand; and

(ii) a player splitting aces shall have only one card dealt to each ace and may not elect to receive additional cards.

(iii) The player is prohibited from splitting a pair of aces more than once. All other requirements of this section may apply to each hand that is formed as a result of splitting pairs more than once.

(d) *Doubling down*. Except for a natural blackjack, a player may elect to double down on the first two cards dealt to the player or the first two cards of any split pair on the condition that one additional card shall be dealt to the hand on which the player has elected to double down. In such circumstances, the one additional card may be dealt face down and placed sideways on the layout, perpendicular to the two cards forming the hand on which the player has elected to double down.

(e) *Insurance wagers*.

(1) Whenever the first card dealt to the dealer is an ace, each player shall have the right to make an insurance bet that wins if the dealer's second card is a king, queen, jack or 10 and shall lose if the dealer's second card is an ace, 2, 3, 4, 5, 6, 7, 8 or 9.

(2) An insurance bet may be made by placing on the insurance line of the layout an amount not more than half the amount staked on the player's initial wager, except that a player may bet an amount in excess of half the initial wager to the next unit that can

be wagered in chips when, because of the limitation of the value of chip denominations, half the initial wager cannot be bet. All insurance wagers shall be placed prior to the dealer inserting the dealer's hole card into the card reader device or otherwise determining whether the dealer's hole card is a king, queen, jack or 10.

(3) All winning insurance wagers shall be paid at no less than odds of 2:1.

(4) All losing insurance wagers shall be collected by the dealer immediately after the dealer determines that the hole card is not a king, queen, jack or 10.

(f) *Surrender*.

(1) A gaming facility may, after the first two cards are dealt to a player and the player's point total is announced, allow the player to discontinue play on the player's hand for that round by surrendering one-half of the player's wager. All decisions to surrender shall be made prior to such player indicating as to whether the player wishes to double down, split pairs, stand or draw as provided in this Part and after the dealer has determined that the dealer's hand does not have a blackjack if the dealer's up card is an ace or 10.

(i) If the first card dealt to the dealer is a 2, 3, 4, 5, 6, 7, 8 or 9, the dealer shall collect immediately one-half of the wager and return one-half to the player.

(ii) If the first card dealt to the dealer is an ace, king, queen or jack, the dealer shall place the player's wager on top of the player's cards or designated area for insurance wagers. When the dealer's second card is revealed, the hand shall be settled by immediately collecting the entire wager if the dealer has blackjack, or by collecting one-half of the wager and returning one-half the wager to the player if the dealer does not have blackjack.

(2) If the player has made an insurance wager and then elects to surrender, each wager shall be settled separately and one wager shall have no bearing on the other.

(g) *Drawing of additional cards by players and dealers*.

(1) A player may elect to draw additional cards whenever such player's point count total is less than 21, except that a player:

(i) electing to double down shall draw only one additional card; and

(ii) splitting aces shall have only one card dealt to each ace and shall not be permitted to receive additional cards.

(2) Except as provided in paragraph (3) of this subdivision, a dealer shall draw additional cards to the dealer's hand until the dealer has a total of 17, 18, 19, 20 or 21, at which point no additional cards shall be drawn, unless the gaming facility

requires the dealer to draw an additional card if the dealer has a soft 17, so long as the table inscription indicates such soft-17 rule.

(3) A dealer shall draw no additional cards to the dealer's hand if doing so would have no effect on a game outcome.

(h) *More than one player wagering on a box*.

(1) In the games of blackjack, Spanish 21, blackjack switch and multiple-action blackjack, the gaming facility may permit one to three people to wager on any one box the layout, provided that the first person wagering on that box consents to additional players wagering on such box.

(2) Whenever more than one player wagers on a box, the player seated at that box shall have the exclusive right to call the decisions with regard to the cards dealt to such box. In the case of no seated player, the person with the highest wager in the box shall have such right.

(3) The player calling the decisions with respect to any box shall place a wager in the portion of the box closest to the dealer's side of the table and all other players wagering on such box shall place their wagers immediately behind and in a vertical line with the aforementioned wager.

(4) Whenever more than one player is wagering on a box and the player calling the decisions decides to double down, the other players may also double their wagers but shall not be required to do so. In any event, only one additional card shall be dealt to the hand that is subject to the double-down decision.

(5) Whenever more than one player is wagering on a box and the player calling the decisions decides to split pairs, the other players shall either make an additional wager to cover each split pair or the player's wager shall only apply to the first blackjack hand dealt after the split.

(6) Whenever more than one player is wagering on a box, each player shall have the right to make an insurance bet, without regard to whether the other players on that box make such a bet.

(i) *Irregularities.*

(1) After the initial two cards have been dealt to each player and the dealer and a card is drawn and exposed to the players in error, such card shall be dealt to the players or dealer as though it were the next card drawn from the shoe. Any player refusing to accept such card shall not have any additional cards dealt to such player during such round. If the card is refused by all players and the dealer cannot use the card, the card shall be burned.

(2) If the dealer misses dealing a card in the dealer's hand, the dealer shall continue dealing the first two cards to each player and then shall deal the appropriate number of cards to the dealer's hand.

(3) If no cards are dealt to the player's hand, that hand shall be declared dead and the player shall be included in the next deal. If only one card is dealt to the player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(4) If, after receiving the first two cards, the dealer fails to deal an additional card or cards to a player who has requested such card, then, at the player's option, the dealer shall either:

(i) deal the additional card or cards after all other players have received their additional cards but prior to the dealer revealing the dealer's hole card; or

(ii) call the player's hand dead, return the player's original wager and place the player's cards into the discard rack.

(5) If the dealer inserts the dealer's hole card into a card reader device when the value of the dealer's first card is not an ace, king, queen, jack or 10, the dealer, after notification to a supervisor, shall continue play only if the particular card reader device in use does not provide the dealer or any player with the opportunity to determine the value of the hole card.

(6) If a gaming facility implements the procedure by which on additional card is dealt face down to a hand on which a player has elected a double down and the dealer inadvertently deals such card face up, play shall continue and the player's wagers shall be settled in completion of the round of play.

(7) In the game of Spanish 21, if a 10 card of any suit is found in the shoe, such card shall not be used in the game and shall be removed and destroyed according to the requirements set forth in subdivision (o) of section 5322.15 of this Subchapter. If more than one 10 card is found in the shoe during the dealing of the cards, the round of play shall be void and the cards shall be re-shuffled. Play for that shoe shall cease and the decks shall be removed from the shoe and a floor supervisor shall verify that all 10s have been removed prior to the dealer reshuffling and resuming play. The floor supervisor may also elect to place new decks into play.

(j) Whenever the cover card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed, after which the dealer shall reshuffle the cards, including the cards remaining in the dealing shoe if a single dealing shoe is used.

(k) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to the dealer's far right and moving counter-clockwise around the table. After all the players' cards have been collected, the dealer shall pick up the dealer's cards against the bottom of the players' cards and place them in the discard rack.

(l) No player or spectator shall handle, remove or alter any cards except as permitted by this section and no dealer or other gaming employee shall permit a player or spectator to engage in such activity.

(m) Each player at the table shall be responsible for correctly computing the point count of such player's hand and no player shall rely on the point counts required to be announced by the dealer pursuant to this section without the player checking the accuracy of such announcement.

§ 5324.11 Blackjack.

(a) *Dealing procedures*.

(1) All cards used to game at blackjack shall be dealt either from the dealer's hand or from a dealing shoe specifically designed for such purpose.

(2) The dealer shall remove cards from the shoe with the dealer's left hand, turn the cards face up, and then place the cards on the appropriate area of the layout with the dealer's right hand, except that the dealer has the option to deal cards to the first two positions with the dealer's left hand.

(3) After each full set of cards is placed in the shoe, the dealer shall burn the first card from the shoe. Each new dealer who comes to the table shall also burn the first card from the shoe before the new dealer deals any cards to the players. The burn card shall be disclosed if requested by a player.

(4) At the commencement of each round of play, the dealer shall, starting on the dealer's left and continuing around the table, deal the cards in the following order:

(i) one card face up to each box on the layout in which a wager is contained;

(ii) one card to the dealer, which may be dealt face up or face down upon the initial deal. If dealt face down, such card shall be turned face up after all other cards have been dealt in accordance with this paragraph;

(iii) a second card face up to each box in which a wager is contained; and

(iv) one card face down to the dealer, which shall be known as the hole card.

(5) In addition to the requirements set forth in subdivision (c) of section 5324.2 of this Part, hand deals shall comply with this paragraph.

(i) Prior to commencement of each round of play, the dealer shall burn the top card and then, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, deal the cards:

(*a*) one card face down to each box on the layout in which a blackjack wager has been placed;

(*b*) one card face up to the dealer;

(*c*) a second card face down to each box in which a wager has been placed; and

(*d*) a second card face down to the dealer.

(ii) After two cards have been dealt to each player and the dealer, each player shall, with one hand, examine the player's cards, keeping the player's cards in full view of the dealer at all times.

(iii) Each player, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, shall then indicate whether the player wishes to surrender, double down, split, stand or draw additional cards.

(iv) If a player indicates that the player wishes to surrender, double down or split a pair pursuant to section 5324.10 of this Part, the dealer shall turn over the player's two cards and complete the dealing procedures pursuant to this subdivision.

(v) If a player is dealt additional cards that cause the total point count to exceed 21, the player shall discard immediately the player's cards and the dealer shall place such cards into the discard rack.

(vi) if a dealer obtains blackjack after a player doubles down, the dealer shall collect only the amount of the original wager of such player and shall not collect the additional amount wagered in doubling down.

(vii) after the additional card required by subdivision (d) of section 5324.10 of this Part has been dealt to a doubled hand, a player may rescue the double-down wager and forfeit such player's original wager, so long as the additional card does not result in the hand having a point count in excess of 21.

(viii) As each player indicates the player's decision, the dealer shall deal face up any additional cards necessary to effectuate the player's decision.

(ix) After all additional cards have been dealt, the dealer shall turn over the hole card and draw any additional cards.

(x) The dealer shall announce the dealer's total point count after each additional card is dealt.

(xi) After all additional cards have been dealt, the dealer shall turn over each player's two cards and shall settle all remaining wagers.

(6) If the dealer's first card is an ace, king, queen, jack or 10, the dealer shall determine whether the hole card will give the dealer a natural blackjack prior to dealing any additional cards to the players at the table.

(i) If the gaming facility elects to use a card reader device, the dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing the card's value to anyone at the table, including the dealer. If the dealer has a natural blackjack, no additional cards shall be dealt and each player's wager shall be settled.

(ii)If the gaming facility elects to deal the cards by hand, the dealer shall determine the value of the hole card by discreetly peeking at the card without exposing its value to any other person. If the dealer has a natural blackjack, no additional cards shall be dealt and each player's wager shall be settled.

(7) After two cards have been dealt to each player and the dealer does not have a natural blackjack, the dealer shall, beginning from the dealer's left, announce the point total of each player. As each player's point total is announced, such player shall indicate whether such player wishes to surrender, double down, split pairs, stand or draw as provided for by section 5324.10 of this Part.

(8) As each player indicates the player's decision, the dealer shall, except in hand dealt games, deal face up whatever additional cards are necessary to effectuate such decision consistent with this section and shall announce the new point total of the player's hand after each additional card is dealt.

(9) After decisions of each player have been implemented and all additional cards have been dealt, the dealer shall expose the dealer's hole card. Any additional cards required to be dealt to the hand of the dealer shall be dealt face up. After the dealer's hand has been completed, the dealer shall announce the point count.

(10) After all additional cards have been dealt to the players and the dealer, the dealer shall, starting with the player farthest to the dealer's right and continuing counter-clockwise around the table, settle the remaining wagers by collecting all losing wagers and paying all winning wagers. If a player placed a progressive blackjack wager, the

dealer shall leave any winning progressive wager and cards on the layout and pay that winning wager last.

(b) *Wagers; payout odds*.

(1) Prior to the first card being dealt for each round of play, each player shall make a wager against the dealer that shall win if:

(i) the total of the player is 21 or less and the total of the dealer is in excess of 21; or

(ii) the total of the player exceeds that of the dealer without either exceeding 21.

(2) Except as otherwise provided in this section, no wager shall be made, increased or withdrawn after the first card of the respective round has been dealt.

(3) All wagers at blackjack shall be made by placing chips or plaques and, if applicable, a table game promotional coupon on the appropriate areas of the blackjack layout.

(4) After each round of play is complete, the dealer shall collect all losing wagers and pay all winning wagers. All winning wagers shall be paid at no less than odds of 1:1, with the exception of a natural blackjack, which shall be paid at no less than odds of 3:2 or at no less than odds of 6:5 for single-deck or double-deck blackjack. In addition to wagers offered in this subdivision, the gaming facility may, upon notice to the commission, offer one or more of the following payout odds for winning wagers:

(i) three cards consisting of the 6, 7 and 8 of the same suit shall be paid at no less than odds of 2:1;

(ii) three cards consisting of three sevens of any suit shall be paid at no less than odds of 3:2;

(iii) a single natural blackjack combination consisting of a specific ace and face card conspicuously posted by the gaming facility shall be paid at no less than odds of 2:1; and

(iv) five cards totaling 21 shall be paid at no less than odds of 2:1.

(5) Once the first card of any round of play has been dealt, no player shall handle, remove or alter any wager or wagers that has or have been made until a decision has been rendered and implemented with respect to that wager, except as explicitly permitted by this section.

(6) Once a wager on the insurance line, a wager to double down or a wager to split pairs has been made and confirmed by the dealer, no player shall handle, remove or

alter such wager or wagers until a decision has been rendered and implemented with respect to that wager, except as explicitly permitted by this Part.

(7) A gaming facility may implement at a blackjack table any of the options described in this paragraph.

(i) Persons who have not made a wager on the first round of play may not enter the game on a subsequent round of play until a re-shuffle of the cards has occurred.

(ii) Persons who have not made a wager on the first round of play may be permitted to enter the game, but may be limited to wagering only the minimum limit posted at the table until a re-shuffle of the cards has occurred.

(iii) Persons who, after making a wager on a given round of play, decline to wager on any subsequent round of play may be precluded from placing any further wagers until a re-shuffle of the cards has occurred.

(iv) Persons who, after making a wager on a given round of play, decline to wager on any subsequent round of play may be permitted to place further wagers, but may be limited to wagering only the minimum limit posted at the table until a re-shuffle of the cards has occurred.

(8) If a gaming facility implements any of the options in paragraph (7) of this subdivision, such option shall be applied uniformly to all persons at that table; provided, however, that if such gaming facility has implemented either of the options in subparagraphs (iii) or (iv) of paragraph (7) of this subdivision, an exception may be made for a person who leaves the table temporarily if, at the time such person leaves, the gaming facility agrees to reserve the person's spot until such person's return.

(c) *Payment of natural blackjack*.

(1) If the first face up card dealt to the dealer is a 2, 3, 4, 5, 6, 7, 8 or 9 and a player has natural blackjack, the dealer shall announce and pay the blackjack at no less than odds of 3:2, unless blackjack is being dealt with only one or two decks, in which case the odds shall be 6:5 or another amount approved in writing by the commission, and shall remove the player's cards before any player receives a third card.

(2) If the first face up card dealt to the dealer is an ace, king, queen, jack or 10 and a player has blackjack, the dealer shall announce the blackjack but shall make no payment until the dealer checks the dealer's hole card in accordance with paragraph (6) of subdivision (a) of this section. If the dealer's hole card does not give the dealer a natural blackjack, then the player having blackjack shall be paid at no less than odds of 3:2, unless blackjack is being dealt with only one or two decks, in which case the odds shall be 6:5 or another amount approved in writing by the commission, and the

dealer shall collect such player's cards. If, however, the dealer's hole card gives the dealer blackjack, the wager of the player having blackjack shall be void and constitute a push or standoff.

(d) *Super sevens wager*. The gaming facility may provide a super sevens wager as an additional wager in the game blackjack.

(1) The minimum and maximum limits for each super sevens wager shall be established by the gaming facility and posted at the table.

(2) All super sevens bets shall be placed in the designated spot on the layout prior to the first card being dealt.

(3) Except for the additional wager on super sevens, the play of the underlying game shall proceed in accordance with this section.

(4) If a player splits the first two sevens the player receives, the first card dealt to the player's split hand shall determine if the player qualifies for a three-sevens payout as provided in paragraph (7) of this subdivision. If any card other than seven is dealt as the first card to the player's split hand, the player shall be paid for a two-sevens payout as provided in paragraph (7) of this subdivision.

(5) If a seven is not dealt as the first card in any round of play, a super sevens wager loses and shall be collected by the dealer.

(6) In the case of dealer blackjack, the player shall receive a third card if the first two cards dealt to the player are sevens, but the player will still lose a blackjack wager regardless of outcome.

(7) Each gaming facility shall pay winning super sevens wagers at no less than the following odds, with the gaming facility choosing either pay table A or pay table B:

Player's first two cards:	Pay table A	Pay table B
One 7	3:1	5:1
Two 7s of different suits	50:1	25:1
Two 7s of the same suit	100:1	150:1
Three 7s of mixed suits	500:1	500:1
Three 7s of the same suit	5000:1	2000:1

(8) The gaming facility may also call this side wager *crazy sevens*.

(e) *Progressive super sevens jackpot wager*. The gaming facility may provide a progressive super sevens jackpot wager as an additional wager in the game of blackjack.

(1) All progressive super sevens jackpot wagers shall be made in the designated betting space or coin slot on the layout, in an amount that shall be established by the gaming facility, prior to the commencement of a round of play. Once all wagers are made, the dealer shall announce "no more bets." Simultaneously with such announcement, the dealer shall activate the progressive super sevens jackpot wager lock-out feature by depressing the coin-in button or collecting the wagers from the designated betting space. No progressive super sevens jackpot wager shall be accepted after a card has been dealt in the underlying blackjack game. Notwithstanding this paragraph, if the gaming facility's approved system of internal controls permit a dealer to accept a progressive super sevens jackpot wager after the coin-in button has been activated but before any cards in the underlying game have been dealt, the player's wager shall be placed on top of, but not in, the progressive super sevens jackpot coin slot. At the end of that round of play, that wager shall be deposited into the table's chip tray and not into the progressive super sevens jackpot coin slot.

(2) Each progressive super sevens jackpot wager shall increase the game's progressive jackpot meter and entitle a player to win that progressive jackpot prize upon obtaining a hand comprising three sevens of the same suit. The amount of the initial progressive super sevens jackpot prize, which shall be established by the gaming facility, shall be reset to that amount following each progressive super sevens jackpot payout. The progressive super sevens jackpot shall be augmented upon each wager in increments established by the gaming facility's approved system of internal controls, without regard to the outcome of the progressive super sevens jackpot wager.

(3) If a player splits the first two sevens the player is dealt, for purposes of the underlying game, the player shall win the payout for receiving two sevens only, as set forth in paragraph (6) of this subdivision.

(4) A progressive super sevens jackpot wager loses if a player is not dealt two sevens in the player's initial two cards.

(5) In the case of dealer blackjack, the player shall receive a third card if the first two cards dealt to the player are sevens but will still lose the player's blackjack wager regardless of outcome.

(6) Each gaming facility shall pay winning progressive super sevens jackpot wager, at odds no less than the following (with the gaming facility choosing pay table A, pay table B or pay table C), to a player who receives:

Player's first two cards:	Pay table A	Pay table B	Pay table C
One 7		5:1	2:1
Two 7s of different suits	25:1	25:1	25:1

Player's first two cards:	Pay table A	Pay table B	Pay table C
Two 7s of the same suit	50:1	50:1	200:1
Three 7s of mixed suits	500:1	250:1	100% minor
Three 7s of the same suit	Jackpot[1]	1000:1	100% major
Three 7s of diamonds		Jackpot[1]	100% mega

(7) When a player has a progressive super sevens jackpot hand comprising three 7s of the same suit:

(i) the gaming facility supervisor shall notify the surveillance department and any other department, as appropriate; and

(ii) pit management shall inset the jackpot key into the jackpot computer, verify the amount of the payout to the winning player or players and secure the key in accordance with the gaming facility's approved system of internal controls.

(8) Upon completion of each round of play, the dealer shall press the game-over button and commence a new round of play.

(9) Progressive super sevens jackpot wager irregularities.

(i) If a player is offered the opportunity by a gaming facility to back out of a hand and withdraw a wager due to a dealer's error, such player's progressive super sevens jackpot wager shall not be withdrawn unless the dealer's error directly affected the proper dealing sequence of the first two cards dealt to such player.

(ii) If the dealer in the underlying game fails to press the progressive super sevens jackpot game-over button prior to commencing the dealing of a subsequent hand, the dealer shall summon a floorperson who shall correct the error in accordance with the gaming facility's approved system of internal controls and activate a new game.

(iii) If a dealer in the underlying game fails to press the progressive super sevens jackpot coin-in button prior to commencing the dealing of a subsequent hand, the dealer shall summon a floorperson who shall correct the error in accordance with the gaming facility's approved system of internal controls and activate a new game.

(iv) If the dealer in the underlying game accidentally presses a progressive super sevens jackpot button and activates a jackpot feature, the dealer shall summon a

[1] If one or more other players at the same table have three 7s of the same suit in the same round, such players shall split equally the progressive super sevens jackpot.

floorperson who shall correct the error in accordance with the gaming facility's approved system of internal controls and activate a new game.

(v) If a player places a progressive super sevens jackpot wager in an amount exceeding the maximum for such wagers established by the gaming facility and posted at that table, the amount exceeding the posted maximum wager shall be returned to such player.

(vi) If a dealer errs and does not deal a complete hand to a player who has placed a progressive super sevens jackpot wager, the progressive super sevens jackpot wager and the underlying hand dealt to that player shall be declared dead by the dealer. If that player elects not to participate in the progressive super sevens jackpot on the next round of play, the dealer shall return that player's wager on the dead hand from the table's gaming chip tray.

(f) *Royal match 21 wager*. The gaming facility may provide a royal match 21 wager as an additional wager in the game of blackjack.

(1) A player's royal match 21 wager shall not affect the player's wager on the underlying hand. A dealer's blackjack shall have no effect on a player's royal match 21 wager. The royal match 21 wager shall be available only on tables using a six- or eight-deck multi-shuffle device.

(2) For the purposes of the royal match 21 wager:

(i) a royal match means a king and queen of the same suit;

(ii) a suited blackjack is an ace and any card with the value of 10 of the same suit;

(iii) a two-card straight flush means two cards of consecutive rank of the same suit, except that an ace and a 2 shall not be considered consecutive; and

(iv) a crown treasure means that both the player and the dealer are dealt a royal match on the same hand.

(3) Prior to the first card being dealt for each round of play, each player who has placed a wager may make a royal match 21 wager by placing chips or plaques on the appropriate area of the blackjack layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering the royal match 21 wager.

(4) The dealer shall then announce "no more bets" and deal the initial two cards to all players. Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any card reader device is used, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counter-clockwise direction, settle the player's royal match 21 wager by

collecting all losing wagers and paying all winning wagers as set forth in this paragraph.

(i) If a player with a valid royal match 21 wager was dealt two cards of the same suit, the wager shall be paid in accordance with the pay table set forth in paragraph (5) of this subdivision.

(ii) A royal match 21 wager shall lose and be collected by the dealer when the player's two cards are not of the same suit.

(iii) If a player is dealt a royal match and the dealer's up card is a king or queen that matches the suit of the player's king or queen, the dealer shall, after settling all other players' optional wagers, complete the dealing procedure prescribed in subdivision (a) of this section. Upon completion, the dealer shall pay that player in accordance with the pay table set forth in paragraph (5) of this subdivision.

(iv) If a player places a royal match 21 wager in an amount exceeding the maximum established by the gaming facility for such wager as inscribed or posted at that table, the amount exceeding the posted maximum wager shall be returned to the player.

(5) The gaming facility shall post its pay table at each table offering the royal match 21 wager. The gaming facility may change pay tables at its discretion at any time after the conclusion of a round of play upon prior notice to the commission. The gaming facility may choose from any of the following pay tables for the royal match 21 wager:

Winning combination	Pay table A	Pay table B	Pay table C	Pay table D	Pay table E[2]
Suited match	2.5:1	2:1	2.5:1	2.5:1	3:1
Suited blackjack			5:1		
Royal match	30:1	50:1	25:1	25:1	10:1
Crown treasure	1000:1	1000:1		1000:1	1000:1

(g) *Bet the set 21 wagers*. The gaming facility may provide a bet the set 21 wager as an additional wager.

(1) A player's bet the set 21 wager shall not affect the player's wager on the underlying hand. A dealer's blackjack shall have no effect on a player's bet the set 21 wager. The bet the set 21 wager shall be available only on tables using a 6- or 8-deck multi-shuffle device.

[2] Single deck only.

(2) Prior to the first card being dealt for each round of play, each player who has placed a wager may make a bet the set 21 wager by placing chips or plaques on the designated area of the blackjack layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering the bet the set 21 wager.

(3) The dealer shall then announce “no more bets” and deal the initial two cards to all players. Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any card reader device is used, the dealer shall, starting with the player farthest to the dealer’s right and continuing counter-clockwise around the table, settle the player’s bet the set 21 wager by collecting all losing wagers and paying all winning wagers as set forth in this paragraph:

(i) If a player with a valid bet the set 21 wager was dealt the initial two-cards equal to a pair of the same rank or a suited pair of the same rank, the dealer shall pay the wager in accordance with the pay table set forth in paragraph (4) of this subdivision.

(ii) A bet the set 21 wager shall lose and be collected by the dealer when the player’s two cards are not a pair.

(iii) If a player places a bet the set 21 wager in an amount exceeding the maximum established by the gaming facility for such wager as inscribed or posted at that table, the amount exceeding the posted maximum wager shall be returned to the player.

(4) The gaming facility shall post its pay table at each table offering the bet the set 21 wager. The gaming facility may change pay tables at its discretion at any time after the conclusion of a round of play upon prior notice to the commission. The gaming facility may choose from any of the following pay tables for the bet the set 21 wager:

Player’s first two cards:	Pay table A	Pay table B	Pay table C	Pay table D	Pay table E	Pay table F	Pay table G[3]
Pair	10:1	10:1	12:1	10:1	10:1		12:1
Suited pair	15:1	12:1	12:1	20:1	25:1	15:1	

(5) The gaming facility may also call this side wager *pair square*.

[3] Single deck only.

(h) *House money wager.* The gaming facility may provide a house money wager as an additional wager.

(1) A player's house money wager shall not affect the player's wager on the underlying hand. A dealer's blackjack shall have no effect on a player's house money wager.

(2) Prior to the first card being dealt for each round of play, each player who has placed a blackjack wager may make a house money wager by placing chips or plaques on the designated area of the blackjack layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering the house money wager.

(3) For purposes of the house money wager, the rank of cards in the 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, any ace may be used to complete a straight flush or straight formed with a 2. The house money wager shall be paid when the player's initial two cards form a two-card poker hand recognized for payout. The two card hands, in order from highest to lowest rank, shall be:

(i) ace-king suited is a hand consisting of an ace and a king of the same suit;

(ii) straight flush is a hand consisting of two cards of the same suit in consecutive ranking;

(iii) pair is a hand consisting of two cards of the same rank; and

(iv) straight is a hand consisting of two cards of any suit in consecutive ranking.

(4) The dealer shall then announce "no more bets" and deal the initial two cards to all players and the dealer. Prior to any additional cards being dealt to any player at the table and before any card reader device is used, the dealer shall, starting with the player farthest to the dealer's right and continuing counter-clockwise around the table, settle in succession all house money wagers by collecting all losing wagers and paying all winning wagers.

(5) The gaming facility shall post its pay table at each table offering the house money wager. The gaming facility shall use one of the following pay tables for the house money wager:

Players first two cards:	Pay table A	Pay table B
Two-card straight	1:1	1:1
Pair	3:1	3:1
Two-card straight flush	4:1	5:1
Suited ace-king	9:1	9:1

(6) After receiving one of the above payouts, a player may add any amount of the winning wager to the initial blackjack wager or collect the wager in its entirety.

(i) *Match the dealer wager*. The gaming facility may provide a match the dealer wager as an additional wager.

(1) A player's match the dealer wager shall not affect the player's wager on the underlying hand. A dealer's blackjack shall have no effect on a player's match the dealer wager. The match the dealer wager shall be available only on tables using a six- or eight-deck multi-shuffle device.

(2) Prior to the first card being dealt for each round of play, each player who has placed a blackjack wager, may make a match the dealer wager by placing chips or plaques on the designated area of the blackjack layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering the match the dealer wager.

(3) The dealer shall then announce "no more bets" and deal the initial two cards to all players and the dealer. Prior to any additional cards being dealt to any player at the table and before any card reader device is used, the dealer shall, starting with the player farthest to the dealer's right and continuing counter-clockwise around the table, settle in succession all match the dealer wagers by collecting all losing wagers and paying all winning wagers.

(4) A match the dealer wager shall be paid when either of the player's initial two cards match the dealer's initial card. Any card with a face value of 10 or a point value of 10 (jack, queen, king) shall be deemed a match only if the cards are of identical description (*e.g.*, 10-10, jack-jack, queen-queen or king-king, but not jack-queen, etc.). If both of the initial cards dealt to a player match the dealer's initial card, the player shall be paid for each card.

(5) A gaming facility shall post its match the dealer wager pay table at each table offering the match the dealer wager. A gaming facility may change pay tables at such facility's discretion at any time after the conclusion of a round of play upon prior notice to the commission. A gaming facility may choose from one of the following pay tables for the match the dealer wager:

Hand:	Pay table A (six decks)	Pay table B (eight decks)
Each matching card of a different suit	4:1	3:1
Each matching card of the same suit	11:1	14:1

(j) *In-between wager*. The gaming facility may provide an in-between wager as an additional wager.

(1) A player's in-between wager shall not affect the player's wager on the underlying blackjack hand. A dealer's blackjack shall have no effect on a player's in-between wager.

(2) Prior to the first card being dealt for each round of play, each player who has placed a blackjack wager, may make an in-between wager by placing chips or plaques on the designated area of the blackjack layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering the in-between wager.

(3) The dealer shall then announce "no more bets" and deal the initial two cards to all players and the dealer. Prior to any additional cards being dealt to any player at the table and before any card reader device is used, the dealer shall, starting with the player farthest to the dealer's right and continuing counter-clockwise around the table, settle in succession all in-between wagers by collecting all losing wagers and paying all winning wagers.

(4) For purposes of determining a winning in-between wager, the rank of each card in order of the lowest to highest rank shall be: 2, 3, 4, 5, 6, 7, 8, 9, 10, jack, queen, king and ace. When ranking the initial two cards dealt to the player, one card will have a rank higher than, and one card will have a rank lower than, the first face up card dealt to the dealer (the rank of the dealer's card is in between) for the in-between wager to be paid.

(5) The gaming facility shall post its in-between wager pay table at each table offering the in-between wager. The gaming facility may change pay tables at its discretion at any time after the conclusion of a round of play upon prior notice to the commission. The gaming facility may choose from any of the following pay tables for the in-between wager:

In-between wager hand:	Pay table A	Pay table B	Pay table C	Pay table D	Pay table E
All other spreads	1:1	1:1	1:1	1:1	1:1
Three-card spread	4:1	4:1	3:1	4:1	3:1
Two-card spread	6:1	6:1	5:1	6:1	5:1
One-card spread	12:1	10:1	10:1	12:1	10:1
Triple match	40:1	30:1	30:1	30:1	40:1

(k) *Twenty-point bonus wager*. The gaming facility may provide a 20-point bonus wager as an additional wager.

(1) A player's 20-point bonus wager shall not affect the player's wager on the underlying blackjack hand. A dealer's blackjack shall have no effect on a player's 20-point bonus wager. The 20-point bonus wager shall be available only on tables using a six- or eight-deck multi-shuffle device.

(2) Prior to the first card being dealt for each round of play, each player who has placed a blackjack wager may make a 20-point bonus wager by placing chips or plaques on the designated area of the blackjack layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering the 20-point bonus wager.

(3) For the purposes of determining a winning 20-point bonus wager, the player shall be paid if the player's first two cards have a total of 20, by receiving the first two cards with a value of 10 or the first two cards of an ace and a 9.

(4) The dealer shall then announce "no more bets" and deal the initial two cards to all players and the dealer. Prior to any additional cards being dealt to any player at the table, the dealer shall, starting with the player farthest to the dealer's right and continuing counter-clockwise around the table, settle in succession, settle the player's optional wagers by collecting all losing wagers and paying all winning wagers as set forth in this paragraph. If a player placed a 20-point bonus wager and the player's initial two cards have a total point count of 20, the dealer shall pay the winning wager. If the first card dealt to the dealer is a 10, jack, queen, king or ace and the player has two queens of hearts, that player's 20-point bonus wager shall be settled after all other 20-point bonus wagers as follows:

(i) if the dealer has determined that the hole card will not give the dealer a blackjack, the player shall be paid before any cards are dealt;

(ii) if the dealer has determined that the hole card will give the dealer a blackjack, the player shall be paid when the player's blackjack wager is collected; and

(iii) the dealer shall notify a floorperson, and shall settle all 20-point bonus wagers beginning with a queen of hearts pair in the presence of a floorperson.

(5) A gaming facility shall post its 20-point bonus wager pay table at each table offering the 20-point bonus wager. The gaming facility may change pay tables at its discretion at any time after the conclusion of a round of play upon prior notice to the commission. The gaming facility may choose from any of the following pay tables for the 20-point bonus wager:

Hand:	Pay table A	Pay table B
Any 20	4:1	4:1
Suited 20	9:1	10:1
Matched (identical) 20	19:1	25:1

Hand:	Pay table A	Pay table B
Queen of hearts pair	125:1	200:1
Queen of hearts pair and dealer blackjack	1000:1	1000:1

(6) The gaming facility may establish a maximum payout limit that is payable to all such winning hands in the aggregate on a single round of play, subject to written approval by the commission and posting at the table.

(7) Pursuant to any such established maximum payout limit provided for in paragraph (6) of this subdivision, if more than one player at a table has a winning hand of queen of hearts pair and dealer blackjack, each player shall share the maximum payout proportionately to the amount of such player's respective wagers.

(l) *Progressive blackjack wager*. The gaming facility may provide a progressive blackjack wager.

(1) A player's progressive blackjack wager shall not affect the player's wager on the underlying blackjack hand. A dealer's blackjack shall have no effect on a player's progressive blackjack wager. The progressive blackjack wager shall be available only on tables with the equipment required to offer the wager, and shall use six- or eight-decks or a multi-shuffle device.

(2) Prior to the first card being dealt for each round of play, each player may make a progressive blackjack wager by placing a $1 chip or $5 chip, as required for such progressive wager, in the designated chip acceptor device at such player's betting position or on the designated area of the blackjack layout. Once such wagers have been placed, a light shall then illuminate at each betting position at which a progressive blackjack wager has been made. The dealer shall ensure that only one progressive blackjack wager has been made for each light that is illuminated and shall verify that the number of chips wagered equals the number of lights illuminated.

(3) The dealer shall then announce "no more bets" and register the progressive wagers on the progressive meter and reset meter, if applicable. The dealer shall then deal the hand to all players.

(4) A progressive blackjack wager shall be paid when either of the player's initial two cards match the dealer's initial card. Any card with a face value of 10 or a point value of 10 (jack, queen, king) shall be deemed a match only if the cards are of identical description (*e.g.*, 10-10, jack-jack, queen-queen or king-king, but not jack-queen, etc.). If both of the initial cards dealt to a player match the dealer's initial card, then the player shall be paid for each card.

(5) A gaming facility shall post such facility's progressive blackjack wager rules, qualifying hands and pay table at each table offering this side wager.

(6) A progressive blackjack wager shall have no bearing on any other wager made by a player at the game of blackjack and shall be paid without regard to the point total of the hand of the dealer.

(7) A winning player shall receive the payout for only the highest possible progressive blackjack hand.

(8) A player shall be permitted to make a progressive blackjack wager only if such player has placed a blackjack wager.

(9) Prior to making a payout for a winning progressive blackjack wager, the dealer shall:

(i) verify that the player has received a winning combination of cards;

(ii) verify that the appropriate light on the acceptor device has been illuminated; and

(iii) have a gaming facility supervisor validate the progressive blackjack payout pursuant to the gaming facility's approved system of internal controls.

(10) All winning progressive blackjack wagers shall be paid in accordance with the amount on the primary meter when the player's regular blackjack wager is settled; provided, however, if more than one player at a table has four black or four red aces on the first four cards, each player shall share equally in the amount on the progressive meter when the first player with four aces is to be paid. If a player has won a progressive payout that is not being paid from the chip tray, the cards of that player shall not be collected until the necessary documentation has been completed.

(11) The rate of progression for the progressive meter or, if applicable, the reset meter and progressive meter combined, shall be no less than 70 percent. The initial amount placed on the progressive meter by the gaming facility and the portion of the reset amount funded by the gaming facility shall be established by each gaming facility. In no instance shall the initial amount on the progressive meter or the reset amount funded by the gaming facility be less than a minimum amount approved by the commission. The gaming facility shall offer the following for progressive meter payouts:

Any two aces in the first two cards	$25
Two aces of the same suit in the first two cards	$100
Any three aces in the first three cards	$250
Three aces of the same suit in the first three cards	$2,500
Four black or four red aces in the first four cards	100% of progressive meter

(m) *Streak wager*. The gaming facility may provide a streak wager as an additional wager in the game of blackjack.

(1) A player's streak wager shall not affect the player's wager on the underlying blackjack hand. A dealer's blackjack shall have no effect on a player's streak wager. The streak wager shall be available only on tables that use six or eight decks or a multi shuffle device.

(2) Prior to the first card being dealt for each round of play, each player may make a streak wager by placing chips in the designated betting area on the layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering a streak wager.

(3) The dealer shall then announce "no more bets" and deal the initial two cards to all players and the dealer. Prior to any additional cards being dealt to any player at the table, the dealer shall, starting with the player farthest to the dealer's right and continuing counter-clockwise around the table, collect all losing blackjack and streak wagers and place them in the chip tray, pay all winning blackjack and streak wagers, place any necessary streak lammers in accordance with paragraph (5) of this subdivision, and then collect the cards and place them in the discard rack.

(4) For the purposes of determining a winning streak wager, the player shall be paid if that player wins either two, three, four or five consecutive hands of blackjack.

(5) When any player making an optional streak wager has won an initial blackjack hand, the dealer shall place a lammer or other marker device approved by the commission in the player's streak betting area labeled "2," to indicate that the player has one winning blackjack hand and is attempting to obtain a second consecutive winning hand.

(i) If a player had placed a streak wager on the designated betting area labeled "2" and the player wins the next consecutive blackjack hand, the player shall win the streak wager in addition to the basic blackjack wager.

(ii) If a player had placed a streak wager on the designated betting area labeled "3," the player must win the next two consecutive blackjack hands. If the player wins the second consecutive blackjack hand, the dealer shall move the lammer onto the designated betting area labeled "3" to indicate that the player has won two consecutive hands and is attempting to obtain a third consecutive winning hand. If the player wins the third consecutive blackjack hand, the player shall win the streak wager in addition to the basic blackjack wager.

(iii) If a player had placed a streak wager on the designated betting area labeled "4" the player must win the next three consecutive blackjack hands. With each consecutive win, the dealer shall move the lammer onto the designated betting area labeled "3," and then onto "4." If the player wins the fourth consecutive blackjack hand, the player shall win the streak wager in addition to the basic blackjack wager.

(iv) If a player had placed a streak wager on the designated betting area labeled "5" the player must win the next four consecutive blackjack hands. With each consecutive win, the dealer shall move the lammer onto the designated betting area labeled "3," then onto "4," and then onto "5." If the player wins the fifth consecutive blackjack hand, the player shall win the streak wager in addition to the basic blackjack wager.

(v) The gaming facility shall post its pay table at each table offering the streak wager. The gaming facility shall use one of the following pay tables for the streak wager:

Player's first two cards:	Pay table A	Pay table B
Two consecutive winning hands	3:1	3:1
Three consecutive winning Hands	7:1	8:1
Four consecutive winning Hands	17:1	18:1
Five consecutive winning Hands	37 :1	38:1

(6) If a player loses a blackjack hand during the pendency of a streak wager, the streak wager shall lose and the dealer shall collect the losing streak wager and the losing blackjack wager from that player.

(7) If a player makes a streak wager in conjunction with a blackjack hand, and thereafter fails or refuses to complete the underlying blackjack hand or any successive blackjack hands required to satisfy the streak wager, the streak wager shall be deemed abandoned and lost.

(8) A push shall not advance or lose a streak wager.

(9) A player who elects to split pairs on any hand during the pendency of a streak wager must win a majority of the split hands to advance the consecutive winning streak; otherwise the streak wager is lost. If a player wins and loses the same number of split hands, the streak wager is not advanced or lost. A push on a split hand shall not advance or lose a streak wager.

(10) A player may make more than one streak wager at a time on a blackjack hand, provided that:

(i) all such streak wagers are placed simultaneously and prior to any cards being dealt for that hand;

(ii) a player who makes a multiple streak wager may not place any additional streak wagers until all prior streak wagers made by that player have been determined; and

(iii) when multiple streak wagers are in play, the dealer shall move the lammer to the next applicable streak betting area, if any, prior to paying any winning streak wager.

(n) *King's bounty wager*. The gaming facility may provide a king's bounty wager as an additional wager in the game of blackjack.

(1) A player's king's bounty wager shall not affect the player's wager on the underlying blackjack hand. Likewise, a dealer's blackjack shall have no effect on a player's king's bounty wager.

(2) Prior to the first card being dealt for each round of play, each player may make a king's bounty wager by placing gaming chips in the designated betting area on the layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering the king's bounty wager.

(3) The dealer shall then announce "no more bets" and deal the initial two cards to all players and the dealer. Prior to any additional cards being dealt to any player at the table, the dealer shall, starting with the player farthest to the dealer's right and continuing counter-clockwise around the table, in succession, settle the player's optional wagers by collecting all losing wagers, paying all winning wagers or if the card is a 10, jack, queen, king or ace and the player has two kings of spades, the player's king's bounty wager shall be settled after all other king's bounty wager as follows:

(i) if the dealer has determined that the hole card will not give the dealer a blackjack, the player shall be paid before any other card is dealt; and

(ii) if the dealer has determined that the hole card will give the dealer a blackjack, the player shall be paid when the player's blackjack wager is collected.

(4) For the purposes of determining a winning king's bounty wager, a player shall be paid if such player's initial two cards have a total point count of 20.

(5) A gaming facility shall post the pay table at each table offering the king's bounty wager. The gaming facility may change approved pay tables at its discretion at any time after the conclusion of a round of play upon prior notice to the commission. The gaming facility may choose from any of the following pay tables for the king's-bounty wager:

Hand:	Pay table A	Pay table B
Unsuited 21	4:1	4:1
Two kings	6:1	6:1
Suited 20	9:1	9:1
Two suited queens, jacks or 10s	20:1	25:1
Two suited kings	30:1	50:1
Pair of kings (spades)	100:1	200:1
Pair of kings (spades) and dealer blackjack	1000:1	1000:1

(o) *Bust it bonus wager*. The gaming facility may provide a bust it bonus wager as an additional wager in the game of blackjack.

(1) A player's bust it bonus wager shall not affect the player's wager on the underlying blackjack hand. A dealer's blackjack shall have no effect on a player's bust it bonus wager.

(2) Prior to the first card being dealt for each round of play, each player may make a bust it bonus wager by placing chips in the designated betting area on the layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering the bust it bonus wager.

(3) The dealer shall then announce "no more bets" and deal the initial two cards to all players and the dealer. Immediately after the dealer either determines that the dealer's first two cards have a point count of 17 or higher or deals a third card to the dealer's hand, the dealer shall, before any other wagers are settled, settle all optional bonus wagers. Starting with the player farthest to the dealer's right who has placed a bust it bonus wager and proceeding around the table in a counter-clockwise direction, the dealer shall collect all losing bust it bonus wagers and pay all winning bust it bonus wagers based upon the value of the third card drawn by the dealer.

(4) For the purposes of determining a winning bust it bonus wager, the player shall be paid if the dealer shall be required to draw a third card and that the third card will result in the dealer's hand having a point total greater than 21. The bust it bonus wager of a player shall lose if the dealer's first two cards have a point count of 17 or higher or, if the dealer is required to draw a third card, the dealer's first three cards have a point count of 21 or less. The bust it bonus wager of a player shall win if the dealer is required to draw a third card and the third card results in the dealer's hand having a point total of greater than 21. If the dealer's first two cards have a point total of less than 17 and any player has placed a bust it bonus wager under this subdivision, the dealer shall be required to draw a third card without regard to whether all players have been dealt blackjack or have busted.

(5) A gaming facility shall post the pay table at each table offering the bust it bonus wager. A gaming facility shall use the following pay table for the bust it bonus wager:

Dealer's third card value:	Payout
10	3:1
9	5:1
8	7:1
7	9:1
6	15:1

(6) Notwithstanding paragraph (5) of this subdivision, if the dealer is required to draw three cards during a round of play and all three cards have a value of eight and are of the same color or suit, a gaming facility shall pay each player who has placed a bust-it-bonus wager from the following pay table:

Dealer's three cards:	Payout
Three eights of the same color	50:1
Three eights of the same suit	200:1

(p) *21+3 wager*. The gaming facility may provide a 21+3 wager as an additional wager in the game of blackjack.

(1) A player's 21+3 wager shall not affect the player's wager on the underlying blackjack hand. A dealer's blackjack shall have no effect on a player's 21+3 wager.

(2) Prior to the first card being dealt for each round of play, each player may make a 21+3 bonus wager by placing chips in the designated betting area on the layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering the 21+3 wager.

(3) The dealer shall announce "no more bets" and deal the initial two cards to all players and the dealer. Prior to any additional cards being dealt to any player at the table and before any approved card reader device is used, the dealer shall settle all 21+3 wagers. Starting with the player farthest to the dealer's right who has placed a bust it bonus wager and proceeding counter-clockwise around the table , the dealer shall collect all losing 21+3 wagers and pay all winning 21+3 wagers based upon the value of the third card drawn by the dealer.

(4) For the purposes of determining a winning 21+3 wager, the player shall be paid if the player's first two cards and the dealers up card form a hand of a three-card flush, straight, three of a kind or straight flush.

(5) All winning 21+3 wagers shall be paid at no less than the odds for the player's highest-ranking hand in one of the following pay tables:

Hand:	Pay table A	Pay table B	Pay table C	Pay table D (two decks)
Flush	9:1	5:1	5:1	2.5:1
Straight	9:1	10:1	10:1	2.5:1
Three of a kind	9:1	20:1	33:1	2.5:1
Straight flush	9:1	30:1	35:1	2.5:1
Suited three of a kind			100:1	

(q) *Blazing 7s progressive wager*. The gaming facility may provide a blazing 7s progressive wager as an additional side wager in the game of blackjack.

(1) All blazing 7s progressive wagers shall be made in the designated betting space or coin slot on the layout, in an amount that shall be established by the gaming facility prior to the commencement of a round of play. Once all wagers are made, the dealer shall announce "no more bets." Simultaneously with such announcement, the dealer shall activate the blazing 7s progressive wager lock-out feature by depressing the coin-in button or collecting the wagers from the designated betting space. No blazing 7s progressive wager shall be accepted after a card has been dealt in the underlying blackjack game.

(2) Each blazing 7s progressive wager shall increase the game's progressive jackpot meter and entitle a player to win that progressive jackpot prize upon obtaining a hand comprising three sevens of the same suit or three sevens of diamonds, depending on the pay table used. The amount of the initial blazing 7s progressive prize, which shall be established by the gaming facility, shall be reset to that amount following each 100% blazing 7s progressive payout. The blazing 7s progressive shall be augmented upon each wager in increments established by the gaming facility's approved system of internal controls, without regard to the outcome of the blazing 7s progressive wager. The initial and reset amounts shall be at least $2,000, if the required blazing 7s progressive wager is $1, and at least $10,000, if the required blazing 7s progressive wager is $5.

(3) If other optional wagers in the game of blackjack are offered on the same table as the blazing 7s progressive wager, the dealer shall first settle those optional wagers.

(4) If a player splits the first two sevens the player is dealt, for purposes of the underlying game, blazing 7s progressive wager shall be based on the two sevens and the third card dealt to the player.

(5) A blazing 7s progressive wager loses if a player is not dealt two sevens in the player's initial two cards.

(6) In the case of dealer blackjack, the player shall receive a third card if the first two cards dealt to the player are sevens but will still lose the player's blackjack wager regardless of outcome.

(7) Each gaming facility shall pay a winning blazing 7s progressive wager at odds no less than the following (with the gaming facility choosing pay table A or pay table B), to a player who receives:

Hand	Pay table A	Pay table B
Three 7s of the same suit	100% of meter	not applicable
Three 7s of diamonds	not applicable	100% of meter
Three 7s of clubs, hearts or spades	not applicable	10% of meter
Three 7s of same color	10% of meter	500:1
Three 7s	200:1	200:1
Two 7s as the first two cards	25:1	25:1
One 7 among the first two cards	2:1	2:1

(8) When a player has a blazing 7s progressive hand that requires a change to the meter:

(i) the gaming facility supervisor shall notify the surveillance department and any other department, as appropriate; and

(ii) pit management shall insert the jackpot key into the jackpot computer, verify the amount of the payout to the winning player or players and secure the key in accordance with the gaming facility's approved system of internal controls.

(9) Upon completion of each round of play, the dealer shall press the game-over button and commence a new round of play.

(10) Notwithstanding the requirements in paragraph (4) of this subdivision, if the first two cards of the player are sevens, the gaming facility may use a dealing procedure wherein the dealer's up card, rather than a player's drawn card, shall be used to determine whether the player receives a payout for three sevens in accordance with paragraph (7) of this subdivision. The gaming facility shall provide notice to the commission of this change in dealing procedure prior to its implementation on the gaming floor.

§ 5324.12. Spanish 21.

(a) Spanish 21 shall be played with six or eight decks of cards, with backs of the same color and design and two additional cover cards. Each deck shall consist of 48 cards, with the 10 card of each suit removed from each deck during the inspection. The cover cards shall be opaque and a solid color readily distinguishable from the color of the backs and

edges of the playing cards. Upon written approval by the commission, the gaming facility may use a different number of decks when a continuous shuffling device is in use.

(b) *Wagers.*

(1) Prior to the first card being dealt for each round of play, each player at the game of Spanish 21 shall make a wager against the dealer, which shall win if:

(i) the total of the player is 21 or less and the total of the dealer is in excess of 21;

(ii) the total card value of the player exceeds that of the dealer without either exceeding 21;

(iii) the player has achieved a total card value of 21 in two cards and the dealer has achieved a total card value of 21 in two or more cards; or

(iv) the player has achieved a total card value of 21 in more than two cards and the dealer has achieved a total card value of 21 in more than two cards.

(2) Except as otherwise provided in subparagraphs (iii) and (iv) of paragraph (1) of this subdivision, a wager that is made in accordance with this subdivision shall be void if the total card value of the player is the same as the dealer. However, a wager shall lose if the player has a total card value of 21 in more than two cards and the dealer has a blackjack.

(3) All wagers at Spanish 21 shall be made by placing chips or plaques and, if applicable, a table game promotional coupon on the appropriate betting areas of the table layout.

(4) Except as otherwise provided in this section, no wager shall be made, increased or withdrawn after the first card of the respective round has been dealt.

(5) After each round of play is complete, the dealer shall collect all losing wagers and pay all winning wagers. Except as provided in paragraphs (6) and (7) of this subdivision, winning wagers made in accordance with subparagraph (iii) of paragraph (1) of this subdivision shall be paid at no less than odds of 3:2, and all winning wagers made in accordance with subparagraphs (i), (ii) or (iv) of paragraph (1) of this subdivision shall be paid at no less than odds of 1:1.

(6) Notwithstanding the provisions of paragraph (5) of this subdivision, the gaming facility shall pay the following payout odds for winning wagers made in accordance with paragraph (1) of this subdivision unless the player has doubled down, in which case all of the following wagers shall be paid only at odds of 1:1:

(i) three cards consisting of the 6, 7 and 8 of mixed suits shall be paid at no less than odds of 3:2;

(ii) three cards consisting of the 6, 7 and 8 of the same suit shall be paid at no less than odds of 2:1, except that three cards consisting of the 6, 7 and 8 of spades shall be paid at no less than odds of 3:1;

(iii) three cards consisting of three 7s of mixed suits shall be paid at no less than odds of 3:2;

(iv) three cards consisting of three 7s of the same suit shall be paid at no less than odds of 2:1, except that three cards consisting of three 7s of spades shall be paid at no less than odds of 3:1;

(v) five cards totaling 21 shall be paid at no less than odds of 3:2;

(vi) six cards totaling 21 shall be paid at no less than odds of 2:1; and

(vii) seven or more cards totaling 21 shall be paid at no less than odds of 3:1.

(7) In addition to the payouts required by subparagraph (iv) of paragraph (6) of this subdivision, a winning hand that consists of three 7s of the same suit when the dealer's exposed card is also a 7 of any suit shall be paid an additional fixed payout of $1,000 if the player's original wager was $5 or more but less than $25, or $5,000 if the player's original wager was $25 or more. All other players at the table who placed a wager during that round of play also shall be paid an additional fixed payout of $50. Notwithstanding the foregoing, the additional fixed payouts required by this paragraph shall not be applicable if the winning hand had been doubled down or had been split pursuant to subdivisions (c) and (d) of section 5324.10 of this Part.

(8) Except as expressly permitted by this subdivision, once the first card of any hand has been removed from the shoe by the dealer, no player shall handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(9) Once an insurance wager, a wager to double down or a wager to split pairs has been made and confirmed by the dealer, no player shall handle, remove or alter such wagers until a decision has been rendered and implemented with respect to that wager, except as expressly permitted by this section.

(10) After the cards have been shuffled pursuant to section 5324.2 of this Part, the gaming facility may prohibit any person, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until a re-shuffle of the cards has occurred.

(c) *Procedure for dealing the cards*.

(1) All cards used in Spanish 21 shall be dealt from a dealing shoe specifically designed for such purpose and located on the table to the left of the dealer.

(2) The dealer shall remove cards from the shoe with the dealer's left hand, turn the cards face up, and then place the cards on the appropriate area of the layout with the dealer's right hand, except that the dealer has the option to deal cards to the first two betting positions with the dealer's left hand.

(3) After each full set of cards is placed in the shoe, the dealer shall remove the first card from the shoe face down and place such card in the discard rack. Each new dealer who comes to the table shall also burn one card as set forth in this paragraph before the new dealer deals any cards to the players. The burn card shall be disclosed if requested by a player.

(4) At the commencement of each round of play, the dealer shall, starting on the dealer's left and continuing around the table, deal the cards in the following order:

(i) one card face up to each box on the layout in which a wager is contained;

(ii) one card face up to the dealer;

(iii) a second card face up to each box on the layout in which a wager is contained; and

(iv) one card face down to the dealer, which shall be known as the hole card.

The gaming facility may, in its discretion, choose to deliver all determinate cards to the player before the dealer receives the dealer's second card.

(5) After two cards have been dealt to each player, the dealer shall, beginning from the dealer's left, announce the point total of each player. As each player's point total is announced, such player shall indicate whether the player wishes to surrender, double down, split pairs, stand or draw, as provided for by this Part.

(6) As each player indicates a decision, the dealer shall deal face up whatever additional cards are necessary to effectuate such decision consistent with this section and shall announce the new point total of such player after each additional card is dealt.

(7) After decisions of each player have been implemented and all additional cards have been dealt, the dealer shall expose the dealer's hole card. Any additional cards required to be dealt to the hand of the dealer shall be dealt face up. After the dealer's hand has been completed, the dealer shall announce the point count. If the gaming facility chooses to deliver all determinate cards to the player before the dealer receives

the dealer's second card, the dealer shall remove the next card from the dealing shoe and place such card face up on the layout next to the dealer's hole card.

(d) *Spanish 21 match the dealer wager*. A gaming facility may provide a match the dealer wager as an additional wager.

(1) A player's match the dealer wager shall not affect the player's wager on the underlying hand. A dealer's blackjack shall have no effect on a player's match the dealer wager. The match the dealer wager shall be available only on tables using a six- or eight-deck multi-shuffle device.

(2) Prior to the first card being dealt for each round of play, each player who has placed a Spanish 21 wager may make a match the dealer wager by placing chips or plaques on the designated area of the Spanish 21 layout. The minimum and maximum wagers permitted by the gaming facility shall be inscribed on the table layout or posted on a sign at each table offering the match the dealer wager.

(3) The dealer shall then announce, "no more bets" and deal the initial two cards to all players and the dealer. Prior to any additional cards being dealt to any player at the table and before any card reader device is used, the dealer shall, starting with the player farthest to the dealer's right and continuing counter-clockwise around the table, settle in succession all match the dealer wagers by collecting all losing wagers and paying all winning wagers.

(4) A match the dealer wager shall be paid when either of the player's initial two cards match the dealer's initial card. Any card with a point value of 10 (jack, queen, king) shall be deemed a match only if the cards are of identical description (e.g., jack-jack, queen-queen, or king-king, but not jack-queen, etc.). If both of the initial cards dealt to a player match the dealer's initial card, the player shall be paid for each card.

(5) A gaming facility shall post its match the dealer wager pay table at each Spanish 21 table offering the match the dealer wager. A gaming facility may change pay tables at such facility's discretion at any time after the conclusion of a round of play, upon prior notice to the commission. A gaming facility may choose from one of the following pay tables for the match the dealer wager:

Hand:	Pay table A (six decks)	Pay table B (eight decks)
Each matching card of a different suit	4:1	3:1
Each matching card of the same suit	9:1	12:1

§ 5324.13. Blackjack switch.

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

(b) Blackjack switch shall be played with six or eight decks of cards, with backs of the same color and design and two additional cover cards. The cover cards shall be opaque and a solid color readily distinguishable from the color of the backs and edges of the playing cards as approved by the commission.

(c) *Wagers; payout*.

(1) Prior to the first card being dealt for each round of play, each player at the game of blackjack switch shall make two equal wagers, one for each blackjack hand to be dealt to that player, and each wager shall equal or exceed the posted minimum wager for the table. Each wager of a player shall be determined individually, and shall win if the:

(i) point count of the player is 21 or less and the point count of the dealer exceeds 22;

(ii) point count of the player exceeds that of the dealer without either exceeding 21; or

(iii) player has a blackjack without switching cards and the dealer does not also have blackjack.

(2) Except as provided in subparagraph (iii) of paragraph (1) of this subdivision, if the point count of the player is the same as the dealer, a wager made in accordance with this section shall be a push, unless the player has a point count:

(i) of 21 in more than two cards and the dealer has a blackjack, in which case the wager shall lose; or

(ii) exceeding 21, in which case the wager shall lose.

(3) If the point count of the dealer is 22 and the point count of the player is 21 or less, a wager made in accordance with this section shall be a push unless the player has a blackjack without switching cards pursuant to subparagraph (iii) of paragraph (1) of this subdivision, in which case the wager shall win.

(4) All wagers at blackjack switch, including the optional match wager in subdivision (f) of this section, shall be made by placing gaming chips or plaques and, if applicable, a promotional coupon on the appropriate betting areas of the table layout.

(5) Once the first card of any round of play has been removed from the shoe by the dealer, no player shall make, alter, remove, or otherwise handle any wager that has been made until a decision has been rendered and implemented with respect to that wager, except as permitted in this section.

(6) Once an insurance wager or a wager to double down has been made by a player and confirmed by the dealer, no player shall alter, remove or otherwise handle the wager until a decision has been rendered and implemented with respect to that wager.

(7) After each round of play is complete, the dealer shall collect all losing wagers, return any pushes and pay all winning wagers. Except as provided in subdivisions (f) and (h) of this section, all winning blackjack switch wagers, including a blackjack, shall be paid at no less than odds of 1:1.

(8) After the cards have been shuffled, a gaming facility may prohibit any person, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until a re-shuffle of the cards has occurred.

(d) *Procedure for dealing the cards*.

(1) All cards used in blackjack switch shall be dealt from a dealing shoe specifically designed for such purpose.

(2) The dealer shall remove cards from the shoe with the dealer's left hand, turn the cards face up, and then place the cards on the appropriate area of the layout with the dealer's right hand, except that the dealer has the option to deal cards to the first two betting spots with the dealer's left hand.

(3) After each full set of cards is placed in the shoe, the dealer shall burn the first card from the shoe. Each new dealer who comes to the table also shall burn the first card from the shoe before the new dealer deals any cards to the players. The burn card shall be disclosed if requested by a player.

(4) At the commencement of each round of play, the dealer shall, starting on the dealer's left and continuing around the table, deal the cards in the following order:

(i) one card face up to each box on the layout in which a wager is contained;

(ii) one card face up to the dealer;

(iii) a second card face up to each box in which a wager is contained, which card shall be dealt so as to overlap the lower left-hand corner of the first card, as seen from the dealer's point of view; and

(iv) one card face down to the dealer.

(5) Immediately after the first four cards are dealt to each player, and before any card reader device is used and any additional cards are dealt to any player or the dealer, the dealer shall collect all losing match wagers and pay all winning match wagers in accordance with subdivision (e) of this section.

(6) After all match wagers have been settled, if the dealer's first card is an ace, king, queen, jack or 10, each player may make an insurance wager and the insurance wager shall be settled pursuant to subdivision (e) of section 5324.10 of this Part. The dealer shall determine whether the hole card will give the dealer a natural blackjack prior to dealing any additional cards to the players at the table:

(i) if the gaming facility elects to use a card reader device, the dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing its value to anyone at the table, including the dealer. If the dealer has a natural blackjack, no additional cards shall be dealt and each player's wager shall be settled; and

(ii) if the gaming facility elects not to use a card reader device, the dealer shall determine the value of the hole card by discreetly peeking at the card without exposing its value to any other person. If the dealer has a natural blackjack, no additional cards shall be dealt and each player's wager shall be settled.

(7) After all insurance wagers have been settled, the dealer shall, beginning from the dealer's left, announce the point total of the first hand of each player, and ask if the player wishes to switch.

(i) If the player decides to switch, the dealer shall exchange the second cards dealt to the two hands of that player with each other, and then announce the new point total of each hand.

(ii) A player who has switched cards pursuant to this subdivision may revoke the decision and request the dealer to return the cards to their original positions, provided that no additional cards have yet been dealt to either of the player's hands or to the dealer.

(iii) Other than a return of the cards to their original positions pursuant to subparagraph (ii) of this paragraph, a player shall be permitted only one switch of cards per hand in each round of play.

(8) After the player has been offered a switch and has either declined or obtained the switch, the player shall, for the first of the player's two hands, indicate whether the player wishes to stand, draw, surrender, double down or split pairs pursuant to section 5324.10 of this Part.

(9) As the player indicates decisions as to the first hand, the dealer shall deal face up whatever additional cards are necessary to effectuate such decisions consistent with this section and shall announce the new point total of that hand after each additional card is dealt.

(10) After the player completes decisions as to the first hand, the procedures in paragraphs (8) and (9) of this subdivision shall be repeated for the second hand of such player.

(11) After the player has completed the decisions for both hands, the procedures in paragraphs (8) through (10) of this subdivision shall be repeated for the player to the dealer's right of that player at the table.

(12) After the decision of each player has been implemented and all additional cards have been dealt, the dealer shall expose the dealer's hole card. Any additional cards required to be dealt to the hand of the dealer shall be dealt face up. After the dealer's hand has been completed, the dealer shall announce the point count. A gaming facility may permit the dealer to deal, after the decisions of each player have been implemented and all additional player cards have been dealt, a second card face up to the dealer (the hole card); provided, however, that such card shall not be removed from the dealing shoe until the dealer has first announced "dealer's card." Any additional cards authorized to be dealt to the hand of the dealer shall be dealt face up at this time, after which the dealer shall announce the total point count for the hand of the dealer.

(e) *Match wager*.

(1) A player at a blackjack switch table may make an additional optional wager, known as a *match wager*, that two or more of the initial four cards dealt to that player will form one of the following authorized matches:

(i) one pair, or a pair, is a hand consisting of two cards of the same rank, regardless of suit;

(ii) two pairs is a hand consisting of two pairs;

(iii) three of a kind is a hand consisting of three cards of the same rank, without regard to suit; and

(iv) four of a kind is a hand consisting of four cards of the same rank, without regard to suit.

(2) Prior to the first card being dealt for each round of play, any player who has placed the two blackjack wagers required by this subdivision may make a match wager by placing chips or plaques on the appropriate designated betting area of the layout, and

in an amount that shall equal or exceed the posted minimum wager for a match wager at that table.

(3) A gaming facility shall pay winning match wagers at no less than the amounts listed in the following pay table:

Match type	Six-deck game	Eight-deck game
One pair	1:1	1:1
Three of a kind	5:1	5:1
Two pair	8:1	7:1
Four of a kind	40:1	50:1

(4) If more than one type of match occurs in a player's initial four cards, the match wager shall be paid only once, using the highest payoff occurring within those cards.

(5) A match wager shall have no bearing upon any other wager made by a player at the game of blackjack switch.

§ 5324.14. Multiple-action blackjack.

(a) Multiple-action blackjack shall be played at a table having on one side betting positions for no more than six players and on the opposite side a place for the dealer.

(b) *Wagers*.

(1) Prior to the first card being dealt, each player at the multiple-action blackjack game shall make a minimum of one wager in both circle one and two and may opt to place a third wager in circle three within the posted minimums and maximums in succession against the dealer that shall win if:

(i) at the completion of a round of play, the total of the player is 21 or less and the total of the dealer is in excess of 21;

(ii) at the completion of a round of play the total of the player exceeds that of the dealer without either exceeding 21, or;

(iii) the player has achieved a total of 21 in two cards and the dealer has achieved a total of 21 in more than two cards.

(2) Except as otherwise provided in subparagraph (ii) of paragraph (1) of this subdivision, a wager shall be void when the total of the player is the same as the dealer, provided however, that a player's wager shall lose when the dealer has a blackjack and the player has a simple 21 that is not a blackjack.

(3) Except as otherwise provided in this section, no wagers shall be made, increased or withdrawn after the first card of the respective round has been dealt.

(4) All wagers at blackjack shall be made by placing chips or plaques and, if applicable, table game promotional coupons on the appropriate areas of the blackjack layout.

(5) The gaming facility shall establish the minimum wagers permitted at each multiple-action blackjack table. The minimum and maximum wagers as established by the gaming facility shall be and remain conspicuously posted on a sign at each table.

(6) All winning wagers made in accordance with paragraph (1) of this subdivision shall be paid at no less than odds of 1:1 with the exception of blackjack, which shall be paid at no less than odds of 3:2.

(7) Once the first card of any hand has been removed from the shoe by the dealer, no player shall handle, remove or alter any wager that has been made until a decision has been rendered and implemented with respect to that wager except as permitted by this section.

(8) Once a wager on the insurance line, a wager to double down or a wager to split pairs has been made and confirmed by the dealer, no player shall handle, remove or alter such wagers until a decision has been rendered and implemented with respect to that wager except as explicitly permitted by this Part.

(9) The gaming facility may implement any of the following options at a multiple-action blackjack table:

(i) players who have not made a wager on the first round of play may not enter the game on a subsequent round of play until a re-shuffle of the cards has occurred;

(ii) players who have not made a wager on the first round of play may be permitted to enter the game, but may be limited to wagering only the minimum limit posted at the table until a re-shuffle of the cards has occurred;

(iii) players who, after making a wager on a given round of play, decline to wager on any subsequent round of play may be precluded from placing any further wagers until a re-shuffle of the cards has occurred; and

(iv) players who, after making a wager on a given round of play, decline to wager on any subsequent round of play may be permitted to place further wagers, but may be limited to wagering only the minimum limit posted at the table until a re-shuffle of the cards has occurred.

(10) If a gaming facility implements any of the options in paragraph (9) of this subdivision the option shall be applied uniformly to all players at that table; provided, however, that if the gaming facility has implemented either of the options in subparagraphs (iii) or (iv) of paragraph (9) of this subdivision, an exception may be made for a player who temporarily leaves the table if, at the time the player leaves, the gaming facility agrees to reserve the player's spot until such player's return.

(c) *Procedure for dealing cards*.

(1) All cards used at the game of multiple-action blackjack shall be dealt from a dealing shoe.

(2) Each dealer shall remove cards from the shoe with the dealer's left hand, turn the cards face up and then place the cards on the appropriate area of the layout with the dealer's right hand, except that the dealer has the option to deal cards to the first three positions with the dealer's left hand.

(3) After each full set of cards is placed in the shoe, the dealer shall remove the first card face down and place such card in the discard. Each new dealer who comes to the table also shall burn one card as described in this paragraph before the new dealer deals any cards to the players. The burn card shall be disclosed to all players if requested. Cards shall be delivered as follows.

(i) one card face up to each box on the layout in which a wager is contained;

(ii) one card face up to the dealer;

(iii) a second card face up to each box in which a wager is contained;

(iv) one card face down to the dealer, which shall be known as the hole card; and

(v) the gaming facility may choose to deliver all determinate cards to the player before the dealer receives the dealer's second card.

(4) If the dealer's first card is an ace, king, queen, jack or 10, the dealer shall determine whether the hole card will give the dealer a natural blackjack prior to dealing any additional cards to the players at the table.

(i) If the gaming facility elects to use a card reader device, the dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing such card's value to anyone at the table, including the dealer. If the dealer has a natural blackjack, no additional cards shall be dealt and each player's wager shall be settled.

(ii) If the gaming facility does not elect to use a card reader device, the dealer shall determine the value of the hole card by peeking discreetly at the card without

exposing such card's value to any other person. If the dealer has a natural blackjack, no additional cards shall be dealt and each player's wager shall be settled.

(iii) If the gaming facility chooses to deliver all determinate cards to the player before the dealer receives the dealer's second card, the players shall have the option to make an insurance wager at the same time.

(5) After two cards have been dealt to each player and the dealer does not have a natural blackjack, the dealer shall, beginning from the dealer's left, announce the point total starting with the first player from the dealers left until each player's hand is announced. As each player's point total is announced, such player shall indicate whether he or she wishes to surrender, double down, split pairs, stand or draw as provided for by this Part.

(6) As each player indicates a decision, the dealer shall deal face up whatever additional cards are necessary to effectuate such decision consistent with this section and shall announce the new point total of such player's hand after each additional card is dealt.

(7) A player whose point total exceeds 21 shall lose all 3 wagers and such player's cards shall be collected by the dealer.

(8) After decisions of each player have been implemented and all additional cards have been dealt, the dealer shall expose the dealer's hole card. Any additional cards required to be dealt to the hand of the dealer shall be dealt face up. After the dealer's hand has been completed, the dealer shall announce the point count. If the gaming facility chooses to deliver all determinate cards to the player before the dealer receives the dealer's second card, the dealer shall remove the next card from the dealing shoe and place such card face up on the layout next to the dealer's hole card.

(9) At the conclusion of the first round of play, the dealer shall pay or collect only the first-round wagers starting with the players to the dealer's far right and moving counter clockwise around the table. The dealer shall then remove all of the dealer's cards to the right of the original up card and place such cards in the discard rack.

(10) A second round shall then commence with the dealer using the same face up card and following the same procedures for drawing additional cards, collecting losing wagers and paying winning wagers as warranted. The player's hand shall remain unchanged for each round of play.

(11) A third and final round shall be played following the same procedures as set forth in paragraphs (5) and (6) of this subdivision.

BACCARAT AND OTHER CARD GAMES

§ 5324.20. Baccarat.

(a) *Equipment and layout*.

(1) Baccarat shall be played at a table having on one side places for the players and on the opposite side a place for the dealer.

(2) A layout for a baccarat table shall contain, at a minimum:

(i) the name and/or logo of the gaming facility;

(ii) specific areas designated for the placement of wagers on the “Banker’s hand,” “Players hand” and the “Tie hand”;

(iii) an inscription describing the tie hand payout;

(iv) the payout odds for all permissible wagers offered by the gaming facility, unless there is a sign posted pursuant to section 5323.12 of this Subchapter;

(v) numbered areas that correspond to the seat numbers for the purpose of marking vigorish;

(vi) if the gaming facility offers the dragon bonus wager, separate areas designated for the placement of the dragon bonus wager for each player;

(vii) if the gaming facility offers EZ baccarat:

(*a*) separate areas designated for the placement of the dragon 7 insurance wager, for each player;

(b) an inscription that advise players that a wager on the banker’s hand that results in a dragon 7 shall push and be returned to the player unless there is a sign posted pursuant to section 5323.12 of this Subchapter;

(*c*) if the panda 8 insurance wager is offered, separate areas designated for the placement of the panda 8 insurance wager; and

(viii) areas designated for the placement of cards for the player’s hand and banker’s hand.

(3) If lammers are used for the purpose of marking vigorish, such lammers shall be placed in the chip tray or in a rack designed for the purpose of storing lammers and such rack shall be placed in front of the chip tray during gaming activity.

(4) Baccarat shall be played with at least six decks of cards with all backs identical in color and design and two additional cover cards. The cover cards shall be opaque and in a solid color readily distinguishable from the color of the back and edges of the playing cards.

(i) The value of the cards in each deck, regardless of suit, shall be as follows:

(a) any card from 2 to 9 shall have its face value;

(b) a 10, jack, queen and king shall have a value of zero; and

(c) an ace shall have the value of one.

(ii) The point count of a hand shall be a single digit number from 0 to 9 inclusive and shall be determined by totaling the value of all cards in the hand. If the total of the cards in the hand is a two-digit number, the left digit of such number shall be discarded as having no value and the right digit shall constitute the point count of the hand.

(5) A dealing shoe.

(6) In order to collect the cards at the conclusion of a round of play and at such other times as necessary, each baccarat table shall have a form of a discard rack.

(b) *Wagers*.

(1) Types of wagers at the game of baccarat.

(i) A wager on the banker's hand that shall:

(*a*) win if the banker's hand has a point count higher than that of the player's hand, unless EZ baccarat is being played and the point counts of the banker's hand and the player's hand result in a dragon 7;

(*b*) lose if the banker's hand has a point count lower than the player's hand; or

(*c*) tie and be returned to the player if the banker's hand and the player's hand have the same point count or if EZ baccarat is being played and the point counts of the banker's hand and the player's hand result in a dragon 7.

(ii) A wager on the player's hand that shall:

(*a*) win if the player's hand has a point count higher than that of the banker's hand and if EZ Baccarat is being played and the point counts of the player's hand and the dealer's hand result in a Panda 8;

(*b*) lose if the player's hand has a point count lower than that of the banker's hand or if EZ baccarat is being played and the point count of the banker's hand and the player's hand result in a dragon 7; or

(*c*) tie and be returned to the player if the point counts of the banker's hand and the player's hand are equal.

(iii) A tie bet that shall win if the point counts of the banker's hand and the player's hand are equal and shall lose if such point counts are not equal.

(iv) If offered by the gaming facility, a dragon bonus wager on player's hand or banker's hand, or both, which shall:

(*a*) win if the selected hand is:

(1) a natural and the other hand is not a natural;

(2) a natural 9 and the other hand is a natural 8; or

(3) not a natural and has a point count that exceed the point count of the other hand by four or more points;

(*b*) lose if the selected hand is:

(1) a natural 8 and other hand is a natural 9;

(2) not a natural and has a point count less than or equal to the point count of the other hand; or

(3) not a natural and has a point count that exceeds the point count of the other hand by less than four points; or

(*c*) tie and be returned to the patron if the selected hand is a natural and the other hand is a natural of equal point count.

(v) A dragon 7 insurance wager, if the table is designated for play as an EZ baccarat table, which shall:

(*a*) win if the point counts of the banker's hand and the player's hand result in a dragon 7; or

(*b*) lose if the point counts of the banker's hand and the player's hand do not result in a dragon 7.

(vi) A panda 8 insurance wager, if the table is designated for play as an EZ baccarat table, which shall:

(*a*) win if the point counts of the player's hand and the banker's hand result in a panda 8;

(*b*) lose if the point counts of the player's hand and the banker's hand do not result in a panda 8.

(2) Wager at baccarat shall be made by placing chips, plaques or, if applicable, a table game promotional coupon on the appropriate areas of the baccarat layout.

(3) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets" and makes a visible hand motion indicating no more bets will be accepted.

(c) *Opening of table for gaming*.

(1) After receiving the six or more decks of cards at the table, unless the cards have been pre-shuffled and pre-inspected according to the requirements set forth in section 5322.16 of this Subchapter, the dealer shall shuffle and inspect each deck of cards as required in subdivision (c) of section 5322.15 of this Subchapter.

(d) *Wager payout; vigorish*.

(1) The gaming facility shall pay out winning wagers made on the player's hand at no less than the odds of 1:1.

(2) The gaming facility shall pay out winning wagers made on the banker's hand at no less than the odds of 1:1, except that the gaming facility shall extract a vigorish on the amount won at either four percent or five percent of such amount. Wagers shall be accepted in $5 increments only, and therefore the vigorish shall increase in 20-cent increments if the vigorish is four percent or in 25 cent increments if the vigorish is five percent. The gaming facility may collect the vigorish from a player at the time the winning payoff is made or may defer collection to a later time provided, however, that all outstanding vigorish shall be collected prior to reshuffling the cards in a shoe. The amount of any vigorish not collected at the time of the winning payout shall be evidenced by the placement of coins or lammers reflecting the amount owed imprinted thereon, along with the seat number of the player owing such vigorish.

(i) The gaming facility shall post at all baccarat tables the vigorish percentage in effect.

(ii) When four percent vigorish is in effect, the gaming facility shall use 20-cent denomination lammers and 25-cent denomination lammers when five percent vigorish is in effect.

(iii) The vigorish percentage shall be the same for all baccarat tables at all times, and any change to the vigorish percentage shall be done uniformly for all baccarat

tables throughout the gaming facility. Vigorish percentages in midi baccarat and mini baccarat may differ from the vigorish percentage in baccarat.

(3) If the gaming facility offers EZ baccarat, no vigorish shall be collected.

(4) A winning panda 8 insurance wager, as set forth in subparagraph (vi) of paragraph (1) of subdivision (b) of this section, shall be paid at odds of 25 to 1.

(5) A gaming facility shall pay a winning dragon bonus wager in accordance with one of the following pay tables. The gaming facility may change the pay table used following the conclusion of a round of play, provided that prior notice has been provided to the commission.

Bonus wager	Pay table A	Pay table B	Pay table C
Natural tie	Push	Push	Push
Natural winner	1:1	1:1	1:1
Win by 4 points	1:1	1:1	2:1
Win by 5 points	2:1	3:1	2:1
Win by 6 points	4:1	4:1	4:1
Win by 7 points	6:1	7:1	4:1
Win by 8 points	10:1	8:1	10:1
Win by 9 points	30:1	20:1	30:1

(e) *Shuffle and cut of the cards*. Prior to commencement of play, the dealer shall remove the first card from the shoe and place such card face up and then remove an additional amount of cards equal to the value of the first card drawn and burn those cards. For purposes of this subdivision, face cards and 10s count as 10 and aces count as 1.

(f) *Dealing the game of baccarat*.

(1) At the commencement of play, the dealer calling the game shall offer the shoe to the player in seat number one at the table. If such player rejects the shoe or if there is no one in seat number one, the dealer shall offer the shoe to each of the other players, in turn, counter-clockwise around the table until one of the players accepts the shoe.

(2) The player who accepts the shoe is the curator and shall be responsible for dealing the cards in accordance with this subdivision and the instruction of the dealer calling the game.

(3) There shall be two hands dealt in the game of baccarat, one that shall be designated the player's hand and the other designated the banker's hand.

(4) At the commencement of each round of play, the dealer calling the game shall announce "no more bets," after which the dealer shall instruct the curator to commence dealing the cards by announcing "cards."

(5) The curator shall deal an initial four cards from the shoe. The first and third cards dealt shall constitute the first and second cards of the player's hand. The second and fourth cards dealt shall constitute the first and second cards of the banker's hand. After the cards are dealt to each hand, the dealer calling the game shall place the cards face up in front of the dealer.

(6) After the initial four cards have been dealt, the dealer calling the game shall announce the point count of the player's hand and point count of the banker's hand.

(7) Following the announcement of the point count of each hand, the dealer calling the game shall instruct the curator whether to deal a third card to each hand using the procedures set forth in paragraphs (10) through (13) of this subdivision.

(8) Any third card required to be dealt by the dealer's instruction shall first be dealt face up to the player's hand and then to the banker's hand by the curator.

(9) Whenever the cover card appears during play, the cover card shall be removed and placed to the side and the hand shall be completed. Upon completion of that hand, the dealer calling the game announces "last hand." After the last hand is dealt, the cards shall be re-shuffled.

(10) If the point count of either the player's hand or the banker's hand after the initial two cards are dealt to each is a natural, no more cards shall be dealt to either hand.

(11) If the point count of the banker's hand on the first two cards is 0 to 7, the player's hand shall draw or stay in accordance with the following:

Player's hand	Third-card determination
0 to 5	Draws
6 to 9	Stays

(12) If the point count of the player's hand on the first two cards is 6 or 7, the banker's hand always shall draw on totals of 0, 1, 2, 3, 4 and 5 and stand on totals of 6, 7, 8 and 9.

(13) The total of the initial two cards dealt to the banker's hand along with the third card dealt to the player's hand determines if a third card is dealt to the banker's hand in accordance with the following:

Banker having	Draws when player's third card is	Stays when player's third card is
0, 1, 2	0, 1, 2, 3, 4, 5, 6, 7	
3	0, 1, 2, 3, 4, 5, 6, 7, 9	8
4	2, 3, 4, 5, 6, 7	0, 1, 8, 9
5	4, 5, 6, 7	0, 1, 2, 3, 8, 9

Banker having	Draws when player's third card is	Stays when player's third card is
6	6, 7	0, 1, 2, 3, 4, 5, 8, 9
7	Stands	Stands
8, 9	Natural stand	Natural stand

(g) *Announcement of result of round; collection and payment of wagers*.

(1) After each hand has received all the cards to which the hand is entitled pursuant to this section, the dealer shall announce the final point count of each hand indicating which hand has won the round. If the two hands have equal point counts, the dealer shall announce "tie hand." If the table is an EZ baccarat table and the point count of the banker's hand and player's hand result in a dragon 7 or a panda 8, the dealer shall announce "dragon 7" or "panda 8," as the case may be.

(2) After the result of the round is announced, the dealer first shall collect each losing wager. With the exception of an EZ baccarat table where no vigorish is collected, the dealer shall, in accordance with one of the following:

(i) starting at the highest numbered player position at which a winning wager is located and proceeding in descending order to each next highest number player position, first pay each winning wager and then, returning to the highest numbered player position at which a winning wager was located and proceeding in like order, mark or collect the vigorish owed by each player;

(ii) starting at the highest numbered player position at which a winning wager is located and proceeding in descending order to each next highest numbered player position, first mark or collect the vigorish owed by each player and then, returning to the highest player position at which a winning wager is located and proceeding in like order, pay each winning wager;

(iii) starting at the highest numbered player position at which a winning wager is located, pay such player's winning wager and immediately thereafter mark or collect the vigorish owed by such player and then, proceeding in descending order to the next highest number player position at which a winning wager is located, repeat this procedure until each winning wager is paid and the vigorish owed by each player is either marked or collected; or

(iv) starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by such player's winning wager and then, proceeding in descending order to the next highest player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(3) The gaming facility may use any the procedures set forth in paragraph (2) of this subdivision on any baccarat table; provided, however, that the same procedure shall be used for all baccarat tables located within the same gaming pit.

(h) *Continuation of curator as such; selection of new curator*.

(1) It shall be the option of the curator, after any round of play, either to pass the shoe or remain as curator except that:

(i) the curator shall pass the shoe whenever the banker's hand loses; and

(ii) the dealer or floorperson assigned to the table may order the curator to pass the shoe if the curator unreasonably delays the game, repeatedly makes invalid deals or violates this section.

(2) Whenever a voluntary or compulsory relinquishment of the shoe occurs, the dealer shall offer the shoe to the player immediately to the right of the previous curator and, if such player does not accept the shoe or there is no player in that position, the dealer shall offer the shoe to each of the other players, in turn, counter-clockwise around the table. The first player to accept the shoe when offered shall become the new curator. If no player accepts the cards, the dealer shall turn the cards over and place the cards on the designated areas of the layout.

(i) *Irregularities*.

(1) A card found face up in the shoe shall not be used as the first card of the next hand of play. If the card has been disclosed, the dealer either shall:

(i) remove the first card from the shoe and place such card face up and then remove an additional amount of cards equal to the value of the first card drawn and burn those cards. For purposes of this subparagraph, face cards and 10s count as 10 and aces count as 1; or

(ii) choose to deal a complete hand in accordance with subdivision (f) of this section that no player shall wager upon.

(2) A card drawn in excess from the shoe, if not disclosed, shall be used as the first card of the next hand of play. If the card has been disclosed, the discard procedures described in paragraph (1) of this subdivision shall be implemented.

(3) A third card dealt to the player's hand when no third card is authorized pursuant to this section shall become the third card of the banker's hand if the banker's hand is obligated to draw. If, in such circumstances, the banker's hand is required to stay, the card dealt in error shall become the first card of the next hand unless such card has been disclosed. In such case, the disclosed card and an additional number of cards

equal to the value of such card shall be drawn face up from the shoe and placed in the discard rack.

(4) If there are insufficient cards remaining in the shoe to complete a round of play, that round shall be void and a new round shall commence after a new shuffle is completed.

§ 5324.21. Mini and midi baccarat.

(a) *Equipment and layout*.

(1) Mini and midi baccarat shall be played at a table having on one side positions for the players and on the opposite side a place for the dealer.

(2) A layout for a mini and midi baccarat table shall contain, at a minimum:

(i) the name and/or logo of the gaming facility;

(ii) numbered areas that correspond to the seat numbers for the purpose of marking vigorish;

(iii) an area designated for the placement of cards for the player's hand and banker's hand;

(iv) separate areas designated for placement of wagers by each player on the banker's hand, player's hand and tie hand;

(v) the payout odds for all permissible wagers offered by the gaming facility unless there is a sign posted pursuant to section 5323.12 of this Subchapter;

(vi) if the gaming facility offers the dragon bonus wager, a separate area for each player designated for the placement of the dragon bonus wager; and

(vii) if a gaming facility offers EZ baccarat in which vigorish is not collected:

(*a*) separate areas designated for the placement of the dragon 7 insurance wager for each player;

(*b*) separate areas designated for the placement of the panda 8 insurance wager,

(*c*) inscriptions that advise players that a wager on the banker's hand that results in a dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each mini and midi baccarat table; and

(*d*) if lammers are used for the purpose of marking vigorish, the lammers shall be placed in the chip rack or in a separate rack designed for the purpose of storing lammers. If a separate rack is used, the rack shall be placed in front of the chip rack during gaming activity.

(3) A dealing shoe.

(4) Cards; number of decks; value; point count of hand.

(i) Mini and midi baccarat shall be played with at least six decks of cards and two additional cover cards. The cover cards shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards.

(ii) The value of the cards in each deck shall be as follows:

(*a*) any card from 2 to 9 shall have its face value;

(*b*) any 10, jack, queen or king shall have a value of 0; and

(*c*) any ace shall have a value of 1.

(iii) The point count of a hand shall be a single digit number from 0 to 9 inclusive and shall be determined by totaling the value of the cards in the hand. If the total of the cards in a hand is a two-digit number, the left digit of such number shall be discarded having no value and the right digit shall constitute the point count of the hand.

(iv) If an automated card shuffling device is used, mini and midi baccarat shall be played with two sets of at least six decks of cards in accordance with the following:

(*a*) the cards shall be separated into two batches, with an equal number of decks included in each batch;

(*b*) the backs of the cards in each batch shall be of the same color and design, but of a different color than the cards included in the other batch;

(*c*) one batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being dealt or used to play the game;

(*d*) both batches of cards shall be alternated continuously in and out of play, with each batch being used for every other dealing shoe; and

(*e*) the cards from only one batch shall be placed in the discard rack at any given time.

(5) For midi baccarat only, a table shall have a form of discard rack on the dealer's side of the table.

(b) *Types of wagers*.

(1) The following wagers shall be permitted to be made by a player at the game of mini and midi baccarat:

(i) A wager on the banker's hand that shall:

(*a*) win if the banker's hand has a point count higher than that of the player's hand unless the game is EZ baccarat and the hand results in a dragon 7;

(*b*) lose if the banker's hand has a point count lower than that of the player's hand; or

(*c*) either be a push or, if the gaming facility so charges, be charged a vigorish equal to 25 percent of the wager, if the point count of the banker's hand and the player's hand are equal or if the game is EZ baccarat and the hand results in a dragon 7.

(ii) A wager on the player's hand that shall:

(*a*) win if the player's hand has a point count higher than that of the banker's hand and if EZ baccarat is being played and the point counts of the player's hand and the dealer's hand result in a panda 8;

(*b*) lose if the player's hand has a point count lower than that of the banker's hand; or

(*c*) be a push if the point count of the banker's hand and the player's hand are equal.

(iii) A tie bet that shall win if the point counts of the banker's hand and the player's hand are equal and shall lose if such point counts are not equal.

(iv) The gaming facility may offer each player at the table the opportunity to make an optional bonus wager on either or both the player's hand and banker's hand and an optional dragon bonus wager, which a player may make on the player's hand, which shall:

(*a*) win if the selected hand is a natural and the other hand is not a natural, the selected hand is a natural 9 and the other hand is a natural 8 or the selected hand is not a natural and has a point count that exceeds the point count of the other hand by four or more points;

(*b*) lose if the selected hand is a natural 8 and the other hand is a natural 9, or the selected hand is not a natural and has a point count less than or equal to the point count of the other hand or has a point count that exceeds the point count of the other hand by three or fewer points; or

(*c*) be void if the selected hand is a natural and the other hand is a natural of equal point count.

(v) A dragon 7 insurance wager, if the table is an EZ baccarat table, shall:

(*a)* win if the point counts of the banker's hand and the player's hand result in a dragon 7; or

(*b*) lose if the point counts of the banker's hand and the player's hand do not result in a dragon 7.

(vi) A panda 8 insurance wager, if the table is designated for play as an EZ baccarat table, shall:

(*a*) win if the point counts of the player's hand and the banker's hand result in a panda 8; or

(*b*) lose if the point counts of the player's hand and the banker's hand do not result in a panda 8.

(2) All wagers at mini and mini baccarat shall be made by placing chips, plaques and, if applicable, a table game promotional coupon on the appropriate areas of the mini baccarat layout.

(3) No wager at mini and midi baccarat shall be made, increased or withdrawn after the dealer has announced "no more bets."

(4) Once the first card of any hand has been removed from the shoe by the dealer, no player shall handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to such wager.

(c) *Payout odds; vigorish*.

(1) A winning wager made on the player's hand shall be paid by the gaming facility at odds no less than 1:1.

(2) A winning tie bet shall be paid by the gaming facility at odds no less than 8:1.

(3) Except as otherwise provided in paragraphs (4) and (6) of this subdivision, a winning wager made on the banker's hand shall be paid by the gaming facility at odds

no less than 1:1, except that the gaming facility shall extract a vigorish from the winning player in an amount equal to either four or five percent of the amount won.

(i) When collecting the vigorish, the gaming facility may round off the vigorish to five cents or the next highest multiple of five cents.

(ii) A gaming facility may collect the vigorish from a player at the time the winning payout is made or may defer collection to a later time; provided, however, that all outstanding vigorish shall be collected prior to reshuffling the cards. The amount of any vigorish not collected at the time of the winning payouts shall be evidenced by the placing of a coin or lammer containing the amount of the vigorish owed in a rectangular space in front of the dealer on the layout imprinted with the number of the player owing such vigorish. The coin or lammer shall not be removed from the layout and play shall not resume until the vigorish owed is collected.

(4) A gaming facility may charge every patron at a mini and midi baccarat table a vigorish equal to 25 percent of the player's wager on the banker’s hand if the point counts of the banker’s hand and the player’s hand are equal. The vigorish authorized by this subdivision shall be collected at the end of the round of play and prior to any cards being dealt for the next round of play.

(5) A gaming facility shall provide notice to the player and the commission of any change in the type of vigorish being charged or increase in the percentage of vigorish being charged at each mini and midi baccarat table. The type and percentage of vigorish charged at a mini and midi baccarat table shall apply to all players at that table and to each table of mini and midi baccarat.

(6) Notwithstanding paragraphs (3) through (5) of this subdivision, the gaming facility may pay a winning wager made on the banker’s hand at odds no less than 1:1 and not collect any vigorish from the winning player provided that any winning wager on a banker’s hand that has a point count of 6 shall be paid by the gaming facility at odds no less than 1:2. If the gaming facility elects to offer the no vigorish variation of mini and midi baccarat, the facility shall post such notice in a manner approved by the commission.

(7) A gaming facility shall pay a winning dragon bonus wager in accordance with one of the following pay tables. The gaming facility may change the pay table used following the conclusion of a round of play, provided that prior notice has been provided to the commission.

Bonus wager	Pay table A	Pay table B	Pay table C
Natural tie	Push	Push	Push
Natural winner	1:1	1:1	1:1
Win by 4 points	1:1	1:1	2:1

Bonus wager	Pay table A	Pay table B	Pay table C
Win by 5 points	2:1	3:1	2:1
Win by 6 points	4:1	4:1	4:1
Win by 7 points	6:1	7:1	4:1
Win by 8 points	10:1	8:1	10:1
Win by 9 points	30:1	20:1	30:1

(8) A winning dragon 7 insurance wager shall be paid at odds no less than 40:1.

(9) A winning panda 8 insurance wager, as described in subparagraph (iv) of paragraph (1) of subdivision (b) of this section, shall be paid at odds of 25 to 1.

(d) *Opening of table for gaming*. After receiving the six or more decks of cards at the table, unless the cards have been pre-shuffled and pre-inspected according to the requirements set forth in section 5322.16 of this Subchapter, the dealer shall shuffle and inspect each deck of cards as required in subdivision (c) of section 5322.15 of this Subchapter.

(e) *Preparing the cards for play*. Prior to commencement of play, the dealer shall remove the first card from the shoe and place such card face up and then remove an additional number of cards equal to the value of the first card drawn and burn those cards. For purposes of this subdivision, face cards and 10s count as 10 and aces count as 1.

(f) *Hands of player and banker; procedure for dealing initial two cards to each hand*.

(1) There shall be two hands dealt in the game of mini and midi baccarat. One shall be designated the player's hand and the other designated the banker's hand.

(2) At the commencement of each round of play, the dealer calling the game shall announce "no more bets."

(3) The dealer shall deal an initial four cards from the shoe. The first and third cards dealt shall constitute the first and second cards of the player's hand. The second and fourth cards dealt shall constitute the first and second cards of the banker's hand. The gaming facility may deal the initial four cards in accordance with this paragraph.

(i) Mini baccarat.

(*a*) The dealer shall remove cards from the shoe with the dealer's left hand, turn the cards face up and then place the cards on the appropriate area of the layout with the dealer's right hand. The first and third cards dealt shall be placed on the area designated for the player's hand and the second and fourth cards dealt shall be placed on the area designated for the banker's hand.

(*b*) The first and third cards dealt shall be placed face down on the area designated for the player's hand and the second and fourth cards dealt shall

be placed face down underneath the right corner of the dealing shoe until the player's hand is called, at which time the second and fourth cards shall be turned face up and placed on the area designated for the banker's hand.

(*c*) If a third card is required to be dealt to the player's hand, the card shall be placed face up on the area designated for the player's hand.

(*d*) If a third card is required to be dealt to the banker's hand, the card shall be placed face up on the area designated for the banker's hand.

(*e*) Under no circumstances may the players touch, handle, remove or alter any cards used to play mini baccarat.

(ii) Midi baccarat.

(*a*) The first and third cards dealt shall be placed face down on the area designated for the player's hand and the second and fourth cards dealt shall be placed face down on the area designated for the banker's hand. After all four cards have been dealt, the dealer shall place the banker's hand underneath the right corner of the dealing shoe until the player's hand is called.

(*b*) The dealer shall then hand the two cards of the player's hand, face down, to the player with the highest wager on the player's hand. After viewing the player's hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the player's hand and announce the point count of the player's hand.

(*c*) The dealer shall then hand the two cards of the banker's hand, face down, to the player with the highest wager on the banker's hand. After viewing the banker's hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the banker's hand and announce the point count of the banker's hand.

(*d*) Any third card required to be dealt to the player's hand shall be placed face down on the area designated for the player's hand. The dealer shall then hand the card, face down, to the player who was handed and returned the player's hand. After viewing the card, the player shall return the card face up to the dealer, who shall place the card face up on the area designated for the player's hand.

(*e*) Any third card required to be dealt to the banker's hand shall be placed face down on the area designated for the banker's hand. The dealer shall then hand the card, face down, to the player who was handed and returned the banker's hand. After viewing the card, the player shall return the card face up to the

dealer, who shall place the card face up on the area designated for the banker's hand.

(*f*) If two or more players offer to wager an equally high amount on the player's hand, the player making such wager who is closest to the dealer moving counter-clockwise around the table shall be handed the player's hand and any third card required to be dealt. If two or more players offer to wager an equally high amount on the banker's hand, the player making such wager who is closest to the dealer moving counter-clockwise around the table shall be handed the banker's hand and any third card required to be dealt.

(*g*) If a player unreasonably delays the game, the dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards.

(*1*) If the voluntary or compulsory relinquishment of a patron's right to turn over the player's cards occurs, the dealer shall offer the right to the player immediately to the right of the previous player.

(*2*) The dealer shall offer this right to the next player in turn, moving counterclockwise around the table for the remainder of that round of play.

(*3*) The dealer shall turn the cards over and place the cards on the designated areas of the layout if:

(*i*) there is not a player in the position described in clauses (*b*) and (*c*) of subparagraph (ii) of paragraph (3) of this subdivision; or

(*ii*) no player accepts the cards.

(g) *Procedure for dealing of additional cards*. After the dealer positions the cards, the dealer shall announce the point count of the player's hand and then the banker's hand.

(1) Mini baccarat.

(i) If a third card is required to be dealt to the player's hand, the card shall be placed face up on the area designated for the player's hand.

(ii) If a third card is required to be dealt to the banker's hand, the card shall be placed face up on the area designated for the banker's hand.

(2) Midi baccarat.

(i) The dealer shall hand the additional card, face down, to the player with the highest wager who was handed the card.

(ii) After viewing the additional card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the player's hand.

(iii) If a third card is required to be dealt to the banker's hand, the card shall be placed face down on the area designated for the banker's hand.

(iv) The dealer shall hand the additional card, face down, to the player who was handed and returned the banker's hand.

(v) After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the banker's hand.

(h) *Rules for determining whether a third card shall be dealt*.

(1) If the point count of either the player's hand or the banker's hand after the initial two cards are dealt to each is a natural, no more cards shall be dealt to either hand.

(2) If the point count of the banker's hand on the first two cards is 0 to 7 inclusive, the player's hand shall draw or stay in accordance with the following:

Player	Third-card determination
0 to 5	Draws
6 to 9	Stays

(3) If the point count of the player's hand on the first two cards is 6 or 7 (*i.e.*, player stands), the banker's hand always shall draw on totals of 0, 1, 2, 3, 4 and 5 and stand on totals 6, 7, 8 or 9.

(4) The total of the initial two cards dealt to the banker's hand along with the third card dealt to the player's hand determines if a third card is dealt to the banker's hand in accordance with the following:

Banker having	Draws when player's third card is	Does not draw when player's third card is
0, 1, 2	0	
3	0, 1, 2, 3, 4, 5, 6, 7, 9	8
4	2, 3, 4, 5, 6, 7	0, 1, 8, 9
5	4, 5, 6, 7	0, 1, 2, 3, 8, 9
6	6, 7	0, 1, 2, 3, 4, 5, 8, 9
7	Stands	Stands
8, 9	Natural stand	Natural stand

(i) *Announcement of result of round; payment and collection of wagers*.

(1) After each hand has received all the cards to which such hand is entitled, the dealer shall announce the final point count of each hand, indicating which hand has won the round. If two hands have equal point counts, the dealer shall announce “tie hand.” If the table is an EZ baccarat table and the point count of the banker’s hand and player’s hand result in a dragon 7 or a panda 8, the dealer shall announce “dragon 7” or “panda 8.”

(2) After the result of the round is announced, the dealer responsible for the wagers on the table first shall collect each losing wager. With the exception of an EZ baccarat table where no vigorish is collected, the dealer shall, in accordance with one of the following:

(i) starting at the highest numbered player position at which a winning wager is located and proceeding in descending order to each next highest numbered player position, first pay each winning wager and then, returning to the highest numbered player position at which a winning wager was located and proceeding in like order, mark or collect the vigorish owed by each player;

(ii) starting at the highest numbered player position at which a winning wager is located and proceeding in descending order to each next highest numbered player position, first mark or collect the vigorish owed by each player and then, returning to the highest numbered player position at which a winning wager is located and proceeding in like order, pay each winning wager;

(iii) starting at the highest numbered player position at which a winning wager is located, pay that player’s winning wager and immediately thereafter mark or collect the vigorish owed by that player and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until each winning wager is paid and the vigorish owed by each player is either marked or collected; or

(iv) starting at the highest numbered player position at which a winning wager is located, mark or collect the vigorish owed by that player and immediately thereafter pay that player’s winning wager and then, proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat this procedure until the vigorish owed by each player is either marked or collected and each winning wager is paid.

(3) A gaming facility may use the procedures set forth in paragraph (2) of this subdivision at any mini baccarat or midi baccarat table; provided, however, that:

(i) the same procedure shall be used for all mini baccarat or midi baccarat tables located within the same gaming pit; and

(ii) mini baccarat or midi baccarat tables located in a gaming pit that also contains a baccarat table shall use the baccarat procedure.

(4) At the conclusion of a round of play, the dealer shall pick up all cards on the layout and placed such cards in the discard rack, in order and in such a way that the cards can be arranged readily to indicate the player's hand and the banker's hand, in case of a question or dispute.

(5) No player or spectator shall handle, remove or alter any cards used to game at mini baccarat and no dealer or other gaming facility employee shall permit a player or spectator to engage in such activity.

(j) *Irregularities*. Irregularities in mini baccarat and midi baccarat shall be treated the same as irregularities in the game of baccarat as set forth in subdivision (i) of section 5318.21 of this Part.

§ 5324.22. Casino war.

(a) Casino war shall be played at a table having on one side betting positions for no more than seven players and on the opposite side a place for the dealer.

(b) The layout for a casino war table shall contain, at a minimum:

(1) the name and/or logo of the gaming facility;

(2) a separate designated betting area at each betting position for the placement of initial and war wagers;

(3) a separate designated betting area for the placement of tie wagers; and

(4) the payout odds for a tie wager and war wager.

(c) Casino war shall be played with six, seven or eight decks of cards with backs of the same color and design. Each deck of cards shall consist of 52 cards. The game of casino war shall also require one additional cover card of a color that is readily distinguishable from the backs of the cards used to play the game.

(d) All cards used in casino war shall be dealt from a manual dealing shoe.

(e) Nothing in this section shall preclude a gaming facility from using an additional cover card or similar object to conceal the last card of the stack of cards to be placed in the dealing shoe.

(f) The rank of the cards used in casino war, for the purpose of determining a winning hand, shall be, in order from the highest to lowest rank: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. The suit of a card shall have no effect on such card's rank.

(g) *Wagers*.

(1) All wagers at casino war shall be made by placing chips or plaques and, if applicable, table game promotional coupons on the appropriate betting area of the casino war layout. A verbal wager accompanied by cash shall not be accepted at the game of casino war.

(2) Except as provided in paragraph (5) of subdivision (i) of this section, all wagers at casino war shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures set forth in subdivision (i) of this section. Once a wager has been placed, no player shall handle, remove or alter the wager unless and until the dealer indicates that the wager has been decided in the player’s favor as provided in this subsection.

(h) *Procedure for dealing the cards*.

(1) Prior to starting the first round of play, the dealer shall remove the first card from the shoe face down and, without revealing such card’s rank to anyone, place such card in the discard rack. Each new dealer who comes to the table also shall discard one burn card before dealing any cards in a round of play.

(2) Prior to dealing any cards, the dealer shall announce “no more bets.” Each card shall be removed from the dealing shoe with the left hand of the dealer and placed face up on the appropriate area of the layout with the right hand of the dealer.

(3) The dealer shall, starting with the player farthest to the dealer’s left and continuing in a clockwise manner, deal the cards as follows:

(i) one card face up to each player who has placed an initial wager in accordance with subdivision (b) of this section;

(ii) one card face up to the dealer; and

(iii) If a card is not dealt to a player’s initial wager or tie wager in the original deal, the wager shall be void and the player shall be included in the next round of play.

(4) Whenever the cover card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed, after which the cards shall be re-shuffled.

(5) No player shall touch any card used in the game of casino war other than the cover card.

(i) *Procedures for completion of each round of play; collection and payment of wagers*.

(1) After the dealing is complete, the dealer shall, beginning from the dealer's left and proceeding around the table in a clockwise direction, compare the rank of each player's card with that of the dealer's card and settle all initial and tie wagers.

(i) If a player's card is lower in rank than the dealer's card, the player shall lose such player's initial wager and, if applicable, tie wager.

(ii) If a player's card is higher in rank than the dealer's card, the player shall win such player's initial wager and, if applicable, lose such player's tie wager.

(iii) If the player's card and the dealer's card are of equal rank (a tie hand), the player shall be afforded the options specified in paragraph (3) of this subdivision as to such player's initial wager and, if applicable, win such player's tie wager.

(2) All losing initial wagers and tie wagers shall be collected by the dealer and placed in the chip tray. All winning initial wagers and tie wagers shall be paid by the dealer in accordance with the payout odds provided in subdivision (j) of this section.

(3) If a player has a tie hand, the player shall be offered one of the following options:

(i) the player may surrender one-half of such player's initial wager and end such player's participation in that round of play. If a player selects this option, the dealer shall collect one-half of the player's initial wager and place it in the chip tray. The dealer shall return the remaining one half of the initial wager to the player. The dealer shall then proceed around the table in a clockwise direction, repeating the process for each player with a tie hand who selects this option; or

(ii) the player may surrender such player's entire initial wager and place a war wager pursuant to paragraph (5) of this subdivision.

(4) After settling all initial wagers and tie wagers on the original deal, the dealer shall collect the cards of all players except for the cards of those players with a tie hand who have elected to go to war. The collected cards shall be placed in the discard rack in a manner that permits the reconstruction of each hand of the original deal in case of a question or dispute.

(5) If any player elects to make a war wager upon the occurrence of a tie hand, the dealer shall confirm the placement of the war wager and collect the full amount of the player's initial wager and place such wager in the chip tray. The player's card and the dealer's card from the original deal shall remain exposed during the war deal. The dealer shall offer any player who has elected to go to war the opportunity to place a tie wager on the war deal.

(i) The war deal shall begin with the dealer discarding three burn cards and then dealing the next card face up to the player farthest to the dealer's left who has placed a war wager. The player's war deal card shall be placed on the table adjacent to the player's card from the original deal. The dealer shall then proceed around the table in a clockwise direction repeating the process for each player who has placed a war wager and the dealer.

(ii) After the dealing procedures have been completed, the dealer shall, beginning from the dealer's left and proceeding around the table in a clockwise direction, compare the rank of each player's card from the war deal to the dealer's card from the war deal and settle all war and tie wagers.

(*a*) If the player's card in the war deal is lower in rank than the dealer's card in the war deal, the player shall lose such player's war wager and, if applicable, tie wager.

(*b*) If the player's card in the war deal is higher in rank than the dealer's card in the war deal, the player shall win such player's war wager and, if applicable, lose such player's tie wager.

(*c*) If the player's card in the war deal and the dealer's card in the war deal are of equal rank, the initial wager shall be returned to the player and the player shall win the player's war wager and the player's tie wager, if applicable.

(iii) All losing war wagers and tie wagers shall be collected by the dealer and placed in the chip tray. All winning war wagers and tie wagers shall be paid in accordance with the payout odds posted. After the collection of all losing wagers and the payment of all winning wagers from the war deal, the dealer shall remove all remaining cards from the table and place such cards in the discard rack in a manner that permits the reconstruction of each hand of the war deal in case of a question or dispute.

(j) *Payout odds*. The gaming facility shall pay winning wagers at no less than the following odds:

(1) An initial wager shall be paid at 1:1.

(2) A tie wager shall be paid at 10:1.

(3) A war wager shall be paid at odds of 2:1, unless the war deal results in a tie hand, in which a case a war wager shall be paid at 3:1.

POKER GAMES

§ 5324.30 General provisions for poker-style games.

(a) *Equipment and layout*.

(1) Poker shall be played at a table having on one side positions for the players and on the opposite side a place for the dealer.

(2) The layout for a poker table shall include, at a minimum:

(i) the name and/or logo of the gaming facility;

(ii) designated areas for the placement of wagers, including a designated area for the placement of a progressive payout wager, if offered by the gaming facility; and

(iii) inscriptions describing the payout odds of permissible wagers offered by the gaming facility for each game. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers of the game shall be posed at each corresponding table.

(b) *Cards; number of decks.*

(1) Except as otherwise provided, poker games shall be played with one deck of cards with backs of the same color and design and one additional cover card. The cover card shall be a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the commission in writing. A gaming facility may in accordance with its approved system of internal controls use additional cover cards.

(2) In addition to the requirements set forth in subdivision (g) of section 5324.2 of this Part, when an automated card shuffling device is used, the gaming facility shall be permitted to use a second deck of cards to play the game, provided that:

(i) each deck of cards complies with the requirements of paragraph (1) of this subdivision;

(ii) the backs of the cards in the two decks are of different color;

(iii) one deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;

(iv) both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and

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

(c) *Counting the stub.*

(1) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards is 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.

(i) If the count of the stub indicates that 52, plus any jokers if applicable, cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(ii) 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 have been misdealt but 52 cards, plus any jokers, if applicable, remain in the deck, all hands shall be void. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table.

(2) Notwithstanding paragraph (1) of this subdivision, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52, plus any jokers, if applicable, cards are still present. If the automated card shuffling device reveals that an incorrect number of cards is present, the deck shall be removed from the table.

(d) If a player requests assistance in the setting of such player's hands, the dealer may inform the requesting player of the manner in which the gaming facility requires the hands of the dealer to be set as set forth in the gaming facility's approved system of internal controls. Once each player has set a hand and placed the cards face down on the appropriate area of the layout, the player shall not touch the cards again.

§ 5324.31. Three-card poker.

(a) *Equipment and layout*.

(1) Three-card poker shall be played at a table having betting positions for no more than nine players on one side of the table and a place for the dealer on the opposite side.

(2) In addition to the requirements of subdivision (a) of section 5324.30 of this Part, the layout for a three-card poker table shall contain, at a minimum:

(i) a separate designated betting area at each betting position for the placement of ante wagers;

(ii) a separate designated betting area located immediately behind each ante wager betting area from the dealer's perspective for the placement of play wagers;

(iii) a separate designated betting area located immediately in front of each ante wager betting area from the dealer's perspective for the placement of pair plus wagers;

(iv) inscriptions advising players of the payout odds for ante and player wagers, pair plus wagers and ante bonuses and an inscription indicating that "Dealer plays with queen high or better;" and

(v) in the event that the gaming facility elects to offer the side bonus provided for at paragraph (7) of subdivision (c) of this section, a separate designated betting area for the placement of six-card bonus wagers.

(b) *Three-card poker rankings*.

(1) The rank of the cards, 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 in this paragraph, an ace may be used to complete a straight flush or a straight with a 2 and 3.

(2) The permissible poker hands in the game of three-card poker, in order of highest to lowest rank, are:

(i) *straight flush*, a hand consisting of three cards of the same suit in consecutive ranking, with ace, king and queen being the highest straight flush and 3, 2 and ace being the lowest-ranking straight flush;

(ii) *three of a kind*, a hand consisting of three cards of the same rank, regardless of suit, with three aces being the highest-ranking three of a kind and three 2s being the lowest-ranking three of a kind;

(iii) *straight*, a hand consisting of three cards of consecutive rank, regardless of suit, with ace, king and queen being the highest-ranking straight and 3, 2 and ace being the lowest-ranking straight;

(iv) *flush*, a hand consisting of three cards of the same suit, regardless of rank; and

(v) *pair*, a hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest-ranking pair and two 2s being the lowest-ranking pair.

(3) When comparing two hands that are of identical poker hand rank pursuant to the provisions of paragraph (2) of this subdivision, or that contain none of the hands authorized in paragraph (2) of this subdivision, the hand that contains the highest-ranking card as provided in paragraph (1) of this subdivision that 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 subdivision, the hands shall be considered a push.

(c) *Wagers*.

(1) Types.

(i) A player may compete solely against the dealer by placing an ante wager in an amount within the posted minimum and maximum wagers and then placing a player wager in an equal amount.

(ii) A player may compete solely against a posted payout ledger by placing a pair plus wager, which wager may be in any amount within the posted minimum and maximum wagers.

(iii) A player may compete against both the dealer and the posted payout ledger by placing wagers in accordance with the requirements of subparagraphs (i) and (ii) of this paragraph.

(2) All wagers at three-card poker shall be made by placing chips or plaques and, if applicable, table game promotional coupons on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.

(3) Only players who are seated at a three-card poker table may 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.

(4) All ante wagers and pair plus wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in subdivision (d) of this section. No wager shall be made, increased or withdrawn after the dealer has announced "no more bets."

(5) The gaming facility may permit a player to place wagers at two betting positions during a round of play provided that the two betting positions are adjacent to each other.

(6) Notwithstanding paragraph (1) of this subdivision, the gaming facility may offer a version of the game of three-card poker requiring:

(i) as a precondition to the placement of a pair plus wager, the placement of an ante wager in an amount at least equal to the pair plus wager;

(ii) as a precondition to the placement of a pair plus wager, the placement of an ante wager in an amount at least equal to one-half the pair plus wager; or

(iii) the compulsory placement of an ante wager and a pair plus wager, provided that one wager may be placed in an amount up to a maximum of five times the amount of the other wager without regard to which wager is the greater of the two.

(7) The gaming facility may give each player who makes a pair plus wager the option to make a side wager known as a six-card bonus wager. Prior to the first card being dealt for each round of play, a player who has made a pair-plus wager may make a six-card bonus wager by placing chips, plaques or, if applicable, table game promotional coupons on the designated betting area at such player's betting position. The dealer shall then announce "no more bets" and deal the hand to all players. A six-card bonus wager shall have no bearing upon the outcome of any other wager made by a player at the game of three-card poker and no other wager made by a player at the game of three-card poker shall have any bearing upon the outcome of a six-card bonus wager made by a player. A six-card bonus wager shall win if the three cards dealt to the player and the three cards dealt to the dealer during that round of play may be used to form one of the following five-card poker hands, listed in order of highest to lowest rank:

(i) *royal flush*, a hand consisting of an ace, king, queen, jack and 10, all of the same suit;

(ii) *straight flush*, a hand consisting of five cards all of the same suit and in consecutive ranking;

(iii) *four of a kind*, a hand consisting of four cards all of the same rank, regardless of suit;

(iv) *full house,* a hand consisting of a three of a kind and a pair.

(v) *flush*, a hand consisting of five cards of the same suit, regardless of rank;

(vi) *straight,* a hand consisting of five cards of consecutive rank, regardless of suit; and

(vii) *three of a kind*, a hand consisting of three cards of the same rank, regardless of suit.

(d) *Procedures for dealing the cards*. In addition to the requirements set forth in subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards as follows:

(1) If using a manual dealing shoe or dealing from the hand, the dealer shall, starting with the player farthest to the dealer's left and continuing clockwise around the table, deal one card at a time to each player who has placed a required wager and deal to the dealer until every player who placed a wager and the dealer each have three cards. All cards shall be dealt face down.

(2) If using an automated dealing shoe, the shoe shall dispense cards in stacks of three cards. The dealer shall, starting with the player farthest to the dealer's left and continuing clockwise around the table, deliver one stack of cards as dispensed by the

automated dealing shoe face down to each player who has placed a required wager. The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the dealer's cards.

(3) If the gaming facility elects to use a cover card for the purpose of concealing from the players' view the face of the dealer's bottom card, the dealer shall first place a cover card into the automated dealing shoe under the dealer's three cards or place the cover card on the layout next to the automated dealing shoe and place the dealer's cards immediately on top of the cover card as such cards are removed from the shoe.

(e) *Procedures for completion of each round of play*.

(1) After the dealing procedures required by subdivision (d) of this section have been completed, each player may examine such player's cards.

(2) Each player who has placed an ante wager, after an opportunity to examine such player's cards, shall have the option to either make a player wager in an amount equal to the player's ante wager or forfeit the ante wager and end such player's participation in the round of play. The dealer shall offer this option to each player, starting with the player farthest to the left of the dealer and moving clockwise around the table in order. If a player has placed an ante wager and a pair-plus wager but does not make a player wager, the player shall forfeit both the ante wager and the pair-plus wager. After each player has either placed a wager on the table in the player wager area or forfeited such player's wager and hand, the dealer shall collect all forfeited wagers and associated cards, placing the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking hand. The dealer shall then, starting with the player farthest to the dealer's right whose hand is still active, reveal the three-card hand of each player.

(3) After all losing wagers have been collected, all winning wagers shall be paid. All winning hands shall remain face up on the layout until all winning wagers have been paid by the dealer. Each winning wager that remains on the table shall be paid in accordance with the payout odds listed in subdivision (f) of this section.

(i) The dealer shall pay all winning wagers beginning with the player farthest to the right of the dealer and continuing counter-clockwise around the table.

(ii) After paying all winning wagers, the dealer shall immediately collect the cards of all players and the dealer and place such cards in the discard rack.

(f) *Payout odds*.

(1) The following are the four payout types:

(i) A player in competition against the dealer shall be paid at no less than odds of 1:1 on both the ante wager and the player wager if the player's hand is ranked

higher than the dealer's hand. Notwithstanding the foregoing, if the dealer does not hold a hand with a queen-high-or-better rank, the ante wager automatically shall be paid at no less than odds of 1:1 and the player wager shall be returned to the player.

(ii) The gaming facility shall select one of the following pay tables to pay winning pair plus wagers:

Hand	Pay table A	Pay table B	Pay table C	Pay table D	Pay table E	Pay table F	Pay table G
Pair	1:1	1:1	1:1	1:1	1:1	1:1	1:1
Flush	4:1	4:1	3:1	4:1	3:1	4:1	4:1
Straight	6:1	6:1	5:1	5:1	6:1	6:1	6:1
Three of a kind	30:1	33:1	25:1	30:1	30:1	30:1	25:1
Straight flush	35:1	35:1	35:1	40:1	40:1	40:1	40:1

(iii) A player placing an ante wager and a player wager shall be paid a bonus at no less than the following odds if the player's hand consists of the following:

Hand	Payout
Straight	1:1
Three of a kind	4:1
Straight flush	5:1

In the event that a gaming facility offers a version of three-card poker that offers pair plus payout odds in accordance with subparagraph (ii) of this paragraph, a player placing an ante wager and player wager may be paid an ante bonus at no less than the following odds if the player's hand consists of the following:

Hand	Payout
Straight	1:1
Three of a kind	5:1
Straight flush	6:1

(2) In the event that a player has placed a six-card bonus wager pursuant to paragraph (7) of subdivision (c) of this section, such player shall be paid for the highest-ranking five-card poker hand that can be formed with the cards of the player and the dealer in accordance with one of the following pay tables selected by the gaming facility:

(i) For the version requiring the player to place a pair plus wager:

Hand	Pay table A	Pay table B	Pay table C	Pay table D
Three of a kind	5:1	5:1	8:1	7:1

Hand	Pay table A	Pay table B	Pay table C	Pay table D
Straight	10:1	10:1	9:1	10:1
Flush	20:1	15:1	15:1	15:1
Full house	25:1	25:1	20:1	20:1
Four of a kind	50:1	50:1	100:1	100:1
Straight flush	200:1	200:1	200:1	200:1
Royal flush	1000:1	1000:1	1000:1	1000:1

(ii) For the version requiring a player to place both an ante wager and pair plus wager:

Hand	Pay table A	Pay table B	Pay table C	Pay table D	Pay table E
Six-card diamond royal flush					$1,000,000
Six-card heart, spade, or club royal flush					$100,000
Three of a kind	5:1	5:1	8:1	7:1	5:1
Five-card straight	10:1	10:1	9:1	10:1	10:1
Five-card flush	20:1	15:1	15:1	15:1	15:1
Five-card full house	25:1	25:1	20:1	20:1	20:1
Four of a kind	50:1	50:1	100:1	100:1	100:1
Five-card straight flush	200:1	200:1	200:1	200:1	200:1
Five-card royal flush	1000:1	1000:1	1000:1	1000:1	200:1

§ 5324.32. Crazy 4 poker.

(a) *Equipment and layout*.

(1) Crazy 4 poker shall be played at a table having on one side betting positions for no more than six players and on the opposite side a place for the dealer.

(2) In addition to the requirements of subdivision (a) of 5324.30 of this Part, the layout for a crazy 4 poker table shall contain, at a minimum, the elements set forth in this paragraph.

(i) Four separate betting areas designated for the placement of the ante, play, super bonus and queens up wagers for each player. The super bonus betting area

shall be located to the right of the ante wager betting area and be separated by an ‘‘=’’ symbol.

(ii) If the gaming facility offers the optional progressive payout wager, a separate area designated for the placement of the progressive payout wager for each player.

(iii) Inscriptions that advise players of the following:

(*a*) the best four-card hand plays;

(*b*) the dealer qualifies with a king or better;

(c) a player who has a pair of aces or better may place a play wager in an amount up to three times the player’s ante wager; and

(*d*) the player’s super bonus wager shall be returned if the player beats or ties the dealer with a hand that is not a straight or better.

(iv) If the information in paragraph (2) of this subdivision is not on the layout, a sign that sets forth the required information shall be posted at each crazy 4 poker table.

(3) If a gaming facility offers a progressive payout wager, the crazy 4 poker table shall have a progressive table game system for the placement of progressive payout wagers in accordance with the requirements of subdivision (l) of section 5324.2 of this Part.

(b) *Crazy 4 poker rankings*.

(1) The rank of the cards used in crazy 4 poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2.

(2) The permissible poker hands in the game of crazy 4 poker, in order of highest to lowest rank, are:

(i) *four of a kind,* 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.

(ii) *straight flush,* a hand consisting of four cards of the same suit in consecutive ranking, with an ace, king, queen and jack being the highest-ranking straight flush and an ace, 2, 3 and 4 being the lowest-ranking straight flush.

(iii) *three of a kind*, 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.

(iv) *flush*, a hand consisting of four cards of the same suit, regardless of rank.

(v) *straight*, a hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen and jack being the highest-ranking straight and an ace, 2, 3 and 4 being the lowest-ranking straight; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, 2);

(vi) *two pairs*, a hand consisting of two pairs with two aces and two kings being the highest-ranking two pairs and two 3s and two 2s being the lowest-ranking two pairs; and

(vii) *pair*, 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.

(3) When comparing two poker hands that are of identical rank under this subdivision, or that contain none of the hands listed in paragraph (2) of this subdivision, the hand that contains the highest-ranking card as provided in paragraph (1) of this subdivision, which is not in the other hand, shall be considered the higher-ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

(c) *Wagers***.**

(1) Wagers at crazy 4 poker shall be made by placing chips, plaques or table game promotional coupons on the appropriate areas of the table layout.

(2) Only players who are seated at a crazy 4 poker table may 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.

(3) All wagers, except the play wager, shall be placed prior to the dealer announcing “no more bets.” A wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(4) Wagers in the game of crazy 4 poker.

(i) A player shall compete against the dealer’s four-card poker hand by placing both an ante wager and a super bonus wager in equal amounts, than a play wager;

(ii) In addition to the ante and super bonus wagers, a player may compete against a posted pay table by placing a queens up wager; and

(iii) A gaming facility may, if set forth in such gaming facility's approved system of internal controls, offer to each player at crazy 4 poker table the option to make a side progressive payout wager that the player shall receive a progressive payout hand. After placing the ante and super bonus wagers, a player may make the side progressive payout 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.

(5) A player may not wager on more than one player position at a crazy 4 poker table.

(d) *Procedure for dealing the cards*. In addition to subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards as follows:

(1) If using a manual dealing shoe or dealing from the hand, the dealer shall, starting with the player farthest to the dealer's left and continuing clockwise around the table, deal one card at a time to each player who placed the required wagers and to the dealer until each player and the dealer have five cards.

(2) If using an automated dealing shoe, the automated dealing shoe shall dispense cards in stacks of five. The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager. 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 face down to each of the other players who has placed a wager. The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards.

(3) The gaming facility may allow the dealer to be dealt six cards rather than five in accordance with its approved system of internal controls.

(e) *Procedures for completion of each round of play*.

(1) After the dealing procedures have been completed, each player shall have the opportunity to examine such player's cards.

(2) After each player has had the opportunity to examine such player's cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an ante and super bonus wager if the player wishes to forfeit the wagers and end such player's participation in the round of play or make a play wager in an amount equal to the player's ante wager. A player who has a pair of aces or better may place a play wager in an amount up to three times the player's ante wager. If a player:

(i) has placed ante, super bonus and queens up wagers but does not make a play wager, the player shall forfeit all three wagers; and

(ii) has placed ante, super bonus and a progressive payout wagers but does not make a play wager, the player shall forfeit all three wagers and but shall not forfeit the eligibility to receive an envy bonus.

(3) After each player who has placed an ante and super bonus wager has either placed a play wager on the designated area of the layout or forfeited the player's wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking four-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 and continuing around the table in a counterclockwise direction, complete the following for each player:

(i) the dealer shall turn the five cards of each player face up on the layout;

(ii) the dealer shall examine the cards of the player and form the highest possible ranking four-card poker hand for each player; and

(iii) if the dealer's highest-ranking four-card poker hand:

(*a*) is ranked lower than a king, the dealer shall return each player's ante wager and pay out the play and super bonus wagers made by the player. The player's super bonus wager shall be returned if the player's winning hand is not a straight or better;

(*b*) is a king or better, and the player's highest-ranking four-card poker hand is ranked:

(*1*) lower than the dealer's four-card poker hand, the dealer shall immediately collect the ante and play wagers but shall pay out the super bonus wager;

(*2*) higher than the dealer's four-card poker hand, the dealer shall pay the ante, play and super bonus wagers. The player's super bonus wager shall be returned if the player's winning hand is not a straight or better;

(*3*) is equal in rank to the dealer's four-card hand, the dealer shall return the ante and play wagers and pay out the super bonus wager. The player's super bonus wager shall be returned if the player's winning hand is not a straight or better;

(*4*) after settling the player's ante, play and super bonus wagers, the dealer shall settle a queens up wager by determining whether the player's four-

card poker hand qualifies for a payout. A winning queens up wager shall be paid without regard to whether the player's four-card poker hand outranks the dealer's hand; and

(*5*) after settling a player's ante, play, super bonus and queens up wagers, the dealer shall then settle the progressive payout wager, if offered by the gaming facility. A winning progressive payout wager shall be paid without regard to whether the player's hand outranks the dealer's hand. If a player 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; and

(*iii*) have a floorperson validate the progressive payout in accordance with the gaming facility's approved system of internal controls.

(4) Players making a progressive payout wager shall receive an envy bonus when another player at the same crazy 4 poker table is the holder of an envy bonus qualifying hand. Players are entitled to multiple envy bonuses if more than one other player is the holder of an envy bonus qualifying hand. A player is not entitled to an envy bonus for such player's hand or the hand of the dealer.

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

(f) *Payout odds; envy bonus; rate of progression*.

(1) A gaming facility shall pay each winning ante and play wagers at no less than odds of 1:1.

(2) A gaming facility shall pay the player bonus wager at no less than the following odds:

Hand	Payout
Straight	1:1
Flush	3:2
Three of a kind	2:1
Straight flush	15:1
Four of a kind, 2s through kings	30:1
Four aces	200:1

(3) A gaming facility shall select one of the following pay tables to pay out the queens up wager:

Hand	Pay table A	Pay table B	Pay table C	Pay table D
Pair of queens or better	1:1	1:1	1:1	1:1
Two pair	2:1	2:1	2:1	2:1
Straight	3:1	3:1	3:1	3:1
Flush	4:1	4:1	4:1	4:1
Three of a kind	9:1	8:1	8:1	7:1
Straight flush	30:1	40:1	30:1	40:1
Four of a kind	50:1	50:1	50:1	50:1

(4) A gaming facility shall select one of the following pay tables to pay out the progressive wager:

Hand	Pay table A	Pay table B
Three of a kind	9:1	15:1
Straight flush	100:1	100:1
Four of a kind	300:1	300:1
Four aces	100% of meter	100% of meter

(i) A player shall receive the payout for only the highest-ranking four-card poker hand formed.

(ii) The initial and reset amount of the progressive payout meter shall be in the gaming facility's system of internal controls and shall be at least $5,000 for pay table A and $1,000 for pay table B.

(iii) Envy bonus payouts shall be made according to the following payout schedules for envy bonus qualifying hands based upon the amount of the progressive payout wager placed by the player receiving the envy bonus:

(*a*) If the gaming facility selects pay table A from this paragraph, the payout shall be no less than:

Hand	$1 progressive payout wager
Four aces	$100
Four of a kind, 2s through kings	$10
Straight	$5

(*b*) If the gaming facility selects pay table B from this paragraph, the payout shall be no less than:

Hand	$1 progressive payout wager
Four aces	$100
Four of a kind, 2s through kings	$25

(*c*) Winning $5 progressive payout wagers shall be determined by multiplying the payout amounts listed in clauses (*a*) and (*b*) of this subparagraph by five.

§ 5324.33. Four-card poker.

(a) *Equipment and layout.*

(1) Four-card poker shall be played at a table having on one side betting positions for no more than seven players and on the opposite side a place for the dealer.

(2) In addition to the requirements of subdivision (a) of section 5324.30 of this Part, the layout for a four-card poker table shall contain, at a minimum:

(i) three separate betting areas designated for the placement of ante, play and aces up wagers for each player;

(ii) if the gaming facility offers the optional progressive payout wager, a separate area designated for the placement of the progressive payout wager for each player; and

(iii) if the gaming facility offers the optional six-card bonus wager, a separate area designated for the placement of the six-card bonus wager for each player.

(b) *Four-card poker rankings*.

(1) The rank of the cards used in four-card poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2.

(2) The permissible poker hands in the game of four-card poker, in order of highest to lowest rank, are:

(i) *four of a kind*, 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.

(ii) *straight flush*, a hand consisting of four cards of the same suit in consecutive ranking, with an ace, king, queen and jack being the highest-ranking straight flush and an ace, 2, 3 and 4 being the lowest-ranking straight flush.

(iii) *three of a kind*, 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.

(iv) *flush*, a hand consisting of four cards of the same suit, regardless of rank.

(v) *straight*, a hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen, and jack being the highest-ranking straight and an ace, 2, 3, and 4 being the lowest-ranking straight; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand;

(vi) *two pairs*, 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; and

(vii) *pair*, 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.

(3) If a gaming facility offers the optional six-card bonus wager, permissible poker hands, in order of highest to lowest rank, are:

(i) *royal flush*, a hand consisting of an ace, king, queen, jack and 10 of the same suit;

(ii) *straight flush*, a hand consisting of five cards of the same suit in consecutive ranking;

(iii) *four of a kind*, a hand consisting of four cards of the same rank, regardless of suit;

(iv) *full house*, a hand consisting of three-of-a-kind and a pair;

(v) *flush*, a hand consisting of five cards of the same suit;

(vi) *straight*, a hand consisting of five cards of consecutive rank, regardless of suit; and

(vii) *three of a kind*, a hand consisting of three cards of the same rank, regardless of suit.

(4) When comparing two poker hands that are of identical rank under this subdivision, or that contain none of the hands listed in paragraph (2) of this subdivision, the hand that contains the highest-ranking card as provided in paragraph (1) of this subdivision, which is not in the other hand, shall be considered the higher-ranking hand. If the

hands are of equal rank after the application of this section, the hands shall be considered a tie.

(c) *Wagers*.

(1) Wagers at four-card poker shall be made by placing chips, plaques or table game promotional coupons on the appropriate areas of the table layout.

(2) Only players who are seated at a four-card poker table may 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.

(3) All wagers, except the play wager, shall be placed prior to the dealer announcing "no more bets." A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(4) Wagers in the game of four-card poker.

(i) A player may compete solely against the dealer's four-card poker hand by placing an ante wager then a play wager, in an amount from one to three times the amount of the player's ante wager.

(ii) A player may compete solely against a posted pay table by placing an aces up wager.

(iii) A player may compete against both the dealer's four-card poker hand and the posted pay table by placing an ante wager and an aces up wager.

(iv) A gaming facility may offer to a player at a four-card poker table the option to make a side progressive payout wager that the player shall receive a progressive payout hand.

(*a*) After placing an ante wager or an aces up wager, or both, a player may make the side progressive payout wager by placing a chip on the designated area for a progressive wager.

(*b*) Each player shall be responsible for verifying that the player's respective progressive payout wager has been accepted.

(v) A gaming facility may offer to each player at a four-card poker table the option to make an side six-card-bonus wager that the one card dealt to the six-card bonus box and the five cards dealt to the player shall form a five-card poker hand with a rank of a three of a kind or better. After placing an ante wager and an aces up

wager, a player may make the side six-card bonus wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(d) *Procedure for dealing the cards*. In addition to subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards in accordance with this subdivision.

(1) If using a manual dealing shoe or dealing from the hand, the dealer shall, starting with the player farthest to the dealer's left and continuing clockwise around the table, deal one card at a time to each player who placed the required wagers and to the dealer until each player and the dealer has five cards.

(2) If using an automated dealing shoe, the shoe shall dispense stacks of five cards. The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager. 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 face down to each of the other players who has placed a wager. The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards.

(3) The gaming facility may allow the dealer to be dealt six cards rather than five, in accordance with its approved system of internal controls.

(e) *Procedures for completion of each round of play*.

(1) After the dealing procedures have been completed pursuant to subdivision (d) of this section, each player shall have the opportunity to examine such player's cards.

(2) After each player has had the opportunity to examine such player's cards and placed the cards face down on the layout, beginning with the player farthest to the dealer's left and moving clockwise around the table, the dealer shall ask each player who placed an ante wager if the player wishes to:

(i) make a play wager in an amount from one to three times the amount of the player's ante wager; or

(ii) forfeit the ante wager and end the player's participation in the round of play.

(3) If a player has placed an ante wager and:

(i) an aces up wager but does not make a play wager, the player shall forfeit the ante wager but may not forfeit the aces up wager;

(ii) a six-card bonus wager but does not make a play wager, the player shall forfeit the ante wager but may not forfeit the six-card bonus wager; or

(iii) a progressive payout wager but does not make a play pager, the player shall forfeit both the ante wager and the progressive payout wager, but may not forfeit the eligibility to receive an envy bonus.

(4) After each player who has placed an ante wager has either placed a play wager on the designated area of the layout or forfeited the player's wagers and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest-ranking poker hand possible. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete for each player the procedures set forth in subparagraphs (i) through (vi) of this paragraph.

(i) The dealer shall turn the five cards of each player face up on the layout.

(ii) The dealer shall examine the cards of the player and select the four cards that form the highest possible ranking poker hand for each player.

(iii) If a player's highest-ranking four-card poker hand:

(*a*) is ranked lower than the dealer's four-card poker hand, the dealer immediately shall collect the ante and play wagers made by the player; or

(*b*) is ranked higher than or equal to the dealer's four-card poker hand, the dealer shall pay the ante and play wagers and any ante bonus in accordance with the pay table set forth in subdivision (j) of this section.

(iv) After settling a player's ante and play wagers, settling any aces-up wagers by determining whether the player's four-card poker hand qualifies for a payout in accordance with the pay table set forth in subdivision (j) of this section, regardless of whether a player's hand outranks the dealer's hand.

(v) If a six-card-bonus wager is offered by the gaming facility, settle a qualifying six-card-bonus wager regardless of whether the player's four-card poker hand outranks the dealer's hand.

(vi) If a progressive payout wager is offered by the gaming facility, settle a player's progressive payout wager regardless of whether a player's hand outranks the dealer's hand by

(*a*) verifying that the hand is a winning hand;

(*b*) verifying that the appropriate light on the progressive table game system has been illuminated;

(*c*) having a floorperson validate the progressive payout in accordance with the gaming facility's approved system of internal controls; and

(*d*) paying the winning progressive payout wager in accordance with the posted pay table set forth in subdivision (j) of this section.

(5) If a player has won a progressive payout that is 100 percent of the jackpot amount on the progressive meter, the progressive payout may not be paid from the chip tray and the cards of that player shall remain on the table until the documentation set forth in section 5323.16 of this Subchapter has been completed.

(6) Players making a progressive payout wager shall receive an envy bonus when another player at the same four-card poker table is the holder of an envy bonus qualifying hand. Players are entitled to multiple envy bonuses if more than one other player is the holder of an envy bonus qualifying hand. A player is not entitled to an envy bonus for such player's own hand or the hand of the dealer.

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

(f) *Payout odds; envy bonus; rate of progression*.

(1) A gaming facility shall pay each winning ante and play wagers at no less than odds of 1:1.

(2) A gaming facility shall pay, regardless of whether a player's four-card poker hand outranks the dealer's hand, a bonus on the ante wager at no less than the following odds:

Hand	Payout
Three of a kind	2:1
Straight flush	20:1
Four of a kind	25:1

(3) A gaming facility shall select one of the following pay tables to pay out the aces up wager:

Hand	Pay table A	Pay table B	Pay table C	Pay table D	Pay table E	Pay table F
Pair of aces	1:1	1:1	1:1	1:1	1:1	1:1
Two pair	2:1	2:1	3:1	2:1	2:1	3:1
Straight	4:1	5:1	4:1	4:1	4:1	4:1
Flush	6:1	6:1	5:1	6:1	6:1	5:1
Three of a kind	9:1	7:1	8:1	8:1	8:1	7:1

Hand	Pay table A	Pay table B	Pay table C	Pay table D	Pay table E	Pay table F
Straight flush	30:1	30:1	40:1	40:1	30:1	40:1
Four of a kind	50:1	50:1	50:1	50:1	50:1	50:1

(4) A gaming facility shall select one of the following pay tables to pay out the progressive wager:

Hand	Pay table A	Pay table B
Three of a kind	9:1	15:1
Straight flush	100:1	100:1
Four of a kind	300:1	300:1
Four of a kind, aces	100% of meter	100% of meter

(i) A player shall receive the payout for only the highest-ranking four-card poker hand formed.

(ii) The initial and reset amount of the progressive payout meter shall be in accordance with the gaming facility's approved system of internal controls and shall be at least $5,000 for pay table A and $1,000 for pay table B.

(iii) Envy bonus payouts shall be made according to the following payout schedules for envy bonus qualifying hands based upon the amount of the progressive payout wager placed by the player receiving the envy bonus:

Hand	Pay table A	Pay table B	Pay table C
Straight flush	5:1		
Four of a kind	10:1	25:1	300:1
Four of a kind, aces	100:1	100:1	1000:1

(5) A gaming facility shall select one of the following pay tables to pay out the six-card bonus wager:

Hand	Pay table A	Pay table B
Three of a kind	5:1	5:1
Straight	10:1	10:1
Flush	15:1	15:1
Full house	20:1	20:1
Four of a kind	50:1	50:1
Straight flush	200:1	200:1
Royal flush	1,000:1	1,000:1

Hand	Pay table A	Pay table B
Six-card royal flush of hearts, clubs, spades	$100,000	$100,000
Six-card royal flush of diamonds	$1,000,000	$100,000

§ 5324.34. Let it ride poker.

(a) *Equipment and layout*.

(1) Let it ride poker shall be played on a table having betting positions for seven players on one side of the table and a place for the dealer on the opposite side.

(2) In addition to the requirements of subdivision (a) of 5324.30 of this Part, the layout for a let it ride poker table shall contain, at a minimum:

(i) three separate designated betting areas at each betting position for the placement of wagers, which betting areas shall not exceed seven in number;

(ii) a separate designated area located directly in front of the chip tray for the placement of the community cards;

(iii) the payout odds for all authorized wagers, including the let it ride bonus wager and the three-card bonus wager, if the gaming facility offers either optional wager;

(iv) an inscription indicating the payout for qualifying hands and, if offered, the optional three-card bonus wager as well as the limit per hand established by the gaming facility or a generic inscription indicating the game is subject to the posted payout limit. If any of these are not inscribed on the layout, a sign with such information shall be posted at each table offering let it ride poker; and

(v) if a gaming facility offers the optional three-card bonus wager, a separate designated area at each betting position for the placement of the three-card bonus wager.

(3) The gaming facility shall post a sign at each let it ride poker table in accordance with section 5323.12 of this Subchapter. If a gaming facility offers the let it ride bonus wager, the let it ride poker table shall also include the following equipment or devices approved pursuant to Part 5318 of this Subchapter:

(i) a wagering device at each betting position that acknowledges or accepts the placement of the let it ride bonus wager; and

(ii) a control device that controls or monitors the placement of let it ride bonus wagers at the gaming table, including a mechanism that prevents the recognition of any let it ride bonus wager that a player attempts to place after the dealer has announced “no more bets.”

(b) *Let it ride poker rankings*.

(1) The rank of the cards used in let it ride poker, for the determination of winning hands, 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.

(2) The permissible poker hands at the game of let it ride poker, in order of highest to lowest rank, shall be:

(i) *royal flush*, a hand consisting of an ace, king, queen, jack and 10 of the same suit;

(ii) *straight flush*, a hand consisting of five cards of the same suit in consecutive ranking;

(iii) *four of a kind*, a hand consisting of four cards of the same rank;

(iv) *full house*, a hand consisting of three of a kind and a pair;

(v) *flush*, a hand consisting of five cards of the same suit;

(vi) *straight*, a hand consisting of five cards 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; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, 2, 3);

(vii) *three of a kind*, a hand consisting of three cards of the same rank;

(viii) *two pairs*, a hand consisting of two pairs; and

(ix) *pair*, a hand containing two cards of the same rank.

(3) The permissible three-card-bonus wager hands eligible for a payout shall be:

(i) *mini royal*, a hand consisting of an ace, king and queen, all of the same suit;

(ii) *straight flush*, a hand, other than a mini royal, consisting of three cards of the same suit in consecutive ranking;

(iii) *three of a kind*, a hand consisting of three cards of the same rank; and

(iv) *straight*, a hand consisting of three cards of consecutive rank; provided, however, that an ace may not be combined with a king and a 2;

(v) *flush*, a hand consisting of three cards of the same suit, not in consecutive order; and

(vi) *pair*, a hand consisting of two cards of the same rank.

(c) *Wagers*.

(1) All wagers at let it ride poker shall be made by placing chips, plaques or, if applicable, table game promotional coupons on the appropriate betting areas of the table layout.

(2) Only players who are seated at a let it ride poker table may wager at the game. Once a player has placed wagers and received cards, such player shall remain seated until the completion of the round of play.

(3) All wagers shall be placed prior to the dealer announcing “no more bets.” Except as provided in paragraph (4) of this subdivision, no wager shall be made, increased, or withdrawn after the dealer has announced “no more bets.”

(4) At the beginning of each round of play, each player shall be required to place three equal but separate wagers. The wagers shall be identified as bet number one, bet number two and bet number three. Bet number one and bet number two may subsequently be removed by the player in accordance with the provisions of paragraphs (2) and (4) of subdivision (e) of this section.

(5) A gaming facility may permit a player to place wagers at two betting positions during a round of play, provided that the two betting positions are adjacent to each other and no other player is waiting to be seated.

(6) Let it ride bonus wager.

(i) A gaming facility may offer to each player at a let it ride poker table the option to make a side let it ride bonus wager that the player shall receive a poker hand with a rank of three of a kind or better.

(ii) Prior to the dealer announcing “no more bets,” each player who has placed the three wagers may make a side let it ride bonus wager by placing a $1 chip on or in the area designated for such wager.

(iii) All winning let-it-ride-bonus wagers shall be paid in accordance with the payout schedule set forth in subdivision (f) of this section.

(iv) A let-It-ride-bonus wager shall have no bearing on any other wager made by a player at the game of let it ride poker.

(7) Three-card bonus wager.

(i) A gaming facility may offer to each player at a let it ride poker table the option to make a side three-card bonus wager that the three cards dealt to the player shall have a rank of a pair or better.

(ii) Prior to the dealer announcing “no more bets,” each player who has placed the three required wagers may make a side three-card-bonus wager by placing a wager on the wagering area designated for that wager.

(iii) All winning three-card bonus wagers shall be paid in accordance with the payout table set forth in subdivision (f) of this;6 section.

(iv) A three-card-bonus wager shall have no bearing on any other wager made by a player at the game of let it ride poker.

(d) *Procedures for dealing let it ride poker*. In addition to subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards as follows:

(1) If using a manual dealing shoe or dealing from the hand, the dealer shall, starting with the player farthest to the dealer’s left and continuing clockwise around the table, deal the cards as follows:

(i) one card face down to each player who has placed three wagers in accordance with subdivision (f) of this section;

(ii) one card face down to the area designated for the placement of the community cards;

(iii) a second card face down to each player who has placed three wagers in accordance with subdivision (f) of this section;

(iv) a second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area;

(v) a third card face down to each player who has placed three wagers; and

(vi) a third card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first two cards dealt to this area in accordance with subdivision (f) of this section.

(2) If using an automated dealing shoe, the automated dealing shoe shall dispense cards in stacks of three. The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed three wagers in accordance with subdivision (f) of this section. 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 face down to each of the other players who has placed three wagers. The dealer shall than deliver a stack of three cards face down to the area designed for the placement of the community cards. The top card shall be placed face down into the box designated for community cards on the dealer's left, the second (middle) card shall be placed face down into the box designated for community cards on the dealer's right, and the third (bottom) card shall be burned.

(e) *Procedures for completion of each round of play*.

(1) After the dealing procedures have been completed, each player shall have the opportunity to examine such player's cards. After each player has made a decision in regard to bet number two pursuant to paragraph (4) of this subdivision, each player's cards shall be placed face down on the appropriate area of the layout and the player shall not touch the cards again.

(2) After each player has had the opportunity to examine such player's cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if such player wishes to withdraw bet number one or let it ride.

(i) If a player chooses to let bet number one ride, that bet shall remain on the appropriate betting area of the layout until the end of the round of play.

(ii) If a player chooses to withdraw bet number one, the dealer shall move the chips on the betting area designated for bet number one toward the player who shall then immediately remove the chips from the betting area.

(3) The dealer shall then turn the community card that is to the dealer's left face up. The exposed card shall become the first community card.

(4) After the first community card is exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if such player wishes to withdraw bet number two or let it ride. This decision shall be made by each player without regard to the decision made concerning bet number one.

(i) If a player chooses to let bet number two ride, that bet shall remain on the appropriate betting area of the layout until the end of the round of play.

(ii) If a player chooses to withdraw bet number two, the dealer shall move the chips on the betting area designated for bet number two toward the player who shall then immediately remove the chips from the betting area.

(5) The dealer shall then turn the remaining down card face up and that card shall become the second community card.

(6) After the second community card is turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counter-clockwise direction, complete the following procedures for each player.

(i) The dealer shall turn the three cards of the player face up. The two community cards and the three cards dealt to the player shall form the five-card poker hand of that player.

(ii) The dealer shall examine the cards of the player to determine if the player's hand qualifies for a payout pursuant to subdivision (f) of this section.

(7) Any wager on a hand that has a rank lower than a pair of 10s shall be a losing wager. All losing wagers shall be collected immediately by the dealer and placed in the chip tray. The cards of any player who has made a losing wager shall be collected and placed in the discard rack.

(8) After all losing wagers have been collected, the dealer shall then settle all winning wagers, including any bonus wagers. All winning hands shall remain face up on the layout until all winning wagers have been paid by the dealer. Each wager that remains on the table shall be paid in accordance with the payout table listed in subdivision (f) of this section.

(i) The dealer shall pay all winning wagers beginning with the player farthest to the right of the dealer and continuing counter-clockwise around the table.

(ii) After paying all winning wagers, the dealer immediately shall collect the cards of all winning players and community cards and place such cards in the discard rack.

(9) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that such cards readily can be arranged to reconstruct each hand in the event of a question or dispute.

(f) *Payout odds; payout limitation*.

(1) Subject to the payout limitation in paragraph (2) of this subdivision, a gaming facility shall pay each winning wager at the game of let it ride poker at no less than the following:

Wager	Payout
Pair of tens, jacks, queens, kings or aces	1:1
Two pair	2:1
Three of a kind	3:1
Straight	5:1
Flush	8:1
Full house	11:1
Four of a kind	50:1
Straight flush	200:1
Royal flush	1000:1

(2) Notwithstanding the minimum payout odds set forth paragraph (1) of this subdivision, a gaming facility may establish a maximum amount as set forth in section 5323.11 of this Subchapter that is payable to a player on a single hand, which amount shall be at least $50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater. If the established payout limit is not included on the layout, each gaming facility shall provide notice of any decrease in the payout limit a set forth in section 5323.11 of this Subchapter. Any maximum payout limit established by a gaming facility shall apply only to payouts of let it ride poker wagers placed and shall not apply to payouts of let it ride bonus wagers or three-card bonus wagers placed.

(3) A gaming facility shall pay each winning let it ride bonus wager at no less than the following monetary amounts:

Wager	Payout
Royal flush	$25,000
Straight flush	$2,500
Four of a kind	$400
Full house	$200
Flush	$50
Straight	$25
Three of a kind	$5

(4) A gaming facility shall pay each winning three-card bonus wager at no less than the odds set forth in one of following pay tables, pre-selected by the gaming facility:

Wager	Pay table A	Pay table B	Pay table C	Pay table D	Pay table E	Pay table F
Pair	1:1	1:1	1:1	1:1	1:1	1:1
Flush	4:1	4:1	3:1	4:1	4:1	3:1
Straight	6:1	5:1	6:1	6:1	5:1	6:1
Three of a kind	30:1	30:1	30:1	30:1	30:1	30:1

Wager	Pay table A	Pay table B	Pay table C	Pay table D	Pay table E	Pay table F
Straight flush	40:1	40:1	40:1	40:1	40:1	40:1
Mini royal	n/a	n/a	n/a	50:1	50:1	50:1

§ 5324.35. Texas hold ’em bonus poker.

(a) *Equipment and layout*.

(1) Texas hold ’em bonus poker shall be played on a table having positions for six players on one side of the table and a place for the dealer on the opposite side.

(2) In addition to the requirements of subdivision (a) of 5324.30 of this Part, the layout for a Texas hold ’em bonus poker table shall contain, at a minimum:

(i) a separate designated betting area at each player position for the placement of ante wagers;

(ii) three separate designated areas at each player position for the placement of flop, turn and river wagers, which areas shall be located immediately above the ante betting area as viewed by a player;

(iii) a separate designated area at each player position for the placement of an optional bonus wager, which area shall be located immediately above and to the right of the flop wager betting area as viewed by a player;

(iv) a separate designated area for the placement of the five community cards, which area shall be located in the center of the table between the chip tray and the player betting areas;

(v) a separate designated area for the placement of the dealer’s two cards, which area shall be located between the chip tray and the designated area for the community cards described in subparagraph (iv) of this paragraph; and

(vi) an inscription indicating that an ante wager shall receive a payout if a winning hand has a qualifying rank, as elected by the gaming facility, of straight or higher or flush or higher.

(b) *Texas hold ’em bonus poker hand rankings*.

(1) For the determination of winning hands the rank of the cards used in Texas hold ’em bonus poker, from 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. An ace, however, may not be

combined with any other sequence of cards for purposes of determining a winning hand.

(2) The permissible five-card poker hands at the game of Texas hold 'em bonus poker, in order of highest to lowest rank, are:

(i) *royal flush*, a hand consisting of an ace, king, queen, jack and 10 of the same suit;

(ii) *straight flush*, a hand consisting of five cards of the same suit in consecutive ranking, with ace, king, queen, jack and 10 being the highest-ranking straight flush and ace, 2, 3, 4 and 5 being the lowest-ranking straight flush;

(iii) *four of a kind*, 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;

(iv) *full house*, a hand consisting of a three of a kind, with 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;

(v) *flush*, 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;

(vi) *straight*, a hand consisting of five unsuited cards 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;

(vii) *three of a kind*, 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;

(viii) *two pairs*, a hand consisting of two pairs, with two aces and two kings being the highest-ranking two pairs and two 3s and two 2s being the lowest-ranking two pairs; and

(ix) *pair*, 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.

(3) When comparing two hands that are of identical poker rank pursuant to the provisions of this subdivision, or that contain none of the hands authorized in this subdivision, the hand that contains the highest-ranking card as provided in paragraph (1) of this subdivision that 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 subdivision, the hands shall be considered a push.

(c) *Wagers*.

(1) All wagers at Texas hold ’em bonus poker shall be made by chips or plaques and, if applicable, table game promotional coupons on the appropriate betting areas of the table layout.

(2) All wagers shall be placed prior to the dealer announcing “no more bets.” Except as provided in subdivision (e) of this section, no wager shall be made, increased or withdrawn after the dealer has announced “no more bets.”

(3) Upon placing an ante wager, a player may also place a bonus wager by placing, at a minimum, a $1 chip on the designated betting area of the layout. The outcome of the bonus wager shall have no bearing on any other wager made by the player at the game of Texas hold ’em bonus poker.

(4) Flop, turn and river wagers shall be made in accordance with the provisions of subdivision (e) of this section.

(5) Only players who are seated at the Texas hold ’em bonus poker 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.

(d) *Procedure for dealing the cards*. In addition to the requirements set forth in subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards as set forth in this subdivision.

(1) If using a manual dealing shoe or dealing from the hand, the dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal the cards as follows:

(i) one card face down to each player;

(ii) one card face down to the area designated for the dealer’s hand;

(iii) a second card face down to each player; and

(iv) a second card face down to the area designated for the dealer’s hand.

(2) If using an automated dealing shoe, the automated dealing shoe shall dispense cards in stacks of two cards. The dealer shall 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 a wager in accordance with subdivision (e) of this section. 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 face down to each of the other players who has placed a wager in accordance with subdivision (e) of this section. The dealer shall then deliver the next stack face down to the area designated

for the dealer's hand. The dealer may insert a cover card in the automated dealing shoe prior to the dealer's cards being dispensed.

(e) *Procedure for completion of each round of play; collection and payment of wagers*.

(1) After the dealing procedures required by subdivision (d) of this section have been completed, each player shall have the opportunity to examine such player's cards and, without exposing such cards to any other person, each player shall then place the cards face down on the layout and shall either place a flop wager or fold and forfeit the ante wager.

(i) If a player chooses to place a flop wager, the wager shall be placed in the designated flop betting area.

(ii) If a player folds, the player's ante shall be collected by the dealer and placed in the chip tray.

(*a*) If the player has also placed a bonus wager, the player's cards shall remain on the table pending resolution of the bonus wager at the conclusion of the round of play.

(*b*) If no bonus wager has been made, the dealer shall immediately spread the cards of the folded hand face down, collect the cards and place them in the discard rack.

(2) Once all players have either placed a flop wager or folded, the dealer shall burn the next card. The dealer shall then turn face up the next three cards in the deck (the flop) and place them in the designated area for the community cards.

(3) Prior to revealing the turn card, the dealer shall ask each player who has placed a flop wager if such player chooses to place a turn wager or check, starting with the player farthest to the dealer's left and proceeding around the table clockwise. If a player wishes to place a turn wager, the wager shall be placed in the designated turn betting area.

(4) Once all remaining players have either placed a turn wager or checked, the dealer shall burn the next card. The dealer shall then turn face up the next card in the deck (the turn) and place such card in the designated area for the community cards.

(5) Prior to revealing the river card, the dealer shall ask each player who has placed a flop wager if such player chooses to place a river wager or check, starting with the player farthest to the dealer's left and proceeding around the table clockwise. If a player wishes to place a river wager, the wager shall be placed in the designated river betting area.

(6) Once all remaining players have either placed a river wager or checked, the dealer shall burn the next card. The dealer shall then turn the next card in the deck (the river) face up and place such card in the designated area for the community cards.

(7) The dealer shall then turn the dealer's two cards face up, announce and place the cards to show the best possible five-card poker hand that can be formed using the dealer's two cards and the five community cards.

(8) Starting with the player farthest to the dealer's right who has placed a flop wager and proceeding counter-clockwise around the table, the dealer shall turn face up the two cards of each player who has placed a flop wager and announce the best possible five-card poker hand that can be formed using the two player cards and the five community cards. The player's wager shall then be resolved and, unless the player has placed a bonus wager, the hand of the player shall be collected immediately by the dealer and placed in the discard rack before the dealer proceeds to the next player.

(i) If the player's five-card poker hand has a lower rank than the dealer's five-card poker hand, the player shall lose and the dealer shall immediately collect any ante, flop, turn and river wagers made by the player and place the wagers in the chip tray.

(ii) If the player's five-card poker hand has a higher rank than the dealer's five-card poker hand, the player shall win and the dealer shall pay any ante, flop, turn and river wagers made by the player in accordance with the payout odds set forth in subdivision (f) of this section; provided, however, that the ante wager shall not be paid unless the player's winning hand has a qualifying rank, as set forth in the inscription on the table, as provided for in subparagraph (vi) of paragraph (2) of subdivision (a) of this section, of straight or higher or flush or higher.

(iii) If the player's five-card poker hand and the dealer's five-card poker hand are of equal rank, the player's hand shall be a push. In such case, the dealer shall not collect or pay the player's wagers.

(iv) After settling a player's ante, flop, turn and river wagers, the dealer shall settle any bonus wager made by the player by determining whether the player's two cards qualify for a payout pursuant to paragraph (2) of subdivision (f). A winning bonus wager shall be paid without regard to the outcome of any other wager made by the player. After the bonus wager of the player is settled, the dealer shall immediately collect the cards of such player and place the cards in the discard rack.

(9) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that such cards readily can be arranged to reconstruct each hand in the event of a question or dispute.

(f) *Payout odds*.

(1) A gaming facility shall pay out each winning ante, flop, turn and river wager at no less than odds of 1:1.

(2) A gaming facility shall pay each winning bonus wager at the game of Texas hold ’em bonus poker at no less than the following odds:

Player’s two cards	Payout
10-10 through 2-2 (pair)	3:1
ace-queen or ace-jack (different suits)	5:1
king-king, queen-queen or jack-jack	10:1
ace-king (different suits)	15:1
ace-queen or ace-jack (same suit)	20:1
king (same suit)	25:1
ace-ace	30:1
player ace-ace and dealer ace-ace (optional)	1,000:1

(3) Notwithstanding the payout odds set forth in paragraph (2) of this subdivision, the aggregate payout limit on all winning ante, flop, turn, river and bonus wagers for any hand shall be $50,000 or the maximum amount that one player could win per round when betting the minimum wager, whichever is greater.

(g) *Prohibition against a player wagering on more than one player position*. A player shall not be permitted to wager on more than one player position at a Texas hold ’em bonus poker table.

§ 5324.36. Ultimate Texas hold ’em poker.

(a) *Equipment and layout*.

(1) Ultimate Texas hold ’em shall be played on a table having positions for six players on one side of the table and a place for the dealer on the opposite side.

(2) In addition to the requirements set forth in subdivision (a) of 5324.30 of this Part, the layout for a ultimate Texas hold ’em poker table shall contain, at a minimum:

(i) four separate designated betting areas at each player position for the placement of ante, blind, play and trips wagers, configured with the trips wager area closest to the dealer, the play wager area farthest from the dealer, the ante wager area arrayed between the trips wager area and the play wager area and the blind wager area to the right of and separated from the ante wager area by an “=” symbol;

(ii) a separate designated area for the placement of the five community cards, which area shall be located in the center of the table between the chip tray and the player betting areas;

(iii) a separate designated area for the placement of the dealer's two cards, which area shall be located between the chip tray and the designated area for the community cards described in subparagraph (ii) of this paragraph;

(iv) an inscription indicating that an ante wager shall push if the dealer has less than a pair; and

(v) an inscription at each player position describing the following:

(*a*) the payout odds for blind and trips wagers;

(*b*) that a blind wager shall not be paid unless the player's hand ranks higher than the dealer's hand;

(*c*) the rules governing the required amount of a play wager as a multiple of the player's ante wager (three or four times the ante, if made prior to any community cards being dealt; two times the ante, if made after the flop is dealt but prior to the final two community cards being dealt; or equal to the ante, if made after all community cards are dealt but prior to the dealer's cards being revealed); and

(*d*) If any of these are not inscribed on the layout, a sign with such information shall be posted at each table offering Texas hold 'em bonus poker.

(b) *Ultimate Texas hold 'em hand rankings*.

(1) For the determination of winning hands, the rank of the cards used in ultimate Texas hold 'em, from 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 a straight formed with a 2, 3, 4 and 5. An ace, however, may not be combined with any other sequence of cards for purposes of determining a winning hand.

(2) The permissible poker hands at the game of ultimate Texas hold 'em, in order of highest to lowest rank, are:

(i) *royal flush*, a hand consisting of an ace, king, queen, jack and 10 of the same suit;

(ii) *straight flush*, a hand consisting of five cards of the same suit in consecutive ranking, with ace, king, queen, jack and 10 being the highest-ranking five-card

straight flush and ace, 2, 3, 4 and 5 being the lowest-ranking five-card straight flush;

(iii) *four of a kind*, 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;

(iv) *full house*, a hand consisting of a three of a kind, with 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;

(v) *flush*, 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;

(vi) *straight*, a hand consisting of five unsuited cards 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;

(vii) *three of a kind*, 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;

(viii) *two pairs*, 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; and

(ix) *pair*, 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.

(3) When comparing two hands that are of identical poker rank pursuant to the provisions of this subdivision, or that contain none of the hands authorized in this subdivision, the hand that contains the highest-ranking card as provided in paragraph (1) of this subdivision that 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 subdivision, the hands shall be considered a push.

(c) *Wagers*.

(1) All wagers at ultimate Texas hold ’em shall be made by placing chips, plaques or, if applicable, table game promotional coupons on the appropriate betting areas of the table layout.

(2) All ante, blind and trips wagers shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedure set forth in subdivision (d) of this

section. Except as provided in subdivision (e) of this section, no wager shall be made, increased or withdrawn after the dealer has announced “no more bets.”

(3) Upon placing an ante wager and a blind wager, a player may also place a trips wager by placing a wager on the designated betting area of the layout. The outcome of the trips wager shall have no bearing on any other wager made by the player.

(4) Play wagers shall be made in accordance with the provisions of subdivision (e) of this section.

(5) Only players who are seated at an ultimate Texas hold ’em poker table may place a wager on the game. Once a player has placed a wager and received cards, such player shall remain seated until the completion of the round of play.

(d) *Procedure for dealing the cards*. In addition to the requirements set forth in subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards as follows:

(1) If using a manual dealing shoe or dealing from the hand, the dealer shall, starting with the player farthest to the dealer’s left and continuing clockwise around, deal the cards as follows:

(i) one card face down to each player who has placed wagers in accordance subdivision (e) of this section;

(ii) one card face down to the area designated for the dealer’s hand under a cover card;

(iii) a second card face down to each player who has placed wagers in accordance with subdivision (e) of this section; and

(iv) a second card face down to an area designated for the dealer’s hand under a cover card.

(2) If using an automated dealing shoe, the automated dealing shoe shall dispense cards in stacks of two cards. The dealer shall 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 wagers in accordance with subdivision (e) of this section. 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 face down to each of the other players who has placed wagers in accordance with subdivision (e) of this section. The dealer shall then deliver the stack face down to the area designated for the dealer’s hand. The dealer may insert a cover card in the automated dealing shoe prior to the dealer’s cards being dispensed.

(3) After each stack of two cards has been dispensed and delivered in accordance with paragraph (2) of this subdivision, the dealer shall remove the remaining cards from the automated dealing shoe and deal from the dealer's hand the five community cards in accordance with the provisions of subdivision (e) of this section.

(e) *Procedures for completion of each round of play; collection and payment of wagers*.

(1) After the dealing procedures required by subdivision (d) of this section have been completed, each player shall have the opportunity to examine such player's cards, shall not expose such cards to any person and shall replace the cards face down on the layout. The dealer shall then, starting with the player farthest to the dealer's left and proceeding clockwise around the table, ask each player if such player wishes to place a play wager prior to the dealing of the first three community cards. The player shall either check or place a play wager in an amount equal to three or four times the amount of the player's ante wager.

(i) If a player places a play wager, the wager shall be placed in the designated play betting area.

(ii) If a player checks, the player shall remain in the game and defer a decision to place a play wager to the next betting opportunity.

(2) Once all players have either placed a play wager or checked, the dealer shall burn the next card. The dealer shall then deal the next three cards in the deck (known as the flop) face up to the designated area for the community cards.

(3) After the flop has been dealt, the dealer shall, starting with the player farthest to the dealer's left and proceeding in a clockwise manner around the table, ask each player who has not placed a play wager if such player wishes to place a play wager prior to the dealing of the final two community cards. The player may either check or place a play wager in an amount equal to two times the amount of the player's ante wager.

(i) If a player places a play wager, the wager shall be placed in the designated play betting area.

(ii) If a player checks, the player shall remain in the game and defer a decision to place a play wager to the next betting opportunity.

(4) Once all players have either placed a play wager or checked, the dealer shall burn the next card. The dealer shall then deal the next two cards in the deck face up to the designated area for the community cards.

(5) After the final two community cards have been dealt, the dealer shall, starting with the player farthest to the dealer's left and proceeding clockwise around the table, ask

each player who has not yet placed a play wager whether such player wishes to fold such player's hand or place a play wager equal in amount to such player's ante wager.

(i) If a player places a play wager, the wager shall be placed in the designated play betting area.

(ii) If a player folds, the ante and blind wagers of the player shall be collected by the dealer and placed in the chip tray.

(*a*) If the player has also placed a trips wager, the dealer shall place the cards of the player face down underneath the player's trips wager pending its settlement at the conclusion of the round of play.

(*b*) If the player has not placed a trips wager, the dealer shall immediately turn the folded cards face down and place them in the discard rack.

(6) After each player has either folded or placed a play wager, the dealer shall turn the dealer's two cards face up, position the dealer's cards near the three community cards that can be used to form the best possible five-card hand and announce the dealer's hand to the players.

(7) If the dealer's best possible five-card hand is lower than a pair, the dealer shall, starting with the player farthest to the dealer's right who has placed a play wager and proceeding counter-clockwise around the table, return each player's ante wager and settle all other wagers in accordance with paragraph (8) of this subdivision.

(8) If the dealer's best possible five-card hand is a pair or above, the dealer shall, starting with the player farthest to the dealer's right who has placed a play wager and proceeding counter-clockwise around the table, turn the two cards of each player who has placed a play wager face up and announce the best possible five-card poker hand that can be formed using the player's two cards and the five community cards.

(i) If the player's five-card hand is ranked lower than the dealer's five-card hand, the player shall lose and the dealer immediately shall collect any ante, blind and play wagers made by the player and place the wagers in the chip tray.

(ii) If the player's five-card hand is ranked higher than the dealer's five-card hand, the player shall win and the dealer shall pay any ante, blind and play wagers made by the player in accordance with the payout odds set forth in subdivision (f) of this section; provided, however, that the blind wager shall not be paid unless the player's winning hand has a rank of straight or higher.

(iii) If the player's five-card hand and the dealer's five-card hand are of equal rank, the player's hand shall be a push. In such case, the dealer shall not collect or pay the player's ante, blind or play wagers.

(iv) After settling a player's ante, blind and play wagers, the dealer shall settle any trips wager made by the player by determining whether the player's five-card hand qualifies for a payout in accordance with paragraph (3) of subdivision (f) of this section. A winning trips wager shall be paid without regard to the outcome of any other wager made by the player.

(9) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that such cards readily can be arranged to reconstruct each hand in the event of a question or dispute.

(f) *Payout odds*.

(1) A gaming facility shall pay each winning ante and play wager at no less than odds of 1:1.

(2) If a player's five-card hand ranks higher than the dealer's five-card hand, a gaming facility shall pay the player's blind wager in accordance with one of the following pay tables, as the gaming facility may choose:

Hand	Pay table A	Pay table B
Less than a straight	Push	Push
Straight	1:1	Push
Flush	3:2	3:2
Full house	3:1	3:1
Four of a kind	10:1	10:1
Straight flush	50:1	50:1
Royal flush	500:1	500:1

(3) A gaming facility shall pay each winning trips wager at no less than the odds set forth in the following alternative pay table, with option A, B, C or D to be pre-selected by the gaming facility:

Hand	Pay table A	Pay table B	Pay table C	Pay table D
Three of a kind	3:1	3:1	3:1	3:1
Straight	4:1	5:1	4:1	5:1
Flush	7:1	6:1	7:1	6:1
Full house	9:1	8:1	8:1	7:1
Four of a kind	30:1	30:1	30:1	20:1
Straight flush	40:1	40:1	40:1	40:1
Royal flush	50:1	50:1	50:1	50:1

(4) Notwithstanding the payout odds set forth in paragraphs (2) and (3) of this subdivision, the aggregate payout limit on all winning ante, play, blind and trips wagers for any hand shall be $50,000 or the maximum amount that one player could win per round when betting the minimum wager, whichever is greater.

(g) *Prohibition against a player wagering on more than one player position.* A player shall not be permitted to wager on more than one player position at an ultimate Texas hold 'em table.

(h) *Irregularities.*

(1) If any card dealt to the dealer is exposed prior to each player placing an authorized wager or folding, all hands shall be void.

(2) Notwithstanding paragraph (1) of this subdivision:

(i) if a player has placed a trips wager, the community cards shall be dealt and each trips wager shall be settled; and

(ii) if the card or cards are found face up after each player and the dealer has received their initial two cards, the community cards shall be dealt and any trips wager shall be settled.

(3) If a player is dealt an incorrect number of cards, that player's hand shall be void. If the dealer is dealt an incorrect number of cards, all players' hands shall be void unless the dealer can deal the correct number of cards in sequence for the dealer's hand, provided that such cards have not already been turned face up.

§ 5324.37. Caribbean stud poker.

(a) *Equipment and layout*.

(1) Caribbean stud poker shall be played at a table having on one side betting positions for no more than seven players and on the opposite side a place for the dealer.

(2) In addition to the requirements set forth in subdivision (a) of 5324.30 of this Part, the layout for a Caribbean stud poker shall contain, at a minimum:

(i) a separate designated betting area at each betting position for the placement of ante wagers;

(ii) a separate designated betting area located immediately behind each ante betting area from the dealer's perspective for the placement of bet wagers; and

(iii) inscriptions that describe the payout limit and that the bet wager is void unless dealer has an ace, king or better.

(3) Each Caribbean stud poker table shall have an approved table game progressive payout wager system for the placement of progressive wagers as set forth in

subdivision (l) of section 5324.2 of this Part. A table game progressive payout wager system shall include, without limitation:

(i) a wagering device at each betting position that acknowledges or accepts the placement of the progressive wager;

(ii) a control device that controls or monitors the placement of progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced “no more bets;” and

(iii) written procedures for the operation and use of the system and the system’s components.

(b) *Caribbean stud poker rankings*.

(1) For the determination of winning hands, the rank of the cards used in Caribbean stud poker, from highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2; provided, however, that an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5. An ace, however, may not be combined with any other sequence of cards for purposes of determining a winning hand.

(2) The permissible poker hands at the game of Caribbean stud poker, in order of highest to lowest rank, are:

(i) *royal flush*, a hand consisting of an ace, king, queen, jack and 10 of the same suit;

(ii) *straight flush*, a hand 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-ranking straight flush;

(iii) *four of a kind*, 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;

(iv) *full house*, a hand consisting of three of a kind and a pair, with three aces and two kings being the highest-ranking full house and three 2s and two threes being the lowest-ranking full house;

(v) *flush*, a hand consisting of five cards of the same suit;

(vi) *straight*, a hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest-ranking straight and an ace, two, three, four and five being the lowest-ranking straight.

(vii) *three of a kind*, 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;

(viii) *two pairs*, a hand containing two pairs, with two aces and two kings being the highest-ranking two pairs and two 3s and two 2s being the lowest-ranking two pairs; and

(ix) *pair*, a hand containing two cards of the same rank, with two aces being the highest-ranking pair and two 2s being the lowest-ranking pair.

(3) When comparing two hands that are of identical poker hand rank pursuant to the provisions of this subdivision, or that contain none of the hands authorized in this subdivision, the hand that contains the highest-ranking card as provided in paragraph (1) of this subdivision that 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 subdivision, the hands shall be considered a push or standoff.

(c) *Wagers*.

(1) All wagers at Caribbean stud poker shall be made by placing chips or plaques, and, if applicable, table game promotional coupons on the appropriate betting areas of the table layout.

(2) Upon placing an ante wager, a player may place a progressive payout wager designated for that player or redeem a progressive wager coupon.

(3) A bet wager shall be made in accordance with subdivision (e) of this section.

(4) A player shall not be permitted to play more than one hand per round of play.

(5) Only players who are seated at the Caribbean stud poker table may place a wager on 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.

(d) *Procedures for dealing the cards.* In addition to the requirements set forth in subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards as follows:

(1) If using a manual dealing shoe or dealing from the hand, the dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(i) one card face down to each player;

(ii) one card face up to an area directly in front of the chip tray designated for the dealer's hand;

(iii) a second card face down to each player directly on top of that player's first card;

(iv) a second card face down to the dealer to the right of the dealer's first card dealt face up; and

(v) a third, fourth and fifth card, in succession, face down to each player and the dealer directly on top of the preceding card dealt face down.

(2) If using an automated dealing shoe, the automated dealing shoe shall dispense cards in stacks of five cards. The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager. 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 face down to each of the other players who has placed a wager. The dealer shall then deliver a stack of five cards face down to the area designated for the dealer's hand.

(3) The stack of five cards comprising the dealer's hand shall then be spread in a row directly in front of the chip tray with the top card to the dealer's right and the bottom card to the dealer's left. The dealer shall then expose the bottom card of the dealer's hand and the round of play shall proceed.

(e) *Bet wagers; procedure for completion of each round of play; collection and payment of wagers*.

(1) After the dealing procedures have been completed but before the dealer exposes the hole cards, each player shall, after an opportunity to examine such player's cards, either place a bet wager in the designated betting area or fold and forfeit such player's ante wager. If a player folds, the dealer shall collect the entire ante wager and place such wager in the chip tray. The folded hand shall then be collected immediately by the dealer, checked to ensure five cards are discarded and placed in the discard rack.

(2) Once each player has had the opportunity to examine such player's cards and placed the five cards face down on the appropriate area of the layout after placing a bet wager, such player shall not touch the cards again.

(3) After all players have either placed a bet wager or folded, the dealer shall turn over and reveal the dealer's hole cards and set the highest-ranking poker hand.

(4) Following the reveal of the hold cards, the dealer shall turn over the player's cards, starting with the player farthest to the dealer's right. If the dealer has a qualifying hand:

(i) All losing wagers shall immediately be collected by the dealer and placed in the chip tray. All losing hands shall then be collected immediately by the dealer and placed in the discard rack. Ante and bet wagers made by a player shall lose if the qualifying hand of the dealer has a hand rank that is higher than the hand rank of that player.

(ii) If the hand rank of the player ties with that of the dealer's qualifying hand, the hand of the player shall be a push. The dealer shall not collect or pay the wagers, but shall immediately collect the cards of that player after all losing wagers and hands have been collected.

(iii) After all losing wagers and pushes have been settled, all winning wagers shall be paid. Any wager made by a player shall win if the hand of the player has a hand rank higher than that of the dealer's qualifying hand. All winning hands shall remain face up on the layout until all winning ante, bet wagers and, if applicable, progressive payout wagers are paid. The gaming facility shall pay out winning wagers at no less than the odds listed in subdivision (g) of this section. The dealer shall pay all winning wagers beginning with the player farthest to the right of the dealer and continuing counter-clockwise around the table. After paying all winning ante and bet wagers, the dealer shall collect immediately the cards of all winning players and place such cards in the discard rack, together with the remaining cards in the deck used for that round of play.

(5) If, after the hole cards are revealed, the dealer does not have a qualifying hand:

(i) it shall be the option of the gaming facility whether or not the dealer shall turn over the player's cards. If the gaming facility elects not to turn over all the player's cards, the dealer shall be required to turn over the cards of any player who has made a progressive wager;

(ii) the dealer shall immediately announce "no hand" and shall pay all ante wagers at payouts odds of 1:1, beginning with the player farthest to the dealer's right and continuing counter-clockwise. All bet wagers shall be considered void and the dealer shall neither collect nor pay such wagers;

(iii) after paying all ante wagers, the dealer shall collect immediately the cards of all players and place such cards in the discard rack, together with the remaining cards in the deck used for the round of play; provided, however, if a player has won a progressive payout that is not being paid from the chip tray, the cards of such player shall not be collected until the necessary documentation has been completed.

(6) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that such cards readily can be arranged to reconstruct each hand in the event of a question or dispute.

(f) *Progressive payout*.

(1) The gaming facility shall pay out winning progressive wagers at no less than the odds listed in paragraph (4) of subdivision (g) of this section and prior to the collection of the cards by the dealer.

(2) Prior to paying a progressive payout hand, the dealer shall:

(i) verify that the hand is a winning hand;

(ii) verify that the appropriate light on the acceptor device has been illuminated; and

(iii) have a gaming facility supervisor validate the progressive payout pursuant to the gaming facility's approved system of internal controls.

(3) Any winning progressive payout wager shall be paid without regard to the rank of the hand of the dealer, even if the dealer does not have a qualifying hand.

(g) *Payout odds; rate of progression; payout limitation*.

(1) A gaming facility shall pay out winning ante wagers at payout odds of 1:1.

(2) Subject to the payout limitation in paragraph (3) of this subdivision, a gaming facility shall pay each winning bet wager at no less than the following odds:

Hand	Payout
One pair or less	1:1
Two pair	2:1
Three of a kind	3:1
Straight	4:1
Flush	5:1
Full house	7:1
Four of a kind	20:1
Straight flush	50:1
Royal flush	100:1

(3) Notwithstanding the posted payout odds in paragraph (2) of this subdivision, the payout limit on each bet wager for any hand shall be no less than either the minimum amount or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater.

(4) A gaming facility shall pay out winning progressive payouts at no less than the following amounts:

Hand	Payout
Flush	$50
Full house	$100
Four of a kind	$500
Straight flush	Either 10% of the progressive jackpot or $5,000, as designated in the gaming facility's approved system of internal controls
Royal flush	100% of the progressive jackpot

(5) The rate of progression for the progressive meter used for the progressive payouts in shall be no less than 70 percent. The initial and reset amount shall be established by each gaming facility.

(6) Winning progressive payout hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid; provided, however, if more than one player at a table has a royal flush progressive payout hand, each player shall share equally in the amount on the progressive meter when the first player with a royal flush is to be paid.

(h) *Irregularities.* If any player is dealt an incorrect number of cards, such player's hand shall be void. If the dealer is dealt four cards of the five-card hand, the dealer shall deal an additional card to complete the hand. Any other misdeal to the dealer shall result in all hands being void and the cards shall be re-shuffled.

§ 5324.38. Mississippi stud poker.

(a) *Equipment and layout*.

(1) Mississippi stud shall be played on a table having betting positions for six players on one side of the table and a place for the dealer on the opposite side.

(2) In addition to the requirements set forth in subdivision (a) of 5324.30 of this Part, the layout for a Mississippi stud poker table shall contain, at a minimum:

(i) a separate designated betting area at each betting position for the placement of the ante wager;

(ii) three separate designated betting areas at each betting position for the placement of the 3rd street, 4th street and 5th street wagers, which areas shall be located closer to the player than the ante wager betting area and, when viewed by the player, arrayed from left to right;

(iii) inscriptions at each betting position providing that:

(*a*) all bet wagers shall be in an amount equal to one, two or three times the amount of the player's ante; and

(*b*) the payout odds for all authorized wagers; and

(iv) three separate designated areas in front of the dealer for the placement of the community cards, with one area inscribed "3rd street," a second area inscribed "4th street" and a third area inscribed "5th street."

(b) *Mississippi stud hand rankings*.

(1) For the determination of winning hands, the rank of the cards used in Mississippi stud, from 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 a straight formed with a 2, 3, 4 and 5. An ace, however, may not be combined with any other sequence of cards for purposes of determining a winning hand.

(2) The permissible poker hands at the game of Mississippi stud, in order of highest to lowest rank, are:

(i) *royal flush*, a hand consisting of an ace, king, queen, jack and 10 of the same suit;

(ii) *straight flush*, a hand consisting of five cards of the same suit in consecutive ranking, except for a royal flush;

(iii) *four of a kind*, a hand consisting of four cards of the same rank;

(iv) *full house*, a hand consisting of a three of a kind and a pair;

(v) *flush*, a hand consisting of five cards of the same suit, not in consecutive order;

(vi) *straight*, a hand consisting of five cards 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;

(vii) *three of a kind*, a hand consisting of three cards of the same rank;

(viii) *two pairs*, a hand consisting of two pairs; and

(ix) *pair*, a hand consisting of two cards of the same rank.

(c) *Wagers*.

(1) All wagers at Mississippi stud shall be made by placing chips, plaques and table games promotional coupons, on the appropriate betting areas of the table layout.

(2) All ante wagers and bet wagers shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedure in subdivision (d) of this section.

(3) A bet wager shall be made in accordance with subdivision (e) of this section.

(4) A player shall not be permitted to play at more than one betting position.

(5) Only players who are seated at the Mississippi stud table may place a wager at the game. Once a player has placed a wager and received cards, such player shall remain seated until the completion of the round of play.

(d) *Procedures for dealing the cards*. In addition to subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards as follows:

(1) If using a manual dealing shoe or dealing from the hand, the dealer shall, starting with the player farthest to the dealer’s left and continuing clockwise around the table, deal the cards as follows:

(i) two cards face down to each player; and

(ii) three community cards face down in the designated area.

(2) If using an automated dealing shoe, the automated dealing shoe shall dispense cards in stacks of two cards. The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed a wager in accordance with subdivision (c) of this section. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, proceeding clockwise, deliver a stack face down to each of the other players who has placed a wager in accordance with subdivision (c) of this section.

(3) After each stack of two cards has been dispensed and delivered in accordance with this paragraph, the dealer shall remove the remaining cards from the automated dealing shoe and deal from the dealer’s hand the three community cards face down in accordance with the provisions of this subdivision.

(e) *Completion of a round of play; collection and payment of wagers*.

(1) After the dealing procedures required by subdivision (d) of this section have been completed, each player shall, after having the opportunity to examine such player’s cards, either place a bet wager in an amount equal to one, two or three times the amount of such player’s ante wager in the designated 3rd street betting area or fold

and forfeit the ante wager. If a player folds, the dealer shall collect such player's ante wager and place such wager in the chip tray. A folded hand shall then be collected immediately by the dealer and placed in the discard rack.

(2) After all players have either placed a 3rd street wager or folded, the dealer shall then turn over and reveal the first community card.

(3) Each player shall then either place a bet wager in an amount equal to one, two, or three times the amount of the player's ante wager in the designated 4th street betting area or fold and forfeit the ante wager and 3rd street wager. If a player folds, the ante wager and 3rd street wager shall be collected by the dealer and placed in the chip tray. A folded hand shall then be collected immediately by the dealer and placed in the discard rack.

(4) After all remaining players have either placed a 4th street wager or folded, the dealer shall then turn over and reveal the second community card.

(5) Each player shall then either place a bet wager in an amount equal to one, two or three times the amount of the player's ante wager in the designated 5th street betting area or fold and forfeit the ante wager, 3rd street wager and 4th street wager. If a player folds, the ante wager, 3rd street wager and 4th street wager shall be collected by the dealer and placed in the chip tray. A folded hand shall then be collected immediately by the dealer and placed in the discard rack.

(6) After all remaining players have either placed a 5th street wager or folded, the dealer shall then reveal the third community card.

(7) Starting with the player farthest to the dealer's right and proceeding counter-clockwise, the dealer shall evaluate and announce the best possible five-card poker hand that can be formed using the two player cards and the three community cards.

(i) All losing wagers shall immediately be collected by the dealer and placed in the chip tray. All losing hands shall then be collected immediately by the dealer and placed in the discard rack.

(ii) If the hand of the player is a push (a pair of 6s, 7s, 8s, 9s or 10s), the dealer shall not collect or pay the wagers, but shall collect immediately the cards of such player.

(iii) All winning wagers shall be paid in accordance with the payout odds listed in subdivision (f). A player's winning hand shall remain face up on the layout until the ante wager and bet wagers are paid. After paying winning ante and bet wagers, the dealer shall collect immediately the cards of all winning players and place such cards in the discard rack.

(8) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that such cards readily can be arranged to reconstruct each hand in the event of a question or dispute.

(f) *Payout odds*.

(1) For a winning hand, the gaming facility shall pay out the ante and the 3rd, 4th and 5th street wagers at no less than the following odds:

Hand	Payout
Pair of 6s to 10s	Push
Pair of jacks or better	1:1
Two pairs	2:1
Three of a kind	3:1
Straight	4:1
Flush	6:1
Full house	10:1
Four of a kind	40:1
Straight flush	100:1
Royal flush	500:1

(2) Notwithstanding the payout odds set forth in paragraph (1) of this subdivision, the aggregate payout limit for any hand shall be $50,000 or the maximum amount that one player could win per round when betting the minimum wager, whichever is greater.

§ 5324.39. Criss-cross poker.

(a) *Equipment and layout.*

(1) Criss-cross poker shall be played at a table having on one side betting positions for no more than six players and on the opposite side a place for the dealer.

(2) In addition to the requirements set forth in subdivision (a) of 5324.30 of this Part, the layout for a criss-cross poker table shall contain, at a minimum:

(i) six separate designated betting areas at each player position for the placement of the five-card bonus wager, ante across wager, ante down wager, across bet, down bet and middle bet. The betting areas shall be laid out so that the five-card bonus wager, from the perspective of the dealer, is closest, the ante across and ante down wager areas are across from each other and second closest to the dealer, the across bet and down bet areas are across from each other and third closest to the dealer and the middle bet area is farthest from the dealer; and

(ii) inscriptions that advise a player of the payout odds or amounts for all permissible wagers offered by the facility operator, except that if payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each criss-cross poker table.

(b) *Criss-cross poker rankings*.

(1) The rank of the cards used in criss-cross poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. An ace, however, may not be combined with any other sequence of cards for purposes of determining a winning hand.

(2) The permissible poker hands in the game of criss-cross poker, in order of highest to lowest rank, are:

(i) *royal flush*, a hand consisting of an ace, king, queen, jack and 10 of the same suit;

(ii) *straight flush*, a hand consisting of five cards of the same suit in consecutive ranking, with an ace, king, queen and jack being the highest-ranking straight flush and an ace, 2, 3 and 4 being the lowest-ranking straight flush;

(iii) *four of a kind*, 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;

(iv) *full house*, a hand consisting of 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;

(v) *flush*, a hand consisting of five cards of the same suit regardless of rank;

(vi) *straight*, a hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen and jack being the highest-ranking straight and an ace, 2, 3, and 4 being the lowest-ranking straight.

(vii) *three of a kind*, 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;

(viii) *two pairs*, a hand consisting of two pairs with two aces and two kings being the highest-ranking two pairs and two 3s and two 2s being the lowest-ranking two pairs; and

(ix) *pair*, 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.

(3) When comparing two poker hands that are of identical rank under this subdivision, or that contain none of the hands listed in this subdivision, the hand that contains the highest-ranking card as provided in paragraph (1) of this subdivision is not in the other hand, shall be considered the higher-ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a push.

(c) *Wagers***.**

(1) Wagers at criss-cross poker shall be made by placing chips, plaques or table game promotional coupons on the appropriate areas of the table layout.

(2) Only players who are seated at a criss-cross poker table may wager at the game. Once a player has placed a wager and received cards, such player shall remain seated until the completion of the round of play.

(3) All wagers, except the play wager, shall be placed prior to the dealer announcing "no more bets." A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(4) A player competes solely against a posted payout table by placing two ante wagers of equal amounts and then placing up to three separate bet wagers that are each one to three times the ante wager. The player also has the option of placing a five-card bonus bet.

(d) *Procedure for dealing the cards*. In addition to the requirements set forth in subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards as follows:

(1) if using a manual dealing shoe or dealing from the hand, the dealer shall deal five community cards placed in front of the dealer in a cross formation. The dealer shall then deal one card at a time to each player who has placed a wager until each player has two cards, starting with the player farthest to the dealer's left and continuing clockwise around the table. All cards shall be dealt face down; and

(2) if using an automated dealing shoe, the automated dealing shoe shall dispense cards in stacks of five cards first and then in stacks of two cards. The dealer shall deliver the first stack of five cards dispensed by the automated dealing shoe face down in cross formation to be used as community cards. As the remaining two card stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall deliver a stack face down to each of the players who has placed a wager, moving clockwise around the table.

(e) *Procedures for completion of each round of play*.

(1) Each player shall place two ante bets of equal value, with one corresponding to the across hand and one corresponding to the down hand. A player may also place an optional five-card bonus bet.

(2) After the dealing procedures have been completed, each player shall have the opportunity to examine such player's cards.

(3) The dealer shall ask each player who has placed ante wagers the option to either make the across bet or forfeit such player's ante wager. The across bet shall be one to three times the ante bet.

(4) After each player has placed the across bet on the designated area of the layout, the dealer shall turn over the two outside cards on the horizontal line of the cross. Any bets forfeited prior to the outside cards being exposed shall be collected and chips put in chip tray and the players' cards shall be placed in discard rack.

(5) The dealer shall ask each player the option to either make the down bet or forfeit all previous wagers. The down bet shall be one to three times ante bet.

(6) After each player has placed the down bet on the designated area of the layout the dealer shall turn over the two outside cards on the vertical line of the cross. Any forfeited bets shall be collected and chips shall be put in chip tray and the players cards shall be placed in discard rack.

(7) The dealer shall ask each player the option to either make the middle bet or forfeit all previous wagers. The middle bet shall be one to three times ante bet. Any bets forfeited prior to the middle card being exposed shall be collected and the chips shall put in the chip tray and the players cards shall be placed in discard rack.

(8) After each player has placed the middle bet on the designated area of the layout, the dealer shall turn over the middle card on the cross.

(9) The dealer shall, starting with the player farthest to the dealer's right and continuing counterclockwise around the table, complete the following procedures as to each remaining player:

(i) reveal player's cards and examine the cards in order to form the highest possible ranking poker hand for each player using the player's two cards plus the three cards on the horizontal line of the cross to form an across hand and uses their two cards plus the three cards on the vertical line of the cross to form a down hand. Winning across and down hands shall be paid in accordance with the pay table in subdivision (f) of this section.

(ii) The middle bet is paid if either the across or down bet qualifies as a win. Such bet is paid at the odds of the highest-ranking hand. If the across bet is a push and the down bet loses, the middle bet is also a push; or if the across bet loses and the down bet is a push, the middle bet is also a push. If both the across bet and down bet push, the middle bet also is a push. The middle bet loses only if both the across and down bets lose. Winning middle bets shall be paid in accordance with the pay table in subdivision (f) of this section.

(f) *Payout odds*

(1) A gaming facility shall pay each winning ante and play wagers at no less than odds of 1:1 for qualifying hands of a pair of jacks or better. A pair of 6s through a pair of 10s shall result in a push, and all other outcomes shall be a loss.

(2) A gaming facility shall pay all winning across and down wager at no less than the following odds:

Hand	Payout
Pair 6s through 10s	Push
Pair of jacks or better	1 to 1
Two pair	2 to 1
Three of a kind	3 to 1
Straight	5 to 1
Flush	8 to 1
Full house	12 to 1
Four of a kind	40 to 1
Straight flush	100 to 1
Royal flush	500 to 1

(3) A gaming facility shall pay all winning five-card bonus wagers at no less than the following odds:

Hand	Payout
Pair of 6s or better	1 to 1
Two pair	3 to 1
Three of a kind	4 to 1
Straight	6 to 1
Flush	10 to 1
Full house	15 to 1
Four of a kind	40 to 1
Straight flush	100 to 1
Royal flush	250 to 1

§ 5324.40. Asia poker.

(a) *Equipment and layout*.

(1) Asia poker shall be played at a table having on one side betting positions for no more than six players and on the opposite side a place for the dealer.

(2) In addition to the requirements set forth in subdivision (a) of 5324.30 of this Part, the layout for an Asia poker table shall contain, at a minimum, a separate betting area designated for the placement of the Asia poker wager for each player; which shall contain:

(i) three separate areas designated for the placement of the high hand, medium hand and low hand of each player;

(ii) three separate areas designated for the placement of the high hand, medium hand and low hand of the dealer;

(iii) inscriptions that advise players of the payout odds or amounts for all permissible wagers. If the payout odds or amounts are not inscribed on the layout, a sign setting forth the payout odds or amounts for all permissible wagers shall be posted at all Asia poker tables;

(iv) an inscription indicating the payout limit per hand or a generic inscription indicating that the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign that sets forth the required information shall be posted at each Asia poker table; and

(v) a separate betting area designated for the placement of side wagers offered at Asia poker.

(3) *Cards; number of decks.* Unless using an automated card shuffling device pursuant to paragraph (2) of subdivision (b) of section 5324.30 of this Part, Asia poker shall be played with one deck of cards, including one joker, and one additional cover card. The cover card shall be a solid color readily distinguishable from the color of the backs and edges of the playing cards.

(b) *Asia poker rankings; poker hands*.

(1) The rank of the cards used in Asia poker, in order from 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 a straight, defined in subparagraphs (iii) and (vi) of paragraph (2) of this subdivision, formed with a 2, 3 and 4. Except as otherwise provided in paragraph (3) of this subdivision, the joker shall be used and ranked as an ace.

(2) The permissible poker hands at the game of Asia poker, in order from highest to lowest rank, are:

(i) *Four aces*, a high hand consisting of all four aces or three aces and the joker;

(ii) *Royal flush*, a high hand consisting of an ace, king, queen and jack of the same suit;

(iii) *Straight flush*, a high hand consisting of four cards of the same suit in consecutive ranking, with ace, 2, 3 and 4 being the highest-ranking straight flush; king, queen, jack and 10 being the second-highest-ranking straight flush; and 5, 4, 3 and 2 being the lowest-ranking straight flush;

(iv) *Four of a kind*, a high hand consisting of four cards of the same rank regardless of suit, with four kings being the highest-ranking four of a kind and four 2s being the lowest-ranking four f a kind;

(v) *Flush*, a high hand consisting of four cards of the same suit, and when comparing two flushes, the provisions of paragraph (5) shall be applied;

(vi) *Straight*, a high hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen and jack being the highest-ranking straight; an ace, 2, 3 and 4 being the second highest-ranking straight; and a 5, 4, 3 and 2 being the lowest-ranking straight;

(vii) *Three of a kind*, a high hand containing three cards of the same rank regardless of suit, with three aces being the highest-ranking three of a kind and three 2s being the lowest-ranking three of a kind;

(viii) *Two pairs*, a high hand containing two pairs, with two aces and two kings being the highest-ranking two pairs and two 2s and two 3s being the lowest-ranking two pairs; and

(ix) *Pair*, either a high hand or a medium hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest-ranking pair and two 2s being the lowest-ranking pair.

(3) For purposes of setting the hands, a joker may be used as any card to complete a straight, a flush, a straight flush or a royal flush.

(4) Notwithstanding the provisions of paragraph (2) of this subdivision, a gaming facility may determine, in accordance with its approved system of internal controls, that a straight flush formed with an ace, 2, 3 and 4 of the same suit shall be the lowest-ranking straight flush and that a straight formed with an ace, 2, 3 and 4, regardless of suit, shall be the lowest-ranking straight

(5) When comparing two high hands, two medium hands or two low hands that are of identical poker hand rank pursuant to the provisions of this subdivision, or that contain none of the poker hands authorized in this subdivision, the hand that contains the highest-ranking card as provided in paragraph (1) of this subdivision not contained in the other hand shall be considered the higher ranking hand. If the two hands are of identical rank after the application of this subdivision, the hands shall be considered a copy hand.

(6) If a gaming facility offers a bonus wager, the following seven-card hands shall be used to determine the amount of the bonus wager payout to which a winning player is entitled:

(i) four 8s and a three of a kind;

(ii) five aces, which is a hand consisting of four aces and a joker;

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

(iv) natural straight flush, which is a hand consisting of five cards of the same suit in consecutive rank with no joker;

(v) straight flush with a joker, which is a hand consisting of five cards of the same suit in consecutive rank, one of which is a joker;

(vi) four of a kind, which is a hand consisting of four cards of the same rank regardless of suit;

(vii) 9-high,which is a seven-card hand consisting of a:

(*a*) 9, 8, 7, 6, 4, 3 and 2; or

(*b*) 9, 8, 7, 5, 4, 3 and 2;

(viii) full house, which is a hand consisting of a three of a kind and a pair;

(ix) flush, which is a hand consisting of five cards of the same suit;

(x) three of a kind, which is a hand containing three cards of the same rank regardless of suit; and

(xi) straight, which is a hand consisting of five cards of consecutive rank, regardless of suit.

(c) *Wagers*.

(1) All wagers at Asia poker shall be made by placing chips, plaques and, if applicable, table game promotional coupons on the appropriate betting area of the Asia poker layout.

(2) Only players who are seated at the Asia poker table may place a wager at the game.

(3) If a gaming facility offers the Asia poker bonus wager, upon placing an Asia poker wager and prior to any cards being dealt for the round of play, a player may place an Asia poker bonus wager.

(d) *Procedures for dealing the cards*. In addition to the requirements set forth in subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards as follows:

(1) If using a manual dealing shoe, the dealer shall follow the procedures set forth in this paragraph.

(i) The dealer shall determine the starting position for dealing the cards according to subdivision (c) of section 5324.2 of this Part.

(ii) The dealer shall deal the first card to the starting position determined by this subdivision and, moving clockwise around the table, deal a card to all other positions, including the dealer, regardless of whether there is a wager at the position. The dealer shall then return to the starting position and deal a second card in a clockwise rotation and shall continue dealing until each position, including the dealer, has seven cards.

(2) If dealing from the hand, the dealer shall follow the procedures set forth in this paragraph.

(i) The dealer shall deal seven stacks of seven cards each to the area in front of the chip tray. The dealer shall deal the first seven cards moving from left to right and the second seven cards moving from right to left and shall continue alternating in this manner until there are seven stacks of seven cards.

(ii) After seven stacks of seven cards have been dealt, the dealer shall determine if exactly four cards are left by spreading such cards face down on the layout.

(iii) Once the dealer has completed dealing the seven stacks and placed the four remaining cards in the discard rack, the dealer shall then determine the starting position for dealing the cards according to subdivision (c) of section 5324.2 of this Part.

(iv) The dealer shall deliver the first stack to the starting position and, moving clockwise around the table, deliver the remaining stacks in order to all positions, including the dealer, regardless of whether there is a wager at a position.

(v) After the seven stacks have been delivered to each position, including the dealer, the dealer shall collect any stacks dealt to a player position where there is no wager and place such cards in the discard rack without exposing the cards.

(3) If using an automated dealing shoe, the automated dealing shoe shall dispense cards in stacks of seven cards. The dealer shall:

(i) determine the starting position for dealing the cards according to subdivision (c) of section 5324.2 of this Part;

(ii) deliver the first stack of cards dispensed by the automated dealing shoe face down to that position and then to each of the other positions moving clockwise around the table from the starting position, regardless of whether there is a wager at that position;

(iii) after the seven stacks of seven cards have been dispensed and delivered to each position, including the dealer, the dealer shall remove the remaining cards from the shoe and determine if exactly four cards are left by spreading such cards face down on the layout; and

(iv) the dealer shall then collect any stacks dealt to a player position where there is no wager and place such cards in the discard rack without exposing the cards.

(e) *Procedures for completion of each round of play; setting of hands; payment and collection of wagers*.

(1) After the dealing of the cards has been completed, each player shall set such player's hands by arranging the cards into a high hand, medium hand, and low hand. When setting the three hands, the high hand shall be higher in rank than the medium hand, and the medium hand shall higher in rank than the low hand.

(2) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set the dealer's hands by arranging the cards into a high, medium, and low hand. The dealer shall then place the three hands face up on the appropriate area of the layout.

(3) A player may announce a wish to surrender such player's wager prior to the dealer exposing any of the three hands of that player pursuant to paragraph (4) of this subdivision. Once a player has announced an intention to surrender, the dealer shall:

(i) immediately collect the wager from such player; and

(ii) collect the seven cards dealt to such player without exposing the cards to anyone at the table. The dealer shall verify that seven cards were collected by counting such cards face down on the layout prior to placing such cards in the discard rack.

(4) Once the dealer has set a high hand, medium hand and low hand, the dealer shall expose all three hands of each player, starting from the right and proceeding counter-clockwise around the table. The dealer shall compare the high, medium and low hand of each player to the high, medium and low hand of the dealer and shall announce if the Asia poker wager of that player shall win or lose.

(5) All losing Asia poker wagers shall be immediately collected by the dealer and put in the chip tray. All losing Asia poker hands shall also be collected. An Asia poker wager made by a player shall lose if:

(i) any two of the player's three hands are identical (copy hand) or lower in rank than the dealer's corresponding hands;

(ii) any one of the player's three hands is identical in rank to the corresponding hand of the dealer and one of the player's remaining hands is lower in rank than the dealer's corresponding hand;

(iii) the high hand of the player was not set so as to rank higher than such player's medium hand, or the medium hand of the player was not set so as to rank higher than such player's low hand; or

(iv) the three hands of the player were not otherwise set correctly in accordance with the rules of the game.

(6) All hands that result in a winning Asia poker wager shall be paid immediately by the dealer from the chip tray. An Asia poker wager made by a player shall win if any two of the player's three hands are higher in rank than the dealer's corresponding hands.

(7) A gaming facility shall pay winning wagers at no less than the odds of 1:1.

(f) *Payout odds for bonus wagers*.

(1) Bonus wagers shall be paid at no less than one of the following pay tables, as a gaming facility may choose:

Hand	Pay table A	Pay table B	Pay table C
Straight	2:1	2:1	2:1
Three of a kind	3:1	3:1	3:1
Flush	4:1	4:1	4:1
Full house	5:1	5:1	5:1

Hand	Pay table A	Pay table B	Pay table C
9-high	10:1	10:1	10:1
Four of a kind	30:1	30:1	25:1
Straight flush with a joker	40:1	40:1	40:1
Natural straight flush	80:1	50:1	50:1
Royal flush	200:1	200:1	200:1
Five aces	800:1	800:1	800:1
Three of a kind and four 8s	5,000:1	5,000:1	5,000:1

(g) *A player wagering on more than one betting area*.

(1) A gaming facility may permit a player to wager on no more than two betting areas at an Asia poker table, which areas shall be adjacent to each other.

(2) If a gaming facility permits a player to wager on two adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall be required to rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counter-clockwise rotation, with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked and set and placed face down on the appropriate area of the layout, the hand may not be changed.

§ 5324.41. Pai gow poker.

(a) *Equipment and layout*.

(1) Pai gow poker shall be played at a table having on one side betting positions for no more than six players and on the opposite side a place for the dealer.

(2) In addition to the requirements set forth in subdivision (a) of 5324.30 of this Part, the layout for a pai gow poker table shall contain, at a minimum, the following:

(i) six separate designated betting areas for the players at the table with each area being numbered one through six;

(ii) two separate areas located below each betting area that shall be designated for the placement of the high and low hands of that player;

(iii) if a gaming facility offers the optional fortune pai gow poker bonus wager and/or insurance wager:

(*a*) a separate area for each player, located to the right of the numbered betting areas, designated for the placement of a fortune pai gow poker bonus wager by each player;

(*b*) a separate area for each player, located to the left of the numbered betting areas, designated for the placement of an insurance wager by each player;

(*c*) notice of signage for payout odds for the fortune pai gow poker bonus wager and insurance wager and payout amounts for the envy bonus; and

(*d*) the inscription indicating the payout limit per round of play for the fortune pai gow poker bonus wager and the insurance wager established by the gaming facility or a generic inscription indicating the wagers are subject to the posted payout limit;

(iv) if the gaming facility offers the side wager, a separate area for each player, designated for the placement of that side wager by each player, as well as the payout odds for the side wager;

(v) two separate areas designated for the placement of the high and low hands of the dealer;

(vi) if the gaming facility offers the optional fortune pai gow poker bonus wagers, separate areas for each player, designated for the placement of the three-card bonus wager and seven-card bonus wager; and

(vii) if the gaming facility offers the imperial pai gow bonus wager:

(*a*) a separate area for each player, located to the right of the area for the placement of a player's pai gow wager, designated for the placement of the imperial pai gow bonus wager; and

(*b*) an inscription or notice of signage for payout odds for both the player hand bonus and banker hand bonus.

(3) If a gaming facility offers the optional fortune pai gow poker bonus wager, the insurance wager and/or the imperial pai gow bonus wager, a sign shall be posted at each pai gow poker table offering any of these wagers that explains the following:

(i) for the optional fortune pai gow poker bonus wager and the insurance wager, the details of the payout limit established and, if a generic inscription is used, the established payout limit; or

(ii) for the imperial pai gow bonus wager, the payout odds for each bonus wager.

(4) If a gaming facility offers a progressive payout wager, the pai gow poker table shall meet the requirements set forth subdivision (l) of section 5324.2 of this Part.

(b) *Cards; number of decks.* Unless using an automated card shuffling device pursuant to paragraph (2) of subdivision (b) of section 5324.30 of this Part, pai gow poker shall be

played with one deck of cards with backs of the same color and design and one additional cover card. The cover card shall be a solid color readily distinguishable from the color of the backs and edges of the playing cards. The deck of cards used to play pai gow poker shall include one joker.

(c) *Pai gow poker rankings; cards; poker hands*.

(1) The rank of the cards used in pai gow poker, 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 a straight formed with a 2, 3, 4 and 5. Except as otherwise provided in paragraph (3) of this subdivision, the joker shall be used and ranked as an ace.

(2) The permissible poker hands at the game of pai gow poker, in order of highest to lowest rank, are:

(i) *five aces*, a high hand consisting of four aces and a joker;

(ii) *royal flush*, a high hand consisting of an ace, king, queen, jack and 10 of the same suit; however, for purposes of the progressive payout wager, natural royal flush is a royal flush that does not use a joker;

(iii) *straight flush*, a high hand consisting of five cards of the same suit in consecutive ranking, with ace, 2, 3, 4 and 5 being the highest-ranking straight flush; king, queen, jack, 10 and 9 being the second highest-ranking straight flush; and 6, 5, 4, 3 and 2 being the lowest-ranking straight flush;

(iv) *four of a kind*, a high hand consisting of four cards of the same rank regardless of suit, with four aces being the highest-ranking four of a kind and four 2s being the lowest-ranking four of a kind;

(v) *full house*, a high 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;

(vi) *flush*, a high hand consisting of five cards of the same suit;

(vii) *straight*, a high hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest-ranking straight; an ace, 2, 3, 4 and 5 being the second-highest-ranking straight; and a 6, 5, 4, 3 and 2 being the lowest-ranking straight;

(viii) *three of a kind*, a high hand containing three cards of the same rank regardless of suit, with three aces being the highest-ranking three of a kind and three 2s being the lowest-ranking three of a kind;

(ix) *two pairs*, a high hand containing two pairs, with two aces and two kings being the highest-ranking two-pair hand and two 3s and two 2s being the lowest-ranking two-pair hand; and

(x) *pair*, either a high hand or a low hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest-ranking pair and two 2s being the lowest-ranking pair.

(3) For purposes of setting the hands, a joker may be used as any card to complete a straight, a flush, a straight flush or a royal flush.

(4) Notwithstanding the provisions of paragraph (2) of this subdivision, a gaming facility may determine, in accordance with the facility's approved system of internal controls, that a straight flush formed with an ace, 2, 3, 4 and 5 of the same suit shall be the lowest-ranking straight flush and that a straight formed with an ace, 2, 3, 4 and 5, regardless of suit, shall be the lowest-ranking straight.

(5) When comparing two high hands or two low hands that are of identical poker hand rank pursuant to the provisions of this section, or that contain none of the poker hands authorized in this subdivision, the hand that contains the highest-ranking card as provided in paragraph (1) of this subdivision that is not contained in the other hand shall be considered the higher ranking hand. If the two hands are of identical rank after the application of this subsection, the hands shall be considered a copy hand.

(6) If a gaming facility offers the optional fortune pai gow poker bonus wager, the following seven-card hands, each of which shall have a rank higher than a five-card poker hand of five aces, shall be used to determine the amount of the bonus wager payout or envy bonus payment to which a winning player is entitled:

(i) *seven-card straight flush with no joker* is a seven-card hand consisting of seven cards of the same suit in consecutive ranking, with no joker being used to complete the straight flush;

(ii) *royal flush plus royal match* is a seven-card hand consisting of an ace, king, queen, jack and 10 of the same suit, with or without a joker, with one of the following pre-selected by the gaming facility:

(*a*) an additional king and queen of a same suit; or

(b) an additional ace and king of the same suit, without a joker; and

(iii) *seven-card straight flush with joker* is a seven-card hand consisting of seven cards of the same suit in consecutive ranking with a joker being used to complete the straight flush.

(7) If a gaming facility offers the insurance wager, a joker is ranked as an ace for purposes of determining this wager.

(d) *Wagers*.

(1) All wagers at pai gow poker shall be made by placing chips or plaques and, if applicable, table game promotional coupons on the appropriate betting area of the pai gow poker layout.

(2) Only players who are seated at the pai gow poker table may place a wager at the game. Once a player has placed a wager and received cards, such player shall remain seated until the completion of the round of play.

(3) All wagers at pai gow poker shall be placed prior to the dealer announcing “no more bets.” No wager at pai gow poker shall be made, increased or withdrawn after the dealer has announced “no more bets.”

(4) Upon placing a pai gow poker wager, a player may, if a progressive payout wager is offered by the gaming facility, place a progressive payout wager. Each player shall be responsible for verifying that the acceptor light for such player’s betting position has been properly illuminated upon placement of the progressive payout wager.

(5) If a gaming facility offers the optional fortune pai gow poker bonus wagers, upon placing a pai gow poker wager and prior to any cards being dealt for the round of play, a player may place a seven-card bonus wager.

(6) If a gaming facility offers the optional fortune pai gow poker bonus wager or the imperial pai gow bonus wager, upon placing a pai gow poker wager and prior to any cards being dealt for the round of play, a player may place an optional fortune pai gow poker bonus wager or an imperial pai gow bonus wager.

(e) *Shuffle and cut of cards.*

(1) Upon completion of a manual shuffle, the dealer shall place the stack of cards on top of the cover card. Thereafter, the dealer shall offer the stack of cards to be cut, with the backs facing up and faces facing the layout, to the player determined pursuant to paragraph (2) of this subdivision. If no player accepts the cut, the dealer shall cut the cards.

(2) The cut of the cards shall be offered to players in the following order:

(i) the first player to the table, if the game is just beginning; and

(ii) the player at the farthest position to the right of the dealer, provided, the offer to cut the cards shall rotate in a counter-clockwise manner after the player to the far right of the dealer has been offered the cut.

(f) *Procedures for dealing pai gow poker*. In addition to the requirements set forth in subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards as follows:

(1) If using a manual dealing shoe, the dealer shall follow the procedures set forth in this paragraph.

(i) The dealer shall determine the starting position for dealing the cards according to subdivision (b) of section 5324.2 of this Part;

(ii) If the gaming facility offers the side wager set forth in subdivision (j) of this section, all such side wagers shall be determined and paid and shall be completed before any card is dealt to any player at the table.

(iii) The dealer shall deal the first card to the starting position and moving clockwise around the table, deal a card to all other positions, including the dealer, regardless of whether there is a wager at the position. The dealer shall then return to the starting position and deal a second card in a clockwise rotation and shall continue dealing until each position, including the dealer, has seven cards.

(iv) After the seven stacks have been delivered to each position, including the dealer, the dealer shall collect any stacks dealt to a position where there is no wager and place the stacks in the discard rack without exposing the cards.

(2) If dealing from the hand, the dealer shall follow the procedures set forth in this paragraph.

(i) The dealer shall deal seven stacks of seven cards each to the area in front of the chip tray by dealing the first seven cards moving from left to right and the second seven cards moving from right to left and shall continue alternating in this manner until there are seven stacks of seven cards.

(ii) The dealer shall then determine the starting position for delivering the stacks of cards according to subdivision (b) of section 5324.2 of this Part.

(iii) If the gaming facility offers the side wager set forth in subdivision (j) of this section, all such side wagers shall be determined and paid and shall be completed, before any card is dealt to any player at the table.

(iv) The dealer shall deal the first stacks to the starting position and moving clockwise around the table, deliver the remaining stacks in order to all other positions, including the dealer, regardless of whether there is a wager at the position. In delivering the stacks, the stack farthest to the left of the dealer shall be considered the first stack, and the stack farthest to the right of the dealer shall be considered the seventh stack. The dealer shall deliver each stack face down.

(v) After the seven stacks have been delivered to each position, including the dealer, the dealer shall collect any stacks dealt to a position where there is no wager and place the stacks in the discard rack without exposing the cards.

(3) If using an automated dealing shoe, the automated dealing shoe shall dispense cards in stacks of seven cards. The dealer shall follow the procedures set forth in this paragraph:

(i) The dealer shall determine the starting position for delivering the stacks of cards according to subdivision (b) of section 5324.2 of this Part.

(ii) If the gaming facility offers the side wager, all such side wagers shall be determined and paid, before any stack of cards is dealt to any player at the table.

(iii) The dealer shall deal the first stacks to the starting position and moving clockwise around the table, deliver the remaining stacks in order to all other positions, including the dealer, regardless of whether there is a wager at the position. In delivering the stacks, the stack farthest to the left of the dealer shall be considered the first stack and the stack farthest to the right of the dealer shall be considered the seventh stack. The dealer shall deliver each stack face down.

(iv) After the seven stacks have been delivered to each position, including the dealer, the dealer shall collect any stacks dealt to a position where there is no wager and place the stacks in the discard rack without exposing the cards.

(g) *Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.*

(1) After the dealing of the cards has been completed, each player shall set such player's hands by arranging the cards into a high hand and low hand. When setting the two hands, the five-card high hand shall be equal to or higher in rank than the two-card low hand.

(2) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set the dealer's hands by arranging the cards into a high and low hand. The dealer shall then place the two hands face up on the appropriate area of the layout.

(3) Unless a player has placed a progressive payout wager or a seven-card bonus wager, a player may announce a wish to surrender such player's wager prior to the dealer exposing either of the two hands of such player pursuant to paragraph (5) of this subdivision. Once such player has announced an intention to surrender, the dealer shall:

(i) immediately collect the wager from such player; and

(ii) collect the seven cards dealt to such player without exposing the cards to anyone at the table. The dealer shall verify that seven cards were collected by counting the cards face down on the layout prior to placing the cards in the discard rack.

(4) Once the dealer has set a high hand and a low hand, the dealer shall expose both hands of each player, starting from the right and proceeding counter-clockwise around the table. The dealer shall compare the high and low hand of each player to the high and low hand of the dealer and shall announce if the pai gow poker wager of that player shall win, lose or be considered a push. If the player has placed a progressive payout wager, the dealer shall also examine the seven cards of the player and announce if the progressive payout wager of that player shall win or lose. If the player has placed a seven-card bonus wager, the dealer shall also examine the seven cards of the player and announce if the seven-card bonus wager of that player shall win or lose. If the player has placed an imperial pai gow bonus wager, the dealer shall also examine:

(i) the seven cards of the player and announce if the player hand bonus for that player shall win or lose, and

(ii) the seven cards of the bank and announce if the banker hand bonus for that player shall win or lose.

(5) All losing pai gow poker wagers, imperial pai gow bonus wagers, seven-card bonus wagers and progressive payout wagers shall be immediately collected by the dealer and put in the chip tray. Unless the player has a winning progressive payout wager or winning seven-card bonus wager, all losing pai gow poker hands shall also be collected. A pai gow poker wager made by a player shall lose if:

(i) the high hand of the player is lower in rank than the high hand of the dealer and the low hand of the player is lower in rank than the low hand of the dealer;

(ii) the high hand of the player is identical in rank to the high hand of the dealer or the low hand of the player is identical in rank to the low hand of the dealer (a copy hand) and the other hand of the player is identical in rank or lower in rank than the other hand of the dealer;

(iii) the high hand of the player was not set so as to rank equal to or higher than the low hand of that player; or

(iv) the two hands of the player were not otherwise set correctly in accordance with the rules of the game (for example, a player forms a three-card low hand and a four-card high hand).

(6) If a pai gow poker wager is a push, the dealer shall not collect or pay the wager, but shall return the pai gow poker wager to the player. Unless the player has a winning progressive payout wager or a winning seven-card bonus wager, the dealer shall then immediately collect the cards of that player. A pai gow poker wager made by a player shall be a push if:

(i) the high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is identical in rank to the low hand of the dealer (copy hand) or lower in rank than the low hand of the dealer; or

(ii) the high hand of the player is identical in rank to the high hand of the dealer (copy hand) or lower in rank than the high hand of the dealer, but the low hand of the player is higher in rank than the low hand of the dealer.

(7) All hands that resulted in a winning pai gow poker wager, winning seven-card bonus wager, winning imperial pai gow bonus wager, or winning progressive payout wager shall remain face up on the layout. Winning wagers shall be paid after all hands are exposed. The dealer shall pay winning wagers beginning with the player farthest to the right of the dealer and continuing counter-clockwise around the table. A pai gow poker wager made by a player shall win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer. If a player has a winning pai gow poker wager and a winning progressive payout wager, winning imperial pai gow bonus wager, or a winning seven-card bonus wager, the pai gow poker wager shall be paid first.

(8) A winning pai gow poker wager shall be paid by a gaming facility at no less than odds of 1:1, except that the gaming facility shall collect a vigorish from the winning player in an amount equal to five percent of the amount won; provided, however, that when collecting the vigorish, the gaming facility may round off the vigorish to 25 cents or the next highest multiple of 25 cents. A gaming facility shall collect the vigorish from a player at the time the winning payout is made. After a winning pai gow poker wager has been paid and the vigorish collected, the dealer shall then, if applicable, pay the winning progressive payout wager, winning imperial pai gow bonus wager or the winning seven-card bonus wager of that player. Before paying a winning progressive payout wager, winning imperial pai gow bonus wager, or winning seven-card bonus wager, the dealer shall, if necessary, reset the player's high hand and low hand to form the hand type yielding the highest progressive wager payout or seven-card bonus payout to which the player is entitled. Except as otherwise required pursuant to paragraph (9) of this subdivision, the dealer shall then collect the cards from that player.

(9) If a player has won a progressive payout wager that is not being paid from the chip tray, the cards of such player shall remain on the table until the necessary documentation has been completed.

(h) *Player bank; co-banking; selection of bank; procedures for dealing*.

(1) A gaming facility may offer to all players at a pai gow poker table the opportunity to bank the game. If the gaming facility elects this option, all provisions of this subdivision shall apply except to the extent that they conflict with the provisions of this paragraph, in which case the provisions of this paragraph shall control for any round of play in which a player is the bank.

(2) Player may not be the bank at the start of the game. For the purposes of this subdivision, the start of the game shall mean the first round of play after the dealer is required to shuffle the cards.

(3) After the first round of play pursuant to paragraph (2) of this subdivision, each player at the table shall have the option to either be the bank or pass the bank to the next player. The dealer shall, starting with the player farthest to the right of the dealer, offer the bank to each player in a counter-clockwise rotation around the table until a player accepts the bank. The dealer shall place a marker designating the bank in front of the player who accepts the bank. If the first player offered the bank accepts, the player seated to the right of that player shall first be offered the bank on the next round of play. The initial offer to be the bank shall rotate counter-clockwise around the table until it returns to the dealer. In no event may any player bank two consecutive rounds of play. If no player wishes to be the bank, the round of play shall proceed in accordance with the rules of play provided in this section.

(4) Before a player may be permitted to bank a round of play, the dealer shall determine that:

(i) the player placed a wager against the dealer during the last round of play in which there was no player banking the game; and

(ii) the player has sufficient chips on the table to cover all of the wagers placed by other players at the table for that round of play.

(5) A gaming facility may offer the bank the option of having the gaming facility cover 50 percent of the wagers made during a round of play. If the gaming facility offers this option, the gaming facility shall make such option available to all players at the table. If the bank wishes to use this option, the bank shall specifically request the dealer to accept responsibility for the payment of one-half of all winning wagers. When the bank covers 50 percent and the gaming facility covers 50 percent of the winning wagers, such arrangement shall be known as co-banking and the dealer shall place a marker designating the co-bank in front of that player. When the dealer is co-banking, the dealer shall be responsible for setting the hand of the bank in the manner submitted to the commission for written approval. When co-banking is in effect, the dealer may not place a wager against the bank.

(6) If a player is the bank, the player may wager on one betting area only.

(7) Once the dealer has determined that a player may be the bank pursuant to paragraph (4) of this subdivision and after the cards have been shuffled, the dealer shall remove chips from the chip tray in an amount equal to the last wager made by that player against the dealer or in an amount, the calculation of which has been approved by the commission. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer places no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the chip tray.

(8) If the cards are to be dealt from a manual dealing shoe, the procedures set forth in paragraph (1) of subdivision (f) of this section shall apply, except as follows:

(i) if a pai gow poker shaker and dice are used to determine the starting position for the dealing of the cards, the bank, instead of the dealer, shall shake the pai gow poker shaker three times. The dealer shall have the responsibility to ensure that the bank shakes the pai gow poker shaker at least three times so as to cause a random mixture of the dice. Once the bank has completed shaking the pai gow poker shaker, the dealer shall remove the lid covering the pai gow poker shaker, total the dice and announce the total. The dealer shall always remove the lid from the pai gow poker shaker and if the bank inadvertently removes the lid, the dealer shall require the pai gow poker shaker to be covered and re-shaken by the bank;

(ii) if a computerized random number generator is used to determine the starting position for the dealing of the cards, the device shall be operated in accordance with the gaming facility's system of internal controls; and

(iii) when counting the betting positions, including the dealer, to determine the starting position for dealing the cards, the position of the banker, instead of the dealer, shall be considered number one.

(9) If the cards are to be dealt from the hand, the procedures set forth in paragraph (2) of subdivision (f) of this section shall apply, except as follows:

(i) once the dealer has completed dealing the seven stacks and placed the four remaining cards in the discard rack, the bank shall select the first stack to be delivered by the dealer. This stack shall be designated as the first stack by the dealer, who shall move the stack toward the players;

(ii) if a pai gow poker shaker and dice are used to determine the starting position for the delivery of the first stack, the bank, instead of the dealer, shall shake the pai gow poker shaker three times pursuant to subparagraph (ii) of paragraph (3) of subdivision (j) of this section. The dealer shall be responsible to ensure that the bank shakes the pai gow poker shaker at least three times so as to cause a random

mixture of the dice. Once the bank has completed shaking the pai gow poker shaker, the dealer shall remove the lid covering the pai gow poker shaker, total the dice and announce the total. The dealer shall always remove the lid from the pai gow poker shaker and if the bank inadvertently removes the lid, the dealer shall require the pai gow poker shaker to be covered and re-shaken by the bank;

(iii) if a computerized random number generator is used to determine the starting position for the dealing of the cards, the bank shall use the procedures set forth in subdivision (c) of section 5324.2 of this Part; and

(iv) when counting the betting positions, including the dealer, to determine the starting position for delivering the seven stacks of cards, the position of the bank, instead of the dealer, shall be considered number one; and

(v) the dealer shall deliver the first stack as determined in subparagraph (i) of this paragraph to the starting position as determined in subparagraph (iii) of paragraph (2) of subdivision (j) of this section. Thereafter, the dealer shall deliver the remaining stacks in a clockwise rotation beginning with the stack closest to the right of the first stack and proceeding until all stacks to the right of the first stack have been dealt and then moving to the stack farthest to the left of the dealer and proceeding left to right. If there are no stacks to the right of the first stack, the dealer shall begin with the stack farthest to the left and proceed to the right. The dealer shall deliver each stack face down to each position, including the dealer, regardless of whether there is a wager at the position.

(10) If the cards are to be dealt from an automated dealing shoe, the procedures set forth in paragraph (3) of subdivision (j) of this section shall apply, except as follows:

(i) if a pai gow poker shaker and dice are used to determine the starting position for the delivery of the first stack of cards dispensed by the automated dealing shoe, the bank, instead of the dealer, shall shake the pai gow poker shaker three times pursuant to paragraph (3) of subdivision (j) of this section. The dealer shall be responsible to ensure that the bank shakes the pai gow poker shaker at least three times so as to cause a random mixture of the dice. Once the bank has completed shaking the pai gow poker shaker, the dealer shall remove the lid covering the pai gow poker shaker, total the dice and announce the total. The dealer shall always remove the lid from the pai gow poker shaker and if the bank inadvertently removes the lid, the dealer shall require the pai gow poker shaker to be covered and re-shaken by the bank;

(ii) if a computerized random number generator is used to determine the starting position for the dealing of the cards, the bank shall use the procedures set forth in subdivision (c) of section 5324.2 of this Part; and

(iii) when counting the betting positions, including the dealer, to determine the starting position for delivering the stacks of cards as they are dispensed by the shoe, the position of the bank, instead of the dealer shall be considered number one.

(11) If the cards dealt to the dealer have not been previously collected, after each player has set such player's two hands and placed such hands on the appropriate area of the layout, the two hands of the dealer shall then be set. Once the dealer has formed a high and low hand, the dealer shall expose the hands of the bank and determine if the hands of the dealer are higher in rank than the hands of the bank. If the dealer wins, the cards of the dealer shall be stacked face up to the right of the chip tray with the amount wagered by the dealer against the bank placed on top. If the dealer pushes, the dealer shall return the amount wagered by the dealer against the bank to the chip tray. If the dealer loses, the amount wagered by the dealer against the bank shall be moved to the center of the layout.

(12) If banking is in effect, once the dealer has determined the outcome of the wager of the dealer against the bank, if any, the dealer shall expose the hands of each player, starting with the player farthest to the right of the dealer and proceeding counter-clockwise around the table. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and shall announce if the wager shall win, lose or be considered a push against the bank. All losing wagers shall be collected immediately and placed in the center of the table. After all hands have been exposed, all winning wagers, including the dealer's wager, shall be paid by the dealer with the chips located in the center of the table. If this amount becomes exhausted before all winning wagers have been paid, the dealer shall collect from the bank an amount equal to the remaining winning wagers and place such amount in the center of the layout. The remaining winning wagers shall be paid from the amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, such amount shall be charged a five percent vigorish in accordance with the provisions of subdivision (g) of this section. Once the vigorish has been paid, the remaining amount shall be given to the bank.

(13) If co-banking is in effect, once the dealer has set the co-bank hand pursuant to paragraph (5) of this subdivision, the dealer shall expose the hands of each player starting with the player farthest to the right of the dealer and proceeding counter-clockwise around the table. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and shall announce if the wager shall win, lose or be considered a push against the bank. All losing wagers shall be immediately collected and placed in the center of the table. After all hands have been exposed, all winning wagers shall be paid by the dealer with the chips located in the center of the table. If this amount becomes exhausted before all winning wagers have been paid, the dealer shall collect from the co-bank an amount equal to one-half of the remaining winning wagers and place such amount in the center of the layout. The dealer shall remove an amount equal to one-half of the remaining winning wagers from the chip

tray and place that amount in the center of the layout. The remaining winning wagers shall be paid from the total amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, such amount shall be counted and the dealer shall place half of such amount into the chip tray. The dealer shall collect a five percent vigorish in accordance with paragraph (8) of subdivision (g) of this section on the remaining amount and place the vigorish amount in the chip tray. The remaining amount then shall be given to the co-bank. Immediately after a winning wager of the dealer is paid, this amount and the original wager shall be returned to the chip tray.

(14) Each player who has a winning wager against the bank shall pay a five percent vigorish on the amount won to the dealer, in accordance with paragraph (8) of subdivision (g) of this section.

(15) If a gaming facility offers the progressive payout wager, the imperial pai gow bonus wager or the optional bonus wagers, the processing and settlement of such wagers shall be governed by the rules applicable to such wagers throughout this section.

(i) *A player wagering on more than one betting area*.

(1) Except as provided in paragraph (6) of subdivision (h) of this section, a gaming facility may permit a player to wager on no more than two betting areas at a pai gow poker table, which areas shall be adjacent to each other.

(2) If a gaming facility permits a player to wager on two adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall be required to rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counter-clockwise rotation, with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked and set and placed face down on the appropriate area of the layout, the hand may not be changed.

(j) *Permissible side wager*.

(1) If a gaming facility uses a random number generator to determine the starting position for the dealing of cards or the delivery of stacks of cards, the gaming facility may offer to every player at the pai gow poker table the option to make an additional wager as to which one of the numbers 1 through 7 shall be selected and displayed by the random number generator at the beginning of a round of play.

(2) The following procedures shall be observed by any gaming facility offering the additional wager authorized by this section:

(i) prior to the activation of the random number generator at the beginning of a round of play, any player who has made a pai gow poker wager may, at the same time, make the additional wager authorized by this subdivision. A player may make an additional wager on more than one number during each round of play;

(ii) a player shall make an additional wager by placing chips, plaques and, if applicable, table game promotional coupons, on the number selected by the player in the area designated for additional wagers on the pai gow poker table layout.

(iii) an additional wager shall win if the number selected by the player in subparagraph (ii) of this paragraph is the same number selected and displayed by the random number generator as the first player position to receive cards during that round of pai gow poker. All other additional wagers shall lose;

(iv) after the dealer announces “no more bets” and the random number generator selects and displays the position number for that round of play, any losing additional wagers shall be collected immediately by the dealer;

(v) any winning additional wagers shall be paid immediately after collection of any losing additional wagers and prior to any card being dealt to any player at the table; and

(vi) a gaming facility shall pay winning additional wagers at odds of no less than 5.5:1 and no more than 6:1 and in accordance with the payout odds imprinted on the pai gow poker table layout; provided, however, that payouts for any additional winning wagers shall be rounded down to the nearest whole dollar.

(3) Any additional wager made pursuant to this subdivision shall have no bearing upon any other wager made by a player at the game of pai gow poker.

(k) *Progressive payout wager*.

(1) A gaming facility may offer to every player at a pai gow poker table who has placed a pai gow poker wager the option to make a progressive payout wager on whether the player shall be dealt a hand type as set forth in paragraph (4) of this subdivision. The progressive payout wager shall, in the discretion of the gaming facility, be either a $1 or $5 wager.

(2) Prior to the first card or stack of cards of a round being dealt and once all wagers including progressive payout wagers have been placed, the dealer shall announce “no more bets” and press the lock-out button on the table controller panel. The dealer shall then remove any wagers placed on the progressive payout from the chip tray return device, verify, on the layout in front of the chip tray, that the that the number of chips wagered equals the number of lights illuminated on the acceptor devices and place the chips into the chip tray.

(3) A winning progressive payout wager shall be paid in accordance with the payout table listed in paragraph (4) of this subdivision. A winning progressive payout wager shall be paid without regard to the outcome of the player's pai gow poker wager. Prior to paying a winning progressive payout wager, the dealer shall:

(i) verify that the light on the correct acceptor device has been illuminated;

(ii) verify that the hand is a winning hand; and

(iii) require a supervisor to validate any payouts to be deducted from the progressive meter pursuant to paragraph (5) of this subdivision and the gaming facility's system of internal controls.

(4) A gaming facility shall pay winning progressive payout wagers at no less than the following amounts:

(i) for a $5 progressive wager, multiply payout amount by five; and

(ii) for a $1 progressive wager:

Hand	Payout
Natural royal flush and pair	100% of meter
Five aces and pair	100% of meter
Natural royal flush	10% of meter
Five aces	10% of meter
Royal flush and pair	$200
Royal flush	$100
Straight flush and pair	$50
Straight flush	$25
Four of a kind and pair	$40
Four of a kind	$20
Full house and pair	$10
Full house	$5
Flush and pair	$6
Flush	$3
Straight and pair	$4
Straight	$2
Three of a kind	$2

(5) The rate of progression of the progressive meter used to determine the progressive payouts required by paragraph (4) of this subdivision shall be no less than 21 percent of the amount wagered for the $1 progressive wager and 27 percent of the amount wagered for the $5 progressive wager. Any progressive wager payout of $50 or more or for a straight flush for a $1 progressive wager, and any progressive wager payout

of $250 or more or for a straight flush for a $5 progressive wager, shall be deducted from the progressive meter.

(6) Any payout determined by the amount on the progressive meter shall be based upon the amount that is on the meter at the time the player's progressive payout wager is paid, without regard to the amount that was on the meter when the player placed the wager or when the dealer dealt the player's cards.

(l) *Pai gow insurance wager; side bonus wager; payment of envy bonus*.

(1) A gaming facility may offer to each player at a pai gow poker table the opportunity to make a pai gow insurance wager and/or a fortune pai gow poker bonus wager and receive an envy bonus payment in accordance with the provisions of this subdivision. The optional fortune pai gow poker bonus wager authorized by this subdivision may not be offered by a gaming facility on any pai gow poker table that offers the optional three-card bonus wager, the imperial pai gow bonus wager or the seven-card bonus wager.

(2) Any player who has made a pai gow poker wager may, at the same time, make a pai gow insurance wager and/or a fortune pai gow poker bonus wager by placing chips in the area designated for a bonus wager at such player's betting position. A bonus wager shall be no less than $1.

(3) Any player who makes a fortune pai gow poker bonus wager of at least $5 shall qualify to receive an envy bonus payment. The dealer shall place an envy bonus marker immediately in front any fortune pai gow poker bonus wager of $5 or more.

(4) If one or more players makes a pai gow insurance wager and/or a fortune pai gow poker bonus wager, the dealer shall follow the procedures set forth in subparagraph (i) of this paragraph, but with the following modifications:

(i) the dealer shall, starting from the dealer's right and moving counter-clockwise around the table, settle the pai gow poker wager of each player and collect any vigorish that is due; provided, however, that:

(*a*) the cards of any player who has placed a fortune pai gow poker bonus wager shall remain on the layout, regardless of the outcome of such player's pai gow poker wager, until removed in accordance with the provisions of clauses (*a*) or (*b*) of subparagraph (ii) of this paragraph; and

(*b*) if any player has placed a pai gow insurance wager or a fortune pai gow poker bonus wager of at least $5, the cards of each player shall remain on the layout, regardless of the outcome of such player's pai gow poker wager, until removed in accordance with the provisions of subparagraphs (ii) or (iii) of this paragraph;

(ii) after settling the pai gow poker wager of a player who has placed a pai gow insurance wager or a fortune pai gow poker bonus wager, the dealer shall rearrange the seven cards of the player to form the best possible hand and ultimately shall be responsible for creating such hand for purposes of the pai gow insurance wager and the fortune pai gow poker bonus wager. Except for the pai gow insurance wager, a joker may be used as any card to complete any straight, flush, straight flush or royal flush other than a seven-card straight flush with no joker. If any player at the table has placed a bonus wager of at least $5, the dealer shall rearrange the cards of each player at the table regardless of whether such player has placed a fortune pai gow poker bonus wager;

(*a*) if the player does not have a qualifying poker hand or a pai gow, the dealer shall collect the fortune pai gow poker bonus wager and/or pai gow insurance wager, if applicable, and place the cards of the player in the discard rack;

(*b*) if the player has a qualifying poker hand or a pai gow, the dealer shall, if and as applicable, pay the winning fortune pai gow poker bonus wager and/or the winning pai gow insurance wager and place the cards of the player in the discard rack;

(*c*) if the player has a premium qualifying poker hand, the dealer verbally shall acknowledge the premium qualifying poker hand and leave the fortune pai gow poker bonus wager, if applicable, and the cards of the player face up on the table; and

(iii) after all other fortune pai gow poker bonus wagers and pai gow insurance wagers have been settled, the dealer shall, starting from the dealer's right and moving counter-clockwise around the table, settle with each player who has an envy bonus marker at such player's betting position or who has a fortune pai gow poker bonus wager and a premium qualifying poker hand.

(*a*) If the player has an envy bonus marker, the dealer shall pay the player the appropriate envy bonus payment and collect the envy bonus marker.

(*b*) If the player has a fortune pai gow poker bonus wager and a premium qualifying poker hand, the dealer shall pay the winning fortune pai gow poker bonus wager and place the cards of the player in the discard rack.

(*c*) After all envy bonuses and premium qualifying poker hands are paid, the dealer shall collect the cards of any player who had a premium qualifying poker hand but did not place a fortune pai gow poker bonus wager and place the cards of the player in the discard rack.

(m)*Payout odds for fortune pai gow poker bonus wagers; envy bonus payments; pai gow insurance wagers*.

(1) Fortune pai gow poker bonus wagers shall be paid at no less than as set forth on one of the following pay tables, as the gaming facility may choose:

Hand	Pay table A	Pay table B	Pay table C
Straight	2:1	2:1	2:1
Three of a kind	3:1	3:1	3:1
Flush	4:1	4:1	4:1
Full house	5:1	5:1	5:1
Four of a kind	25:1	25:1	20:1
Straight flush	50:1	50:1	50:1
Royal flush	150:1	150:1	100:1
Five aces	400:1	400:1	250:1
Seven-card straight flush with joker	1000:1	1000:1	750:1
Royal flush plus royal match	2000:1	2000:1	1000:1
Seven-card straight flush with no joker	8000:1	5000:1	5000:1

(2) Envy bonus payments shall be paid pursuant to one of the following pay tables, as the gaming facility may choose (each envy pay table shall correspond with the same pay table letter chosen in paragraph (1) of this subdivision):

Hand	Pay table A	Pay table B	Pay table C
Four of a kind	$5	$5	$5
Straight flush	$20	$20	$10
Royal flush	$50	$50	$25
Five aces	$250	$250	$50
Seven-card straight flush with joker	$500	$500	$100
Royal flush plus royal match	$1000	$1000	$250
Seven-card straight flush with no joker	$5000	$3000	$1000

(3) Pai gow insurance wagers shall be paid pursuant to the payout odds set forth in one of the following pay tables, pre-selected by the gaming facility:

Hand	Pay table A	Pay table B	Pay table C	Pay table D	Pay table E
ace high	2:1	2:1	1:1	3:1	3:1
king high	3:1	3:1	5:1	5:1	5:1
queen high	5:1	5:1	10:1	6:1	7:1
jack high	20:1	25:1	25:1	15:1	15:1

Hand	Pay table A	Pay table B	Pay table C	Pay table D	Pay table E
10 high	40:1	75:1	50:1	25:1	25:1
9 high	400:1	250:1	100:1	100:1	100:1

(4) Notwithstanding the minimum payout odds required in paragraphs (1) and (3) of this subdivision and the fixed bonus amount required in paragraph (2) of this subdivision, a gaming facility may establish a maximum payout amount as approved by the commission that is payable to a player for one round of play, which amount shall be at least $40,000 or the maximum amount that one player could win per round when betting the minimum permissible wagers, whichever is greater. If the established payout limit is not included on the layout, each gaming facility shall provide notice of any decrease in the payout limit. Any maximum payout limit established by a gaming facility shall apply only to payouts of pai gow poker bonus wagers and pai gow insurance wagers placed.

(n) *Dealing procedures for three-card bonus wager and seven-card bonus wager*.

(1) A gaming facility may offer to each player at a pai gow poker table the opportunity to place an optional three-card bonus wager and/or a seven-card bonus wager and to receive payouts on such winning wagers. The bonus wagers authorized by this subdivision may not be offered by a gaming facility on any pai gow poker table that offers the optional bonus wager or the imperial pai gow bonus wager. The three-card bonus wager and the seven-card bonus wager shall have no bearing on any other wager made by a player at the game of pai gow poker.

(2) Notwithstanding any other provision of this section, the dealing procedures set forth in this section shall apply to any pai gow poker game that offers the optional bonus wagers authorized by this section. The first three cards dealt to each player shall be dealt from an automated dealing shoe that dispenses cards in stacks of three cards.

(3) Once the procedures required by subdivision (e) of this section have been completed, the cards shall be placed in the automated dealing shoe. The dealer then shall announce “no more bets.”

(4) The dealer shall deliver the first stack of three cards dispensed by the automated dealing shoe face down to the player at the starting position. The starting position shall be the player position farthest to the left of the dealer at which a pai gow poker wager has been placed.

(5) As the remaining stacks of three cards are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a pai gow poker wager. The dealer shall then deliver a stack of three cards face down to the area designated for the dealer’s hand.

(6) Each player who has placed a three-card-bonus wager shall, after examining such player's cards, determine whether the three-card hand qualifies for a three-card bonus wager payout. Each player who has placed a three-card bonus wager and who has a winning hand shall place such player's cards face up on the layout. The dealer shall collect all three-card bonus wagers from players with losing three-card hands and then pay all winning three-card bonus wagers.

(7) After each stack of three cards has been dispensed and delivered and each three-card bonus wager has been settled in accordance with this section, the dealer shall complete the dealing of the cards by following one of the following procedures.

(i) The dealer shall remove the stub from the automated dealing shoe, place the stub on top of a cover card and, following the relevant dealing procedures in paragraph (2) of subdivision (f) of this section, deal four additional cards face down to each player and the dealer. The dealer shall deal the first four consecutive cards to the player farthest to the dealer's left who has placed a pai gow poker wager and, moving clockwise around the table, continue to deal four consecutive cards to each player who has placed a pai gow poker wager. The dealer shall then deal four consecutive cards to the area designated for the dealer's hand. After each player who has placed a pai gow poker wager and the dealer have been dealt a total of seven cards, the dealer shall place the stub in the discard rack without exposing the cards and the round of play shall proceed.

(ii) The dealer shall deliver the first stack of four additional cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a pai gow poker wager. 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 four cards face down to each player who has placed a pai gow poker wager. The dealer shall then deliver a stack of four additional cards face down to the area designated for the dealer's hand. The round of play shall then proceed. The dealer shall be required to count the stub at least once every five rounds of play in order to determine whether the correct number of cards is still in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(8) The counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards, plus the joker, are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(o) *Payout odds for optional three-card bonus wager and seven-card bonus wager*.

(1) A gaming facility shall pay winning three-card bonus wagers at no less than the following odds:

Hand	Payout
One pair	1:1
Three-card flush	3:1
Three-card straight	4:1
Three-card straight flush	5:1
Three of a kind	25:1
Three-card straight flush with no joker	40:1

(2) A gaming facility shall pay winning seven-card bonus wagers at no less than the odds in accordance with one of the following payout tables:

Hand	Pay table A	Pay table B
Straight	2:1	2:1
Three of a kind	3:1	3:1
Flush	4:1	4:1
Full house	5:1	5:1
Four of a kind	25:1	25:1
Straight flush with joker	50:1	30:1
Straight flush with no joker		50:1
Royal flush	250:1	200:1
Five aces	500:1	500:1

(3) Notwithstanding the minimum payout odds required in paragraph (3) of this subdivision, a gaming facility may establish a maximum payout amount as approved by the commission that is payable to a player for one round of play, which amount shall be at least $50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater. If the established payout limit is not included on the layout, each gaming facility shall provide notice of any decrease in the payout limit. Any maximum payout limit established by a gaming facility shall apply only to payouts of the seven-card bonus wager placed.

(p) *Imperial pai gow bonus wager*.

(1) A gaming facility may, in its discretion, offer to each player at a pai gow poker table the opportunity to make an imperial pai gow bonus wager and receive bonus payouts. The optional bonus wager authorized by this subdivision may not be offered by a gaming facility on any pai gow poker table that offers the pai gow insurance wager, optional bonus wager and envy bonus or the optional three-card bonus wager and the seven-card bonus wager. The imperial pai gow bonus wager shall have no bearing on any other permitted wager made by a player at the game of pai gow poker.

(2) Any player who has made a pai gow poker wager may, at the same time, make a bonus wager by placing chips in the area designated for the imperial pai gow bonus

wager at such player's betting position. Minimum and maximum imperial pai gow bonus wagers shall be established in the gaming facility's system of internal controls.

(3) If an imperial pai gow bonus wager has been made by one or more players, the dealer shall observe the procedures set forth in subdivision (g) of this section but with the following modifications:

(i) After settling the pai gow poker wager of a player who has placed an imperial pai gow bonus wager, the dealer shall rearrange the seven cards of the player to form the best possible hand and determine if the player's hand qualifies for the player hand bonus payout. The dealer shall be responsible ultimately for creating such hand for purposes of the player's hand bonus. A joker may be used as any card to complete any straight, flush, straight flush or five aces. The dealer shall pay any player hand bonus.

(ii) After the dealer determines whether a player's hand qualifies for a player hand bonus and settles such bonus, the dealer shall determine whether the dealer's hand qualifies for a banker hand bonus. If a player is banking a round of play, the banker hand bonus for all other players shall be determined by the bank's hand and the banker hand bonus for the bank shall be determined by the dealer's hand. The dealer shall pay any banker hand bonus in accordance with the payout odds for imperial pai gow wager bonus wager.

(4) A gaming facility shall pay a player hand bonus for the highest qualifying hand type at the following odds:

Hand	Payout
Three of a kind	2:1
Straight	2:1
Flush	4:1
Full house	5:1
Four of a kind	25:1
Straight flush	50:1
Royal flush	200:1
Five aces	1000:1

(5) A gaming facility shall pay a banker hand bonus for the highest qualifying hand type at the following odds:

Hand	Payout
Jack high	5:1
10 high	20:1
9 high	100:1

(6) Notwithstanding the payout odds required in paragraphs (4) and (5) of this subdivision, a gaming facility may establish a maximum payout amount as approved by the commission that is payable to a player for one round of play, which amount shall be at least $40,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater. If the established payout limit is not included on the layout, each gaming facility shall provide notice of any decrease in the payout limit. Any maximum payout limit established by a gaming facility shall apply only to aggregate player hand bonus and banker hand bonus payouts for imperial pai gow bonus wagers placed.

(q) *Irregularities*. If the bank does not set the bank's own hands correctly, the wager shall not be lost, and the dealer shall be required to reset the bank's hands in the manner submitted to the commission, so that the round of play may be completed.

§ 5324.42. Poker.

(a) *Equipment and layout*.

(1) Poker shall be played on a table that has positions for no more than 11 players and a dealer.

(2) The layout for a poker table shall contain, at a minimum:

(i) the name and/or logo of the gaming facility offering the game; and

(ii) a designated holding area located to the right of the dealer for the collection of the rake prior to final placement of the rake in the chip tray.

(3) Each poker table shall have a designated area for the placement of at least one deck of cards. This area may be part of the chip tray.

(4) Each poker table shall have a tip box attached to the dealer's side of the gaming table.

(5) Cards; number of decks.

(i) Poker shall be played with one deck of cards with backs of the same color and design and one additional cover card. Two decks of cards shall be maintained for use at each poker table at all times. Each deck maintained at the poker table shall be visually distinguishable from the other deck. While one deck is in use, the other deck shall be stored in a designated area, unless an automated card shuffling device is being used.

(ii) Each gaming day, decks of cards with distinguishable card backings shall be distributed among all open poker tables in a manner determined by a supervisor. When distributing the decks among tables the supervisor shall consider, at a

minimum, the table limits, the location of the table and the type of poker available at each table.

(iii) If an automated card shuffling device is being used, a gaming facility shall use both decks of cards and:

(*a*) the backs of the cards in the two decks shall be different colors;

(*b*) one deck shall be shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game; and

(*c*) both decks shall be alternated in and out of play continuously, with each deck being used for every other round of play.

(6) To facilitate the collection of the rake, a gaming facility may use poker rake chips.

(i) Poker rake chips shall be used only by dealers and may be substituted only for value chips that have been collected as part of the rake prior to the rake being placed in the drop box.

(ii) Unused poker rake chips shall be kept by the dealer in the chip tray.

(iii) The denominations that may be used for poker rake chips are $2, $3 or $4.

(b) *Poker rankings*.

(1) The rank of the cards used in all types of poker other than low poker, for the determination of winning hands, 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 a straight.

(2) The permissible high poker hands in poker games that result in a five-card hand, in order of highest to lowest rank, are:

(i) *royal flush*, a hand consisting of an ace, king, queen, jack and 10 of the same suit;

(ii) *straight flush*, a hand 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-ranking straight flush;

(iii) *four of a kind*, a hand consisting of four cards of the same rank regardless of suit, with four aces being the highest-ranking four of a kind and four 2s being the lowest-ranking four of a kind;

(iv) *full house*, a hand consisting of 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;

(v) *flush*, a hand consisting of five cards of the same suit;

(vi) *straight*, a hand consisting of five cards of consecutive rank, regardless of suit, 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; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand;

(vii) *three of a kind*, a hand consisting of three cards of the same rank regardless of suit, with three aces being the highest-ranking three of a kind and three 2s being the lowest-ranking three of a kind;

(viii) *two pairs*, a hand consisting of two pairs, with two aces and two kings being the highest-ranking two pairs and two 3s and two 2s being the lowest-ranking two pairs; and

(ix) *pair*, a hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest-ranking pair and two 2s being the lowest-ranking pair.

(3) When comparing two hands that are of identical poker-hand rank pursuant to the provisions set forth in paragraph (2) of this subdivision or that contain none of the poker hands authorized for that game, the hand that contains the highest-ranking card as provided in paragraphs (1) or (4) of this subdivision, whichever is applicable, that 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 paragraph, the hands shall be considered tied and the pot shall be equally divided among the players with the tied hands.

(4) The rank of the cards used in low poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, 2, 3, 4, 5, 6, 7, 8, 9, 10, jack, queen and king; provided, however, that in the game of triple draw low ball deuce to seven the order of highest to lowest rank shall be 2, 3, 4, 5, 6, 7, 8, 9, 10, jack, queen, king and ace.

(5) The ranking of a low poker hand as determined by the holding of a five-card hand shall be the inverse of the rankings for a high poker hand as set forth in paragraph (2) of this subdivision; provided, however, that in all low poker games except for triple draw low ball deuce to seven, straights and flushes shall not be considered for purposes of determining a winning hand at low poker.

(c) *Wagers*.

(1) Only players who are seated at the poker table may be permitted to receive cards and participate in each betting round.

(2) Depending upon the particular type of poker game being dealt, a player may be required to place:

(i) an ante prior to receiving any cards;

(ii) a predetermined blind bet prior to receiving any cards; or

(iii) a forced bet to initiate a betting round based on that player's up card.

(3) A player may participate in the wagering during a round of play only with chips or plaques. In addition, a player may use coin for the purpose of placing an ante in an amount less than $1 and in denominations of $0.25 or $0.50.

(i) A player may add to such player's chips or plaques and, except as provided in subparagraph (v) of this paragraph, may not remove any chips or plaques from the poker table at any time during ongoing play.

(ii) Cash placed on the table by a player prior to the start of a round may be used to initiate, call or raise a bet if such currency is converted expeditiously into chips or plaques by the dealer in accordance with section 5323.10 of this Subchapter. Coin that is available for use by a player pursuant to this subsection may be used to place an ante in an amount less than $1, and any such coin shall be converted expeditiously into a $1 chip by the dealer upon the pot accumulating an equivalent aggregate value in coin.

(iii) In order to participate in a round of play, a player shall be required to have an amount of chips or plaques on the poker table prior to the start of the round of play that is sufficient to make any bet and at least one bet at the posted table minimum.

(iv) A player who satisfies the requirements of subparagraph (iii) of this paragraph but who depletes such player's funds on the poker table prior to the completion of a round of play shall be deemed to be "all-in."

(*a*) An "all-in" player shall retain financial interest in the outcome of the round of play, but shall be eligible to win only the amount of the pot to which the player contributed.

(*b*) An "all-in" player shall continue to receive any cards to which the player would normally be entitled.

(*c*) Betting shall continue unimpeded among the other players by generating a separate side pot, which only those players shall be eligible to win.

(v) Whenever a player indicates intent to leave a poker table temporarily without relinquishing a seat at the table, the supervisor shall either account for the amount of the player's table stakes prior to the player's departure from the table, take possession of such player's table stakes until the player's return to the table or maintain the player's table stakes on the table until the player's return.

(4) An oral statement by a player of "fold," "check," "call," "raise" or an announcement of a specific-size wager shall be binding on the player if it is such player's turn to act.

(5) A player who announces a bet or raise of a certain amount but places a different amount of chips or plaques in the pot shall be required to correct such bet or raise to the announced amount.

(6) A player shall be considered to have placed a bet if the player:

(i) pushes chips or plaques forward to indicate the intent of placing a bet;

(ii) releases chips or plaques into the pot; or

(iii) releases chips or plaques at a sufficient distance from the player and toward the pot to make it obvious that such release is intended as a bet.

(7) A player shall not be permitted to make a bet and thereafter attempt to increase the amount of that bet.

(i) If the player wishes to add additional chips or plaques to the bet, the player shall indicate at the time the bet is being made that the bet is not yet complete.

(ii) A player who puts the proper amount of chips or plaques into the pot to call a bet, without indicating an intention to raise, may not thereafter raise the previous bet.

(iii) Subject to the posted table wagering limits, a player who announces "raise" may continue to bet chips or plaques until both of such player's hands come to rest in front of the pot.

(8) It shall be the dealer's responsibility to ensure that no player touches any of the chips or plaques once such chips or plaques are placed into the pot.

(9) Unless a raise has been announced orally by a player, such player who puts into the pot a single chip that is larger than required is assumed only to have called the preceding bet and to be awaiting change from the dealer.

(10) Unless specifically posted to the contrary, a player shall be permitted to raise after the player has previously checked in a betting round.

(11) Prior to the cards being dealt, a player following the big blind may place a bet, also known as a straddle, in an amount equivalent to twice the big blind in accordance with the gaming facility's approved system of internal controls.

(d) *Opening the table for gaming*. After receiving two decks of cards at the table, the dealer shall comply with the requirements of subdivision (b) of section 5324.2 of this Part, except that a minimum of two players is required to inspect visually the cards from each deck prior to game play.

(e) After the cards have been shuffled, stacked and placed on the table in front of the dealer, the dealer shall cut the deck pursuant to subdivision (b) of section 5324.2 of this Part.

(f) *Poker overview; general dealing procedures for all types of poker*.

(1) Poker shall be conducted in a separate and distinct area of the gaming facility floor.

(2) Poker shall be played by a minimum of two players and a maximum of 11 players. Poker shall be dealt clockwise by a dealer at a poker table.

(3) For all types of poker set forth in this section, the dealer shall not participate in the playing or outcome of the game.

(4) A player shall wager on the cards that the player holds in such player's hand. All bets by a player shall be placed by the dealer in the designated area of the table known as the pot. A player may be required to ante or place a blind bet prior to the receipt of any cards. After each round of cards is dealt, a betting round shall be conducted. Each player shall decide whether to continue contending for the pot by calling or raising the bet of the other players.

(5) In order to win the pot, a player shall make a bet that no other player elects to call or by having the hand of highest rank at the showdown. If two or more players are still in contention for a pot after all cards have been dealt and the final betting round has been completed, there shall be a showdown among the players still in contention to determine which player has the hand of highest rank. Based on the type of poker being played, the winning player may be the player who holds the highest-ranking high poker hand, the highest-ranking low poker hand or both the highest-ranking high and low poker hands.

(6) The dealer shall use the procedures set forth in this paragraph when dealing the game of poker.

(i) The dealer shall choose the hand in which the dealer will hold the cards. Once the dealer has chosen a hand, the dealer shall use that hand whenever holding the cards. The cards held by the dealer shall, at all times, be held in front of the dealer, as level as possible and over the poker table. If during a round of play, the deck must be set down to handle a transaction, the dealer shall place a lammer on top of the deck until the transaction has been completed.

(ii) The dealer shall indicate, verbally or physically, the action that occurs at the poker table with regard to the conduct of the game and instruct each player as to such player's various turns to act and options.

(iii) All burn cards required by this section shall be kept separate from the pile of discarded cards.

(iv) The dealer shall be required to count the entire deck of cards at least once every 15 minutes in order to determine that 52 cards are present. A gaming facility may use an automated card shuffling device to determine if there are an incorrect number of cards. If 52 cards are not present the deck shall be removed from the table by the supervisor and a new deck placed into play.

(v) At the completion of a round of play, the dealer shall award the pot to the winning player or players after a showdown or to the last remaining player if all other players have folded. Prior to pushing the pot to the winner and collecting the winning hand, the dealer shall first collect the cards from all losing players.

(vi) All side pots shall be awarded before the dealer awards the pot in the center of the poker table.

(vii) All discarded hands shall be counted by the dealer to determine that the proper number of cards has been returned.

(viii) The dealer shall collect the rake in accordance with subdivision (n) of this section.

(ix) The dealer shall collect, if applicable, any amount required to be contributed to a jackpot payout fund in accordance with subdivision (s) of this section.

(g) A gaming facility may offer the following types of poker games:

(1) seven-card stud (high, low, high-low split and high-low split eight or better);

(2) Texas hold 'em (high);

(3) Omaha (high, high-low split eight, or better);

(4) five-card draw (high and low);

(5) five-card stud (high); and

(6) pineapple and crazy pineapple.

(h) *Seven-card stud poker; procedures for dealing of cards; completion of each round of play*.

(1) Each gaming facility shall be required to observe the procedures set forth in this section for each game of seven-card stud high, seven-card stud low, seven-card stud high-low split, or seven-card stud high-low split eight or better poker offered in such gaming facility's poker room.

(2) Each poker table shall be restricted to a maximum of eight players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table.

(3) Starting with the first player to the left of the dealer and continuing in a clockwise rotation around the poker table, the dealer shall deal two cards face down and one card face up to each player.

(4) Once each player has received three cards in accordance with paragraph (3) of this subdivision, the first betting round shall commence by comparing the up card of each player. In the event that two or more up cards are of the same rank, the up cards shall then be ranked by suit, with the highest to lowest ranked suits in order as follows: spades, hearts, diamonds and clubs. A forced bet shall be required to be made by:

(i) for high poker, the player with the lowest ranked up card;

(ii) for low poker, the player with highest-ranked up card, with ranking determined as if the game were one of high poker;

(iii) for high-low split poker, the player with the highest ranked up card. An ace shall be considered ranked below a two; and

(iv) for high-low split eight or better poker, the player with the lowest ranked up card, with an ace considered the highest-ranking card.

(5) Following the placement of the forced bet required by paragraph (4) of this subdivision, each subsequent player may, proceeding in a clockwise rotation from the player who placed the forced bet, fold, call or raise the bet. After the last player has acted to the most recent bet, the betting round shall be considered complete.

(6) Upon completion of the first betting round, the dealer shall burn the top card of the deck and then, starting with the first remaining player to left of the dealer, deal a fourth

card face up to each player who made or called the last wager. The next betting round shall commence as follows:

(i) the player with the highest-ranking poker hand showing shall be required to bet or check;

(ii) for seven-card stud low, the player with the highest-ranking low poker hand showing shall be required to bet or check; or

(iii) if the highest-ranking poker hand showing is held by two or more players, the player immediately following the dealer shall be required to bet or check.

(7) Following the initial bet or check required by paragraph (6) of this subdivision, each subsequent player, proceeding in a clockwise rotation, may fold, call, raise or check if the preceding players have not made a bet or check. Each player may check until a bet has been made. Once a bet has been made, the next player in a clockwise rotation may fold, call or raise. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(8) The dealer shall then deal two additional rounds of cards face up and one round of cards face down to each player who made or called the last wager. Prior to each round of cards being dealt, the dealer shall burn the top card of the deck. Notwithstanding the foregoing in this paragraph, if insufficient cards remain in the deck to give each remaining player either a sixth or seventh card, the top card of the deck shall be burned and a common card shall be dealt face up in the center of the table. If there is either one or no card remaining in the deck when a common card is to be dealt, the dealer shall shuffle the burn cards, burn a card and then deal the common card. The dealing of each round of cards or, if applicable, each common card pursuant to this subdivision shall be followed by a betting round conducted in accordance with the provisions of paragraphs (6) and (7) of this subdivision.

(9) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form a five-card poker hand from the seven cards that the player was dealt. This five-card hand shall constitute the poker hand of that player at the showdown. The winner of the pot shall be:

(i) in high poker, the player with the highest-ranking five-card high hand;

(ii) in low poker, the player with the highest-ranking five-card low hand;

(iii) in high-low split poker or high-low split eight or better poker, the player with the highest-ranking five-card high hand and the player with the highest-ranking five-card low poker hand, subject to the provisions of paragraph (10) of this subdivision, who shall divide the pot equally.

(*a*) If a pot cannot be divided equally, the excess amount, which shall not exceed $1, shall be given to the player with the highest-ranking high hand.

(*b*) If a tie exists between two or more players for the highest-ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed $1, shall be given to the player with the highest-ranking high poker card by suit.

(*c*) If a tie exists between two or more players for the highest-ranking low hand, the low hand share of the pot shall be divided equally among the tied players. If the low hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed $1, shall be given to the player with the lowest-ranking low poker card by suit.

(*d*) For the purposes of this subdivision only the highest to lowest ranked suits in order as follows: spades, hearts, diamonds and clubs.

(10) In seven-card stud high-low split eight or better poker, a winning low hand may not contain any pairs or a 9, 10, jack, queen or king. This condition defines the qualifying clause known as “eight or better.” In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest-ranking high hand.

(11) In seven-card stud high-low split poker and seven-card stud high-low split eight or better poker, the player may form two different hands of five cards each out of the player’s seven available cards, enabling that player to contend for both the high hand and low hand share of the pot. A player may use the same five-card grouping to make a high poker hand and a low poker hand.

(12) In seven-card stud high-low split poker and seven-card stud high-low split eight or better poker, an ace may be used concurrently as a low card to satisfy a low hand and as a high card to satisfy a high hand.

(i) *Texas hold ’em poker; procedures for dealing of cards; completion of each round of play*.

(1) Each gaming facility shall be required to observe the procedures set forth in this section for each game of Texas hold ’em poker offered in its poker room. Texas hold ’em poker shall be played to determine a winning high hand only.

(2) Each poker table shall be restricted to a maximum of 11 players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table.

(3) The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined at the commencement of play and the button shall be placed in front of:

(i) the first player to the right of the dealer; or

(ii) the player randomly determined by rank of a single card dealt; and

(iii) thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(4) The player immediately following the button shall be required to initiate the first betting round by placing a blind bet in accordance with the posted table rules. A gaming facility may require additional blind bets to be made immediately subsequent to the initial blind bet. The amount and number of all blind bets required by the gaming facility shall be posted on a sign at each table.

(5) Starting with the player immediately following the button and continuing in a clockwise rotation around the poker table, the dealer shall deal two rounds of cards face down to each player, with the player in possession of the button being the last player to receive a card each time.

(6) Following the placement of the bet or bets, each player shall in a clockwise rotation around the poker table, either fold, call or raise the bet. The option to raise shall also apply to the player who made the blind bet or bets. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(7) The dealer shall then burn the top card of the deck and proceed to deal three community cards face up in the center of the table. The next betting round shall commence with the option to bet or check belonging to the first player immediately following the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The betting round shall be considered complete when each player has either folded or called in response to the most recent bet.

(8) Upon completion of the betting round required by paragraph (7) of this subdivision, the dealer shall again burn the top card of the deck and then deal a fourth community card face up in the center of the table. The next betting round shall be commenced and completed in accordance with the requirements of paragraph (7) of this subdivision.

(9) Upon completion of the betting round required by paragraph (8) of this subdivision, the dealer shall again burn the top card of the deck and then deal a fifth and final community card face up in the center of the table. The final betting round

shall be commenced and completed in accordance with the requirements of paragraph (7) of this subdivision.

(10) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form such player's highest-ranking five-card high poker hand by using, in any combination, such player's own two cards and the five community cards available on the table. The winner of the pot shall be the player with the highest-ranking five-card high poker hand. If the highest-ranking five-card high poker hand that each of the remaining players can form comprises the five community cards, all players remaining in the round of play shall share equally in the pot.

(j) *Omaha poker; procedures for dealing of cards; completion of each round of play*.

(1) Each gaming facility shall be required to observe the procedures set forth in this section for the game of Omaha high and Omaha high-low split eight or better poker.

(2) Each poker table shall be restricted to a maximum of 10 players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, and the kill or half-kill option, if offered, shall be posted on a sign at each poker table.

(3) The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined in accordance with the procedures set forth in paragraph (4) of this subdivision.

(4) Starting with the player immediately following the button and continuing in a clockwise rotation around the poker table, the dealer shall deal four rounds of cards face down to each player with the player in possession of the button being the last player to receive a card each time.

(5) After each player is dealt four cards face down, an initial blind bet and all subsequent dealing and betting rounds shall be completed in accordance with the provisions of paragraphs (4) and (6) through (9) of this subdivision.

(6) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form a five-card poker hand by using two of the four cards dealt to the player and three of the five community cards. This five-card hand shall constitute the poker hand of the player at the showdown. The winner of the pot shall be:

(i) in high poker, the player with the highest-ranking five-card high poker hand; or

(ii) in high-low split eight or better poker, the player with the highest-ranking five-card high poker hand and the player with the highest-ranking five-card low poker hand, subject to the provisions of paragraph (7) of this subdivision, who shall divide the pot equally.

(*a*) If a pot cannot be divided equally, the excess amount, which shall not exceed $1, shall be given to the player with the highest-ranking high hand.

(*b*) If a tie exists between two or more players for the highest-ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed $1, shall be given to the player closest to the dealer button in a clockwise rotation.

(*c*) If a tie exists between two or more players for the highest-ranking low hand, the low hand share of the pot shall be divided equally among the tied players. If the low hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed $1, shall be given to the player closest to the dealer button in a clockwise rotation.

(7) In Omaha high-low split-eight-or-better poker, a low hand shall occur when three cards with a value of eight or less are present in the community cards. In the event that the community cards do not have a value of eight or less, the entire pot shall be awarded to the player with the highest-ranking high poker hand. Straights and flushes do not count against players for low hand requirements.

(8) The following shall apply only in Omaha high-low split-eight-or-better poker:

(i) a player may form two different hands of five cards each, enabling that player to contend for both the high hand and low hand share of the pot;

(ii) a player may use the same five-card grouping to make a high hand and a low hand; and

(iii) an ace may be used concurrently as a low card to satisfy a low hand and as a high card to satisfy a high hand.

(9) In Omaha high-low split-eight-or-better poker, an optional kill or half-kill may be offered. A kill lammer, indicating the kill or half-kill is in effect, shall be placed in front of the player who wins the entire pot in the hand, provided that the amount of the pot is in excess of an established dollar amount or multiple of the minimum permissible wager for the hand, as determined by the gaming facility. In the succeeding hand, the player shall be required to place no more than one blind bet in the amount of the increased permissible minimum wager for the hand, notwithstanding that the player may be required to place a blind bet to initiate the first round of betting pursuant to

paragraph (5) of this subdivision. Any other player required to place a blind bet to initiate the first round of betting shall be required to place a blind bet in accordance with the posted table game rules. If, in the succeeding hand, a qualifying pot is not split between one player winning the high hand and another player winning the low hand, the kill lammer shall be moved in front the player who wins the entire pot for that hand. The kill or half-kill shall remain in effect until a pot does not qualify in amount or a pot is split between a player winning the high hand and a player winning the low hand. Once a pot does not qualify in amount or is split between two players, the dealer shall collect the kill lammer.

(k) *Five-card draw poker; procedures for dealing of cards; completion of each round of play*.

(1) A gaming facility shall observe the procedures set forth in this section for the game of five-card draw high and five-card draw low poker.

(2) Each poker table shall be restricted to a maximum of eight players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table.

(3) The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined in accordance with the procedures governing the use of a button as set forth in paragraph (3) of subdivision (h) of this section.

(4) Starting with the player immediately following the button and continuing in a clockwise rotation around the poker table, the dealer shall deal five rounds of cards face down to each player with the player with the button being the last player to receive a card each time.

(5) After each player has been dealt five cards face down, an initial betting round shall be completed in accordance with the provisions of paragraphs (4) and (6) of subdivision (h) of this section.

(6) After completion of the initial betting round, each player remaining in the round of play, starting with the player immediately following the button and continuing in a clockwise rotation around the poker table, shall have an opportunity to draw new cards. Each player may keep such player's original hand or discard as many cards as such player chooses. Each discarded card shall be replaced by the dealer with a new card dealt from the deck as follows:

(i) prior to the first player receiving any new cards, the dealer shall burn the top card of the deck; and

(ii) if insufficient cards remain in the deck for each player remaining in the round of play to draw new cards, the discard pile shall be re-shuffled and used for this purpose; provided, however, that the cards to be discarded by a player who has not yet requested new cards shall not be included as part of the re-shuffled cards.

(7) The final betting round shall commence with the option to bet or check belonging to the first player immediately following the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The final betting round shall be considered complete when the last player has responded to the most recent bet or check.

(8) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. The winner of the pot shall be:

(i) in high poker, the player with the highest-ranking five-card high hand; and

(ii) in low poker, the player with the highest-ranking five-card low hand.

(l) *Triple-draw low-ball deuce-to-seven; procedures for dealing of cards; completion of each round of play*.

(1) A gaming facility shall observe the procedures set forth in this section for the game of triple-draw low-ball deuce-to-seven.

(2) Each poker table shall be restricted to a maximum of seven players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table.

(3) The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined in accordance with the procedures governing the use of a button as set forth in paragraph (3) of subdivision (h) of this section.

(4) Starting with the player to the immediate left of the button and continuing in a clockwise rotation around the poker table, the dealer shall deal five rounds of cards face down to each player with the player in possession of the button being the last player to receive a card each time.

(5) After each player has been dealt five cards face down, an initial betting round shall be completed in accordance with the provisions of paragraphs (4) and (6) of subdivision (h) of this section.

(6) After completion of the initial betting round, each player remaining in the round of play, starting with the player immediately following the button and continuing in a clockwise rotation around the poker table, shall have an opportunity to draw new cards one player at a time. Prior to the first player receiving any new cards, the dealer shall burn the top card of the deck. Each player may keep such player's original hand or discard as many cards as such player chooses. Each discarded card shall be replaced by the dealer with a new card dealt from the deck. If an insufficient number of cards remain in the deck for a player to draw new cards, all discarded cards, except for the cards discarded by that player, shall be re-shuffled and the new cards shall be dealt to the player.

(7) After the completion of discarding and drawing new cards, the second betting round shall be completed in accordance with the provisions of paragraph (6) of subdivision (j) of this section.

(8) After the second betting round, each player remaining in the round of play, starting with the player immediately following the button and continuing in a clockwise rotation around the poker table, shall have an opportunity to draw new cards one player at a time. Each player may keep such player's original hand or discard as many cards as such player chooses. Each discarded card shall be replaced by the dealer with a new card dealt from the deck in accordance with paragraph (6) of this subdivision.

(9) After the completion of discarding and drawing new cards, the third betting round shall be completed in accordance with the provisions of paragraph (6) of subdivision (j) of this section.

(10) After the third betting round, each player remaining in the round of play, starting with the player immediately following the button and continuing in a clockwise rotation around the poker table, shall have an opportunity to draw new cards one player at a time. Each player may keep such player's original hand or discard as many cards as the player chooses. Each discarded card shall be replaced by the dealer with a new card dealt from the deck in accordance with the provisions of paragraph (6) of this subdivision.

(11) After the completion of discarding and drawing new cards, the fourth and final betting round shall commence with the option to bet or check belonging to the first player immediately following the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet, or, if preceding players have not made a bet, make an opening bet or check. The final betting round shall be considered complete when the last player has responded to the most recent bet.

(12) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. The winner of the pot shall be the player with the lowest-ranking hand as determined by paragraphs (6) and (7) of subdivision (c) of this section.

(m) *Five-card-stud poker; procedures for dealing of cards; completion of each round of play*.

(1) A gaming facility shall observe the procedures set forth in this section for the game of five-card-stud high poker. Five-card-stud shall be played to determine a winning high hand only.

(2) Each poker table shall be restricted to a maximum of eight players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table.

(3) Starting with the first player to the left of the dealer and continuing in a clockwise rotation around the poker table, the dealer shall deal one round of cards face down and one round of cards face up to each player.

(4) Once each player has received two cards, the first betting round shall commence by comparing the up card of each player. The player with the lowest ranked up card, which shall be determined by suit in accordance with the provisions of paragraph (4) of subdivision (i) of this section if two or more players have an up card of the same rank, shall be required to make a forced bet.

(5) Following the forced bet, each subsequent player may, proceeding in a clockwise rotation from the player who placed the forced bet, fold, call or raise the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(6) Upon completion of the first betting round, the dealer shall burn the top card of the deck and then deal another round of cards face up to each player who made or called the last wager. The next betting round shall be commenced by the player with the highest-ranking high poker hand showing. If two or more hands are of equal rank, the player immediately following the dealer shall be required to bet. The betting round shall be completed in accordance with the procedures in paragraph (5) of this subdivision.

(7) The dealer shall then deal two additional rounds of cards face up to each player who made or called the last wager, with each such round followed by a betting round conducted in accordance with the provisions of paragraph (6) of this subdivision. Prior to each round of cards being dealt, the dealer shall burn the top card of the deck.

(8) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. The winner of the pot shall be the player with the highest-ranking five-card high poker hand.

(n) *Pineapple and crazy pineapple; procedures for dealing of cards; completion of each round of play*.

(1) Each gaming facility shall be required to observe the procedures set forth in this subdivision for each game of pineapple and crazy pineapple offered in a poker room. Pineapple and crazy pineapple shall be played to determine a winning high hand only.

(2) Each poker table shall be restricted to a maximum of 11 players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table.

(3) The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined as follows:

(i) the button shall be used to indicate an imaginary dealer; and

(ii) at the commencement of play, the button shall be placed in front of:

(*a*) the first player to the right of the dealer; or

(*b*) the player randomly determined by rank of a single card dealt; and

(*c*) thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(4) The player immediately following the button shall be required to initiate the first betting round by placing a blind bet in accordance with the posted table rules. A gaming facility may require additional blind bets to be made immediately subsequent to the initial blind bet. The amount and number of all blind bets required by the gaming facility shall be posted on a sign at each table.

(5) Starting with the player immediately following the button and continuing in a clockwise rotation around the poker table, the dealer shall deal three rounds of cards face down to each player, with the player in possession of the button being the last player to receive a card each time.

(6) Following the placement of the bet or bets, each player shall, in a clockwise rotation around the poker table, either fold, call or raise the bet. The option to raise shall also apply to the player who made the blind bet or bets. After the last player has responded to the most recent bet, the betting round shall be considered complete.

(7) For the game of pineapple, each player shall then discard one of its three hole cards.

(8) The dealer shall then burn the top card of the deck and proceed to deal three community cards face up in the center of the table.

(9) For the game of crazy pineapple, once these community cards are dealt, each player shall then discard one of such player's three hole cards.

(10) The next betting round shall commence with the option to bet or check belonging to the first player immediately following the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The betting round shall be considered complete when each player has either folded or called in response to the most recent bet.

(11) Upon completion of the betting round required by paragraph (10) of this subdivision, the dealer shall again burn the top card of the deck and then deal a fourth community card face up in the center of the table. The next betting round shall be commenced and completed in accordance with the requirements of paragraph (10) of this subdivision.

(12) Upon completion of the betting round required by paragraph (11) of this subdivision, the dealer again shall burn the top card of the deck and then deal a fifth and final community card face up in the center of the table. The final betting round shall be commenced and completed in accordance with the requirements of paragraph (10) of this subdivision.

(13) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form such player's highest-ranking five-card high poker hand by using, in any combination, such player's own two cards and the five community cards available on the table. The winner of the pot shall be the player with the highest-ranking five-card high poker hand. If the highest-ranking five-card high poker hand that each of the remaining players can form is comprised of the five community cards, all players remaining in the round of play shall share equally in the pot.

(o) *Poker revenue*.

(1) The gaming facility shall derive its poker revenue at all poker tables by extracting the rake. Each gaming facility shall submit to the commission in its system of internal controls:

(i) the system of rake used;

(ii) the methodology used for calculating the rake; and

(iii) the amount of maximum permissible rake.

(2) Each gaming facility shall use one or more of the following procedures in determining and collecting the rake:

(i) A straight percentage rake, pursuant to which:

(*a*) a fee, not to exceed 10 percent of all sums bet in the betting round, shall be collected from a pot and any side pots;

(*b*) the amount to be raked shall be calculated and collected from the pot and any side pots after the conclusion of a betting round and placed into the designated rake area or drop box pursuant to subdivision (b) of this section as play progresses; and

(*c*) upon completion of a hand, the rake shall be immediately placed by the dealer into the designated rake area or drop box.

(ii) A rake shall be taken in incremental amounts, pursuant to which:

(*a*) assessments of predetermined amounts shall be collected from the pot and any side pots as certain predetermined dollar levels have been achieved;

(*b*) upon collection, the amount to be raked shall be placed into the designated rake area pursuant to subdivision (b) of this section; and

(*c*) upon completion of a round of play, the rake shall be placed immediately by the dealer into the designated rake area or drop box.

(iii) A rake based on time charges, pursuant to which:

(*a*) assessments may be imposed on a per-player basis or on a per-table basis. If taken on a per-player basis, inactive players seated at the table shall also be assessed;

(*b*) time charges shall be expressed as an hourly fee based on the particular minimum and maximum wagering limits at a game;

(*c*) time charges may be assessed fractionally as determined by the gaming facility;

(*d*) time charges, once assessed, shall be placed by the dealer into the designated rake area pursuant to subdivision (b) of this section; and

(*e*) upon verification by a floorperson or supervisor of the time charges collected, the rake shall be placed immediately by the dealer into the drop box.

(3) A sign describing the type and amount of rake to be collected pursuant to paragraph (2) of this subdivision shall be posted at each poker table in accordance with the requirements of subdivision (c) of this section.

(4) An uncalled final bet shall not be considered part of the pot for purposes of calculating the amount of rake pursuant to the methods set forth in paragraph (2) of this subdivision.

(5) Once the dealer has collected the rake and the pot and any side pots have been collected by the winning player or players, no additional rake shall be taken by the gaming facility.

(p) *Irregularities*.

(1) Misdeals shall cause all the cards to be returned to the dealer for a re-shuffle. The following errors shall be cause for a misdeal:

(i) failure to shuffle and cut the cards in accordance with subdivision (e) of this section;

(ii) dealing to an incorrect starting position if the error has been detected prior to two players voluntarily placing wagers into the pot;

(iii) if more than one card is found face-up in the deck; and

(iv) failure to deal to an eligible seated player, if the error has been detected prior to two or more players voluntarily placing wagers into the pot.

(2) If one or more cards are mistakenly dealt to an ineligible player, only those cards dealt to such player shall be discarded and the round of play shall continue.

(3) If at any time during a round of play, missing cards are discovered or additional cards are found, the round of play shall be called dead, all chips and plaques in the pot shall be returned to the appropriate player and the deck shall be replaced.

(4) A card found face up in the deck shall not be used in the game and shall be placed with the pile of discarded cards.

(5) A player who fails to take reasonable means to protect such player's hand shall have no redress if such hand becomes a fouled hand or the dealer accidentally collects the hand.

(i) Hole cards in a game of stud poker shall be considered protected for purposes of fouling a hand.

(ii) If a protected hand comes into contact with discarded cards, every effort shall be made to reconstruct the hand and complete the round of play.

(iii) A player who has a protected hand collected by the dealer or fouled by discarded cards shall be entitled to a refund from the pot of all monies that the player put in the pot if the player has been a victim of and not a contributor to the error.

(iv) A player who leaves the table without comment and has an unprotected hand shall be assumed to have no interest in the pot, and such player's cards shall be collected and discarded.

(6) In seven-card stud, if a player's first or second hole card accidentally is turned face up in the dealing process; the third card shall be dealt face down. If both hole cards accidentally are turned face up, the dealer shall collect the two cards, call the player's hand dead and return the player's ante, if applicable. If a player's third hole card accidentally is turned face up in the dealing process, the player shall be afforded the option to either:

(i) end such player's obligation to make additional wagers and contend only for that part of the pot formed prior to any additional wagering; or

(ii) continue to contend for the entire pot.

(7) In five-card stud, if a player's hole card accidentally is turned face up in the dealing process, the second card shall be dealt face down.

(8) If a card accidentally is dealt off the table, such card shall not be used in that round of play and shall be placed with the pile of discarded cards after a thorough examination by the dealer.

(9) In the games of Texas hold 'em and Omaha, if any of the cards dealt face down to a player accidentally is dealt face up, the dealer shall exchange the exposed card with a card from the top of the deck and either:

(i) place the exposed card face down with the pile of discarded cards; or

(ii) use the exposed card as a face up burn card before the flop.

(q) *Announcement of available games and seats*. A gaming facility shall be permitted to announce in those areas of a gaming facility where poker tables are located the particular types of poker games, the minimum/maximum wagers that are being offered and the availability of any vacant seats at particular poker tables.

(r) *Jackpot payouts; posting of rules; contributions; displaying of payout amount; procedures for implementation*.

(1) A gaming facility may offer jackpot payouts for qualifying high hands and bad beats made during a qualifying period in accordance with such gaming facility's approved system of internal controls. Jackpot payouts shall be made from a separate fund created from pot contributions required at tables where the jackpot payout is offered and shall be paid in accordance with the procedures established pursuant to this subdivision.

(2) A gaming facility shall post a jackpot payout notice advising players of eligibility for the jackpot payout. The gaming facility shall display the current amount of the jackpot payout and post such amount in a conspicuous location within the poker room the jackpot payout rules that shall include:

(i) the collection and qualifying periods for the jackpot payout;

(ii) the maximum contribution amount that will be collected from each pot to fund the jackpot payout;

(iii) the minimum pot amount required before the contribution to the jackpot is collected;

(iv) the minimum number of players who shall be dealt into a hand to qualify for a jackpot payout;

(v) the division of the jackpot payout if two or more players have the same value qualifying hand during a qualifying period;

(vi) any time limits on collecting jackpot payouts, including a statement notifying players that players do not need to be present at the end of the qualifying period to win the jackpot payout; and

(vii) any restrictions on collecting a jackpot payout including a statement notifying players that valid identification shall be presented for a player's hand to qualify for a jackpot payout.

(3) A gaming facility shall collect from each pot at a poker table designated for participation in a jackpot payout a prescribed contribution to the jackpot payout. The contribution amount shall be collected in accordance with the high hand jackpot payout rules as specified in the gaming facility's approved system of internal controls. After the dealer has collected the rake, the amount from each pot to be contributed to a jackpot payout shall be determined, segregated from the pot and deposited into the jackpot payout box.

(4) At the start of each qualifying period, dealers shall begin tracking hands. When a player has a qualifying hand determined by the facility, the dealer shall call a floorperson or above who shall verify the hand and record the value on the qualifying hand tracking form. As the rank of the qualifying hands increases during the qualifying period, the rank of the newest qualifying hand shall be announced and the floorperson or above shall record on the qualifying hand tracking form the rank of the newest qualifying hand. The qualifying hand tracking form shall contain:

(i) the name, phone number and seat number of the player with the qualifying hand;

(ii) the table number;

(iii) the rank of the qualifying hand;

(iv) the dealer's name and gaming registration or license number; and

(v) the signature and gaming license number of the floorperson or above who verified the qualifying hand.

(5) When the qualifying period has ended, the contribution amount collected during the qualifying period shall be counted, verified and taken to the main cage or satellite cage. The pooled contribution amounts from all poker tables that participated in the qualifying period shall then be announced and displayed.

(6) The player or players with the best qualifying hand during the qualifying period shall be awarded the jackpot payout. Jackpot payouts shall be paid from the main cage or satellite cage.

(7) If, however, a qualifying hand determined by the facility was not made by any player during the qualifying period, the jackpot payout contribution amounts shall be added to the next jackpot payout qualifying period.

§ 5324.43 Heads up hold 'em poker.

(a) *Equipment and layout*.

(1) Heads up hold 'em shall be played on a table having positions for six players on one side of the table and a place for the dealer on the opposite side.

(2) In addition to the requirements of subdivision (a) of section 5324.30 of this Part, the layout for a heads up hold 'em table shall contain, at a minimum:

(i) a separate designated betting area at each player position for the placement of ante wagers;

(ii) a separate designated betting area at each player position for the placement of a raise wager, which shall be located immediately behind the ante betting area as viewed by a player;

(iii) a separate designated area at each player position for the placement of an odds wager, which shall be located to the right of the ante betting area as viewed by a player and shall be separated with the following symbol: “=”;

(iv) a separate designated area at each player position for the placement of a trips plus wager, which shall be located immediately above the ante betting area as viewed by a player;

(v) a separate designated area at each player position for the placement of a pocket bonus wager, which shall be located to the right of the trips plus betting area as viewed by a player;

(vi) inscriptions that advise patrons of the payout odds of the odds wager, bad beat bonus, trips plus wager and pocket bonus wager; and

(vii) inscriptions that advise patrons of the permissible raise wagers.

(b) *Heads up hold 'em poker hand rankings*.

(1) For the determination of winning hands in heads up hold 'em, the rank of the cards 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.

(2) The permissible five-card poker hands at the game of heads up hold 'em, in order of highest to lowest rank, shall be:

(i) *royal flush* is a hand consisting of an ace, king, queen, jack and 10 of the same suit;

(ii) *straight flush* is a hand consisting of five cards of the same suit in consecutive ranking, with ace, king, queen, jack and 10 being the highest-ranking straight flush and ace, 2, 3, 4 and 5 being the lowest straight flush;

(iii) *four-of-a-kind* 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;

(iv) *full house* is a hand consisting of a three-of-a-kind, with 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;

(v) *flush* 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;

(vi) *straight* is a hand consisting of five unsuited cards 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;

(vii) *three-of-a-kind* 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;

(viii) *two pairs* 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; and

(ix) *one pair* 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.

(3) When comparing two hands that are of identical poker rank pursuant to the provisions of this subdivision, or that contain none of the hands authorized in this subdivision, the hand that contains the highest-ranking card as provided in paragraph (1) of this subdivision that 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 subdivision, the hands shall be considered a push.

(c) *Wagers*.

(1) All wagers at heads up hold 'em shall be made by chips or plaques and, if applicable, a table game promotional coupon on the appropriate betting areas of the table layout.

(2) All wagers shall be placed prior to the dealer announcing “no more bets.” Except as provided in subdivision (e) of this section, no wager shall be made, increased, or withdrawn after the dealer has announced “no more bets.”

(3) Upon placing an ante wager, and an odds wager in an amount equal to the ante wager, a player may also make an optional bonus wager by placing a wager on the designated betting area of the layout. The outcome of these wagers shall have no bearing on any other wager made by the player.

(4) Raise wagers shall be made in accordance with the provisions of subparagraph (e).

(5) Only players who are seated at the heads up hold 'em poker table may place a wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play.

(6) A player shall not be permitted to wager on more than one position.

(d) *Procedure for dealing the cards*. In addition to the requirements set forth in subdivisions (d) and (e) of section 5324.2 of this Part, the dealer shall deal the cards as follows:

(1) If using a manual dealing shoe or dealing from the hand, after all players have placed a wager in accordance with subdivision (c) of this section, the dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(i) one card face down to each player;

(ii) one card face down to the area designated for the dealer's hand;

(iii) a second card face down to each player; and

(iv) a second card face down to the area designated for the dealer's hand.

(2) If using an automated dealing shoe, the automated dealing shoe shall dispense five cards and continue to deliver cards in stacks of two cards. The dealer shall first deliver the first stack of five cards to the community card area and spread them out. After the community cards have been delivered, the dealer shall deliver the first stack of two cards dispensed by the automated dealing show face down to the player farthest to his or her left who has placed a wager in accordance with subdivision (c) of this section. 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 face down to each of the other players who has placed a wager in accordance with subdivision (c) of this section. The dealer shall then deliver the next stack face down to the area designated for the dealer's hand.

(e) *Procedure for completion of each round of play; collection and payment of wagers*.

(1) To begin each round of play, each player must place an ante and an odds wager in a designated betting position on the table layout. The ante wager and odds wager must be in equal amounts.

(2) After the dealing procedures required by subdivision (d) of this section have been completed, each player shall have the opportunity to examine such player's cards and, without exposing such cards to any other person, each player shall then place the cards face down on the layout and shall either place a raise wager or check.

(3) Each player then has the option to make a raise wager equal to their ante wager, make a raise wager twice their ante wager, make a raise wager three times their ante wager or check.

(4) The dealer shall then reveal three community cards, either by turning over the first three face-down community cards if dealt from an automated dealing shoe, or by removing the next three cards off of the top of the deck and revealing them on the designated area of the layout if dealt by a manual dealing shoe or the hand.

(5) Each player who has not yet made a raise wager may make a raise wager equal to such player's ante wager, twice such player's ante wager or check.

(6) The dealer shall then reveal the final two community cards, either by turning over the last two face-down cards if dealt from an automated dealing shoe, or by removing the next two cards off of the top of the deck and revealing them on the designated area of the layout if dealt by a manual dealing shoe or the hand.

(7) Each player who has not yet made a raise wager may make a raise wager equal to such player's ante wager or fold, forfeiting both the ante and odds wager. A player who folds is still eligible to win the pocket bonus wager if such player's two-card hand contains a ranking hand in accordance with subdivision (f) of this section.

(8) After each player has either folded or placed a raise wager, the dealer shall reveal his or her two hole cards and then make the best five-card hand possible using any combination of his or her two hole cards and the five community cards. If the dealer's best possible five-card hand is lower than a pair, the dealer shall, starting with the player farthest to the dealer's right who has placed a raise wager and proceeding counter-clockwise around the table, return each player's ante wager and settle all other wagers in accordance with paragraph (8) of this subdivision.

(9) Starting with the player farthest to the dealer's right who has folded but is still eligible to win the pocket bonus wager, and proceeding counter-clockwise around the table, the dealer shall turn face up the two hole cards of that player to determine if the cards contain a ranking hand in accordance with subdivision (f) of this section. The player's wager shall then be resolved and the hand of the player shall be collected immediately by the dealer and placed in the discard rack before the dealer proceeds to the next player.

(10) Starting with the player farthest to the dealer's right who has placed a raise wager and proceeding counter-clockwise around the table, the dealer shall turn face up the two cards of each player who has placed a raise wager and announce the best possible five-card poker hand that can be formed using the two player cards and the five community cards. The player's wager shall then be resolved and the hand of the player shall be collected immediately by the dealer and placed in the discard rack before the dealer proceeds to the next player.

(11) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that such cards can be arranged readily to reconstruct each hand in the event of a question or dispute.

(f) *Payout odds*.

(1) If the dealer's five-card hand does not rank as a pair or higher, the dealer shall not qualify and the ante wager is pushed. All other wagers are settled accordingly.

(2) If the dealer's five-card hand qualifies with a pair or better and the player's hand ranks higher than the dealer's hand, the ante wager shall be paid at odds of even money.

(3) If the dealer's hand ranks higher than the player's hand, the ante wager shall lose and be collected. If the player's hand loses and ranks as a three-of-a kind or worse, then both the raise and odds wagers shall lose and be collected.

(4) If the dealer's hand and the player's hand are identical, the ante, raise and odds wager shall be a push.

(5) If the player's hand ranks higher than the dealer with a straight or better, the raise wager is paid at odds of even money, and the odds wager is paid in accordance to the following pay table:

Hand	Payout Odds
Straight	1:1
Flush	3:2
Full house	3:1
Four-of-a-kind	10:1
Straight flush	50:1
Royal flush	500:1

(6) If the player's hand ranks higher than the dealer with a three-of-a-kind or less, the raise wager shall win and be paid at odds of even money and the odds wager shall push.

(7) If the player's hand ranks below the dealer's but the player's hand ranks at least a straight or higher, the raise and ante wager shall lose and be collected. The odds wager shall remain and be paid in accordance to the following bad beat bonus pay table:

Losing hand	Payout odds
Straight	4:1
Flush	5:1
Full house	6:1

Losing hand	Payout odds
Four-of-a-kind	25:1
Straight flush	500:1

(g) The trips plus wager is an optional wager that pays if the player's seven-card poker hand, comprised of the player's two hole cards and the five community cards, contains a three-of-a-kind or better, regardless of the outcome of the primary game wagers. Winning wagers are paid according to one of the following pay tables:

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

(h) The dealer may take or pay the trips plus wager before processing the players' main wagers or after the dealer has processed the players' main wagers.

(i) The pocket bonus wager is an optional wager that pays if the player's two hole cards contain a pair or are composed of an ace with a king, queen or jack (*face card*), without regard to the outcome of the primary game. If the player placed a pocket bonus wager and such player's hole cards are not an ace paired with a face card, the pocket bonus wager will lose and be collected by the dealer. However, if the player wins, the pocket bonus wager pays according to one of the following pay tables:

Hand	A	B	C
Pair (2-k)	5:1	5:1	4:1
Ace-jack, ace-queen, ace-king unsuited	10:1	10:1	10:1
Ace-jack, ace-queen, ace-king suited	20:1	20:1	20:1
Pair of aces	30:1	25:1	30:1

(j) *Irregularities.*

(1) If any card dealt to the dealer is exposed prior to each player placing an authorized wager or folding, all hands shall be void.

(2) Notwithstanding paragraph (1) of this subdivision:

(i) if a player has placed a trips wager, the community cards shall be dealt and each trips wager shall be settled; and

(ii) if the card or cards are found face up after each player and the dealer has received their initial two cards, the community cards shall be dealt and any trips wager shall be settled.

(3) If a player is dealt an incorrect number of cards, that player's hand shall be void. If the dealer is dealt an incorrect number of cards, all players' hands shall be void unless the dealer can deal the correct number of cards in sequence for the dealer's hand, provided that such cards have not already been turned face up.

TILE AND DICE GAMES

§ 5324.50. Pai gow tiles.

(a) *Equipment and layout*.

(1) Pai gow titles shall be played at a table having on one side betting positions for no more than six players and on the opposite side a place for the dealer.

(2) The layout for a pai gow titles table shall contain, at a minimum:

(i) the name and/or logo of the gaming facility; and

(ii) specific areas designed for the placement of wagers, which betting areas shall not exceed six in number.

(3) Pai gow shaker. Pai gow shall be played with a pai gow shaker that is used shake three dice before each hand of pai gow is dealt in order determine the starting position for dealing or delivery of the tiles as set forth in subdivision (c) of section 5324.2 of this Part.

(4) As an alternative to using the shaker and dice described in paragraph (3) of this subdivision, a gaming facility may determine the starting position for the dealing or delivery of the tiles in pai gow by using a computerized random number generator that automatically selects and displays a number from one through eight, inclusive, as set forth in subdivision (c) of section 5324.2 of this Part.

(5) Pai gow shall be played with a set of 32 rectangular blocks to be known as tiles. Each tile in a set shall be identical in size and shading to every other tile in the set.

(b) *Pai gow Tiles; ranking of hands, pairs and tiles; value of the hand*.

(1) When comparing high hands or low hands to determine the higher ranking hand, the determination shall first be based upon the rank of any permissible pair of tiles that are contained in the hands. A hand with any permissible pair of tiles shall rank higher than a hand that does not contain any permissible pair. The permissible pairs of tiles

in pai gow and their rank, with the supreme pair being the highest or first ranking pair, are as follows:

Ranking	Pairing
Supreme pair first	6 (2-4) and 3 (1-2)
Matched pairs	
Second	12 (6-6) and 12 (6-6)
Third	2 (1-1) and 2 (1-1)
Fourth	8 (4-4) and 8 (4-4)
Fifth	4 (1-3) and 4 (1-3)
Sixth	10 (5-5) and 10 (5-5)
Seventh	6 (3-3) and 6 (3-3)
Eighth	4 (2-2) and 4 (2-2)
Ninth	11 (5-6) and 11 (5-6)
Tenth	10 (4-6) and 10 (4-6)
Eleventh	7 (1-6) and 7 (1-6)
Twelfth	6 (1-5) and 6 (1-5)
Mixed or unmatched pairs	
Thirteenth	Mixed 9s (3-6 and 4-5)
Fourteenth	Mixed 8s (3-5 and 2-6)
Fifteenth	Mixed 7s (3-4 and 2-5)
Sixteenth	Mixed 5s (1-4 and 2-3)
Wongs	
Seventeenth	12 (6-6) and 9 (4-5)
	12 (6-6) and 9 (3-6)
Eighteenth	2 (1-1) and 9 (4-5)
	2 (1-1) and 9 (3-6)
Gongs	
Nineteenth	12 (6-6) and 8 (2-6)
	12 (6-6) and 8 (3-5)
	12 (6-6) and 8 (4-4)
Twentieth	2 (1-1) and 8 (2-6)
	2 (1-1) and 8 (3-5)
	2 (1-1) and 8 (4-4)

(2) When comparing high hands or low hands that are of identical permissible pair rank, the dealer or, if applicable, the bank shall win that hand.

(3) When comparing the rank of high hands or low hands that do not contain any of the pairs listed in paragraph (1) of this subdivision, the higher ranking hand shall be determined on the basis of the value of the hands. The value of a hand shall be a single digit number from zero to nine inclusive and shall be determined by adding the total number of spots that are contained on the two tiles that form the hand. If the

numeric total of the spots is a two-digit number, the left digit of such number shall be discarded and the right digit shall constitute the value of the hand.

(4) Notwithstanding the provisions of paragraph (3) of this subdivision, if the tiles that form the supreme pair are used separately, the numeric total of the 3 (1-2) may be counted as a 6 and the numeric total of the 6 (2-4) may be counted as a 3. When the 3 (1-2) is counted as 6, its individual ranking shall be fifteenth instead of seventeenth and when the 6 (2-4) is counted as 3, its individual ranking shall be seventeenth instead of fifteenth.

(5) When comparing high hands or low hands that are of identical value, the hand with the highest-ranking individual tile shall be considered the higher ranking hand.

(6) The individual ranking for each tile, with first representing the highest-ranking, is as follows:

Ranking	Tile	Number of tiles in set
First	12 (6-6)	2
Second	2 (1-1)	2
Third	8 (4-4)	2
Fourth	4 (1-3)	2
Fifth	10 (5-5)	2
Sixth	6 (3-3)	2
Seventh	4 (2-2)	2
Eighth	11 (5-6)	2
Ninth	10 (4-6)	2
Tenth	7 (1-6)	2
Eleventh	6 (1-5)	2
Twelfth	9 (3-6)	1
Twelfth	9 (4-5)	1
Thirteenth	8 (2-6)	1
Thirteenth	8 (3-5)	1
Fourteenth	7 (2-5)	1
Fourteenth	7 (3-4)	1
Fifteenth	6 (2-4)	1
Sixteenth	5 (1-4)	1
Sixteenth	5 (2-3)	1
Seventeenth	3 (1-2)	1

(7) If the highest-ranking tile in each hand being compared is of identical rank, the hand shall be considered a copy hand, and the hand of the dealer or bank, as applicable, shall be considered the higher-ranking hand.

(c) *Wagers*.

(1) All wagers at pai gow shall be made by placing chips, plaques and, if applicable, table game promotional coupons on the appropriate betting area of the pai gow layout.

(2) Only players who are seated at the pai gow table may place a wager at the game. Once a player has placed a wager and received tiles, that player shall remain seated until the completion of the round of play.

(3) All wagers at pai gow shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures set forth in subdivision (e) of this section. No wager at pai gow shall be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) *Opening of the table for gaming; shuffling procedures*.

(1) After receiving one set of tiles at the table, the dealer shall sort and inspect the tiles and the floorperson assigned to the table shall verify the inspection. Nothing in this section shall preclude a gaming facility from cleaning the tiles prior to the inspection required in this section. Tiles shall be inspected and removed from use pursuant to section 5322.13 of this Subchapter and this paragraph.

(i) Each set shall be sorted into pairs in order to assure that the supreme pair and all 15 matched and unmatched pairs as identified in paragraph (6) of subdivision (b) of this section are in the set.

(ii) Each tile shall be placed side by side in order to determine that all tiles are the same size and shading.

(iii) The back and sides of each tile shall be examined to assure that such tile is not flawed, scratched or marked in any way.

(2) Following the inspection of the tiles and the verification by the floorperson assigned to the table, the tiles shall be turned face up, then placed into 16 pairs and arranged according to rank starting with the supreme pair. The tiles shall be left in pairs for visual inspection by the first player to arrive at the table.

(3) After the first player is afforded an opportunity visually to inspect the tiles, the tiles shall be turned face down on the table, mixed thoroughly by a washing of the tiles and stacked.

(4) The dealer shall perform the wash or shuffle of the tiles with the heels of the palms of the dealer’s hands in a circular motion with one hand moving clockwise and the other hand moving counter-clockwise. Each hand shall complete at least eight circular motions in order to provide a random shuffle. The dealer shall then randomly pick up

four tiles with each hand and place them side by side in stacks in front of the chip tray, forming eight stacks of four tiles.

(5) If during the stacking process described in paragraph (3) of this subdivision, a tile is turned over and exposed to the players, the entire set of tiles shall be re-shuffled.

(6) After each completed round of play, the dealer shall turn all of the tiles face down and shuffle the tiles in accordance with paragraph (4) of this subdivision.

(7) If there is no gaming activity at the pai gow table, the tiles shall be turned face up and placed into 16 pairs according to rank starting with the supreme pair. Once a player arrives at the table, the procedures in paragraphs (3) and (4) of this subdivision shall be followed.

(e) *Procedures for dealing the tiles*.

(1) Once the dealer has completed shuffling the tiles, the dealer shall announce “no more bets” prior to shaking the pai gow shaker. The dealer shall then shake the pai gow shaker at least three times.

(2) The dealer shall then remove the lid covering the pai gow shaker, total the dice and announce the total. The total of the dice shall determine which player receives the first stack of tiles.

(3) To determine the starting position for dealing the tiles, the dealer shall count counter-clockwise around the table, with the position of the dealer considered number one and continuing around the table with each betting position, regardless of whether there is a wager at the position, and the dead hand counted in order until the count matches the total of the three dice.

(4) The dealer shall deal the first stack of four tiles, starting from the right side of the eight stacks, to the starting position as determined in paragraph (3) of this subdivision and, moving counter-clockwise around the table, deal all other positions including the dead hand and the dealer a stack of tiles, without regard to whether there is a wager at the position. The dealer shall place a marker on top of the dealer’s stack of tiles immediately after the tiles are dealt.

(5) After all the stacks of tiles have been dealt, the dealer shall, without exposing the tiles, collect any stacks dealt to a position where there is no wager and place the stacks with the dead hand on the layout in front of the chip tray.

(6) Once all tiles have been dealt and any tiles dealt to positions with no wagers have been collected, the dealer shall place the cover on the pai gow shaker and shake once. The pai gow shaker then shall be placed to the right of the dealer.

(f) *Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish*.

(1) After the dealing of the tiles has been completed, each player shall set such player's hands by arranging the tiles into a high hand and low hand. After setting the hands, the tiles shall be placed face down on the layout immediately behind that player's betting area and separated into a high hand and low hand.

(2) Each player at the table shall be responsible for setting such player's own hands and no other person except the dealer may touch the tiles of such player. Each player shall keep the four tiles in full view of the dealer at all times. Once each player has set a high hand and low hand and placed the two hands face down on the layout, the player shall not touch the tiles again.

(3) After all players have set their hands and placed the tiles on the table, the four tiles of the dealer shall be turned over and the dealer shall set the dealer's hands by arranging the tiles into a high hand and low hand. The high hand shall be placed on the layout face up to the dealer's right and the low hand shall be placed on the layout face up to the dealer's left. If banking or co-banking is in effect pursuant to subdivision (g) of this section, after all players have set their hands and placed the tiles on the table, the player banking the game shall turn over such player's four tiles and shall set the two hands by arranging the tiles in a high and low hand on the appropriate area of the layout.

(4) The dealer shall comply with the following when setting the hands of the dealer unless otherwise approved by the commission in writing:

(i) If the dealer has the supreme pair, such tiles shall be played as such;

(ii) the dealer shall always play a pair, wong or gong;

(iii) the dealer shall play any two tiles together that have a value equal to 9, 8 or 7; and

(iv) the dealer shall play the highest-ranking tile with the lowest-ranking tile.

(5) A player may surrender a wager after the hands of the dealer have been set. The player shall announce an intention to surrender prior to the dealer exposing either of the two hands of that player pursuant to paragraph (7) of this subdivision. Once the player has announced an intention to surrender, the dealer shall:

(i) immediately collect the wager from such player; and

(ii) collect the four tiles dealt to such player and stack such tiles face down in front of the chip tray without exposing the tiles to anyone at the table.

(6) Once the dealer has set a high hand and low hand, the dealer shall expose both hands of each player, starting with the player farthest to the right of the dealer and proceeding counter-clockwise around the table. The dealer shall always compare the high hand of the player to the high hand of the dealer and the low hand of the player to the low hand of the dealer and shall announce if the wager of that player is a win, lose or a push.

(7) All losing wagers shall be collected by the dealer and put in the chip tray. All losing hands shall also be collected. A wager made by a player shall lose if the high hand of the player is identical in rank or lower in rank than the high hand of the dealer, and the low hand of the player is identical in rank or lower in rank than the low hand of the dealer or has a value of zero.

(8) If a wager is a push, the dealer shall not collect or pay the wager, but shall immediately collect the tiles of that player. A wager made by a player shall be a push if:

(i) the high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is identical in rank to the low hand of the dealer or lower in rank than the low hand of the dealer or has a value of zero; or

(ii) the high hand of the player is identical in rank to the high hand of the dealer or lower in rank than the high hand of the dealer, but the low hand of the player is higher in rank than the low hand of the dealer.

(9) All winning hands shall remain face up on the layout. Winning wagers shall be paid after all hands have been exposed. The dealer shall pay winning wagers beginning with the player farthest to the right of the dealer and continuing counter-clockwise around the table. A wager made by a player shall win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer.

(10) A winning pai gow wager shall be paid by a gaming facility at no less than odds of 1:1, except that a gaming facility shall collect a vigorish from the winning player in an amount equal to five percent of the amount won; provided, however, that when collecting the vigorish, the gaming facility may round off the vigorish to 25 cents or the next highest multiple of 25 cents. A gaming facility shall collect the vigorish from a player at the time the winning payout is made. After a winning wager has been paid and the vigorish collected, the dealer shall then collect the tiles from such winning player.

(11) All tiles collected by the dealer shall be picked up in the order and in such a way that the tiles readily can be arranged to reconstruct each hand in case of a question or dispute and shall be placed face up in front of the chip tray.

(g) *Player bank; co-banking; selection of bank; procedures for dealing*.

(1) A gaming facility may offer to all players at a pai gow tiles table the opportunity to bank the game. If the gaming facility elects to offer the bank the game option, the provisions of this subdivision shall apply.

(2) A player may not be the bank at the first round of play after the dealer is required to restack and shuffle the tiles in accordance with the procedures set forth subdivision (e) of this section.

(3) After the first round of play, each player at the table shall have the option to either be the bank or pass the bank to the next player. The dealer shall, starting with the player farthest to the right of the dealer in a counter-clockwise rotation, offer the bank to each player until a player accepts the bank. The dealer shall place a marker in front of the player who accepts the bank. If the first player offered the bank accepts, the player seated to the right of such player shall be offered the bank first on the next round of play. The initial offer to be the bank shall rotate counter-clockwise around the table until the offer returns to the dealer. In no event may any player be the bank for two consecutive rounds of play. If no player wishes to be the bank, the round of play shall proceed in accordance with this section.

(4) Before a player may be permitted to bank a round of play, the dealer shall determine that:

(i) the player placed a wager against the dealer during the last round of play in which there was no player banking the game; and

(ii) the player has sufficient chips on the table to cover all of the wagers placed by other players at the table for that round of play.

(5) A gaming facility may offer a be-the-bank option and have the gaming facility cover 50 percent of the wagers made during a round of play. If the gaming facility offers such option, the gaming facility shall make such option available to all players at the table. If the bank wishes to use this option, the bank shall request specifically that the dealer accept responsibility for the payment of one-half of all winning wagers. When the bank covers 50 percent and the gaming facility covers 50 percent of the winning wagers, the dealer shall place a marker designating the co-bank in front of such player. When the dealer is co-banking, the dealer shall be responsible for setting the hand of the bank. When co-banking is in effect, the dealer may not place a wager against the bank.

(6) If a player is the bank, the player may wager on only one betting area.

(7) Once the tiles have been shuffled and formed into stacks, the bank shall have the option to cut the tiles one time. If the bank does not wish to cut the tiles, there shall be no cut. Upon direction from the bank, the dealer may move:

(i) one or more adjacent stacks of four tiles to the right or left end of the original eight stacks of tiles; or

(ii) two or more adjacent stacks of four tiles, of which at least one stack is moved to one end and the other stacks are moved to the opposite end of the original eight stacks of tiles.

(8) Once the dealer has determined that a player may be the bank pursuant to paragraph (4) of this subdivision and the tiles have been shuffled and, cut, the dealer shall, unless co-banking is in effect, remove chips from the chip tray in an amount equal to the last wager made by such player against the dealer or in another amount, which shall be submitted to the commission for approval. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer places no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the chip tray. Upon receipt of the four tiles dealt to the dealer pursuant to paragraph (11) of this subdivision, the dealer shall place the dealer's wager on top of these tiles. If co-banking is in effect, the dealer shall not remove any chips from the chip tray pursuant to this subdivision.

(9) Once the dealer has announced "no more bets," the bank may, by issuing a verbal instruction to the dealer, choose to have the dealer deliver the stacks of tiles using any one of the 10 styles of delivery set forth in paragraph (11) of this subdivision. If the bank does not choose a style of delivery, the dealer shall use the style of delivery called house way from the right, as set forth in subparagraph (i) of paragraph (11) of this subdivision. After the style of delivery has been determined, the dealer verbally shall repeat such, identify the selected style of delivery to the gaming facility's surveillance department and move certain stacks of tiles or individual tiles slightly forward, backward or diagonally in the manner set forth in subparagraphs (i) through (x) of paragraph (11) of this subdivision. After the dealer verbally has indicated the style of delivery, the bank shall shake the pai gow shaker. It shall be the responsibility of the dealer to ensure that the bank shakes the pai gow shaker at least three times. Once the bank has completed shaking the pai gow shaker, the dealer shall remove the lid covering the pai gow shaker, total the dice and announce the total. The dealer always shall remove the lid from the pai gow shaker and, if the bank inadvertently removes the lid, the dealer shall re-cover the pai gow shaker and the pai gow shaker shall be re-shaken by the bank.

(10) To determine the starting position for dealing the tiles, the dealer shall count counter-clockwise around the table, with the position of the bank considered number one and continuing around the table with each betting position, including the dealer,

without regard to whether there is a wager at the position, with the dead hand counted in order until the count matches the total of the three dice.

(11) The dealer shall deal the first four tiles, in accordance with the selected style of delivery set forth in subparagraphs (i) through (x) of this paragraph, to the starting position and, moving counter-clockwise around the table, deal all other positions including the dead hand and the dealer's four tiles, without regard to whether there is a wager at the position. The dealer shall place the dealer's wager or marker, as applicable, on top of the dealer's stack of tiles immediately after the tiles are dealt. Unless otherwise set forth in a gaming facility's approved system of internal controls, the 10 styles of delivery that may be used to deal pai gow tiles are as set forth in subparagraphs (i) through (x) of this paragraph.

(i) House way from the right. The dealer shall indicate the use of the house way from the right delivery by pushing forward the first stack of tiles on the dealer's right. The dealer shall deliver the stack pushed forward to the starting position. The remaining stacks of tiles shall be delivered from the dealer's right to left.

(ii) House way from the left. The dealer shall indicate the use of the house way from the left delivery by pushing forward the first stack of tiles on the dealer's left. The dealer shall deliver the stack pushed forward to the starting position. The remaining stacks of tiles shall be delivered from the dealer's left to right.

(iii) Cup say (pick four) from the right. The dealer shall indicate the use of the cup say from the right delivery by pushing forward the first two stacks of tiles on the dealer's right. The dealer shall deliver the top two tiles from each of the two stacks pushed forward to the starting position. The four remaining tiles pushed forward shall be delivered to the next position. The remaining stacks of tiles shall be delivered from the dealer's right to left in the same manner as the first two stacks.

(iv) Cup say (pick four) from the left. The dealer shall indicate the use of the cup say from the left delivery by pushing forward the first two stacks of tiles on the dealer's left. The dealer shall deliver the top two tiles from each of the two stacks pushed forward to the starting position. The four remaining tiles pushed forward shall be delivered to the next position. The remaining stacks of tiles shall be delivered from the dealer's left to right in the same manner as the first two stacks.

(v) Jung quat (take the heart). The dealer shall indicate the use of the jung quat delivery by pushing forward the fourth stack of tiles from the dealer's right and the fourth stack of tiles from the dealer's left (the two center stacks of the eight). The dealer shall deliver the top two tiles from each of the two stacks pushed forward to the starting position. The four remaining tiles pushed forward shall be delivered to the next position. The remaining stacks shall be pushed together and the two new center stacks shall be pushed forward and delivered in the same manner as the

first two stacks. This procedure shall be repeated until all eight stacks of tiles have been delivered.

(vi) Chee yee (chop the ears). The dealer shall indicate the use of the chee yee delivery by pushing forward the first stack of tiles on the dealer's right and the first stack of tiles on the dealer's left. To deliver the tiles, the dealer shall center the two stacks pushed forward in front of the remaining stacks. The dealer shall deliver the top two tiles from each of the two centered stacks to the starting position. The four remaining tiles from the two centered stacks shall be delivered to the next position. The dealer shall then center and deliver the first stack remaining on the dealer's right and the first stack remaining on the dealer's left in the same manner. This procedure shall be repeated until all eight stacks of tiles have been delivered;

(vii) Pin say (slice four) from the right. The dealer shall indicate the use of the pin say from the right delivery by removing the top tile of the first stack of tiles on the dealer's right and placing such tile diagonally across the top of the second, third and fourth stacks of tiles from the dealer's right. The dealer shall deliver the top tile from each of the first four stacks on the dealer's right to the starting position (the diagonal tile plus the three tiles the diagonal tile covers). The top tile from each of the first four stacks on the dealer's left shall be delivered to the next position. The top tile remaining on each of the first four stacks on the dealer's right shall be delivered to the third position and the top tile remaining on each of the first four stacks on the dealer's left shall be delivered to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

(viii) Pin say (slice four) from the left. The dealer shall indicate the use of the pin say from the left delivery by removing the top tile of the first stack of tiles on the dealer's left and placing such tile diagonally across the top of the second, third and fourth stacks of tiles from the dealer's left. The dealer shall deliver the top tile from each of the first four stacks on the dealer's left to the starting position (the diagonal tile plus the three tiles the diagonal tile covers). The top tile from each of the first four stacks on the dealer's right shall be delivered to the next position. The top tile remaining on each of the first four stacks on the dealer's left shall be delivered to the third position and the top tile remaining on each of the first four stacks on the dealer's right shall be delivered to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

(ix) Dragon head and phoenix tail from the right. The dealer shall indicate the use of the dragon head and phoenix tail from the right delivery by placing all four tiles in the first and second stacks from the dealer's right directly on top of the four tiles in the third and fourth stacks from the dealer's right and then pushing forward the top two tiles in each of the eight tile stacks that are created (forming the dragon head). The dealer shall deliver the four tiles pushed forward to the starting position. The top tile from each of the four stacks of four tiles to the dealer's left (the phoenix tail) shall be delivered to the next position. The dealer shall deliver the top two tiles

from each of the two stacks on the dealer's right to the third position and the top tile from each of the four stacks on the dealer's left to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

(x) Dragon head and phoenix tail from the left. The dealer shall indicate the use of the dragon head and phoenix tail from the left delivery by placing all four tiles in the first and second stacks from the dealer's left directly on top of the four tiles in the third and fourth stacks from the dealer's left and then pushing forward the top two tiles in each of the eight tile stacks that are created (forming the dragon head). The dealer shall deliver the four tiles pushed forward to the starting position. The top tile from each of the four stacks of four tiles to the dealer's right (the phoenix tail) shall be delivered to the next position. The dealer shall deliver the top two tiles from each of the two stacks on the dealer's left to the third position and the top tile from each of the four stacks on the dealer's right to the fourth position. This procedure shall be repeated until four tiles have been delivered to all eight positions.

(12) After all the stacks of tiles have been dealt, the dealer shall, without exposing the tiles, collect any stacks dealt to a position where there is no wager and place the stacks with the dead hand in front of the chip tray.

(13) Once all tiles have been dealt and any tiles dealt to positions with no wagers have been collected, the dealer shall place the cover on the pai gow shaker and shake the shaker once. The pai gow shaker shall then be placed to the right of the dealer.

(14) If the tiles dealt to the dealer have not been previously collected, after each player has set such player's two hands and placed such hands on the layout, the two hands of the dealer shall then be set. Once the dealer has formed a high and low hand, the dealer shall expose the hands of the bank and determine if the hands of the dealer are higher in rank than the hands of the bank. If the dealer wins, the tiles of the dealer shall be stacked face up to the right of the chip tray with the amount wagered by the dealer against the bank placed on top. If the dealer pushes, the dealer shall return the amount wagered by the dealer against the bank to the chip tray. If the dealer loses, the amount wagered by the dealer against the bank shall be moved to the center of the layout.

(15) If banking is in effect, once the dealer has determined the outcome of the wager of the dealer against the bank, if any, the dealer shall expose the hands of each player starting with the player farthest to the right of the dealer and proceeding counter-clockwise around the table. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and shall announce if the wager shall win, lose or be a push against the bank. All losing wagers shall be collected and placed in the center of the table. After all hands have been exposed, all winning wagers, including the dealer's wager, shall be paid by the dealer with the chips located in the

center of the table. If the chips in the center of the table become exhausted before all winning wagers have been paid, the dealer shall collect from the bank an amount equal to the remaining winning wagers and place that amount in the center of the layout. The remaining winning wagers shall be paid from the amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, this amount shall be charged a five percent vigorish in accordance with subdivision (f) of this section. Once the vigorish has been paid, the remaining amount shall be given to the bank.

(16) If co-banking is in effect, once the dealer has set the co-bank hand pursuant to paragraph (5) of this subdivision, the dealer shall expose the hands of each player, starting with the player farthest to the right of the dealer and proceeding counter-clockwise around the table. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and shall announce if the wager shall win, lose or be a push against the bank. All losing wagers shall be collected immediately and placed in the center of the table. After all hands have been exposed, all winning wagers shall be paid by the dealer with the chips located in the center of the table. If the chips in the center of the table become exhausted before all winning wagers have been paid, the dealer shall collect from the co-bank, an amount equal to one-half of the remaining winning wagers and place such amount in the center of the layout. The dealer shall remove an amount equal to one-half of the remaining winning wagers from the chip tray and place that amount in the center of the layout. The remaining winning wagers shall be paid from the total amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, this amount shall be counted and the dealer shall place one-half of such amount into the chip tray. The dealer shall collect a five percent vigorish in accordance with subdivision (f) of this section on the remaining amount and place the vigorish amount in the chip tray. The remaining amount shall then be given to the co-bank.

(17) Immediately after a winning wager of the dealer is paid, the winning wager amount and the original wager shall be returned to the chip tray.

(18) Each player who has a winning wager against the bank shall pay a five percent vigorish on the amount won to the dealer, in accordance with subdivision (f) of this section.

(h) *Player wagering on more than one betting area*.

(1) A player may wager on no more than two betting areas at a pai gow table, which shall be adjacent to each other.

(2) If a player is betting on two adjacent betting areas, the tiles dealt to each betting area shall be played separately.

(i) If the two wagers are not equal, the player shall be required to rank and set the hand with the larger wager before ranking and setting the other hand.

(ii) If the two wagers are equal, each hand shall be played separately in a counterclockwise rotation with first hand being ranked and set before the second hand.

(3) Once a hand has been ranked and set and placed face down on the layout, the hand may not be changed.

(4) If a player is the bank, the player may wager on only one betting area.

(i) *Irregularities.*

(1) If the dealer exposes any of the tiles dealt to a player, the player has the option of voiding the hand. Without looking at the unexposed tiles, the player shall make the decision either to play out the hand or to void the hand.

(2) If a tile dealt to the dealer, bank, the dead hand or any position where there is no wager is exposed, all hands shall be void and the tiles shall be re-shuffled.

§ 5324.51. Sic bo.

(a) *Equipment and layout*.

(1) Sic bo shall be played at a table having:

(i) on one side places for the players and on the opposite side a place for the dealers; and

(ii) an electronic device that, when the numeric value of each die has been entered, shall cause the winning combinations to be illuminated. Each possible dice combination shall have the capability to be illuminated, if such combination is a winning combination, after the numeric value of each die has been entered into the electronic device by the dealer.

(2) The layout for a sic bo table shall contain, at a minimum:

(i) the name and/or logo of the gaming facility;

(ii) specific areas designated for the placement of the wagers; and

(iii) the payout odds.

(3) A sealed container (*sic bo shaker*) shall be used to shake the dice in order to arrive at the winning combinations. The sic bo shaker shall be tested and approved as

required by Part 5318 of this Subchapter and be designed and constructed to contain, at a minimum, the following specifications:

(i) the sic bo shaker shall have a compartment to secure the three dice and a separate cover that conceals the dice while the dealer is shaking it. The compartment to secure the three dice shall be transparent and the cover that conceals the dice shall be opaque;

(ii) the sic bo shaker shall have the capability of being sealed or locked in order to ensure the integrity of the dice contained therein; and

(iii) the sic bo shaker shall be secured to the sic bo table when the table is open for gaming activity.

(4) An automated sic bo shaker may be used in the game of sic bo and shall be tested and approved as required by Part 5318 of this Subchapter.

(5) Three dice the physical characteristics set forth in section 5322.11 of this Subchapter.

(b) *Permissible wagers*. The permissible wagers a player may make in the game of sic bo are:

(1) *Three of a kind*, a wager that shall win if the same number is showing on the up sides of all three dice and the player selected that number to appear on all three dice.

(2) *Two of a kind*, a wager that shall win if the same number is showing on two of the up sides of the three dice and the player selected that number to appear on two out of the three dice.

(3) *Any three of a kind*, a wager that shall win if the numeric value on all three up sides of the dice is the same and the player wagered that any of the numbers 1 through 6 would appear on all of the three dice.

(4) *Total value bet*, a wager that shall win if the numeric total of all three dice equals the total of the number wagered.

(5) *Two dice combination*, a wager that shall win when the player wagered that a combination of two specific but different numeric values would appear on at least two of the dice and the two numeric values chosen are showing.

(6) *Small bet*, a wager that shall win if the numeric total of all three dice equals any one of the following totals: 4, 5, 6, 7, 8, 9 or 10 and shall lose if any other numeric total is shown or if three of a kind appears.

(7) *Big bet,* a wager that shall win if the numeric total of all three dice equals any one of 11, 12, 13, 14, 15, 16 or 17 and shall lose if any other numeric total is shown or if three of a kind appears.

(8) *One of a kind*, a wager that shall win if one or more of the three dice shows a numeric value equal to the number wagered.

(c) *Wagers*.

(1) All wagers at sic bo shall be made by placing chips, plaques and, if applicable, table game promotional coupons on the appropriate areas of the sic bo layout.

(2) Each player shall be responsible for the correct positioning of such player's wagers on the sic bo layout without regard to whether the player is assisted by the dealer. Each player shall ensure that such player's instructions given to the dealer in regard to the placement of wagers are correctly carried out.

(3) Each wager shall be settled in accordance with such wager's position on the layout when the dice come to rest and the numeric value showing on the up sides of each die has been entered into the electrical device and illuminated at the table.

(d) *Payout odds*.

(1) A gaming facility shall pay winning wagers at no less than the odds listed in the following table:

Wager	Payout
Three of a kind	150:1
Two of a kind	8:1
Any three of a kind	24:1
Total value of 4	50:1
Total value of 5	18:1
Total value of 6	14:1
Total value of 7	12:1
Total value of 8	8:1
Total value of 9, 10, 11, 12	6:1
Total value of 13	8:1
Total value of 14	12:1
Total value of 15	14:1
Total value of 16	18:1
Total value of 17	50:1
Any two dice combination	5:1
Small bet, big bet, one of a kind	1:1

(2) One of a kind shall be paid at 2:1, if two of the dice show the same numeric value, and at 3:1, if all three dice show the same numeric value.

(e) *Procedures for opening and dealing the game*.

(1) Prior to opening the sic bo table for gaming activity, the floorperson assigned to the sic bo table shall inspect the electronic device in order to ensure that the table is in proper working order. The inspection shall, at a minimum, be completed by entering three numeric values into the electronic device and verifying that all winning combinations are properly illuminated.

(2) Prior to shaking the sic bo shaker, the dealer shall announce “no more bets” and make a visible hand motion indicating no more bets are to be accepted.

(3) Once “no more bets” has been announced and signaled, the dealer shall place the cover on the sic bo shaker and shake the sic bo shaker at least three times.

(4) The dealer then shall remove the cover from the sic bo shaker, announce the numeric value of each die and enter the numeric value of each die into the electronic device, which shall cause winning combinations to be illuminated on the sic bo layout.

(5) After the winning combinations have been illuminated, the dealer first shall collect all losing wagers and then pay all winning wagers in accordance with subdivision (d) of this section. The sic bo shaker shall remain uncovered until all winning wagers have been paid.

(6) After all losing wagers have been collected and all winning wagers paid, the dealer shall clear the previously illuminated winning combinations from the table.

§ 5324.52. Craps and mini craps.

(a) *Equipment and layout*.

(1) Craps and mini craps shall be played on an oblong table with rounded corners and high walled sides. A craps table shall not be larger than 14 feet in length. A mini craps table shall be no longer than nine and a half feet in length and shall have seating locations for a maximum of nine players.

(2) The layout for a craps and mini craps table shall contain, at a minimum:

(i) the name and/or logo of the gaming facility offering the game;

(ii) specific areas designated for the placement of wagers; and

(iii) the words “no call bets.”

(3) When a gaming facility offers a fire bet, the craps table shall include, at a minimum:

(i) no more than 16 designated areas for the placement of fire bets, which areas shall be located around the perimeter of the layout, correspond to player positions at the table and be numbered sequentially in a clockwise direction, with the area numbered "1" being located immediately to the left of the boxperson;

(ii) a designated area of the layout for the relocation and identification of all fire bets placed by players prior to the come out roll of a shooter, which area shall be located in front of the boxperson and contain numbered areas that correspond to the location of the numbered areas described in subparagraph (i) of this paragraph; and

(iii) the following information on the inside wall of the table, which information shall be visible to all player positions:

(*a*) the payout odds for four, five and six different points made;

(*b*) that fire bets shall only be accepted prior to a shooter's initial come out roll; and

(*c*) the wager limitations applicable to the fire bet.

(4) When a gaming facility offers a bonus craps wager, the craps table shall contain, at a minimum:

(i) three designated areas for the placement of all small, make 'em all and all tall wagers, or similar language to denote the wagers;

(ii) designated areas of the layout for the placement of a lammer on numbers 2 through 6 and numbers 8 through 12; and

(iii) the payout odds for the permissible bonus craps wager.

(5) Each open craps and mini craps table shall have at least five dice. Control of the dice at a craps table, or at a mini craps table with an optional stickperson, shall be the responsibility of the stickperson at the table. Control of the dice at a mini craps table without an optional stickperson shall be the responsibility of the dealer at the table. The stickperson or mini craps dealer shall retain all dice, except those in active play, in a dice cup at the table.

(b) *Permissible wagers*. The permissible wagers at the games of craps and mini craps are as set forth in this subdivision.

(1) *Pass bet* is a wager placed on the pass line of the layout immediately prior to the come out roll. The pass bet shall win if, on the come out roll:

(i) a total of 7 or 11 is rolled; or

(ii) a total of 4, 5, 6, 8, 9 or 10 is rolled and that total is again rolled before a 7 is rolled.

The pass bet shall lose if, on the come out roll:

(iii) a total of 2, 3 or 12 is rolled; or

(iv) a total of 4, 5, 6, 8, 9 or 10 is rolled and a 7 is subsequently rolled before that total is again rolled.

(2) *Don't pass bet* is a wager placed on the don't pass line of the layout immediately prior to the come out roll. The don't pass bet shall win if, on the come out roll:

(i) a total of 2 or 3 is rolled; or

(ii) a total of 4, 5, 6, 8, 9 or 10 is rolled and a 7 is subsequently rolled before that total is again rolled.

The don't pass bet shall lose if, on the come out roll:

(iii) a total of 7 or 11 is rolled;

(iv) a total of 4, 5, 6, 8, 9 or 10 is rolled and that total is again rolled before a 7 is rolled; or

(v) the don't pass bet shall be a push or stand off if, on the come out roll, a total of 12 is rolled.

(3) *Come bet* is a wager placed on the come line of the layout at any time after the come out roll. The come bet shall win if, on the roll immediately following placement of such bet:

(i) a total of 7 or 11 is rolled; or

(ii) a total of 4, 5, 6, 8, 9 or 10 is rolled and that total is again rolled before a 7 is rolled. The dealer shall move the come bet into the numbered box corresponding with the number that was rolled on the roll following the placement of the come bet.

The come bet shall lose if, on the roll immediately following placement of such bet:

(iii) a total of 2, 3 or 12 is rolled; or

(iv) a total of 4, 5, 6, 8, 9 or 10 is rolled and a 7 is subsequently rolled before that total is again rolled.

(4) *Don't come bet* is a wager placed on the don't-come area of the layout at any time after the come-out roll. The don't-come bet shall win if, on the roll immediately following placement of such bet:

(i) a total of 2 or 3 is rolled; or

(ii) a total of 4, 5, 6, 8, 9 or 10 is rolled and a 7 is subsequently rolled before that total is again rolled.

The don't-come bet shall lose if, on the roll immediately following placement of such bet:

(iii) a total of 7 or 11 is rolled;

(iv) a total of 4, 5, 6, 8, 9 or 10 is rolled and that total is again rolled before a 7 is rolled; or

(v) the don't-come bet shall be void if, on the roll immediately following placement of such bet, a total of 12 rolled.

(5) *Place bet to win* is a wager that may be made at any time on the numbers 4, 5, 6, 8, 9 or 10 that shall win if the number on which the wager was placed is rolled before a 7 and shall lose if a 7 is rolled before such number. All placed bets shall be inactive on any come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" lammer on top of such player's wager.

(6) A *place bet to lose* is a wager that may be made at any time against the numbers 4, 5, 6, 8, 9 or 10 that shall win if a 7 is rolled before the particular number against which the wager is placed and shall lose if the particular number against which the wager is placed is rolled before a 7 appears.

(7) *Four the hard way* is a wager that may be made at any time and shall win if a total of 4 is rolled the hard way before 4 is rolled in any other way and before a 7 is rolled.

(8) *Six the hard way* is a wager that may be made at any time and shall win if a total of 6 is rolled the hard way before 6 is rolled in any other way and before a7 is rolled.

(9) *Eight the hard way* is a wager that may be made at any time and shall win if a total of 8 is rolled the hard way before 8 is rolled in any other way and before a 7 is rolled.

(10) *Ten the hard way* is a wager that may be made at any time and shall win if a total of 10 is rolled the hard way before 10 is rolled in any other way and before a 7 is rolled.

(11) *Field bet* is a one-roll wager that may be made at any time and shall win if any one of the totals 2, 3, 4, 9 10, 11 or 12 is rolled on the roll immediately following placement of such bet and shall lose if a total of 5, 6, 7 or 8 is rolled on such roll.

(12) *Any seven* is a one-roll wager that may be made at any time and shall win if a total of 7 is rolled on the roll immediately following placement of such bet and shall lose if any other total is rolled.

(13) *Any craps* is a one-roll wager that may be made at any time and shall win if a total of 2, 3 or 12 is rolled on the roll immediately following placement of such bet and shall lose if any other total is rolled.

(14) *Craps two* is a one-roll wager that may be made at any time and shall win if a total of 2 is rolled on the roll immediately following placement of such bet and shall lose if any other total is rolled.

(15) *Craps three* is a one-roll wager that may be made at any time and shall win if a total of 3 is rolled on the roll immediately following placement of such bet and shall lose if any other total is rolled.

(16) *Craps 12* is a one-roll wager that may be made at any time and shall win if a total of 12 is rolled on the roll immediately following placement of such bet and shall lose if any other total is rolled.

(17) *Eleven in one roll* is a one-roll wager that may be made at any time and shall win if a total of 11 is rolled on the next roll and shall lose if any other total is rolled.

(18) *Craps-11* or *C and E* is a one-roll wager that may be made at any time and shall win, if either a craps, which is 2, 3 or 12, or 11 is rolled immediately following placement of such bet and shall lose if any other total is rolled.

(19) *Horn bet* is a one-roll wager that may be made at any time and shall win if any one of the totals 2, 3, 11 or 12 is rolled on the roll immediately following placement of such bet and shall lose if any other total is rolled.

(20) *Horn high bet* is a wager that may be made at any time and shall win if any one of the totals 2, 3, 11 or 12 is rolled on the roll immediately following placement of such bet and shall lose if any other total is rolled. A horn high bet shall be placed in increments of five, four that are wagered as a horn bet and an additional one wagered on the totals 2, 3, 11 or 12. A gaming facility that does not have a designated area on its layout for the acceptance of a horn high bet shall break down the wager into two separate wagers, one on the horn and one on the totals 2, 3, 11 or 12.

(21) *Whirl bet* is a one-roll wager that may be made at any time, consisting of a horn bet and the any 7 wager. A whirl bet shall be placed in increments of five, that are wagered on 2, 3, 11 and 12 and the fifth one wagered as an any-7 wager. A gaming

facility shall break down a whirl wager into two separate wagers, one on the horn bet and one on the any-7 wager.

(22) *Four the hard way on the hop* is a one-roll wager that may be made at any time, and shall win if a total of 4 is rolled the hard way on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(23) *Six the hard way on the hop* is a one-roll wager that may be made at any time, and shall win if a total of 6 is rolled the hard way on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(24) *Eight the hard way on the hop* is a one-roll wager that may be made at any time and shall win if a total of 8 is rolled the hard way on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(25) *Ten the hard way on the hop* is a one-roll wager that may be made at any time and shall win if a total of 10 is rolled the hard way on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(26) *One-three (ace-trey) on the hop* is a one-roll wager that may be made at any time, that shall win if a total of 4 is rolled with a 1 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(27) *One-four (ace-four) on the hop* is a one-roll wager that may be made at any time and shall win if a total of 5 is rolled with a 1 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(28) *Two-three (deuce-trey) on the hop* is a one-roll wager that may be made at any time and shall win if a total of 5 is rolled with a 2 appearing on one die and a 3 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(29) *One-five (ace-five) on the hop* is a one-roll wager that may be made at any time and shall win if a total of 6 is rolled with a 1 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(30) *Two-four (deuce-four) on the hop* is a one-roll wager that may be made at any time and shall win if a total of 6 is rolled with a 2 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(31) *One-six (ace-six) on the hop* is a one-roll wager that may be made at any time and shall win if a total of 7 is rolled with a 1 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(32) *Two-five (deuce-five) on the hop* is a one-roll wager that may be made at any time and shall win if a total of 7 is rolled with a 2 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(33) *Three-four (trey-four) on the hop* is a one-roll wager that may be made at any time and shall win if a total of 7 is rolled with a 3 appearing on one die and a 4 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(34) *Two-six (deuce-six) on the hop* is a one-roll wager that may be made at any time and shall win if a total of 8 is rolled with a two appearing on one die and a 6 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(35) *Three-five (trey-five) on the hop* is a one-roll wager that may be made at any time and shall win if a total of 8 is rolled with a 3 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(36) *Three-six (trey-six) on the hop* is a one-roll wager that may be made at any time and shall win if a total of 9 is rolled with a 3 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(37) *Four-five on the hop* is a one-roll wager that may be made at any time and shall win if a total of 9 is rolled with a 4 appearing on one die and a 5 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(38) *Four-six on the hop* is a one-roll wager that may be made at any time and shall win if a total of 10 is rolled with a 4 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is rolled.

(39) *Six-seven-eight* is a one-roll wager that may be made at any time and shall win if any one of the totals 6, 7 or 8 is rolled on the roll immediately following the placement of such bet and shall lose if the total of 2, 3, 4, 5, 9, 10, 11 or 12 is rolled on such roll.

(40) *Fire bet* is a wager that may only be made in the game of craps and prior to the come out roll of a new shooter. Such wager shall win if at least four different point totals either 4, 5, 6, 8, 9 or 10 are made by the shooter before a loser 7 is rolled, and shall lose if fewer than four different point totals are made before a loser 7 is rolled.

(41) *Bonus craps* is a wager that may be made only prior to the come out roll of a new shooter. Such wager shall win if the numbers 2 through 6 are thrown before a 7 (*all small*), the numbers 8 through 12 are thrown before a 7 (*all tall*), or if numbers 2 through 6 and 8 through 12 are thrown before a 7 (*make 'em all*).

(c) *Making and removal of wager*.

(1) Wagers shall be made before the dice are rolled. A wager may also be made between the time the dice leave the shooter's hand and the time the dice come to rest, provided that such wager is confirmed orally by:

(i) in craps, the dealer and a boxperson; or

(ii) in mini craps, the dealer and floorperson or the dealer and a boxperson.

(2) All wagers shall be made by placing chips, plaques or table game promotional coupons (only for pass or don't pass wagers) on the appropriate areas of the layout. Verbal wagers accompanied by cash may be accepted if the cash wagers are confirmed by the dealer and the cash is converted into chips or plaques.

(3) A wager made on any bet may be removed or reduced at any time prior to a roll that decides the outcome of such wager except under the following circumstances:

(i) a pass bet and a come bet shall not be removed or reduced after a come out point or come point is established with respect to such bet;

(ii) a fire bet, once made, shall not be reduced or increased at any time and shall not be removed prior to the throwing of a loser 7; and

(iii) a bonus craps bet, once made, shall not be reduced or increased at any time.

(4) A don't come bet and a don't pass bet may be removed or reduced at any time but may not be replaced or increased after such removal or reduction.

(5) All buy and place to win bets, come odds and hard ways shall be inactive on any come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" lammer on the top of each player's wager. All other wagers shall be considered "on."

(6) Only players who are seated at a mini-craps table may place a wager at the game. Once a player has placed a wager, such player shall remain seated until the completion of the round of play.

(d) *Payout odds*.

(1) A gaming facility shall pay out winning wagers at the game of craps or mini craps at no less than the odds listed in the following table:

Wager	Payout
Pass bet	1:1
Don't pass bet	1:1
Come bet	1:1
Don't come bet	1:1
Place bet 4 to win	9:5
Place bet 5 to win	7:5
Place bet 6 to win	7:6
Place bet 8 to win	7:6
Place bet 9 to win	7:5
Place bet 10 to win	9:5
Place bet 4 to lose	5:11
Place bet 5 to lose	5:8
Place bet 6 to lose	4:5
Place bet 8 to lose	4:5
Place bet 9 to lose	5:8
Place bet 10 to lose	5:11
4 the hard way	7:1
6 the hard way	9:1
8 the hard way	9:1
10 the hard way	7:1
Field bet on 3, 4, 9, 10, 11	1:1
Field bet on 2	2:1
Field bet on 12	2:1 or 3:1
Any 7	4:1
Any craps	7:1
Craps 2	30:1
Craps 3	15:1
Craps 12	30:1
11 in one roll	15:1
4 the hard way on the hop	30:1
6 the hard way on the hop	30:1
8 the hard way on the hop	30:1
10 the hard way on the hop	30:1
1-3 (ace-trey) on the hop	15:1

Wager	Payout
1-4 (ace-four) on the hop	15:1
1-5 (ace-five) on the hop	15:1
1-6 (ace-six) on the hop	15:1
2-3 (deuce-trey) on the hop	15:1
2-4 (deuce-four) on the hop	15:1
2-5 (deuce-five) on the hop	15:1
2-6 (deuce-six) on the hop	15:1
3-4 (trey-four) on the hop	15:1
3-5 (trey-five) on the hop	15:1
3-6 (trey-six) on the hop	15:1
4-5 on the hop	15:1
4-6 on the hop	15:1
6-7-8 bet on a 6 that is a 1-5 or 2-4, on any 7 or an 8 that is a 2-6 or 3-5	1:1
6-7-8 bet on a 6 that is a 3-3 or an 8 that is a 4-4	2:1

(2) A horn bet and horn high bet shall be paid as if they were four separate wagers on 2, 3, 11 and 12.

(3) A craps and 11 bet shall be paid as if one half of the wagered amount had been placed on any craps and one half on 11 and shall be paid as if two separate wagers were made for the one roll.

(4) A winning fire bet shall be paid once for the highest number of different points made and at no less than the odds set forth in one of the following pay tables, as the gaming facility may choose:

Individual points made	Pay table A	Pay table B
Four	24:1	39:1
Five	249:1	199:1
Six	999:1	499:1

(5) A winning bonus craps bet shall be paid based on the placement of an all-small, make-‘em-all, or an all-tall wager in accordance with the odds set forth in the following table:

Wager	Payout
All small	34:1
All tall	34:1
Make ‘em all	175:1

(e) *True odds on place bets (buy and lay bets); vigorish prohibited*.

(1) Buy bets. In addition to the payout odds set forth for place bets to win on 4, 5, 6, 8, 9 and 10, a gaming facility may offer a player the option of receiving true odds on such bets in return for the player paying to the gaming facility, at the time the player makes the bet, a percentage of the amount wagered that shall not exceed five percent of such wager. Notwithstanding the foregoing in this paragraph, a gaming facility may, for one or more pre-specified place bets at a designated table, collect the percentage of the amount wagered only on winning bets. A gaming facility may offer a player the option of receiving true odds on any of these place bets in its rules of games notice set forth in 5323.13 of this Subchapter whether, as to each specified place bet, the gaming facility collects the percentage when the wager is made or when the wager is won. A gaming facility that offers a player true odds shall pay winning wagers at odds no less than as follows:

Wager	Payout
4 to win	2:1
5 to win	3:2
6 to win	6:5
8 to win	6:5
9 to win	3:2
10 to win	2:1

(2) Lay bets. In addition to the payout set forth for place bets to lose on 4, 5, 6, 8, 9 and 10, a gaming facility may offer a player true odds on such bets in return for the player paying to the gaming facility, when the bet is made, a percentage of the amount wagered that shall not exceed five percent of such wager. Notwithstanding the foregoing in this paragraph, a gaming facility may collect the percentage of the amount wagered only on winning bets. A gaming facility that offers a player true odds shall pay winning wagers at odds no less than the following:

Wager	Payout
4 to lose	1:2
5 to lose	2:3
6 to lose	5:6
8 to lose	5:6
9 to lose	2:3
10 to lose	1:2

(3) Except as provided for in paragraphs (1) and (2) of this subdivision, a gaming facility shall not charge a percentage, fee or vigorish to a player making a wager in the game of craps and mini craps.

(4) Supplemental wagers made after come out roll in support of pass, don't pass, come and don't come bets (taking and laying odds).

(i) Whenever a player makes a pass bet and a total of 4, 5, 6, 8, 9 or 10 is rolled on the come out roll, the player shall be permitted to make a supplemental wager in support of the pass bet. A gaming facility may limit the supplemental wager amount, if approved in writing by the commission. If, in such circumstances, the pass bet wins, the original pass bet shall be paid at odds of 1:1 and the supplemental wager shall be paid at odds of 2:1 if the come-out point was 4 or 10, 3:2 if the come-out point was 5 or 9, and 6:5 if the come-out point was 6 or 8.

(ii) Whenever a player makes a don't pass bet and a total of 4, 5, 6, 8, 9 or 10 is rolled on the come-out roll, the player shall have the right to make a supplemental wager in support of the don't pass bet. A gaming facility may limit the supplemental wager amount if approved in writing by the commission. If, in such circumstances, the don't pass bet wins, the original don't pass bet shall be paid at odds of 1:1 and the supplemental wager shall be paid at odds of 1:2 if the come out point was 4 or 10, 2:3 if the come-out point was 5 or 9 and 5:6 if the come out point was 6 or 8.

(iii) Whenever a player makes a come bet and a total of 4, 5, 6, 8, 9 or 10 is rolled on the roll immediately following placement of such bet, the player shall be permitted to make a supplemental wager in support of the come bet that may be limited by the gaming facility to an amount that is equal to the amount of the original come bet. If, in such circumstances, the come bet wins, the original come bet shall be paid at odds of 1:1 and the supplemental wager shall be paid at odds of 2:1 if the come point was 4 or 10, 3: 2 if the come point was 5 or 9 and 6:5 if the come point was 6 or 8.

(iv) Whenever a player makes a don't come bet and a total of 4, 5, 6, 8, 9 or 10 is rolled on the roll immediately following placement of such bet, the player shall have the right to make a supplemental wager in support of the don't come bet that may be limited by the gaming facility to an amount so calculated as to provide winnings not in excess of the amount originally wagered on the don't come bet. If, in such circumstances, the don't come bet wins, the original don't come bet shall be paid at odds of 1:1 and the supplemental wager shall be paid at odds of 1:2 if the come point was a 4 or 10, 2:3 if the come point was 5 or 9 and 5:6 if the come point was 6 or 8.

(v) A gaming facility may allow a supplemental wager in support of a pass or come bet in an amount approved in writing by the commission. A gaming facility may allow a supplemental wager in support of a don't pass or don't come bet in an amount approved in writing by the commission. The original pass, don't pass, come or don't come bet and any supplemental wager allowed pursuant to this subdivision shall be paid at the same odds as the original and supplemental wagers are paid pursuant to subdivisions (a) through (d) of this section.

(f) *Dice: retention; selection at the commencement of play*.

(1) The craps stickperson shall offer the set of dice to the player immediately to the left of the craps bank of chips at the table. If such a player rejects the dice, the stickperson shall offer the dice to each of the other players in turn, clockwise around the table until one of the players accepts the dice.

(2) The mini craps dealer or the optional mini craps stickperson shall offer the set of dice to the player immediately to the dealer's left at the table. If such player rejects the dice, the dealer or stickperson shall offer the dice to each of the other players in turn, clockwise around the table until one of the players accepts the dice.

(3) The first player to accept the dice when offered shall become the shooter, who shall select and retain two of the dice offered. The remaining dice shall be returned to the dice cup and:

(i) in craps, be placed immediately in front of the craps stickperson; and

(ii) in mini craps, be placed immediately in front of the mini craps dealer or stickperson.

(g) *Throw of the dice*. Prior to the selection of the dice, the shooter shall make a pass or don't pass bet, after which the shooter shall throw the two selected dice so that the dice leave the shooter's hand simultaneously and in a manner calculated to cause the dice to strike the end of the table farthest from the shooter.

(h) *Point throw; settlement of wagers*.

(1) When the dice come to rest from a valid throw, the craps stickperson or the mini craps dealer or stickperson shall call out the sum of the numbers on the high or uppermost sides of the two dice. Only one face on each die shall be considered skyward.

(i) When either die does not, or both of the dice do not, land flat on the table (for example, one edge of a die is resting cocked on a stack of chips), the side directly opposite the side that is resting on the chips or other object shall be considered uppermost and skyward. If more than one side of a die is resting on a stack of chips or other object, the roll shall be void and the dice shall be re-rolled.

(ii) If there is a dispute as to which face is uppermost:

(*a*) in craps, the boxperson shall have discretion to determine which face is uppermost or shall void the throw and order the dice to be re-rolled; and

(*b*) in mini craps, the floorperson shall have discretion to determine which face is uppermost or shall void the throw and order the dice to be re-rolled.

(2) In craps, after calling the throw, the stickperson shall collect the dice and bring the dice to the center of the table between the stickperson and the boxperson. All wagers decided by such throw shall then be settled, following which the stickperson shall pass the dice to the shooter for the next throw. When collecting the dice and passing the dice to the shooter, the stickperson shall use a stick designed for such purpose.

(3) In mini craps, after calling the throw, the dealer or stickperson shall collect the dice and bring the dice to the center of the table. All wagers decided by such throw then shall be settled, following which the dealer or stickperson shall pass the dice to the shooter for the next throw. When collecting the dice and passing the dice to the shooter, the dealer or stickperson shall use a stick designed for such purpose.

(i) *Continuation of shooter as such; selection of new shooter*.

(1) It shall be the option of the shooter after any roll to either to pass the dice or remain the shooter, except:

(i) the shooter shall pass the dice upon throwing a loser 7; and

(ii) the craps boxperson or the mini craps dealer may order the shooter to pass the dice if the shooter unreasonably delays the game, repeatedly makes invalid rolls or violates the provisions of this section.

(2) If, after making the come out point, the shooter elects not to place a pass or don't pass bet, and other wagers remain on the table with respect to come and/or don't come numbers, the craps stickperson or the mini craps dealer or stickperson shall offer the dice to the player immediately to the left of the previous shooter, as provided for in paragraph (3) of this subdivision. If there are no other players at the table, or if no other players at the table elect to make a pass or don't pass bet in order to shoot the dice and continue the game, the previous shooter shall be allowed to shoot the dice without a pass or don't pass bet only for the purpose of effecting a decision on the remaining come and/or don't come wagers. The on/off marker shall be placed on the don't pass line in the off position in front of the shooter in order to indicate that the shooter is rolling the dice only to effectuate a decision for those wagers remaining on the layout. Once the remaining come and/or don't come wagers have been decided or a player wishes to place a pass or don't pass bet, the game shall proceed.

(3) Whenever a voluntary or compulsory relinquishment of the dice occurs by the shooter, the craps stickperson or the mini craps dealer or stickperson shall offer the complete set of five or more dice to the player immediately to the left of the previous shooter and, if such player does not accept, to each of the other players in turn clockwise around the table.

(4) The first player to accept the dice when offered shall become the new shooter who shall select and retain two of the dice offered. The remaining dice shall be returned to

the dice cup, which shall be placed in front of the craps stickperson or the mini craps dealer or stickperson.

(j) *Additional procedures and rules for the fire bet*.

(1) If a gaming facility elects to offer the fire bet in the game of craps as set forth in paragraph (40) of subdivision (c) of this section, subparagraphs (i) through (x) of this paragraph shall apply.

(i) Each player shall, prior to a new shooter's initial come out roll, place such player's fire bet on the numbered designated area for the placement of fire bets that is closest to such player's position at the craps table.

(ii) Whenever there is a voluntary or compulsory surrender of the dice by a shooter pursuant to paragraph (3) of subdivision (j) of this section prior to the throwing of a loser 7, any pending fire bet shall be settled upon the successor shooter throwing a loser 7.

(iii) Once all fire bets are placed, the dealer shall bring in each fire bet in numerical order and place such bet on the corresponding number of the designated area in front of the craps bank of chips, where such bets shall remain until such bets are either lost or paid.

(iv) With each individual point made by a shooter, the dealer shall place a fire bet point marker inscribed with the total number of different points made by the shooter in the area of the table layout containing the number of the point (4, 5, 6, 8, 9 or 10) that was just made. Each fire bet point marker shall be visually distinguishable from and have a diameter larger than any authorized chip. Fire bet point markers shall be maintained by the boxperson at the craps table.

(v) Fire bets shall be collected or paid, as applicable, upon a shooter throwing a loser 7.

(vi) Once four different points are made, the gaming facility's surveillance department shall be notified for the purpose of confirming all fire bets and payouts.

(vii) The minimum wager shall be $1 and the maximum wager shall be $5 and all wagers shall be made in increments of one dollar.

(viii) When a shooter makes the same point total more than once, the total number of different points made for purposes of settling a fire bet shall not increment.

(ix) The four or more different points required to win a fire bet are not required to be made in any specific order or combination each table.

(k) *Irregularities*.

(1) A roll of the dice shall be invalid whenever either die leaves, or both dice leave, the table or whenever one die comes to rest on top of the other die.

(2) The gaming facility employees listed in paragraph (5) of this subdivision shall have the authority to invalidate a roll of the dice by calling “no roll” for any of the following reasons:

(i) the dice do not leave the shooter’s hand simultaneously;

(ii) either die or both of the dice fail to strike an end of the table;

(iii) either die or both of the dice come to rest on the chips constituting the craps bank of chips;

(iv) either die or both of the dice come to rest in the dice cup in front of the craps stickperson, or in front of the mini craps dealer or stickperson, or on one of the rails surrounding the table;

(v) the use of a cheating, crooked or fixed device or technique in the roll of the dice; or

(vi) for any other reason that renders the throw improper.

(3) The call of “no roll” under either subparagraph (2)(i), (ii) or (vi) of this subdivision shall, whenever possible, be made before both dice come to rest.

(4) A throw of the dice that results in the die or dice coming into contact with any wagering instrument on the table, other than the craps bank of chips located in front of the boxperson, shall not be a cause for a call of “no roll.”

(5) “No roll” may be called:

(i) in craps, by a boxperson or stickperson, as designated by the gaming facility; and

(ii) in mini-craps, by the dealer, stickperson or floorperson, as designated by the gaming facility.

PART 5325

Problem Gambling Prevention and Outreach

Section
5325.1 Purpose, scope and applicability
5325.2 Problem gambling plan

5325.3 Employee training program
5325.4 Reports
5325.5 Signage requirements
5325.6 Advertising

§ 5325.1. Purpose, scope and applicability.

The purpose of this Part is to establish standards, criteria and procedures by which the commission and gaming facility licensees maximize the effectiveness of a problem gambling prevention and outreach program established pursuant to section 5325.2 of this Part for individuals, families and communities, as well as promote best responsible gaming practices in all aspects of gaming facility activities and use principles of responsible gaming in introducing new and emerging technologies.

§ 5325.2. Problem gambling plan.

(a) At least 90 days prior to projected issuance of an operation certificate, a gaming facility licensee shall submit for commission review and approval a problem gambling plan.

(b) A problem gambling plan shall include the following:

(1) the goals of the plan, including procedures and timetables to implement the plan;

(2) identification of the individual who will be responsible for implementation and maintenance of the plan;

(3) policies and procedures that clearly illustrate:

(i) the commitment of the gaming facility licensee to train appropriate employees;

(ii) the duties and responsibilities of the employees designated to implement or participate in the problem gambling plan;

(iii) procedures for compliance with the self-exclusion program set forth in Part 5402 of this subtitle;

(iv) procedures to identify patrons and employees exhibiting suspected or known problem gambling behavior;

(v) procedures to limit or prevent loyalty and other rewards and marketing programs for patrons exhibiting suspected or known problem gambling behavior;

(vi) procedures for providing information to individuals and responding to patron/employee requests for information in regard to the self-exclusion program and any community, public and private treatment services, gamblers anonymous

programs and similar treatment or addiction therapy programs designed to prevent, treat or monitor problem gamblers and to counsel family members;

(vii) the provision of printed material to educate patrons and employees about problem gambling and to inform them about the self-exclusion program set forth in Part 5402 of this subtitle and treatment services available to problem gamblers and their families. The gaming facility licensee shall provide examples of the materials to be used as part of its problem gambling plan, including brochures and other printed material and a description of how the material will be disseminated;

(viii) advertising and other marketing and outreach to educate the general public about problem gambling and the self-exclusion program set forth in Part 5402 of this subtitle;

(ix) an employee training program as set forth in section 5325.3 of this Part, including sample training materials to be used and a plan for periodic reinforcement training and a certification process established by the gaming facility applicant to verify that each employee has completed the training required by the plan;

(x) procedures to prevent underage gambling;

(xi) procedures to prevent patrons impaired by drugs or alcohol, or both, from gambling; and

(xii) a signage plan containing information on gambling treatment and on the self-exclusion program set forth in Part 5402 of this subtitle. The gaming facility licensee shall provide examples of the language and graphics to be used on the signs as part of the problem gambling plan. Additionally, the signage plan shall include posting of signs on appropriate languages other than English, depending upon the patron demographics in a facility.

(4) a list of community, public and private treatment services, gamblers anonymous programs and similar treatment therapy programs designed to prevent, treat, or monitor problem gamblers and to counsel family members and procedures for making such list available upon request; and

(5) any other information, documents and policies and procedures as the commission may request.

(c) Each gaming facility licensee shall submit to the commission for review and approval any amendments to such gaming facility licensee's problem gambling plan at least 30 days prior to the intended implementation of such amendment. The gaming facility licensee may implement a proposed amendment on the 30th calendar day following the

filing of such amendment with the commission, unless the commission provides notice pursuant to subdivision (d) of this section objecting to such amendment.

(d) If during the 30-day review period the commission determines that any amendment is inconsistent with the intent of this Part, the commission shall, by delivering written notice to the gaming facility licensee, object to such amendment. Such objection notice shall:

(1) specify the nature of the objection and, when possible, an acceptable alternative; and

(2) direct that such amendment not be implemented.

(e) When an amendment has been objected to pursuant to subdivision (d) of this section, the gaming facility licensee may submit a revised amendment for review pursuant to subdivision (c) of this section.

§ 5325.3. Employee training program.

(a) The employee training program required pursuant to subparagraph (viii) of paragraph (3) of subdivision (b) of section 5325.2 shall include instruction in the following:

(1) characteristics and symptoms of problem gambling behavior;

(2) the relationship of problem gambling to other addictive behavior;

(3) techniques to be used when problem gambling is suspected or identified;

(4) techniques to be used to discuss problem gambling with patrons and advise patrons in regard to community, public and private treatment services;

(5) procedures designed to prevent serving alcohol to visibly intoxicated patrons;

(6) procedures designed to prevent persons from gambling after having been determined to be visibly intoxicated;

(7) procedures for the dissemination of written materials to patrons explaining the self-exclusion program as set forth in Part 5402 of this subtitle;

(8) procedures for removing an excluded person, as defined in section 5300.1 of this Subchapter, an underage individual or a person on the self-exclusion list from a gaming facility, including, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel;

(9) procedures to prevent an excluded person or a person on the self-exclusion list from being mailed any advertisement, promotion or other target mailing as soon as

practicable after receiving notice from the commission that the person has been placed on the excluded person or self-exclusion list;

(10) procedures to prevent an individual under 21 years of age from receiving any advertisement, promotion or other target mailing;

(11) procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from directly accessing or receiving complimentary services, or other like benefits; and

(12) procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from cashing checks or vouchers that require ID on gaming facility premises.

(b) Training and training materials shall be reviewed annually to be updated, if applicable, to include new or revised information on responsible and problem gambling or empirical research.

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

(d) Employees who have received training shall be acknowledged by the gaming facility licensee upon completion of training.

(e) Employees are required to receive periodic reinforcement training at no less than once every 12 months, starting with the year following the year in which the employee was hired. The gaming facility licensee shall retain a record of the date of the reinforcement trainings.

(f) Employees shall report suspected or identified problem gamblers to a designated casino key employee or other designated supervisory employee.

(g) Gaming facility 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 under this Part.

§ 5325.4. Reports.

(a) Each gaming facility licensee shall submit to the commission quarterly updates and an annual summary of its problem gambling plan and goals.

(b) The quarterly updates and annual summary must contain, at a minimum, detailed information in regard to:

(1) employee training, including the dates of live or Internet-based new-hire and annual reinforcement problem gambling training, the individual or group who conducted the training, the number of employees who completed the new hire problem gambling training and the number of employees who completed the annual reinforcement problem gambling training;

(2) an estimated amount of printed materials provided to patrons in regard to problem gambling, the self-exclusion program, responsible gambling and available treatment services;

(3) the annual dollar amount spent on the problem gambling plan for employee training, printed materials and outreach including information on sponsorships, memberships and other problem-gambling-related expenditures; and

(4) additional information including:

(i) the number of underage individuals who were denied access to the gaming floor;

(ii) the number of self-excluded individuals who were discovered on the gaming floor at the gaming facility;

(iii) the number of signs within the gaming facility that contain the approved problem gambling statement and helpline number; and

(iv) a summary of any additional employee training, problem gambling related conferences or problem gambling awareness events conducted by the gaming facility licensee or in which employees of the gaming facility licensee participated.

§ 5325.5. Signage.

Each gaming facility licensee shall post signs in a size as approved in writing by the commission that include the problem gambling assistance message as set forth in section § 5325.6 of this Part at each of the following locations:

(a) within 50 feet of each entrance and exit of the gaming facility or at a distance otherwise approved in writing by the commission;

(b) above or below the cash-dispensing opening on all automated teller machines, automated gaming voucher and coupon redemption machines and other machines that dispense cash to patrons at the gaming facility;

(c) on all gaming devices;

(d) in all gaming facility employee break areas;

(e) in the player club location or locations;

(f) in or near cage areas; and

(g) in any other location, as the commission may require.

§ 5325.6. Advertising.

(a) Advertisements used by a gaming facility licensee shall comply with Racing, Pari-Mutuel Wagering and Breeding Law section 1363 and with advertising guidelines issued by the National Council on Problem Gambling.

(b) Advertisements shall contain a problem gambling assistance message comparable to one of the following:

(1) If you or someone you know has a gambling problem, help is available. Call (877-8-HOPENY) or text HOPENY (467369);

(2) Gambling Problem? Call (877-8-HOPENY) or text HOPENY (467369); or

(3) any other message approved in writing by the commission.

(c) Unless otherwise approved in writing by the commission, the problem gambling assistance message shall meet the following requirements:

(1) for signs, direct mail marketing materials, posters and other print advertisements, the height of the font used for the problem gambling assistance message must 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; and

(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 problem gambling assistance message must be at least five percent of the height or width, whichever is greater, of the face of the billboard;

(3) for video and television, the problem gambling assistance message must be visible for either:

(i) the entire time the video or television advertisement is displayed, in which case the height of the font used for the problem gambling assistance message must be at least two percent of the height or width, whichever is greater, of the image that will be displayed; or

(ii) from the first time a table game, table game device, slot machine, associated equipment or gaming facility name is displayed or orally referenced, and on a dedicated screenshot visible for at least the last three seconds of the video or television advertisement. If the gaming facility licensee elects to use this option, the height of the font used for the problem gambling assistance message displayed:

(*a*) during the advertisement must be at least two percent of the height or width, whichever is greater, of the image that will be displayed; and

(*b*) on the dedicated screen shot must be at least eight percent of the height or width, whichever is greater, of the image that will be displayed;

(4) for websites, including social media sites and mobile phone applications:

(i) the problem gambling assistance message must be posted on each webpage or profile page and on any gaming-related advertisement posted on the webpage or profile page;

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

(iii) for advertisements posted on the webpage or profile page, the height of the font used for the problem gambling assistance message must comply with subparagraph (ii) of this paragraph.

PART 5326

[Repealed]

PART 5327

Excluded Persons

Section
5327.1 Maintenance of the excluded persons list
5327.2 Criteria for exclusion
5327.3 Placement on the excluded persons list
5327.4 Petition to remove name from the excluded persons list

§ 5327.1. Maintenance of the excluded persons list.

(a) The commission shall maintain a list of persons to be excluded or ejected from the gaming facility. The commission shall maintain such list on the commission's website. Such list shall not be deemed all-inclusive.

(b) Each gaming facility licensee shall exclude from its premises any person who such gaming facility licensee knows meets the exclusion criteria of Racing, Pari-Mutuel Wagering and Breeding Law section 1342 and section 5327.2 of this Part.

(c) The following information shall be provided on the list for each excluded individual:

(1) the full name and all aliases the person is believed to have used;

(2) a description of the person's physical appearance, including height, weight, type of build, color of hair and eyes and other physical characteristics that may assist in the identification of the person;

(3) the person's date of birth;

(4) the effective date of the order mandating the exclusion of the person; and

(5) photograph, if obtainable, and the date thereof.

(d) Each gaming facility licensee shall ensure that it reviews the excluded persons list on a regular basis and that such list is made available to all employees of the gaming facility.

§ 5327.2. Criteria for exclusion.

A person shall be placed on the excluded persons list if the commission determines that the person meets one or more of the following criteria:

(a) is a career or professional offender, whose presence in a gaming facility would, in the opinion of the commission, be contrary to the interests of New York State or of casino gaming therein, or both;

(b) has a known relationship or connection with a career or professional offender whose presence in a licensed facility would be contrary to the interest of New York State or of casino gaming therein, or both;

(c) has been convicted of a gambling offense under the laws of any state or the United States that is punishable by more than 12 months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming laws of any state;

(d) has a notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming is free from criminal or corruptive elements;

(e) poses, by presence in a gaming facility, the potential of injurious threat to the interests of New York State if the person is permitted in a gaming facility. In determining whether a person poses a potential of injurious threat, the commission may consider whether the person:

(1) is a gaming cheat;

(2) has had a license or registration issued in accordance with Parts 5303 through 5307 of this Subchapter, or a like license or registration issued by another jurisdiction, suspended or revoked or has been otherwise subjected to adverse action;

(3) poses a threat to the safety of the patrons or employees of a gaming facility;

(4) has a documented history of conduct involving the undue disruption of gaming operations in any jurisdiction;

(5) is subject to an order of a court of competent jurisdiction in New York State excluding those persons from a gaming facility;

(6) is subject to a no trespass order at any casino or gaming facility in any jurisdiction;

(7) is excluded from any video lottery facility in New York State;

(8) is excluded from any Indian gaming facility in New York State;

(9) is excluded from any horse racing track or off-track betting facility in New York State for any misconduct or behavior involving wagering or wagering integrity; or

(10) has pending charges or indictments for a gaming crime or a crime related to the integrity of gaming operations in New York State or any other jurisdiction.

§ 5327.3. Placement on the excluded persons list.

The placement of a person on the excluded persons list shall have the effect of requiring the exclusion or ejection of the excluded person from all New York State licensed gaming facilities.

§ 5327.4. Petition to remove name from the excluded persons list.

(a) An excluded person may file a petition with the secretary of the commission to request a hearing for removal of his or her name from the excluded persons list after five years have elapsed from the day of placement of his or her name on the excluded persons list.

(b) Any petition pursuant to this section shall be signed by the excluded person, contain supporting affidavits and state specific grounds believed by the excluded person to constitute good cause for removal from the excluded persons list.

PART 5328

Alcoholic Beverages

Section
5328.1 Definitions
5328.2 Casino alcoholic beverage license
5328.3 License determination
5328.4 Review of license determination
5328.5 Form and posting of license
5328.6 Duration
5328.7 Restrictions and limitations
5328.8 Special events

§ 5328.1. Definitions.

Unless the context indicates otherwise, the following definitions apply throughout this Part. The definitions contained in Alcoholic Beverage Control Law, to the extent to which they are not in conflict with this Part, are fully incorporated into this Part by reference.

(a) *Casino alcoholic beverage license* means a license issued to a gaming facility licensee, or a licensed or registered vendor providing alcoholic beverages within a gaming facility, for the sale of alcoholic beverages at retail in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1340 and this Part.

(b) *Complimentary* means without payment of money or other form of monetary-like consideration.

§ 5328.2. Casino alcoholic beverage license.

(a) A gaming facility licensee or casino vendor licensee or registrant applying for a casino alcoholic beverage license shall establish by clear and convincing evidence its good character, honesty and integrity, and provide such other financial information as may be required by the commission. Each casino vendor licensee or registrant that intends to purchase and select alcoholic beverage product and profit from the sale of such product at a gaming facility shall not do so unless and until duly licensed pursuant to this Part.

(b) A gaming facility licensee or casino vendor licensee or registrant intending to serve alcoholic beverages within a gaming facility shall file a casino alcoholic beverage license application the commission supplies and may amend from time to time, except that the commission may instead consider an application for facilities applying for a conversion of an existing alcoholic beverage license pursuant to subdivision (g) of this section.

(c) A gaming facility licensee or casino vendor licensee or registrant intending to serve alcoholic beverages at the commencement of operations of a gaming facility shall file its application at least 30 days prior to the projected date, except for an application for

conversion of an existing alcoholic beverage license pursuant to subdivision (g) of this section, which the commission may accept at any time.

(d) Each casino alcoholic beverage licensee shall submit to the commission for review and approval any amendments to its casino alcoholic beverage license at least 30 days prior to the intended implementation of such amendment. The casino alcoholic beverage licensee may implement a proposed amendment on the 30th calendar day following the filing of such amendment with the commission, unless the commission provides notice pursuant to subdivision (e) of this section objecting to such amendment.

(e) If during the 30-day review period the commission determines that any amendment is inconsistent with the intent of this Part, the commission shall, by delivering written notice to the casino alcoholic beverage licensee, object to such amendment. Such objection notice shall:

(1) specify the nature of the objection and, when possible, an acceptable alternative; and

(2) direct that such amendment not be implemented.

(f) When the commission has objected to an amendment pursuant to subdivision (e) of this section, the casino alcoholic beverage licensee may submit a revised amendment for review within seven days of delivery of the commission's objection, pursuant to subdivision (d) of this section.

(g) A gaming facility licensee holding an active alcoholic beverage license issued by the state liquor authority may file a request in writing to the commission for the conversion of such license to a casino alcoholic beverage license, as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1340(11), along with a sworn statement detailing any violations or penalties imposed by the state liquor authority in regard to such existing license in the five-year period preceding the request.

(h) A casino alcoholic beverage applicant or licensee shall require each employee authorized to serve or deliver alcohol to complete an alcohol training and awareness program certified by the state liquor authority and submit to the commission such employee's certificate of completion.

§ 5328.3. License determination.

(a) Upon receipt of a completed application for a casino alcoholic beverage license, the commission shall confirm that the gaming facility licensee or casino vendor licensee or registrant has met the requirements set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1340 and this Part.

(b) The commission, following consultation with the state liquor authority, or the designee of the state liquor authority, shall either:

(1) grant the application for a casino alcoholic beverage license, if the commission determines that doing so is in the best interests of gaming in this State; or

(2) deny the application for a casino alcoholic beverage license and notify the applicant of the reason or reasons for denial.

If the application is for conversion of an existing alcoholic beverage license and there are no state liquor authority violations or penalties in regard to the existing license, the commission shall grant the request for conversion of the license. If there are one or more state liquor authority violations or penalties in regard to the existing license, the commission shall consider whether granting the request for conversion of the license is in the best interests of gaming in this State. The commission may impose such conditions, restrictions, limitation or covenants upon a casino alcoholic beverage license, whether from a request for conversion of an existing license or otherwise, as the Commission may deem appropriate in its discretion to mitigate risk of violations, protect the public health safety or welfare, or serve the best interests of gaming in this State.

§ 5328.4. Review of license determination.

Within 30 days of the denial of a casino alcoholic beverage license, the applicant may submit a written request to the commission for a review of such determination. The commission or its designee shall confirm the denial or grant the application within 30 days of the request for review.

§ 5328.5. Form and posting of license.

(a) Following the grant of a casino alcoholic beverage license, the commission shall issue a license document that contains at a minimum:

(1) a complete identification of the applicant's identity and address;

(2) any conditions; and

(3) the signature of the secretary of the commission.

(b) Each casino alcoholic beverage license shall at all times be displayed in a conspicuous place in the gaming facility where alcoholic beverages are sold or distributed so that all patrons visiting such licensed area may readily see such license.

(c) Each point of sale location approved under the casino alcoholic beverage license shall display a certificate issued by the commission for that point of sale location.

§ 5328.6. Duration.

A casino alcoholic beverage license shall expire two years from the date of issuance and shall be renewable thereafter for a period of no less than three years. An application to

renew a casino alcoholic beverage license shall be submitted to the commission at least 30 days prior to the expiration of the license.

§ 5328.7. Restrictions and limitations.

(a) Any violation of the Alcoholic Beverage Control Law, the regulations and rulings promulgated by the state liquor authority, Racing, Pari-Mutuel Wagering and Breeding Law section 1340 or this Part by a casino alcoholic beverage license or its agents or employees shall be grounds for suspension or revocation of a casino alcoholic beverage license or other disciplinary action, including, without limitation, monetary penalties following notice and an opportunity for a hearing.

(b) Pursuant to paragraph five of Racing, Pari-Mutuel Wagering and Breeding Law section 1340, the commission may from time to time by means of bulletins, special rulings or findings notify casino alcoholic beverage licensees of provisions of the alcoholic beverage control law and rules, regulations, bulletins, orders, and advisories promulgated by the state liquor authority that are inapplicable to gaming facilities or portions of gaming facilities.

(c) Pursuant to paragraph eight of Racing, Pari-Mutuel Wagering and Breeding Law section 1340, a gaming facility licensee holding a casino alcoholic beverage license may provide complimentary alcoholic beverages to a patron under the following conditions:

(1) there shall be no delivery of more than two drinks to one patron at a time, except that a bottle of wine may be served to one or more patrons;

(2) there shall be no sale or delivery to any patron an unlimited number of drinks during any set period of time for a fixed price (*i.e*. open bar), except at invitation-only private functions not open to the public;

(3) there shall be no game or contest that involves drinking alcoholic beverages or the awarding of alcoholic beverages as prizes; and

(4) there shall be no service of any alcoholic beverage to minors.

§ 5328.8. Special events.

A gaming facility licensee seeking to serve alcoholic beverages in an unlicensed area of the facility shall submit a *Special Event Casino Alcoholic Beverage* permit application, on a form the commission prescribes. The commission shall approve the application and issue the permit if the commission determines that the application contains all required information and issuance would not compromise the integrity of gaming or the public health, welfare or safety. The application shall be submitted to the commission at least 30 days prior to the proposed event and contain, at a minimum:

(a) name and description of the event;

(b) a description of the mapped location of the event;

(c) date, time and duration of the event;

(d) a copy of the advertisement, program and promotional material for the event;

(e) number of persons anticipated to attend the event;

(f) admission price to the event;

(g) type of alcoholic beverages to be served;

(h) security and staffing arrangements;

(i) the identity of any jointly responsible person, persons, sponsor or sponsors, including the contact information and casino vendor enterprise license or registration number or numbers issued in accordance with Part 5307 of this Subchapter; and

(j) the identities of the licensed employees for the special event area, including the license or registration numbers of such employees issued in accordance with Parts 5304 through 5306 of this Subchapter.

PART 5329

Sports Wagering at Casino Lounges and Other Public Casino Locations

Section
5329.1 Applicability and definitions
5329.2 Casino sports wagering license application
5329.3 Term of casino sports wagering license and review
5329.4 Vendor licensing
5329.5 Reporting of changes
5329.6 Licensing of individuals
5329.7 Misconduct and improper associations
5329.8 Internal controls
5329.9 Sports wagering lounge
5329.10 Sports pool system requirements
5329.11 Automated ticket machines
5329.12 House rules
5329.13 Sports wager types
5329.14 Parlay card wagers
5329.15 Layoff wagers
5329.16 Information posting
5329.17 Manner of placing wagers
5329.18 Sports wagering tickets
5329.19 Sports wagering restrictions
5329.20 Certain payouts; wagering ticket control

5329.21 Cancellation or rescission of sports wagers
5329.22 Structuring of multiple sports wagers
5329.23 Authorized sports bettor complaints
5329.24 Reserve requirements
5329.25 Prohibited actions
5329.26 Duties to report
5329.27 Sports pool integrity; confidential information
5329.28 Tax
5329.29 Gross gaming revenue reports and reconciliation
5329.30 Accounting and financial records
5329.31 Duties to give evidence
5329.32 Reporting of compliance
5329.33 Review, examination of records
5329.34 Responsible gaming
5329.35 Other regulations apply
5329.36 Suspension, fines, revocation and other discipline

§ 5329.1. Applicability and definitions.

(a) *Applicability*. This Part applies to sports wagering conducted by a casino sports wagering licensee pursuant to Racing Pari-Mutuel Wagering and Breeding Law section 1367. For rules and regulations that apply to mobile sports wagering conducted through servers or other electronic equipment at casinos pursuant to Racing, Pari-Mutuel Wagering and Breeding Law sections 1367 and 1367-a, see Part 5330 of this subchapter, some sections of which may refer back to and incorporate certain provisions of this Part.

(b) *Definitions*. Unless the context indicates otherwise, the following definitions and the definitions set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1367 are applicable throughout this Part:

(1) *Authorized sports bettor* means an individual who is physically present in a casino when placing a sports wager and who is not a prohibited sports bettor.

(2) *Automated ticket machine* means an electronic device that, at a minimum, is used for the execution of permitted sports wagers placed by an authorized sports bettor directly and permissible redemption of winning sports wagers within a sports wagering lounge or other location within the casino as approved by the commission.

(3) *Casino sports wagering* licensee means a casino licensed to operate sports pools pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1367(2)(a), equivalent to the definition of operator set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1367(1)(n).

(4) *Event number* means a set of alphabetic and/or numeric characters that corresponds to a sports event or occurrence within a sports event.

(5) *Oddsmaker* means a person licensed as a casino key employee or as an employee of a sports pool vendor responsible for the final approval of all odds established on any sports wager made pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1367 and this Part.

(6) *Operations wagering manager* means a person licensed as a casino key employee or as an employee of a sports pool vendor responsible for the operations of sports wagering at a casino.

(7) *Parlay card* means a physical instrument offering a multi-contest sports wager.

(8) *Parlay card wager* means a transaction on the outcome of a series of three or more sports events with a predetermined fixed payout.

(9) *Prohibited sports bettor* means any person whose participation may undermine the integrity of wagering on a sports event or the conduct of such sports event itself, or any person who is prohibited for other good cause, including, without limitation, the following, as prescribed by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(1) and this paragraph:

(i) any individual placing a sports wager as an agent or proxy;

(ii) any athlete whose performance may be used to determine, in whole or in part, the outcome of such wagering;

(iii) any person who is an athlete, player, coach, referee or other game official, physician, trainer, sports agent, owner or employee or independent contractor of a team, player union and umpire union personnel, or employee, official or independent contractor of a sports governing body if the sports wager is based on any sport or athletic event overseen by the individual's sports governing body;

(iv) any person with access to material, non-public confidential information about a sports event that is the subject of such wagering;

(v) a person identified to the commission by a sports governing body that the commission agrees is a person who should be a prohibited sports bettor;

(vi) any person who holds a position of authority or influence sufficient to exert influence over the participants in a sports event that is the subject of a sports wager, if such person is not otherwise described by this subdivision;

(vii) any principal, key employee or casino gaming employee of a casino and its affiliates, except as may be permitted by the commission;

(viii) any non-gaming employee at the casino that employs such person;

(ix) any contractor, subcontractor, or consultant, or officer or employee of a contractor, subcontractor, or consultant, of a casino sports wagering licensee if such person is directly involved in the operation or observation of sports wagering, or the processing of sports wagering claims or payments;

(x) any employee of a mobile sports wagering licensee, as defined in subdivision (b) of section 5330.1 of this subchapter, and its affiliates, except as may be permitted by the commission;

(xi) any contractor, subcontractor, or consultant, or officer or employee of a contractor, subcontractor, or consultant, of a mobile sports wagering licensee, as defined in subdivision (b) of section 5330.1 of this subchapter, if such person is directly involved in the operation or observation of mobile sports wagering, or the processing of mobile sports wagering claims or payments;

(xii) any person subject to a contract with the commission if such contract contains a provision prohibiting such person from participating in sports wagering;

(xiii) any spouse, child, sibling or parent residing in the principal place of abode of any of the foregoing persons at the same casino sports wagering licensee where the foregoing person is prohibited from participating in sports wagering;

(xiv) any officer or employee of the commission; and

(xv) any minor.

(10) *Sports pool vendor* means a licensed casino vendor enterprise, as defined in section 5307.1 of this subchapter, that operates on behalf of a casino or assists a casino in the operation of a sports pool.

(11) *Structured wager* means to place knowingly a series of sports wagers in any amount, at one or more facilities, on one or more days, in any manner, to circumvent knowingly the recording and reporting requirements of section 5329.22 of this Part. The sports wager or wagers need not exceed the dollar thresholds in section 5329.22 at any single facility in any single day in order to constitute structuring within the meaning of this definition.

(12) *Suspicious wager* means a sports wager that a casino sports wagering licensee knows or has reason to suspect is being attempted or was placed, including, without limitation:

(i) in violation of or as part of a plan to violate or evade local, state or Federal law or regulation prohibiting wagering on a type of sports event; or

(ii) in violation of or as part of a plan to violate or evade local, state or Federal law or regulation prohibiting wagering by, or on behalf of, a prohibited person, as defined in subdivision (b) of section 5329.19 of this Part; or

(iii) by a person who has no business or apparent lawful purpose in placing such wager or is not the sort of wager that a particular authorized sports bettor would normally be expected to place.

(13) *Wagering cashier* means an employee of a casino sports wagering licensee or sports pool vendor who accepts wagers at a sports wagering lounge.

(14) *Wagering platform* means the combination of hardware, software and data networks used to manage, administer and control sports wagering.

(15) *Wagering ticket* means a physical record issued and maintained by the wagering platform that evidences a sports wager.

§ 5329.2. Casino sports wagering license application.

(a) *Eligibility.*

(1) Only licensed casinos in good standing shall be eligible to obtain a casino sports wagering license. As set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1367(2)(a), a casino that wishes to operate sports pools shall first obtain a casino sports wagering license from the commission, which shall be in addition to the casino's gaming facility license. Any entity holding a casino operating certificate issued pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1331 shall be deemed to have the requisite financial stability, integrity and responsibility and good character, honesty and integrity so long as such license is in good standing.

(2) A prohibited sports bettor shall not be permitted to have any ownership interest in, control of or otherwise be employed by a casino sports wagering licensee or a sports pool vendor, unless otherwise approved by the commission. This prohibition shall not apply to any person who has less than 10 percent direct or indirect ownership interest in the casino sports wagering licensee or sports pool vendor.

(b) *Plan of operation*. Each applicant for a casino sports wagering license shall submit a detailed plan of operation that includes such information as the commission deems necessary, including, without limitation, the name of the sports pool vendor, if any, casino key employees responsible for the sports pool operation, specifications of the sports pool lounge, hours of operation, staffing plan and an integrity monitoring plan.

(c) *Evidence of experience in sports pools*. An applicant for a casino sports wagering license shall disclose such applicant's experience, if any, and the experience of any sports pool vendor proposed to be involved in such applicant's sports pool operations, in the operation of sports pools in any jurisdiction, including, without limitation:

(1) a list of each jurisdiction in which such applicant or proposed sports pool vendor has been authorized to operate or assist in the operation of sports pools, including dates of authorized operation;

(2) all regulatory infractions, discipline or other sanctions that have been imposed on such applicant or proposed sports pool vendor relating to any gaming activity, including sports pools, along with a detailed description of the conduct involved and the nature of the sanction or discipline; and

(3) whether the applicant or proposed sports pool vendor has operated gaming activity, including sports pools, in any jurisdiction in an unauthorized manner or been accused or adjudicated to have engaged in illegal gambling or wagering of any kind, including a detailed description of the conduct involved and the nature of the sanction or discipline.

(d) *Internal Controls*. Prior to the issuance of a license, an applicant for a casino sports wagering license shall submit for commission approval such applicant's proposed internal controls, pursuant to section 5329.8 of this Part.

(e) *Amendment.*

(1) Each applicant and licensee shall promptly file with the commission an update explaining any new or changed facts or circumstances whenever such occurs with respect to any matter set forth in a casino sports wagering license application.

(2) All applicants and licensees shall have an obligation to ensure that information, documentation and assurances submitted to the commission are not misleading considering the circumstances in which such were submitted.

(3) The commission may permit any applicant to file an amendment to its application at any time prior to the commission's final action thereon.

(4) The failure of an applicant or licensee to comply with applicable laws and regulations shall be grounds for denial of the application or for suspension or revocation of a casino sports wagering license.

(f) *Determination of application*. Upon evaluation of each application, the commission shall either:

(1) grant the application for a casino sports wagering license;

(2) grant the application with conditions the commission deems necessary or advisable;

(3) request additional information or documentation; or

(4) deny the application.

The commission may deny a casino sports wagering license to an applicant that has failed to establish such applicant's competence to operate a sports pool or provide an adequate plan of operation (including acceptability of a sports pool vendor). An applicant may request a de novo hearing to challenge an application denial or condition imposed. Such hearing shall be held pursuant to procedures the commission may establish.

§ 5329.3. Term of casino sports wagering license and review.

(a) *Term*. A casino sports wagering license shall remain valid for the period of the casino's gaming facility license, unless a condition of such casino sports wagering license pursuant to paragraph (2) of subdivision (f) of section 5329.2 of this Part establishes a shorter casino sports wagering license period.

(b) *Review*. No later than three months before each five-year anniversary of the issuance of a casino sports wagering license, unless a condition of such casino sports wagering license pursuant to paragraph (2) of subdivision (f) of section 5329.2 of this Part establishes a shorter time period, a casino sports wagering licensee shall submit to the commission the following information to enable the executive director of the commission to determine, pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1367(2)(a), that such casino sports wagering licensee continues to meet the requirements of article 13 of the Racing Pari-Mutuel Wagering and Breeding Law and this Part:

(1) a list of each jurisdiction in which such casino sports wagering licensee or a sports pool vendor with which such casino sports wagering licensee has contracted, has been authorized within the prior five years to operate or assist in the operation of sports pools, including dates of authorized operation;

(2) all regulatory infractions, discipline or other sanctions that have been imposed on such casino sports wagering licensee or a sports pool vendor with which such casino sports wagering licensee has contracted, within the prior five years relating to gaming activity, including sports pools. The submission shall include a detailed description of the conduct involved and the nature of the sanction or discipline;

(3) whether the casino sports wagering licensee or sports pool vendor has operated sports pools in any jurisdiction within the prior five years in an unauthorized manner or been accused or adjudicated to have engaged in illegal gambling or wagering of any kind, including a detailed description of the conduct involved and the nature of the sanction or discipline;

(4) whether the casino sports wagering licensee or sports pool vendor has committed any misconduct or engaged in any improper associations within the meaning of section 5329.7 of this Part; and

(5) the annual financial statements audited according to generally accepted accounting principles, of the sports pool vendor, if any, for the prior three years.

§ 5329.4. Vendor licensing.

(a) *Sports pool vendor*. A casino sports wagering licensee may contract with a sports pool vendor to operate or assist in the operation of sports pools on behalf of such casino sports wagering licensee, as permitted by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(2)(h). As required by such statute, any such sports pool vendor shall obtain a casino vendor enterprise license pursuant to Part 5307 of this subchapter prior to the execution of any contract to so operate. A casino sports wagering licensee always shall remain responsible for compliance with article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this subchapter, even if such licensee has engaged a sports pool vendor to conduct sports pool wagering on behalf of such licensee. The acts, omissions and knowledge of a sports pool vendor with respect to matters addressed in article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this subchapter shall be imputed to and also be the responsibility of the casino sports wagering licensee. A sports pool vendor shall also be independently responsible for compliance with article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and this subchapter.

(b) *Equipment and software providers*. All manufacturers, suppliers and service providers of sports pool wagering equipment, including, without limitation, wagering platforms, shall be licensed as casino vendor enterprises pursuant to section 5307.1 of this subchapter.

§ 5329.5. Reporting of changes.

Each casino sports wagering licensee and sports pool vendor shall have a continuing duty to disclose any material change or changes in such entity's business form or activity, information submitted in support of a review pursuant to section 5329.3 of this Part; information provided to authorized sports bettors; information provided to investors; or information provided in an annual report, or statutory duty to provide information, to the commission.

§ 5329.6. Licensing of individuals.

(a) *Persons directly involved*. A person directly involved in the conduct and operation of a sports pool shall be licensed or registered by the commission as a casino key employee or as a casino employee, as determined by the commission pursuant to title 3 of article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and Parts 5303, 5304 and 5305 of this subchapter, as applicable, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(3)(a).

(b) *Persons not directly involved*. A person employed in a sports wagering lounge but not directly involved in wagering may be required to register with the commission as a casino employee, consistent with the registration standards applicable to persons not directly

involved in casino gaming, as set forth in Part 5306 of this subchapter, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(3)(a).

(c) *Employees of a sports pool vendor*. Employees of a sports pool vendor shall be licensed or registered as section 5307.5 of this subchapter and Racing, Pari-Mutuel Wagering and Breeding Law section 1367(3)(a) require.

§ 5329.7. Misconduct and improper associations.

The commission may impose penalties or take other appropriate action against a casino sports wagering licensee or a sports pool vendor if the commission finds that any such licensee, or any person employed by or associated with such licensee:

(a) is associating, consorting or negotiating with persons who have been convicted of an unauthorized gambling or gambling-related crime;

(b) is guilty of any fraud or has attempted any fraud or misrepresentation in connection with sports pools or otherwise;

(c) has violated any law, rule or regulation with respect to sports pools or sports wagers in any jurisdiction; or

(d) has violated any rule, regulation or order of the commission.

§ 5329.8. Internal controls.

(a) *Submission and requirements*. Each casino sports wagering licensee shall submit to the commission for approval internal controls for all aspects of sports pool wagering operations prior to commencing operations. Such internal controls shall address the following items in regard to the sports pool system, at a minimum:

(1) user access controls for all sports pool personnel;

(2) description of segregation of duties;

(3) automated and manual risk management procedures;

(4) procedures for identifying and reporting fraud and suspicious conduct;

(5) procedures to prevent wagering by prohibited sports pool bettors;

(6) procedures to ensure no sports wagering shall be based on a prohibited sports event;

(7) description of anti-money laundering compliance standards;

(8) description of all types of sports wagers available to be offered;

(9) description of all integrated third-party systems;

(10) procedures for the reconciliation of assets and documents contained in the wagering cashier drawers and automated ticket machines, which shall provide for the reporting of any overage or shortage;

(11) in the event of a failure of a casino sports wagering licensee's ability immediately to pay winning wagers, the licensee shall have internal controls detailing the method of ultimately paying winning wagers. The licensee also shall file with the commission an incident report for each system failure and document the date, time and reason for the failure along with the date and time the system is restored;

(12) in the event of changes and upgrades to the hardware and software used to execute sports wagering, procedures the casino sports wagering licensee intends to follow in order to receive approval from the commission, including recertification of such sports wagering components; and

(13) all data sources used in sports wager determination. Official data from a sports governing body shall be used to determine all sports wagers, unless a casino sports wagering licensee demonstrates (through its data provider vendor, if applicable) to the satisfaction of the commission that wagers for such wager type may be determined objectively, reliably, accurately and timely by an alternative data source. See Racing, Pari-Mutuel Wagering and Breeding Law section 1367(14).

(b) *Reconciliation*. The internal controls shall detail the reconciliation of assets and documents contained in a sports wagering lounge cashier's drawer.

§ 5329.9. Sports wagering lounge.

(a) *Lounge*. Sports wagering conducted by a casino sports wagering licensee shall occur only in the locations set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1367(2)(b). Any sports wagering lounge shall measure no less than 500 square feet and promote optimum security of the facility, which shall include the installation and maintenance of security and surveillance equipment consistent with the requirements of sections 5314.4 and 5314.5 of this Part, including closed-circuit television equipment, according to specifications submitted to and approved by the commission. No wagering ticket shall be sold except at regular ticket windows, properly designated by signs, except that wagering tickets and vouchers may be issued by automated ticket machines within a sports wagering lounge or other location within the casino as approved by the commission.

(b) *Booth*. Each lounge shall include a booth that:

(1) shall be designed and constructed to provide maximum security for the materials stored and the activities performed therein;

(2) includes one or more cashier windows, each of which shall contain:

(i) a cashier's drawer and terminal through which financial transactions related to sports wagering are conducted;

(ii) a permanently affixed number, which shall be visible to the CCTV surveillance system;

(iii) a physical barrier designed to prevent direct access to the materials stored and activities performed in such booth if a cashier is cashing a winning wagering ticket or voucher of more than $10,000. Such windows shall be secured physically from any other cashier locations within the booth; and

(iv) manually triggered silent alarm systems, which shall be connected directly to the monitoring rooms of the casino surveillance;

(3) includes manually triggered silent alarm systems, which shall be connected directly to the monitoring rooms of the casino surveillance;

(4) includes closed circuit television cameras capable of accurate visual monitoring and taping of any activities, including the capturing of the patron's facial image when conducting transactions at the counter;

(5) has an alarm for each emergency exit door that is not a component of an access control vestibule; and

(6) includes a secure location for the purpose of storing funds issued by a cage to be used in the operation of a sports pool.

(c) *Required personnel*. Each casino sports wagering licensee shall have, or otherwise retain through a sports pool vendor, one or more persons to serve as an:

(1) oddsmaker; and

(2) operations wagering manager.

§ 5329.10. Sports pool system requirements.

(a) *Submission to laboratory*. Prior to operating a sports pool, all equipment and software used in conjunction with its operation shall be submitted to a licensed independent gaming test laboratory for review and certification for compliance with the standards set forth in this Part and any additional technical requirements the commission establishes.

(b) *Server and wager creation*. The server or other equipment to accept sports wagers shall be located within the casino. In creating sports wagers that will be offered to the public, a sports pool operations manager may receive advice and recommendations from

any source or entity in other jurisdictions and may take into consideration information in regard to odds and wagers placed on sports events.

(c) *Risk management framework*. A sports pool system submission shall contain a description of the risk management framework, including, without limitation:

(1) user access controls for all sports pool personnel;

(2) information in regard to segregation of duties;

(3) information in regard to automated risk management procedures;

(4) information in regard to fraud detection;

(5) controls ensuring regulatory compliance;

(6) description of anti-money laundering compliance standards;

(7) description of all software applications that comprise the system;

(8) description of all types of sports wagers available to be offered by the system;

(9) description of all integrated third-party systems; and

(10) description of the method to prevent past posting.

(d) *Data retention*. A sports pool system shall maintain all transactional sports wagering data for a period of 10 years.

(e) *Information recording*. A sports pool system shall be capable of recording the following information for each sports wager made:

(1) description of event;

(2) event number;

(3) sports wager selection;

(4) type of sports wager;

(5) amount of sports wager;

(6) date and time of sports wager;

(7) unique sports wager identifier; and

(8) when the sports wagering ticket expires.

(f) *Wagering tickets*. Each sports wagering ticket a cashier or automated ticket machine generates shall include:

(1) all of the information set forth in subdivision (e) of this section;

(2) name and address of the party issuing the sports wagering ticket;

(3) a barcode or similar symbol or marking as approved by the commission, corresponding to the unique sports wager identifier;

(4) method of redeeming winning sports wagering ticket via mail; and

(5) identification of the cashier or automated ticket machine generating the sports wagering ticket.

(g) *Vouchers*. Sports pool vouchers issued by a sports pool system shall contain the following information:

(1) date, time, and location of issuance;

(2) amount of the voucher;

(3) unique voucher identifier;

(4) expiration date of the voucher;

(5) name of casino; and

(6) a statement that the voucher can be redeemed only in exchange for a sports wager or cash.

(h) *Voucher redemption*. If a sports pool system issues and redeems a sports pool voucher, the system shall be capable of recording the following information for each voucher:

(1) amount of voucher;

(2) date, time, and location of issuance;

(3) unique voucher identifier;

(4) expiration date of the voucher; and

(5) date, time, and location of redemption, if applicable.

(i) *Required system functions*. A sports pool system shall be capable of performing the following functions:

(1) creating sports wagers;

(2) settling sports wagers;

(3) voiding sports wagers;

(4) cancelling sports wagers;

(5) processing lost, destroyed or expired sports wagering tickets;

(6) preventing any sports wager in excess of $10,000 or making a payout in excess of $10,000 until authorized by a supervisor; and

(7) maintaining the following:

(i) description of the event;

(ii) event number;

(iii) sports wager selection;

(iv) type of sports wager;

(v) amount of sports wager;

(vi) amount of potential payout;

(vii) date and time of sports wager;

(viii) identity of the cashier accepting the sports wager;

(ix) unique sports wagering ticket or voucher identifier;

(x) expiration date of sports wagering ticket;

(xi) the authorized sports bettor's name, if known;

(xii) date, time, amount, and description of the settlement;

(xiii) location where the sports wager was made;

(xiv) location of redemption; and

(xv) identity of cashier settling the sports wager, if applicable.

(j) *Voided and cancelled sports wagers*. When a sports wager is voided or cancelled, the system shall indicate clearly that the sports wagering ticket is voided or cancelled,

render such ticket nonredeemable and make an entry in the system indicating the void or cancellation and identity of the cashier or automated process.

(k) *Past posting and known event outcomes*. A sports pool system shall prevent past posting of sports wagers and the voiding or cancellation of sports wagers after the outcome of an event is known.

(l) *Self-authentication*. A sports pool system shall, at least once every 24 hours, perform a self-authentication process on all software used in the sports pool system to offer, record and process sports wagers to ensure there have been no unauthorized modifications. In the event that an unauthorized modification is identified as a result of this process, at a minimum, the system immediately shall notify the casino operations wagering manager using an automated process. The operations manager shall notify the commission promptly of the authentication failure. The system shall record the results of all self-authentication attempts and maintain such record for a period of not less than 90 days.

(m) *Controls*. A sports pool system shall have controls in place to review the accuracy and timeliness of any data feeds used to offer or settle sports wagers. In the event that an incident or error occurs that results in a loss of communication with data feeds used to offer or redeem sports wagers, such error shall be recorded in a log capturing the date and time of the error, the nature of the error and a description of such error's impact on the system's performance. Such information shall be maintained for a period of not less than six months.

(n) *Commission access to data*. Consistent with existing commission authority, the casino sports wagering licensee and sports pool vendor shall provide access to sports wagering transaction data and related data the commission may deem necessary, in a manner approved by the commission.

(o) *Sports pool system.* A sports pool system shall be capable of preventing any sports wager in excess of $10,000 or making a payout in excess of $10,000 until authorized by a supervisor. A sports pool system shall be capable of maintaining the following:

(1) description of the event;

(2) event number;

(3) sports wager selection;

(4) type of sports wager;

(5) amount of sports wager;

(6) amount of potential payout;

(7) date and time of sports wager;

(8) identity of the cashier accepting the sports wager;

(9) unique wagering ticket or voucher identifier;

(10) expiration date of sports wagering ticket;

(11) the authorized sports bettor's name, if known;

(12) date, time, amount, and description of the settlement;

(13) location where the sports wager was made;

(14) location of redemption; and

(15) identity of cashier settling the sports wager, if applicable.

(p) *Redeemed lost wagering tickets*. For all lost sports wagering tickets that are redeemed, a sports pool system shall record and maintain the following information:

(1) date and time of redemption;

(2) employee responsible for redeeming the sports wagering ticket;

(3) name of the authorized sports bettor redeeming the sports wagering ticket;

(4) unique sports wagering ticket identifier; and

(5) location of the redemption.

§ 5329.11 Automated ticket machines

(a) *Permitted*. A casino sport wagering licensee may use an automated ticket machine or machines for sports wagering transactions in conjunction with an approved sports pool system in a sports wagering lounge or other location within the casino.

(b) *Restrictions*. An automated ticket machine used in accordance with this section shall not:

(1) issue or redeem a sports pool wagering ticket or voucher with a value of more than $3,000;

(2) issue a sports wagering ticket or voucher with a potential payout of more than $10,000; and

(3) redeem a sports wagering ticket or voucher with a value of more than $3,000.

(c) *Drop*. On a daily basis, a casino sports wagering licensee shall remove the bill validator boxes in the automated ticket machines (the *automated ticket machine drop*). Surveillance shall monitor and record the automated ticket machine drop. A casino sports wagering licensee shall submit an automated ticket machine drop schedule to the commission, which shall include:

(1) the time the drop is scheduled to commence; and

(2) the number and locations of automated ticket machines.

(d) *Keys*. A security department member and a cage department member shall obtain the keys necessary to perform the automated ticket machine drop and/or currency cassette replacement, in accordance with the casino's key sign-out and sign-in procedures.

(e) *Cage department member*. A cage department member with no incompatible functions shall place empty bill validator boxes needed for the automated ticket machine drop into a secured cart and prepare an automated ticket machines bill validator drop form, which shall include the following:

(1) gaming date;

(2) identification number of the secured cart;

(3) number of empty boxes placed into the secured cart; and

(4) signature of the cage department member documenting that the number of empty boxes equals the number of automated ticket machines in use.

(f) *Completion of drop*. In the presence of a security department member, a cage department member shall complete the automated ticket machines drop at each automated ticket machine by:

(1) unlocking the cabinet housing the bill validator boxes;

(2) removing the bill validator boxes and placing the removed bill validator boxes into a secured cart and inserting the empty bill validator boxes and reject bins;

(3) locking the cabinets housing the bill validator boxes; and

(4) transporting the secured cart to a count room or other location approved by the commission for the count of the automated ticket machine drop.

(g) *Count*. The contents of the bill validator boxes shall be counted by one or more accounting department employees with no incompatible function, who shall:

(1) document the contents, by item and amount, for each box on a balance receipt;

(2) prepare or generate an automated ticket machine drop totals report that summarizes the total currency, sports wagering tickets and sports pool vouchers counted;

(3) verify that the number of bill validator boxes counted equals the number of empty boxes initially recorded on the automated ticket machine bill validator drop form. Any exceptions encountered during the drop and count process shall be documented on this form;

(4) transfer the currency to a main bank cashier with a copy of the automated ticket machine drop totals report;

(5) transport the sports wagering tickets and vouchers to a secured location approved by the commission for storage until permitted to destroy; and

(6) transport the balance receipts, the automated ticket machine drop totals report and automated ticket machine bill validator drop form to the casino accounting department.

(h) *Replenishment*. On a daily basis or at a greater frequency as needed, a casino sports wagering licensee shall replenish the currency cassettes in the automated ticket machines. A cashier with no incompatible functions shall prepare the currency cassettes to replenish the automated ticket machines, which shall be documented on a two-part automated ticket machines cassette fill form. The cashier shall retain one copy of such form and the duplicate shall be used to document the completion of the transaction. The form shall include:

(1) designation of the automated ticket machine to which the fill is to be performed;

(2) for each denomination, the number of bills and total value;

(3) the total value of all currency cassettes;

(4) date and time prepared; and

(5) signature of the cashier.

(i) *Completion of replenishment*. A finance department employee shall place the replacement currency cassettes and empty reject bins into a secured cart. In the presence of a security department member, the accounting department employee shall complete the sports pool currency cassette replenishment at each automated ticket machine by:

(1) unlocking the cabinets housing the currency cassettes and reject bins;

(2) removing all currency cassettes and the reject bin, which shall be placed in a secure cart and generate a credit receipt that, at a minimum, includes:

(i) an identification number of the automated ticket machine;

(ii) the date and time;

(iii) the denomination of each currency cassette; and

(iv) the total value of the total number of bills per denomination remaining in each currency cassette being replenished and the reject bin;

(3) inserting the replacement currency cassettes and currency cassette reject bin; and

(4) entering data into the automated ticket machine that describes the fill and generating a fill receipt that, at a minimum, includes:

(i) an identification number of the automated ticket machine;

(ii) the date and time the fill was performed;

(iii) the denomination of currency for each currency cassette inserted into the machine; and

(iv) the total value of the total number of bills per denomination, for each currency cassette being inserted into the machine;

(5) locking the cabinet and signing the duplicate copy of the automated ticket machine cassette fill attesting that the fill was completed. The fill receipt and the credit receipt shall be deposited in a locked accounting box; and

(6) returning all removed currency cassettes and reject bins in a secured cart to the count room or other location approved by the commission.

(j) *Count and documentation*. One or more accounting department employees with no incompatible function shall count and document the value of the contents of each removed currency cassette and currency cassette reject bin by:

(1) documenting the count of each currency cassette and reject bin on a balance receipt, by automated ticket machine;

(2) preparing or generating a sports pool currency cassette replenishment totals report that summarizes the total currency counted;

(3) transferring the currency to a main bank cashier with a copy of the currency cassette replenishment totals report; and

(4) transporting the balance receipts and currency cassette replenishment totals report to the casino accounting department.

(k) *Reconciliation*. The casino accounting department shall reconcile the automated ticket machines on a daily basis pursuant to internal controls. Any variance shall be documented by the accounting department and reported in writing to the commission within 72 hours of the end of the gaming day during which the variance was discovered. The report shall indicate the cause of the variance and shall contain any documentation required to support the stated explanation.

§ 5329.12. House rules.

(a) *Content*. Each casino sports wagering licensee shall adopt comprehensive house rules, which shall be submitted for written approval by the commission. Such house rules shall include the following, at a minimum:

(1) method for calculation of and amounts to be paid on winning sports wagers;

(2) effect of schedule changes for all markets offered;

(3) method of notifying authorized sports bettors of odds or proposition changes;

(4) acceptance of sports wagers at other than posted terms;

(5) expiration of any winning sports wagering ticket one year after the date of the event;

(6) method of contacting the casino sports wagering licensee for questions and complaints;

(7) acknowledgment of prohibited sports bettors;

(8) method of the process for any employee of a sports governing body or member team who is not prohibited from sports wagering to register with the commission prior to placing a sports wager;

(9) method of funding a sports wager;

(10) minimum and maximum sports wagers by sports governing body; and

(11) description of sports wagering rules as it relates to in-play wagers.

(b) *Availability*. A casino sports wagering licensee's house rules, together with any other information the commission deems appropriate, shall be displayed conspicuously in the sports wagering lounge, posted on the casino sport wagering licensee's website included in the terms and conditions of the sports pool system and made readily available to authorized sports bettors in printed form, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(5).

§ 5329.13. Sports wager types.

(a) *Approval of wagering menu*. A casino applying for licensure shall submit to the commission the types of sports wagers such casino would like to offer and the sports leagues, associations or organizations on whose contests the casino wishes to offer such sports wagers. Each type of sports wager and each sports league, association or organization on whose contests such casino wishes to offer sports wagering is subject to commission approval and may be subject to such conditions as the commission may determine. After licensing of a casino sports wagering licensee, commission approval is required before such licensee is permitted to offer any type of sports wager not previously offered by such licensee, or an existing sports wager type for a sport, league, association or organization on whose contests the commission has not previously authorized wagering. To obtain commission approval, a casino sports wagering licensee shall specify the underlying sport and sports league, association or organization upon which the proposed type of sports wager is based, provide rules for the sports wager and demonstrate that the new type of sports wager will comply with Racing, Pari-Mutuel Wagering and Breeding Law section 1367 and this Part. Following review of the proposed sports wager type, the commission shall inform all casino sports wagering licensees whether the proposed sports wager type is approved or denied or whether additional information from such licensee is required.

(b) *Limitations on sports wager type.*

(1) No sports wager type shall be approved unless:

(i) the event on which the sports wager is based is an event whose outcome can be verified;

(ii) the outcome of the sports wager can be generated by a reliable and independent process;

(iii) the outcome of the event is not affected by any sports wager placed; and

(iv) the event is conducted in conformity with all applicable laws, rules and regulations.

(2) A casino sports wagering licensee shall not offer sports wagers on:

(i) any prohibited sports event, as defined in Racing, Pari-Mutuel Wagering and Breeding Law section 1367(1)(s);

(ii) any horse race;

(iii) any amateur or youth sports event, except collegiate sports events approved by the commission;

(iv) any event that is not a sports event; and

(v) any sports event on which the commission deems wagering to be contrary to public policy, either on the commission's own initiative or upon commission affirmation of a request by a league or governing body that governs such sports event, so long as such request has been made in writing to the commission at least 60 days in advance of such sports event with an explanation of why wagering on such event should not be permitted as a matter of public policy. The commission shall make available a list on its website of sports events on which wagers are not permitted to be offered and may determine, if it believes such prohibitions should be permanent, amend this section accordingly to enumerate such prohibited events.

(3) The commission may, in considering whether to approve or condition a sports wager type pursuant to this section, consider the views of a league, association or organization as the commission may deem advisable.

(c) *Variations on sports wager types*. A casino sports wagering licensee may introduce variations of permissible types of sports wagers by seeking commission approval. A casino sports wagering licensee is not required to amend a previously approved submission to describe a variation if approved by the commission.

(d) *Conditions placed on sports wager type*. The commission may approve conditionally a sports wager type or the use of a sports wager type for a particular sport, league, association or organization as the commission may deem advisable, such as establishing a limited trial period for a type of sports wager or imposing limits on a particular sports wager, to protect the wagering public, the integrity of sports wagers, the integrity of the sports event upon which a sports wager is based, in whole or in part, or for any other reason consistent with the policies underlying article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law or this subchapter.

(e) *Withholding of approval*. The commission may, in the exercise of discretion, withhold approval of any proposed sports wagering type that directly or indirectly violates any requirement for permissible sports wagers or that the commission determines to be contrary to public policy.

(f) *Information to commission*. A casino sports wagering licensee shall comply with every commission request for information about any type of sports wager that such casino sports wagering licensee proposes to offer to the public.

(g) *Wagering tournaments*. No wagering tournament shall be conducted without prior approval of the commission. A casino sports wagering licensee shall submit the rules of any proposed wagering tournament for commission approval no later than 30 days prior to the anticipated start date of such wagering tournament.

§ 5329.14. Parlay card wagers.

This section applies to parlay card wagers and not parlay wagers.

(a) *Requirements for parlay card wagers*. Each casino sports wagering licensee that offers parlay card wagers shall disclose fully, accurately and unambiguously on all parlay card wagering forms:

(1) the amounts to be paid to winners, the method by which such amounts are to be determined and aggregate payout amount;

(2) the minimum and maximum wagering limits, if any;

(3) the effect of ties or draws in sports events;

(4) the effect of a sports event not being played on the date specified and of other occurrences that will cause selections to be invalid;

(5) the procedure for claiming winnings, including, without limitation, the documentation an authorized sports bettor must present to claim winnings;

(6) the requirement that a parlay card wager must consist of at least three selections that have not become invalid under applicable house rules or the wager will be void and will be refunded;

(7) the rights, if any, reserved by the casino sports wagering licensee, including, without limitation, the right to eliminate any selection prior to the acceptance of a wager, or to withhold payouts of specified amounts until the outcome of each proposition offered by the parlay card has been determined;

(8) the requirement that the point spreads, if any, printed on the parlay card wagering form when the wager is accepted will be used to determine the outcomes of the wagers; and

(9) that the casino sports wagering licensee's house rules apply to parlay cards unless otherwise stated on the parlay card wagering form.

(b) *Payout*.

(1) A casino sports wagering licensee may limit, with commission approval, the aggregate amount to be paid to winners on a parlay card. Any such aggregate limit shall not be less than an amount disclosed on the parlay card (the *aggregate limit*).

(2) When a casino sports wagering licensee knows or reasonably should know that actual payouts on a parlay card will be limited by an aggregate limit, the casino sports

wagering licensee shall cease accepting wagers on such parlay card and making payouts on such parlay card.

(3) When a casino sports wagering licensee ceases accepting wagers and making payouts on a parlay card pursuant to paragraph (2) of this subdivision, if the parlay card, authorized sports bettor receipts and related documentation are distinguishable from the parlay card, receipts and documentation as to which the casino sports wagering licensee has ceased accepting wagers, then the casino sports wagering licensee may accept wagers on only those sports events listed on the parlay card whose outcomes have not been determined, in which case such parlay card shall be considered a different parlay card for purposes of this subdivision.

(4) After the outcome of the final sports event offered on a parlay card has been determined, the casino sports wagering licensee shall determine the total amount of all winning wagers on such parlay card from all authorized sports bettors. If such total amount exceeds the aggregate limit, the casino sports wagering licensee, unless paragraph (5) of this subdivision applies, may pay each winning wager, instead of the amount that would have been due in the absence of such aggregate limit, an amount equal to the amount of such winning wager multiplied by such aggregate limit and divided by the total amount of all winning wagers (including payouts made prior to the suspension of payouts) that would otherwise have been made without regard to such aggregate limit.

(5) Notwithstanding the aggregate limit, if a casino sports wagering icensee pays a winner of a parlay card wager more than 10 percent of the aggregate limit before the outcome of every proposition offered by such parlay card has been determined, such casino sports wagering licensee shall pay every winner of a wager on such parlay card the proper payout amount stated on such parlay card in full and without regard to any aggregate limit.

(6) In specific cases, the commission, only in writing, may waive the requirements of this subdivision or impose requirements more restrictive than the requirements of this subdivision.

§ 5329.15. Layoff wagers.

A casino sports wagering licensee may, in its discretion, accept a layoff wager from another New York State-licensed casino sports wagering licensee or skin, as skin is defined in section 5330.1 of this subchapter. Any such wager shall be placed in the name of the casino sports wagering licensee itself or skin itself. A layoff wager and, if applicable, a resultant payout shall not be included in the calculation of sports pool gross gaming revenue. Each layoff wager shall be reported to the commission, if possible, prior to the placement of such wager. If not possible, a casino sports wagering licensee or skin shall submit the details of the layoff wager to the commission's division of gaming within 24

hours of the placement of such wager. Layoff wagers shall not be executed with operators in other jurisdictions unless all Federal law requirements are met.

§ 5329.16. Information posting.

(a) *Information posting*. A casino sports wagering licensee shall make available in written form in conspicuous locations in the sports wagering lounge and on conspicuously accessible electronic screens a general explanation of each type of sports wager offered and the point or money line odds. Any explanation shall not be misleading or unfair to authorized sports bettors.

(b) *Display of available sports wagering information*. The available sports wagering information for specific sports events shall be displayed in a manner visible to the public. The display shall include the event number, corresponding odds and a brief description of the event. Such information also shall be available on conspicuously accessible electronic screens. Any display shall not be misleading or unfair to authorized sports bettors.

§ 5329.17. Manner of placing wager.

(a) *Placement of sports wagers*. All sports wagers accepted by a casino sports wagering licensee pursuant to this Part shall be placed within a sports wagering lounge with a sports wagering cashier at a sports wagering counter or at an automated ticket machine located within a sports wagering lounge or other location within the casino as approved by the commission.

(b) *Forms of payment*. Sports wagers pursuant to this Part shall be made in cash, vouchers, gaming chips or wagering tickets of value or any other form of payment approved by the commission.

§ 5329.18. Sports wagering tickets.

(a) *Sports wagering ticket requirements*. Upon accepting a sports wager, a sports wagering cashier shall cause the sports wagering platform to generate a sports wagering ticket. The sports wagering ticket shall include, at a minimum, the following:

(1) casino sports wagering licensee's name;

(2) event number;

(3) description of event;

(4) type of sports wager;

(5) unique sports wagering ticket identifier;

(6) a barcode or similar symbol or marking, as approved by the commission, corresponding to the unique sports wagering ticket number;

(7) date and time of issuance;

(8) cashier identifier or automated ticket machine identifier;

(9) location of issuance;

(10) amount of the sports wager;

(11) date, or dates, of the sports event or events;

(12) payout odds;

(13) amount to be paid on a winning sports wager, unless the sports wager is a pari-mutuel wager;

(14) the authorized sports bettor's player card account number, if any;

(15) mail-in redemption instructions; and

(16) the sports wagering ticket's expiration date.

(b) *Expiration date of sports wagering ticket*. Any winning sports wagering ticket shall be deemed lapsed and ineligible for payment one year after the date of the last sports event that forms the basis of such sports wager. Any lapsed sports wagering ticket shall be unclaimed funds and shall be deposited by the commission pursuant to the requirements of Racing, Pari-Mutuel Wagering and Breeding Law section 1354 and subdivision (c) of section 5329.29 of this Part.

§ 5329.19. Sports wagering restrictions.

(a) *Age*. No person under 21 years of age may place a sports wager with a casino sports wagering licensee, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(2)(d).

(b) *Prohibited persons*. A casino sports wagering licensee shall not knowingly accept any sports wager from any prohibited sports bettor. No prohibited sports bettor is permitted to make such a sports wager with any licensee or collect winnings from any such sports wager, which sports wager shall be deemed void. Any person who is a direct or indirect legal or beneficial owner of 10 percent or greater of a sports governing body or any of such body's member teams shall not place or accept sports wagers on a sports event in which any member team of such sports governing body participates.

(c) *Proxy wagering and collection prohibited*. A casino sports wagering licensee shall not make payment on a winning sports wager to a person who the licensee knows or reasonably should know is collecting the payment on behalf of another for monetary consideration or in violation of local, state or Federal law. A casino sports wagering licensee shall not make payment on a winning sports wager to a person who the licensee knows or reasonably should know is engaging in such activity for profit or as a business enterprise. A casino sports wagering licensee may withhold payment of a winning sports wager if a customer refuses to supply identification or any other documentation required by this Part or article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law.

(d) *Minimum and maximum sports wagers*. Minimum and maximum amounts of sports wagers shall be as established by a casino sports wagering licensee's house rules approved by the commission. A casino sports wagering licensee shall disclose clearly the minimum and maximum sports wagers applicable to the sports wagers such licensee offers.

§ 5329.20. Certain payouts; wagering ticket control.

(a) *Sports wagers and payouts greater than $10,000.*

(1) Prior to accepting any sports wager in excess of $10,000 or making a payout in excess of $10,000 on a winning sports wagering ticket or voucher, a casino sports wagering licensee shall:

(i) create an authorized sports bettor identification file and identify the authorized sports bettor;

(ii) obtain and record the authorized sports bettor's Social Security number in the patron identification file; and

(iii) record, on a log, the following information, at a minimum:

(*a*) date of the sports wager or payout;

(*b*) name of the authorized sports bettor;

(*c*) name and signature of the employee authorizing the acceptance of the sports wager; and

(*d*) name and signature of the cashier identifying the authorized sports bettor and generating the sports wagering ticket or making the payout.

(2) For the purposes of this section, signatures may be electronic.

(3) A casino sports wagering licensee shall monitor all sports wagering transactions to ensure authorized sports bettors are not circumventing the identification requirements of paragraph (1) of this subdivision.

(b) *Redemption*. Winning sports wagering tickets shall be redeemed by a wagering cashier, an automated ticket machine located within a sports wagering lounge or a commission-approved mail-in procedure after verifying the validity of the sports wagering ticket through the sports wagering platform. The sports wagering platform shall redeem electronically and cancel the sports wagering ticket upon redemption. Should a casino's sports wagering lounge be closed, the casino's cage shall be made available to redeem a winning sports wagering ticket.

(c) *Marking cashed sports wagering tickets*. A casino sports wagering licensee shall establish procedures, approved by the commission, ensuring that each cashed or refunded sports wagering ticket shall not have the ability to be cashed or refunded again.

(d) *Storage*. A casino sports wagering licensee shall maintain facilities and procedures that ensure the security of cashed sports wagering tickets and the integrity of records of outstanding sports wagering tickets. A casino sports wagering licensee shall store, physically or by electronic record, cashed sports wagering tickets for one year and one day following the sports event in a secure area consistent with such casino sports wagering licensee's internal controls as approved by the commission.

(e) *Access*. A casino sports wagering licensee shall prohibit unauthorized individuals from having access to the cashed sports wagering tickets and related storage areas. A list of authorized individuals with access to such storage areas shall be filed with the commission. Any storage area shall comply with surveillance requirements set forth in sections 5314.4 and 5314.5 of the Part.

(f) *Sports wagering data retention*. Each casino sports wagering licensee shall maintain all sports wagering data for a sports wager for at least 10 years and shall make any such data available to the commission upon request.

§ 5329.21. Cancellation or rescission of sports wagers.

(a) *Commission void.* The commission may order the voiding of sports wagers, and require refunds, on any event for which wagering, or the continuation of wagering, would be contrary to the public policies of this State.

(b) *Authorized sports bettor cancellation.* A sports wagering ticket may be cancelled by an authorized sports bettor at the discretion of the casino sports wagering licensee, so long as no sports event upon which the sports wager was made has commenced.

(c) *Rescission*. A casino sports wagering licensee shall not rescind any sports wager made pursuant to this Part unless extraordinary circumstances exist and the prior written approval of the commission has been obtained.

(d) *Payout adjustments*. House rules shall state clearly circumstances in which the payouts are to be adjusted, including, without limitation:

(1) when sports wagers are affected by cancelled events;

(2) when and for what reason or reasons sports wagers will be cancelled; and

(3) application of aggregate limits as outlined in subdivision (b) of section 5329.14 of this Part.

§ 5329.22. Structuring of multiple sports wagers.

(a) *Prohibition*. A casino sports wagering licensee shall not knowingly allow, and shall take reasonable steps to prevent, the circumvention of reporting requirements through an authorized sports bettor making a structured sports wager, including multiple sports wagers or a series of sports wagers that are designed to accomplish indirectly that which could not be accomplished directly. A sports wager or wagers need not exceed the dollar thresholds at any single casino sports wagering licensee in any single day in order to constitute prohibited structuring. No casino sports wagering licensee shall encourage or instruct the authorized sports bettor to structure or attempt to structure sports wagers. This section does not prohibit a casino sports wagering licensee from informing an authorized sports bettor of the regulatory requirements imposed upon the casino sports wagering licensee, including the definition of structured sports wagers. A casino sports wagering licensee shall not knowingly assist an authoried sports bettor in structuring or attempting to structure sports wagers.

(b) *Recording requirements*. Each casino sports wagering licensee shall maintain multiple transaction logs to monitor compliance. Such logs shall record all sports wagers made within any 24-hour period in excess of $10,000, or in smaller amounts that aggregate in excess of $10,000, when any single officer, employee or agent of such licensee has actual knowledge of the sports wagers or would in the ordinary course of business have reason to know of the sports wagers. Each log entry shall be made by the employee accepting or approving the sports wager, immediately after accepting the sports wager, and shall include at a minimum:

(1) authorized sports bettor’s name and address;

(2) window number or other identification of the location where the sports wager occurred;

(3) time and date of the sports wager;

(4) dollar amount of the sports wager;

(5) signature or electronic signature of person accepting or approving the sports wager; and

(6) authorized sports bettor's player card number, if known.

(c) *Aggregating requirement*. Each casino sports wagering licensee shall aggregate all sports wagers in excess of $10,000 when any single officer, employee or agent of such casino sports wagering licensee would in the ordinary course of business have knowledge of the sports wagers.

(d) *Identification requirement*. If an authorized sports bettor places a sports wager that is to be aggregated with previous sports wagers for which a record has been completed pursuant to this section, the casino sports wagering licensee shall complete the identification, recordation and reporting procedures for any additional sports wager regardless of amount occurring during the 24-hour period.

§ 5329.23. Authorized sports bettor complaints.

A casino sports wagering licensee shall investigate diligently all authorized sports bettor complaints within five calendar days from receipt. Where a complaint is made to commission staff, consistent with existing commission authority, the commission shall have unfettered access to all information related to authorized sports bettor wagers and application of this Part or house rules as such information relates to assisting in addressing authorized sports bettor complaints. Any authorized sports bettor complaint that results in a dispute in excess of $5,000 shall be brought immediately to the attention of the commission by the casino sports wagering licensee.

§ 5329.24. Reserve requirements.

Each casino sports wagering licensee must establish a cash reserve in an amount necessary to ensure the ability to cover outstanding sports pool liability, as approved by the commission.

§ 5329.25. Prohibited actions.

(a) *Dishonest obtaining of a benefit*. No person shall, in relation to an authorized sports wager, obtain a benefit by any dishonest act, practice or scheme or otherwise dishonestly obtain a benefit through the use of any device or item.

(b) *Altering or falsification of information*. Any person who knowingly alters or falsifies information recorded on any record, document or report required under this Part, for any purpose, including, without limitation, for the purpose of concealment, deception or circumvention of minimum internal control procedures, may be subject to penalties and

other actions the commission may take pursuant to law (*e.g.*, a fine, penalty or revocation of a license by the commission).

§ 5329.26. Duties to report.

(a) *Dishonest or unlawful acts*. In the event that a casino sports wagering licensee or its employee, sports pool vendor or employee of a sports pool vendor, becomes aware, or reasonably suspects, a person has obtained a personal benefit or a benefit for another person by a dishonest or unlawful act affecting the conduct of a sports wager or a sports event, the results of which formed the basis, in whole or in part, of a sports wager; and/or there has been an unlawful act that has affected a sports wager or a sports event the results of which formed the basis, in whole or in part, of a sports wager, such casino sports wagering licensee, casino sports wagering licensee's employee, sports pool vendor or sports pool vendor's employee shall give promptly the commission a written notice advising the commission of all material facts known about the matter and any documents or other evidence in the possession or control of such entity or person in connection with the matter.

(b) *Bribes*. If a casino sports wagering licensee, casino sports wagering licensee's employee, sports pool vendor or sports pool vendor's employee is approached with an offer or promise of a bribe or with a request or a suggestion for a bribe or for any improper, corrupt or fraudulent act or practice in relation to a sports wager or a sports event relating to a sports wager or with a suggestion that any sports wager or sports event relating to a sports wager be conducted otherwise than in accordance with the rules and regulations of the commission, it shall be the duty of such person to report such suggestion, offer, promise or bribe promptly to the commission. Failure to so report shall subject such person or persons and such casino sports wagering licensee and/or sports pool vendor associated with such person to the penalties and other actions the commission may take.

(c) *Suspicious activity*. A casino sports wagering licensee shall report promptly to the commission any other suspicious activity involving such licensee in the operation of sports pools, whether such acts are committed by such casino sports wagering licensee, casino sports wagering licensee's employee, sports pool vendor or sports pool vendor's employee, or whether such acts are committed against such casino sports wagering licensee or sports pool vendor, including, without limitation, criminal activity, financial irresponsibility, fraud, misrepresentation, security breaches, breach of confidentiality of an authorized sports bettor's personal information or any violation of article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law or this Part.

(d) *Criminal activity*. Any casino sports wagering licensee and sports pool vendor shall immediately report any suspected criminal activity to the commission.

(e) *Sports event integrity*. In the event a casino sports wagering licensee or sports pool vendor becomes aware of or reasonably suspects that the integrity of a sports event or occurrence within a sports event has been affected or compromised by sports wagering

activity, such licensee or vendor shall report to the commission promptly all facts and circumstances relating to such awareness or suspicion.

(f) *Money laundering*. In the event a casino sports wagering licensee or sports pool vendor becomes aware or reasonably suspects that there is a fraudulent or suspicious transaction in the operation of sports pools that may involve money laundering, or an activity similar to money laundering, as set forth in section 5315.17 of this subchapter, the casino sports wagering licensee or sports pool vendor shall report promptly in writing the suspicious activity to the commission. Nothing in this section shall relieve a licensee from any related reporting requirements under any other local, state or Federal laws. Such licensee shall make available to the commission any documents or access to computer or other data systems that the commission may request in connection with the matter.

(g) *Suspicious sports wagering activity and suspicious sports wagers.* A casino sports wagering licensee:

(1) shall file with the commission a report of any suspicious wagering activity or suspicious sports wager, if such suspicious wagering activity or suspicious sports wager involves or aggregates to more than $10,000 in funds or other assets;

(2) may file a report of any suspicious wagering activity or suspicious sports wager, without regard to the amount, if the casino sports wagering licensee believes that such reporting may be relevant to the possible violation of any law or regulation; and

(3) shall file any report pursuant to paragraphs (1) or (2) of this subdivision no later than two calendar days after the initial detection by the casino sports wagering licensee of facts that may constitute a basis for filing such a report. If no suspect was identified on the date of the detection of the incident requiring the filing, a casino sports wagering licensee may delay filing a report for an additional seven calendar days to identify a suspect. In no case shall reporting be delayed more than nine calendar days after the date of initial detection of a reportable transaction. In situations involving violations that require immediate attention, a casino sports wagering licensee shall notify commission staff immediately, in addition to timely filing a report.

(h) *Retention period*. A casino sports wagering licensee shall maintain a copy of any report filed and the original or business record equivalent of any supporting documentation for a period of five years from the date of filing the report.

(i) *Other reporting requirements*. Each casino sports wagering licensee shall report promptly to the commission any of the information and material required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(12)(e)(i).

(j) *Investigation of reports made to the commission*. The commission shall investigate any report of conduct made pursuant to Racing, Pari-Mutuel Wagering and Breeding Law section 1367(12)(j) or subdivision (d) of this section. If the commission determines that

there has been a violation of law, including, without limitation, commission regulations, the commission shall have the discretion to take appropriate measures, including, without limitation, discipline of licensees and registrants through actions on licenses and registrations and fines. The commission shall make appropriate referrals to other law enforcement agencies when such investigations reveal evidence of a violation of law, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 104(12).

(k) *Interstate integrity monitoring*. The commission may, in the commission's discretion, share information or data in regard to the integrity of sports events with other jurisdictions, or entities or agencies thereof, or with any entity maintaining an interstate database of sports wagering information for the purpose of integrity monitoring, as permitted by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(12)(g) and (h).

§ 5329.27. Sports pool integrity; confidential information.

(a) *Identification and reporting of unusual wagering activity*. Each casino sports wagering licensee shall have controls in place to identify unusual wagering activity and report such activity to an independent integrity monitor, or to the commission if the commission so directs.

(b) *Notification to all casino sports wagering licensees and reporting of similar activity*. Each independent integrity monitor shall share information in regard to any unusual wagering activity with each other independent integrity monitor working with other casino sports wagering licensees in this State and shall provide a report of such unusual wagering activity to all participating casino sports wagering licensees. Each casino sports wagering licensee shall review each such report and notify the independent integrity monitor of whether or not such licensee has experienced similar activity.

(c) *Suspicious wagering activity identification and notification*. If an independent integrity monitor finds that previously reported unusual wagering activity rises to the level of suspicious wagering activity, such independent integrity monitor immediately shall notify all other independent integrity monitors, each casino sports wagering licensee and sports pool vendor, the commission, the appropriate sports governing authority and, if so directed by the commission, other regulatory agencies.

(d) *Suspension of sports wagering*. A casino sports wagering licensee receiving a report of suspicious wagering activity shall be permitted to suspend sports wagering on events related to such report, but may cancel related sports wagers only upon commission approval to do so.

(e) *Commission access to monitoring system*. Each independent integrity monitor shall provide the commission with remote access to the following information of such provider:

(1) all reports of unusual wagering activity;

(2) whether the unusual wagering activity was determined to be suspicious wagering activity; and

(3) the actions taken by the independent integrity monitor.

(f) *Information sharing*. The commission and sports governing bodies may share information in regard to the integrity of sports events, as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1367(12)(e)(ii).

(g) *Hardware access*. The commission may require a casino sports wagering licensee to provide any hardware necessary to the commission for evaluation of a sports wagering offering or to conduct further monitoring of data provided by the system of such licensee.

(h) *Confidentiality*. All information and data received pursuant to this Part by the commission related to unusual or suspicious wagering activity shall be considered confidential and shall not be revealed in whole or in part, except

(1) upon the lawful order of a court of competent jurisdiction; or

(2) with any law enforcement entity, team, college or university, sports governing body or regulatory agency that the commission deems appropriate.

§ 5329.28. Tax.

(a) *Tax rate*. Gross gaming revenue from sports pool wagering conducted by a casino sports wagering licensee shall be taxed at the rate set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1367(7).

(b) *Payment*. Tax attributable to sports pool wagering conducted by each casino sports wagering licensee, including any applicable interest and penalties, shall be transmitted weekly by electronic funds transfer to the commission. All gross gaming taxes relating to sports wagering conducted by a casino sports wagering licensee are the responsibility of, and shall be paid by, such casino sports wagering licensee.

(c) *Reports*. All weekly gross gaming revenue tax reports filed with the commission pursuant to this section shall reflect all gross gaming revenue received by the casino sports wagering licensee for the period of the return.

(d) *Additional tax or refunds*. When the commission finds that a casino sports wagering licensee is required to pay additional taxes or finds that a caisno sports wagering licensee is entitled to a refund of taxes, the commission shall report to such licensee the commission's findings, along with the legal basis upon which such findings are made.

§ 5329.29. Gross gaming revenue reports and reconciliation.

(a) *Gross gaming revenue*. Gross gaming revenue generated pursuant to this Part shall equal the total of all sports wagers received less voided sports wagers, cancelled sports wagers and amounts paid out for winning sports wagers. The amounts of sports wagers placed by a casino sports wagering licensee and amounts received by a casino sports wagering licensee as payments on layoff wagers made pursuant to section 5329.15 of this Part or section 5330.15 of this subchapter shall not affect the computation of the casino sports wagering licensee's gross gaming revenue.

(b) *Daily gross gaming revenue*. For sports wagering operations, a casino sports wagering licensee's accounting department member shall determine the daily gross gaming revenue amount as set forth in such casino sports wagering licensee's internal controls.

(c) *Unclaimed funds*. Unclaimed funds, cash and prizes shall be reported to the commission on the gross gaming revenue report during the week in which the funds, cash and prizes expire and shall be remitted to the commission with the gross gaming revenue for that week for deposit pursuant to the requirements of Racing, Pari-Mutuel Wagering and Breeding Law section 1354.

(d) *Forfeiture of winnings*. Forfeiture of winnings as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1345 and gross gaming tax as prescribed in Racing, Pari-Mutuel Wagering and Breeding Law section 1367(7), including any applicable interest and penalties, shall be transmitted weekly by electronic funds transfer to the commission. Such transmissions are the responsibility of, and shall be made by, the casino sports wagering licensee.

(e) *Calendar year recap.* Each casino sports wagering licensee shall submit a report to the commission on or before February twenty-eighth of each year, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(6)(a), detailing for such casino:

(1) the total amount of sports wagers received in currency and number of bets placed;

(2) the total amount of sports wagers won by authorized sports bettors in currency and number of bets;

(3) the total amount of gross gaming revenue received by the casino sports wagering licensee;

(4) the total amount wagered on each sports governing body's events;

(5) the number of accounts, if applicable, held by authorized sports bettors;

(6) average account balance, if applicable;

(7) the total number of new accounts, if applicable, established in the previous year, as well as the total number of accounts permanently closed in the previous year; and

(8) the total number of voluntary self-exclusions in the previous year.

(f) *Examination by commission*. Each casino sports wagering licensee shall permit duly authorized representatives of the commission to examine such licensee's accounts and records for the purpose of certifying gross revenue.

(g) *Promotions*. Promotional spend shall not be deducted from revenue or added to loss when calculating gross gaming revenue. No promotion related to sports wagering may be offered without the prior approval of the commission.

§ 5329.30. Accounting and financial records.

(a) *Record of transactions*. Each casino sports wagering licensee shall maintain complete, accurate and legible records of all transactions pertaining to such licensee's revenues, expenses, assets, liabilities and equity in conformance with generally accepted accounting principles. The failure of a casino sports wagering licensee to maintain such records according to such principles shall be a violation of this section.

(b) *Accounting requirements*. The accounting records maintained by a casino sports wagering licensee shall be maintained using a double-entry system of accounting with transactions recorded on the accrual basis and supported by detailed subsidiary records. Such subsidiary records shall include, at a minimum, each of the following:

(1) detailed general ledger accounts identifying all revenue, expenses, assets, liabilities and equity for such licensee;

(2) a record of all investments, advances, loans and accounts receivable balances due to such casino sports wagering licensee;

(3) a record of all loans and other accounts payable by such casino sports wagering licensee;

(4) a record of all accounts receivable written off as uncollectible by such casino sports wagering licensee;

(5) records that identify total winnings paid out:

(i) on each sports wager; or

(ii) by another accounting period pre-approved in writing by the commission;

(6) records required by such casino sports wagering licensee's system of internal controls;

(7) work papers supporting the monthly reconciliation of cash accountability; and

(8) other records that the commission may require, in writing, to be maintained.

(c) *Retention period*. Notwithstanding anything in this section to the contrary, each accounting record shall be kept by a casino sports wagering licensee for a period of not less than five years from date of creation of such record.

§ 5329.31. Duties to give evidence.

It shall be the duty of each casino sports wagering licensee and each employee or other person associated with each such licensee to report promptly when requested or ordered to do so by any official of the commission in furtherance of an investigation or hearing pursuant to this subchapter and to testify under oath concerning any facts within such licensee's or such person's knowledge and to produce any books, records, written matter or other evidence within such licensee's or such person's possession or control relevant to such matter.

§ 5329.32. Reporting of compliance.

Each casino sports wagering licensee shall, prior to commencing operations, and annually thereafter, perform a system integrity and security assessment conducted by an independent professional selected by such licensee, the scope of which assessment shall be subject to the approval of the commission. In addition, the commission, at its discretion, may publish bulletins to specify additional yearly testing requirements. The independent professional's report on the assessment shall be submitted to the commission and shall include:

(a) scope of review;

(b) name and company affiliation of each person who conducted the assessment;

(c) date of the assessment;

(d) findings;

(e) recommended corrective action, if applicable; and

(f) the casino sports wagering licensee's response to the findings and recommended corrective action.

§ 5329.33. Review, examination of records.

The commission or the commission's designee may:

(a) conduct periodic examinations of the accounting and financial records of casino sports wagering licensees;

(b) review the accounting principles and procedures used by casino sports wagering licensees;

(c) review and observe methods and procedures used by casino sports wagering licensees to count and handle sports wagers made with cash, vouchers, gaming chips or wagering tickets of value;

(d) examine accounting and financial records of a casino sports wagering licensee or a person controlling, controlled by or under common control with such casino sports wagering licensee;

(e) obtain copies from the casino sports wagering licensee of outstanding deposited check instruments, checks returned and held, collection activities taken and settlement of disputed items.

§ 5329.34. Responsible gaming.

Each casino sports wagering licensee and sports pool vendor shall comply with the problem gaming, self-exclusion and excluded person requirements set forth in Parts 5325 and 5327 of this subchapter and Part 5402 of this subtitle.

§ 5329.35. Other regulations apply.

Unless the context of this Part indicates otherwise, the regulations set forth elsewhere in this subchapter are applicable to sports wagering.

§ 5329.36. Suspension, fines, revocation and other discipline.

(a) *Discipline*. Consistent with existing commission authority, and in addition to authority to suspend licenses or registrations of individuals, the commission may suspend or revoke a casino sports wagering license, sports pool vendor license or a gaming vendor license, or fine or otherwise discipline any such licensee for any reason or combination of reasons set forth in this subdivision:

(1) violations of article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law, this subchapter or any other applicable law, including regulation;

(2) failure to comply with instructions of the commission concerning a licensed activity;

(3) conviction of any:

(i) felony offense, as such term as defined in Penal Law section 10.00(5), or an equivalent offense committed in another jurisdiction;

(ii) a misdemeanor related to gambling, gaming, bribery, fraud or any other offense prejudicial to public confidence;

(4) failure to file any returns or reports, keep records or to pay any fee or submit revenue as may be required;

(5) fraud, deceit, misrepresentation or conduct prejudicial to public confidence in gaming;

(6) whenever the commission finds that the experience, character and general fitness of a licensee are such that participation in operating a sports pool is inconsistent with the public interest or convenience; or

(7) for any other reason within the discretion of the commission.

(b) *Opportunity to be heard*. The commission shall allow a casino sports wagering licensee or sports pool vendor an opportunity to be heard before imposing any discipline pursuant to this section. A licensee that has been disciplined pursuant to this section may request a de novo hearing before a hearing officer, with the matter to be decided by the commission.

PART 5330

Mobile Sports Wagering

Section
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§ 5330.1. Applicability and definitions.

(a) *Applicability*. This Part applies to mobile sports wagering conducted by a mobile sports wagering licensee pursuant to Racing Pari-Mutuel Wagering and Breeding Law sections 1367 and 1367-a.

(b) *Definitions*. Unless the context indicates otherwise, the following definitions and the definitions set forth in Racing, Pari-Mutuel Wagering and Breeding Law sections 1367 and 1367-a are applicable throughout this Part:

(1) *Authorized sports bettor's account* or *account* means an arrangement between an authorized sports bettor and a skin used to execute a mobile sports wager.

(2) *Automated clearing house* means a network that coordinates electronic payments and automated money transfers.

(3) *Biometric data* means anything that relates to the measurement of a person's physical features and characteristics, including, without limitation, to fingerprint, facial recognition, voice recognition and other methods as approved by the commission.

(4) *Geolocation* means a method used to detect the physical location of an authorized sports bettor attempting to place a mobile sports wager.

(5) *KYC* or *know your customer* means a process of identifying and verifying the identity of a person who is opening an account.

(6) *Mobile sports wagering licensee* has the meaning set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1367(a) and refers to either a platform provider, a skin or both, as the context requires.

(7) *Mobile sports wagering promotion* means a method by which an authorized sports bettor receives a monetary or odds benefit to be applied to a mobile sports wager or wagers, which may include, without limitation, bonuses, odds boosts, risk-free bets and deposit matches.

(8) *Mobile sports wagering vendor* means a licensed vendor offering goods or services that directly relate to mobile sports wagering activity.

(9) *Multi-factor authentication* means a method approved by the commission that effectively provides greater account security for a user to gain access to a technological resource than a username-and-password combination alone.

(10) *Platform provider*, in addition to the meaning set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1367(1), means an entity operating a mobile sports wagering platform system that, among other functionality, performs the acceptance and registration of all sports wagers; generates all electronic sports wagering tickets; computes sports wagering in the pool and payoffs; maintains records of all sports wagering activities; and generates or submits all reports required by the commission.

(11) *Prohibited sports bettor* means any person or entity whose participation may undermine the integrity of mobile sports wagering on a sports event or the conduct of such sports event itself, or any person who, or entity that, is prohibited for other good cause, including, without limitation, the following, as prescribed by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(1) and this paragraph:

(i) any individual placing a mobile sports wager as an agent or proxy;

(ii) any athlete whose performance may be used to determine, in whole or in part, the outcome of such mobile sports wagering;

(iii) any person who is an athlete, player, coach, referee or other game official, physician, trainer, sports agent, owner or employee or independent contractor of a team, player union and umpire union personnel, and employee, referee, coach or official of a sports governing body, team employee or governing body employee, in any sports event overseen by such person's sports governing body;

(iv) any person with access to material, non-public confidential information about a sports event that is the subject of such wagering;

(v) a person identified to the commission by a sports governing body that the commission agrees is a person who should be a prohibited sports bettor;

(vi) any person who holds a position of authority or influence sufficient to exert influence over the participants in a sports event that is the subject of a mobile sports wager, if such person is not otherwise described by this subdivision;

(vii) any principal, key employee or casino gaming employee of a casino and its affiliates, except as may be permitted by the commission;

(viii) any non-gaming employee at the casino that hosts the server or other equipment of a mobile sports wagering licensee;

(ix) any contractor, subcontractor, or consultant, or officer or employee of a contractor, subcontractor, or consultant, of a casino sports wagering licensee if such person is directly involved in the operation or observation of sports wagering, or the processing of sports wagering claims or payments;

(x) any employee of a mobile sports wagering licensee and its affiliates, except as may be permitted by the commission;

(xi) any contractor, subcontractor, or consultant, or officer or employee of a contractor, subcontractor, or consultant, of a mobile sports wagering licensee if such person is directly involved in the operation or observation of mobile sports wagering, or the processing of mobile sports wagering claims or payments;

(xii) any person subject to a contract with the commission if such contract contains a provision prohibiting such person from participating in sports wagering;

(xiii) any spouse, child, sibling or parent residing in the principal place of abode of any of the foregoing persons where the foregoing person is prohibited from participating in mobile sports wagering;

(xiv) any officer or employee of the commission; and

(xv) any minor.

(12) *Skin* means a mobile sports wagering operator, as defined in Racing Pari-Mutuel Wagering and Breeding Law section 1367(1), that is a public-facing operator that accepts sports wagers from authorized sports bettors through a platform provider.

(13) *Wallet* means an instrument maintained by a platform provider or skin that facilitates deposits and withdrawals from an authorized mobile sports wagering bettor and may be used across all skins on a single platform

§ 5330.2. Licensing of platform providers and skins.

(a) *Eligibility.* Only platform providers and associated skins selected by the commission as a result of a competitive request-for-application process conducted by the commission may submit a license application to operate as such.

(b) *Disqualification of applications*. The commission may disqualify any application to become a platform provider and associated skin that:

(1) is not timely;

(2) fails to meet the requirements set forth in the request for applications;

(3) is submitted by an entity that engaged in collusive bidding with another applicant, unless the commission determines that such activity was not made for the purpose of restricting competition or impairing the ability of the commission to make selections that maximize value to the State.

(c) *Selected applicants.* A selected platform provider applicant shall be eligible for licensure by the commission as such. Potential skins associated with selected platform provider applicants shall be eligible for licensure by the commission as skins.

(d) *Commission review of agreements.* Upon execution of an agreement between a skin and its platform provider, the platform provider applicant shall submit such agreement to the commission for review prior to licensure.

(e) *Standards for licensure.* A platform provider, a skin and a mobile sports wagering vendor shall satisfy the standards for licensure equivalent to those set forth for a casino vendor enterprise set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1326 and Parts 5303 and 5307 of this subchapter.

§ 5330.3. Term of mobile sports wagering license and renewal.

(a) *Term.* A license granted to a mobile sports wagering licensee shall remain in effect for up to 10 years. See Racing, Pari-Mutuel Wagering and Breeding Law section 1367-a(2)(b), establishing a maximum license period.

(b) *Renewal.* The commission shall establish the process and requirements for renewal at an appropriate time that coincides with the ending of such term of license established in subdivision (a) of this Part.

(c) *Reporting of changes.* A mobile sports wagering licensee shall report any changes to its application, as set forth in section 5329.5 of this subchapter, which changes are subject to the approval of the commission.

§ 5330.4. Vendor licensing.

Entities offering goods and services that directly relate to gaming activity with a mobile sports wagering licensee, including, without limitation, manufacturers, suppliers, software providers and repair companies, shall submit a mobile sports wagering vendor license application. Each mobile sports wagering vendor shall be licensed as such according to the standards equivalent to those set forth for casino vendor enterprises in Racing Pari-Mutuel Wagering and Breeding Law section 1326 and Parts 5303 and 5307 of this subchapter.

§ 5330.5. Reporting of changes.

Each mobile sports wagering licensee and mobile sports wagering vendor shall have a continuing duty to disclose, as soon as practicable, any material change or changes in such entity's business form or activity; information submitted in support of a review pursuant to section 5330.3 of this Part; information provided to authorized sports bettors; information provided to investors; or information provided in an annual report, or statutory duty to provide information, to the commission.

§ 5330.6. Licensing of individuals.

(a) *Mobile sports wagering key employees*. A person directly involved in the conduct and operation of mobile sports wagering pursuant to this Part who is determined to be a key employee, whether at a mobile sports wagering licensee or mobile sports wagering vendor, shall be licensed by the commission as a mobile sports wagering key employee according to standards equivalent to those of a casino key employee, as determined by the commission, as guided by the standards set forth in title 3 of article 13 of the Racing, Pari-Mutuel Wagering and Breeding Law and Parts 5303 and 5304 of this subchapter.

(b) *Mobile sports wagering employees*. Each mobile sports wagering licensee shall register with the commission employees involved in the operation of mobile sports wagering pursuant to this Part who are not deemed to be a mobile sports wagering key employee pursuant to subdivision (a) of this section. Registration shall consist of the submission to the commission, quarterly, a roster of such employees that shall identify each employee's name, job title, job location and such other identifying information as the commission may require. Any employee information that has changed or been deleted from the previous quarterly report shall be highlighted.

(c) *Persons requiring access to mobile sports wagering server and other equipment.* A person employed by a mobile sports wagering licensee who requires access to servers and other equipment located at a casino shall be licensed as a mobile sports wagering employee according to standards equivalent to those set forth in section 5304 of this subchapter. Such employees shall be granted access to the casino only for duties as they relate to mobile sports wagering.

§ 5330.7. Misconduct and improper associations.

The provisions of section 5329.7 of this subchapter are incorporated herein and shall apply also to each mobile sports wagering licensee and mobile sports wagering vendor licensee.

§ 5330.8. Internal controls for mobile sports wagering.

(a) *Submission.* Each mobile sports wagering licensee shall submit to the commission, for approval, internal controls for all aspects of mobile sports wagering operations prior to commencing operations. The submission of internal controls shall be organized to correspond to the subdivisions set forth in this section.

(b) *System requirements.* Internal controls for system requirements shall address:

(1) user access controls;

(2) a description of segregation of duties;

(3) procedures for identifying and reporting fraud and suspicious conduct or activity;

(4) procedures to prevent sports wagering by patrons prohibited from sports wagering;

(5) a description of all integrated third-party systems;

(6) procedures on how to maintain the integrity of sports wagering platforms, authorized sports bettor's data and sports wagering data storage in the case of a system failure;

(7) description of the secure method to control remote access to the sports wagering platform using firewalls or other protections and maintaining secure logs;

(8) all data sources used in sports wager determination. Official data from a sports governing body shall be used to determine all sports wagers, unless a skin (through its data provider vendor, if applicable) demonstrates to the satisfaction of the commission that sports wagers for such sports wager type may be determined reliably, accurately and timely by an alternative data source. If the commission determines that an alternative data source for a type of wager is acceptable, then each skin shall be

permitted to use such alternative data source to settle such wager types. See Racing, Pari-Mutuel Wagering and Breeding Law section 1367(14);

(9) the method in which the mobile sports wagering licensee shall implement the statewide voluntary self-exclusion database and other prohibited sports bettors into its system; and

(10) where the mobile sports wagering licensee plans to list, on a website or mobile application, information concerning assistance for compulsive play in New York State, including a toll-free number directing callers to reputable resources, free of charge to the caller.

(c) *Authorized sports bettor account requirements*. Internal controls for authorized sports bettor account requirements shall address:

(1) controls in place to limit each authorized sports bettor to one active account per skin, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367-a(4)(a)(i);

(2) the multi-factor authentication method to be used;

(3) the mechanism for an authorized sports bettor to establish daily, weekly or monthly deposit limits, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367-a(4)(a)(xii);

(4) controls in place to prohibit anyone under the age of 21 from participating in mobile sports wagering;

(5) the mechanism, if any, the platform provider or skin will use to create a wallet to be used by authorized sports bettors across multiple skins associated with such platform provider;

(6) the systems and procedures in place to maintain the security of authorized sports bettors' accounts, including the encryption of personally identifiable information and biometric data, Social Security number, account personal identification number and/or password and methods of account funding;

(7) how the mobile sports wagering licensee intends to meet all requirements set forth in section 5330.4 of this Part;

(8) procedures for issuing a form W-2G, if such thresholds are met;

(9) procedures for authorized sports bettors to obtain a year-end win-loss statement;

(10) the mechanism for allowing an authorized sports bettor to close an account;

(11) a procedure for when an authorized sports bettor's lifetime deposits reach $2,500, and every year thereafter, for such bettors to acknowledge the bettor has met the deposit threshold and may elect to establish limits or close such account and that the bettor has received disclosures that include problem gaming resources, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367-a(4)(a)(xiii); and

(12) how a dormant account is defined and what the process is for reconciliation of such accounts.

(d) *Prevention of circumvention of sports wagering amount acknowledgments*. A skin shall provide the acknowledgment set forth in paragraph (11) of subdivision (c) of this section whenever such skin knows or should know that an authorized sports bettor has taken or is attempting to take action designed to circumvent the monetary threshold set forth in such paragraph.

(e) *Operational requirements.* Internal controls for operational requirements shall address:

(1) a description of how the skin intends to segregate sports bettors' funds from operating funds;

(2) procedures to ensure no sports wagering shall be based on a prohibited sports event;

(3) a description of anti-money laundering compliance standards;

(4) a description of the monitoring system that identifies and reports suspected structured sports wagers and unusual or suspicious wagering activity;

(5) procedures for the skin reconciling gross gaming revenue and remitting such amount to the platform provider for the payment of taxes and fees to the commission; and

(6) in the event of changes and upgrades to the mobile sports wagering server or other hardware and software used to execute mobile sports wagering, procedures the mobile sports wagering licensee intends to follow in order to receive approval from the commission, including recertification of such sports wagering components.

(f) *Amendments to internal controls.* A mobile sports wagering licensee shall submit to the commission any proposed amendment to such licensee's approved internal controls at least 30 days in advance of the date the proposed amendment is intended to take effect. If a proposed amendment is requested to take effect in fewer than 30 days, the mobile wagering licensee shall submit an expedited amendment request to the commission.

§ 5330.9. [Reserved]

§ 5330.10. System requirements for mobile sports wagering.

(a) *Submission to laboratory*. Prior to conducting mobile sports wagering, all equipment and software used in conjunction with its operation shall be submitted to a licensed independent gaming test laboratory for review and certification for compliance with the standards set forth in this Part and any additional technical requirements the commission establishes.

(b) *Server location*. The platform, servers and other equipment to accept sports wagers shall be located within a casino, as the commission shall direct and facilitate. A casino at which such equipment is located shall ensure that access to such equipment is granted to licensed employees of the mobile sports wagering licensee whose equipment is located there.

(c) *Platform provider requirements*. The systems of a platform provider shall be able to provide the following, at a minimum:

(1) acceptance and registration of all sports wagers;

(2) generation of all electronic sports wagering tickets;

(3) computation of sports wagering and payoffs;

(4) maintenance of records of all sports wagering activities;

(5) generation of all reports;

(6) maintenance of the integrity of sports wagering platforms, authorized sports bettors' data and sports wagering data storage in the case of a system failure, using methods outlined in the approved internal controls of the platform provider;

(7) creation of a secure method to control remote access to the platform using firewalls or other protections and maintenance of secure logs outlined in the approved internal controls of the platform provider;

(8) maintenance of all transactional sports wagering data for a period of five years, to which each authorized sports bettor shall have ready access with respect to each sports bettor's own data and which shall be capable of being provided to such bettor through a customer service inquiry within 10 days of such request, all at no cost to such bettor; and

(9) establishment of a wallet that authorized sports bettors may use across all skins in New York State associated with such platform provider, so long as the commission has approved such establishment.

(d) *Skin requirements*. The systems of a skin shall be responsible for the following, at a minimum:

(1) establishment of public-facing markets and odds for display to an authorized sports bettor holding an account with such skin;

(2) guarantee of the payment of winning sports wagers;

(3) creation of a mechanism for an authorized sports bettor to establish daily, weekly or monthly deposit limits;

(4) limitation of each authorized sports bettor to one active account per skin;

(5) prohibition of anyone under the age of 21 from participating in mobile sports wagering;

(6) employment of systems and procedures to maintain the security of authorized sports bettors' accounts and information from tampering or unauthorized access, using the minimum standard encryption of AES 256 or other NIST standards. Such information to be secured shall include:

(i) personally identifiable information, including Social Security number;

(ii) biometric data, including account personal identification number and/or password;

(iii) methods of account funding, including credit card numbers, bank account numbers or other personal financial information; and

(iv) sports wagering data, accounts, reports, significant events or other sensitive information obtained through the operation of mobile sports wagering;

(7) creation of logs that can be exported in regard to player activity and sports wagering information, as may be required by the commission;

(8) ensuring that no sports wagering is based on a prohibited sports event;

(9) implementation of a monitoring system that identifies and reports suspected structured sports wagers and unusual or suspicious wagering activity; and

(10) establishing procedures for the temporary suspension of an account, at the request of an account holder or on the initiative of the skin.

(e) *Third-party communications*. If a mobile sports wagering licensee communicates with a third-party system, such licensee shall ensure the integrity of such communications through encryption or the use of secure communications protocols.

(f) *Information recording*. A mobile sports wagering system provided by a mobile sports wagering licensee shall be capable of recording the following information for each sports wager made in the system:

(1) description of event;

(2) sports wager selection;

(3) type of sports wager;

(4) amount of sports wager;

(5) date and time of sports wager; and

(6) unique sports wager identifier.

(g) *Past posting and known-event outcomes*. A skin shall prevent past posting of sports wagers and the voiding or cancellation of sports wagers after the outcome of an event is known.

(h) *Self-authentication*. A skin shall, at least once every 24 hours, perform a self-authentication process on all software used in the mobile sports wagering system to offer, record and process sports wagers to ensure there have been no unauthorized modifications. In the event that an unauthorized modification is identified as a result of this process, a skin shall notify the commission promptly. The mobile sports wagering system shall record the results of all self-authentication attempts and maintain such record for a period of not less than 90 days.

(i) *Controls*. A skin shall have controls in place to review the accuracy and timeliness of any data feeds used in its mobile sports wagering system to offer or settle sports wagers. In the event that an incident or error occurs that results in a loss of communication with data feeds, such error shall be recorded in a log capturing the date and time of the error and the nature of the error. Errors shall be submitted to the commission within 48 hours of occurrence. Such information shall be maintained by the reporting skin for a period of not less than six months.

(j) *Commission access to systems and data*. Consistent with existing commission authority and in a manner approved by the commission, a skin shall provide the commission with access to servers and other software used in creation of sports wagers, sports wagering transactions and related data the commission may deem necessary.

§ 5330.11. [Reserved]

§ 5330.12. House rules.

The provisions of section 5329.12 of this subchapter are incorporated herein and shall apply also to each skin.

§ 5330.13. Sports wager types.

The provisions of section 5329.13 of this subchapter are incorporated herein and shall apply also to each skin.

§ 5330.14. [Reserved]

§ 5330.15. Layoff wagers.

A skin may, in its discretion, accept a layoff wager from another New York State licensed skin or a casino sports wagering licensee, as casino sports wagering licensee is defined in section 5329.1 of this subchapter. Any such wager shall be placed in the name of the skin or casino sports wagering licensee itself that is placing the layoff wager. A layoff wager and, if applicable, a resultant payout shall not be included in the calculation of mobile sports wagering gross gaming revenue. Each layoff wager shall be reported to the commission, if possible, prior to the placement of such wager. If not possible, a skin or casino sports wagering licensee shall submit the details of the layoff wager to the commission's division of gaming within 24 hours of the placement of such wager. Layoff wagers shall not be executed with operators in other jurisdictions unless all Federal law requirements are met as well.

§ 5330.16. [Reserved]

§ 5330.17. Acceptance of sports wagers.

No mobile sports wager shall be valid until such sports wager is accepted at a server or other electronic equipment located at a casino.

§ 5330.18. [Reserved]

§ 5330.19. Sports wagering restrictions.

The provisions of section 5329.19 of this subchapter are incorporated herein and shall apply also to each skin.

§ 5330.20. [Reserved]

§ 5330.21. Cancellation or rescission of sports wagers.

The provisions of section 5329.21 of this subchapter are incorporated herein and shall apply also to each skin.

§ 5330.22. [Reserved]

§ 5330.23. Authorized sports bettor complaints.

(a) *Incorporation*. The provisions of section 5329.23 of this subchapter are incorporated herein and shall apply also to each skin.

(b) *Additional requirements*. In addition, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(5):

(1) a skin shall develop procedures, a link to which shall be prominently displayed on the main page of such skin's platform, for the filing of a complaint by an authorized sports bettor against a mobile sports wagering licensee;

(2) a skin shall acknowledge receipt to the complainant within 48 hours of receipt;

(3) a skin shall provide the complainant a complete response within 10 business days; and

(4) a complainant who believes the complaint has not been resolved satisfactorily may file a complaint with the commission, which shall have the discretion to intervene in the resolution of the complaint and to take action against a licensee in the event the commission concludes that such licensee violated a law, including regulation.

§ 5330.24. Skin reserve requirements.

The provisions of section 5329.24 of this subchapter are incorporated herein and shall apply also to each skin.

§ 5330.25. Prohibited actions.

The provisions of section 5329.25 of this subchapter are incorporated herein and shall apply also to each mobile sports wagering licensee.

§ 5330.26. Duties to report.

The provisions of section 5329.26 of this subchapter are incorporated herein and shall apply also to each mobile sports wagering licensee and its employees and each mobile sports wagering vendor licensee and its employees.

§ 5330.27. Mobile sports wagering integrity; confidential information.

The provisions of section 5329.27 of this subchapter, except subdivision (g) thereof (the substance of which is addressed elsewhere in this Part), are incorporated herein and shall apply also to each skin and, as the context requires, platform provider, and its respective employees and each mobile sports wagering vendor licensee and its employees.

§ 5330.28. Tax.

(a) *Tax rate*. For the privilege of conducting sports wagering in this State, each platform provider shall be taxed pursuant to the rate established pursuant to the process set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1367(7).

(b) *Payment.* Tax attributable to mobile sports wagering, including any applicable interest and penalties, shall be transmitted weekly by electronic funds transfer to the commission at such times and in such manner as the commission may direct. All gross gaming taxes are the responsibility of and shall be submitted by the platform provider.

(c) *Reports.* All weekly mobile sports wagering tax reports filed with the commission pursuant to this section shall reflect mobile sports wagering gross gaming revenue and tax revenue remitted to the State received by the skins associated with a platform provider for the period of the return. Each platform provider shall clearly delineate funds received from each skin.

(d) *Additional tax or refunds.* When the commission finds that a platform provider is required to pay additional taxes or finds that a platform provider is entitled to a refund of taxes, the commission shall report to such platform provider its findings, along with the basis on which such findings are made.

§ 5330.29. Gross gaming revenue reports and reconciliation.

(a) *Gross gaming revenue*. Gross gaming revenue generated pursuant to this Part shall equal the total of all sports wagers received less voided sports wagers, cancelled sports wagers and amounts paid out for winning sports wagers. The amounts of sports wagers placed by a skin and amounts received by a skin as payments on layoff wagers made pursuant to section 5329.15 of this subchapter or section 5330.15 of this Part shall not affect the computation of gross gaming revenue as reported to the platform provider.

(b) *Daily gross gaming revenue*. A platform provider's accounting or finance department member shall determine the daily gross gaming revenue amount as set forth in such platform provider's internal controls. Each skin shall also detail the reporting mechanism to the associated platform provider in such skin's internal controls.

(c) [Reserved]

(d) *Forfeiture of winnings*. Forfeiture of winnings as set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1345 and gross gaming tax as prescribed in Racing, Pari-Mutuel Wagering and Breeding Law section 1367(7), including any applicable interest and penalties, shall be transmitted weekly by electronic funds transfer to the commission. Such transmissions are the responsibility of, and shall be made by, the platform provider.

(e) *Calendar year recap.* Each platform provider shall submit a report to the commission on or before February 28th of each year, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367(6)(a), detailing for its platform:

(1) the total amount of sports wagers received in currency and number of bets placed;

(2) the total amount of sports wagers won by authorized sports bettors in currency and number of bets;

(3) the total amount of gross gaming revenue won by skins associated with such platform provider;

(4) the total amount wagered on each sports governing body's events;

(5) the number of accounts held by authorized sports bettors;

(6) average account balance;

(7) the total number of new accounts established in the previous year, as well as the total number of accounts permanently closed in the previous year; and

(8) the total number of voluntary self-exclusions in the previous year.

(f) *Examination by commission*. Each platform provider shall permit duly authorized representatives of the commission to examine such licensee's accounts and records for the purpose of certifying gross revenue.

(g) *Promotions*. Promotional spend shall not be deducted from revenue or added to loss when calculating gross gaming revenue.

§ 5330.30. Accounting and financial records.

The provisions of section 5329.30 of this subchapter are incorporated herein and shall apply also to each mobile sports wagering licensee.

§ 5330.31. Duties to give evidence.

The provisions of section 5329.31 of this subchapter are incorporated herein and shall apply also to each mobile sports wagering licensee.

§ 5330.32. Reporting of compliance.

The provisions of section 5329.32 of this subchapter are incorporated herein and shall apply also to each mobile sports wagering licensee.

§ 5330.33. Review, examination of records

The provisions of section 5329.33 of this subchapter are incorporated herein and shall apply also to each mobile sports wagering licensee.

§ 5330.34. Responsible gaming.

(a) *Publicly accessible internet page.* A skin shall maintain a publicly accessible internet page dedicated to responsible play, a link to which must appear on the skin's website and in any mobile application or electronic platform on which an authorized sports bettor may place sports wagers through such skin, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367-a(4)(a)(xiv). The responsible play page shall include:

(1) a statement of the skin's policy and commitment to responsible gaming;

(2) information in regard to, or links to information in regard to, the risks associated with gambling and the potential signs of problem gaming;

(3) the availability of self-imposed responsible gaming limits within each skin's website or mobile application;

(4) a link to an appropriate problem-gaming webpage maintained by the office of addiction services and supports; and

(5) such other information as the commission may direct.

(b) *Problem-gaming plan.* A skin shall submit annually on or before September 1st to the commission for approval, as required by Racing, Pari-Mutuel Wagering and Breeding Law section 1367-a(4)(a)(xv), a problem-gaming plan that includes, at a minimum:

(1) the objectives of and timetables for implementing the plan;

(2) identification of the persons responsible for implementing and maintaining the plan;

(3) procedures for identifying users with suspected or known problem-gaming behavior;

(4) procedures for providing information to users concerning problem-gaming identification and resources;

(5) procedures to prevent gaming by minors and self-excluded persons; and

(6) such other information as the commission may direct.

(c) *Other regulatory requirements*. Each skin shall comply with the problem gaming, self-exclusion and excluded person requirements, including trainings, set forth in Parts 5325 and 5327 of this subchapter as if such licensee were a gaming facility licensee and with Part 5402 of this subtitle.

§ 5330.35. [Reserved]

§ 5330.36. Suspension, fines, revocation and other discipline.

The provisions of section 5329.36 of this subchapter are incorporated herein and shall apply also to each mobile sports wagering licensee, mobile sports wagering key employee, mobile sports wagering employee and person having access to a mobile sports wagering server.

§ 5330.37. Authorized sports bettor account requirements.

(a) *Opening an account*. Prior to an authorized sports bettor placing a sports wager, the following information, at a minimum, shall be provided by a potential authorized sports bettor and verified through the mobile sports wagering KYC identity-verification software or other remote multi-factor authentication, before status as an authorized sports bettor may be confirmed:

(1) full name;

(2) physical residential address;

(3) date of birth;

(4) last four digits of Social Security number, unless such authorized sports bettor willingly provides all nine digits, the potential authorized sports bettor's driver license, or an equivalent identification number for a person who has no Social Security number, such as a passport or taxpayer identification number; and

(5) email address and telephone number.

(b) *Confirmation required.* Upon verification of an individual's identity, the authorized sports bettor shall confirm, at a minimum, the following:

(1) the authorized sports bettor is at least 21 years of age;

(2) the account holder is not a prohibited sports bettor;

(3) the information provided upon registering for an account is accurate and that only the account holder shall have access to such account;

(4) the account is the only mobile sports wagering account the authorized sports bettor owns with the particular skin and that the account is not transferable;

(5) all mobile sports wagers made on the account shall not be made by computerized software or other automated mechanism; and

(6) the authorized sports bettor accepts the terms and conditions of opening an account.

(c) *Multi-Factor authentication.* Each authorized sports bettor shall be required to use a username and one or more of the following methods of authentication to verify such person's identity:

(1) password or other commonly used mobile phone login mechanism;

(2) answer previously provided security questions;

(3) biometric data, including fingerprint, facial or voice recognition;

(4) an authorization code sent by phone call, text message or email to the appropriate contact information provided at the opening of the account; or

(5) any other authorization types as approved by the commission.

(d) *Funding.* An authorized sports bettor shall have the ability to deposit funds, which shall not be transferable between platforms, into such bettor's account with a skin using the following mechanisms, as permitted and restricted in Racing, Pari-Mutuel Wagering and Breeding Law section 1367-a(5)(b):

(1) debit card;

(2) credit card, up to $2,500 per year in any single account;

(3) pre-paid card;

(4) automated clearing house or electronic funds transfer from such authorized sports bettor's personal bank account;

(5) wire transfer from such authorized sports bettor's personal bank account;

(6) free bet, promotional credit, bonus credit or complimentary issued by the skin;

(7) personal check delivered to the skin;

(8) in-person cash deposit at a casino or other locations, if the skin, with the approval of the commission, chooses to provide such functionality;

(9) transfer from an account with another skin that uses the same platform provider;

(10) gift cards;

(11) e-wallets; and

(12) other forms of funding, as may be approved by the commission.

(e) *Withdrawals.*

(1) Unless paragraph (2) of this subdivision applies, an authorized sports bettor requesting a withdrawal shall receive the requested funds within seven days of such request by one of the following mechanisms, as permitted Racing, Pari-Mutuel Wagering and Breeding Law section 1367-a(5)(b):

(i) crediting the authorized sports bettor's debit card;

(ii) crediting a pre-paid card, after the skin verifies that such card belongs to the authorized sports bettor;

(iii) an automated clearing house or electronic funds transfer to the authorized sports bettor's personal bank account;

(iv) a wire transfer to the authorized sports bettor's personal bank account;

(v) a check made payable to the authorized sports bettor;

(vi) in cash at a casino or other locations, if the skin, with the approval of the commission, chooses to provide such functionality; or

(vii) other forms of withdrawals as may be approved by the commission.

(2) An authorized sports bettor's request for withdrawal of funds may be delayed if any of the following factors occur:

(i) if a skin believes an authorized sports bettor has engaged in unusual or suspicious wagering activity, or if a skin has informed the authorized sports bettor that an investigation has begun into the unusual or suspicious wagering activity, in which case there may be a delay of up to 14 days, which period may be extended if the skin requests in writing and is granted by the commission additional delay;

(ii) an ongoing dispute between the authorized sports bettor and the skin, in which case, the skin shall notify the commission;

(iii) funds are requested to be withdrawn before the chargeback period of the transaction ends; or

(iv) the authorized sports bettor requests a check by mail.

(f) *Account closure.* A skin shall place the method for an authorized sports bettor to close an account prominently on a webpage or mobile application page labelled "player's account," or a similar label. If funds exist in the account upon account closure, the authorized sports bettor shall be prompted to provide the bettor's preference for how the funds shall be withdrawn.

§ 5330.38. Mobile sports wagering promotions.

(a) *Requirements for promotions*. A skin shall submit to the commission all mobile sports wagering promotions for approval a minimum of 15 days prior to the intended commencement of such promotion. Any such proposed promotion shall:

(1) detail the type of promotion, dates the promotion will occur, minimum and maximum awards, the anticipated liability and any other information pertinent to the promotion;

(2) include terms and conditions that are full, accurate, clear, concise and do not contain misleading information;

(3) disclose applicable terms if the authorized sports bettor must risk or lose the bettor's own funds as part of the promotion, or if such promotion has conditions that a bettor's own funds must be used to qualify for such promotion;

(4) not be described as risk-free if the authorized sports bettor needs to incur any loss or risk the bettor's own money to use or withdraw winnings from the risk-free bet;

(5) not restrict the authorized sports bettor from withdrawing the bettor's own funds or withdraw winnings from bets placed using the bettor's own funds; and

(6) ensure advertisements of such promotions shall conform to the rules set forth in 5325.6 of this subchapter, as if a skin were a gaming facility licensee.

(b) *Relationship of promotions to gross gaming revenue*. See subdivision (g) of section 5330.29 of this Part.

§ 5330.39. License fee.

As a condition of licensure, a platform provider shall pay to the commission the one-time fee set forth in Racing, Pari-Mutuel Wagering and Breeding Law 1367-a(3). Such fee shall be paid no later than 30 days after the commission selects such platform provider for potential licensure, as set forth in Racing, Pari-Mutuel Wagering and Breeding Law 1367-a(3).

§ 5330.40. Server and other equipment.

(a) *Installation of server.* The commission shall determine where, including at which casino, a mobile sports wagering licensee's servers and other equipment used in accepting a mobile sports wager shall be located. Such servers and equipment shall be:

(1) in an area limited to sports-wagering-related activities with appropriate access and security measures, as approved by the commission. Access to such area shall be logged electronically and kept for a period of not less than five years; and

(2) accessible to licensed mobile sports wagering licensee employees authorized to access such servers and equipment, the mechanism of such access to be agreed upon by the casino and the mobile sports wagering licensee and set forth in the casino's standard operating procedures, as approved by the commission. Access to servers and equipment shall be limited to specific licensed casino employees authorized by the commission.

(b) *Payment for housing of server and other equipment.*

(1) Each casino shall receive an annual hosting fee in the amount set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1311(3). The aggregate annual hosting fees shall be divided equally among the platform providers, each of which shall then pay its share either to the commission or to casinos, at such times and in such amounts as the commission may direct. If the commission directs that such fees from platform providers are first payable to the commission, the commission shall then distribute to each casino the annual hosting fee to which such casino is entitled by statute.

(2) A casino shall bill, each calendar quarter, the platform provider for the reasonable and actual costs for the prior calendar quarter of housing and securing the server and other equipment as set forth in subdivision (b) of this section, including, without limitation:

(i) modifications, upgrades or improvements to the casino required to physically locate and secure the platform provider's servers and other equipment;

(ii) any ongoing utility and infrastructure costs incurred by the casino that are reasonably attributable to the operations of the platform provider and associated skins at such casino; and

(iii) regulatory costs the casino was assessed pursuant to section 5330.41 of this Part.

(3) The commission shall have the ability to consider whether the costs of housing and securing the server and other equipment are commercially reasonable.

(c) *Exclusive use for mobile sports wagering*. A server or other equipment that a platform provider locates at a casino shall be used exclusively in support of mobile sports wagering.

§ 5330.41. Regulatory costs.

Any costs of the commission necessary to maintain regulatory control over mobile sports wagering shall be assessed annually on each casino in proportion to the aggregate mobile sports wagering gross revenue in this State of the skins associated with the platform provider whose server is located at such casino compared to the aggregate mobile sports wagering gross revenue in this State for the period billed. Each casino shall pay the amount assessed against it within 30 days after the date of the notice of assessment from the commission. Nothing in this section shall prevent a casino from recouping the cost of such assessments pursuant to paragraph (2) of subdivision (b) of section 5330.40 of this Part.

§ 5330.42. Fee for preparation of statutory report.

The commission, on or before September 1st of each year, shall assess platform providers aggregate fees in the amount of the commission's costs to produce the annual report required by Racing, Pari-Mutuel Wagering and Breeding Law 1367-a(6). The fee assessed against each platform provider shall be the commission's cost multiplied by the aggregate gross gaming revenue of such platform provider's associated skins for the period and divided by the aggregate gross gaming revenue of all skins in this State for the same period.

§ 5330.43. Anti-money laundering program.

A skin shall comply with the anti-money laundering requirements set forth in section 5315.17 of this subchapter as if such skin were a gaming facility licensee.

§ 5330.44. Geolocation requirements.

(a) *Independent testing laboratory and requirements*. Geolocation software used by mobile sports wagering licensees shall be approved by a licensed independent testing laboratory, including applicable field testing, before the software is deployed in this State. Geolocation requirements include:

(1) ensuring that authorized sports bettors shall be physically located within the State of New York when engaging in mobile sports wagering;

(2) the systems used to reasonably detect the physical location of an authorized sports bettor attempting to place a sports wager with the skin and block unauthorized attempts to access the licensee's platform throughout the duration of the wagering session;

(3) detection of any mechanisms a bettor may use to circumvent the requirement that the bettor be physically located within the State of New York;

(4) ensuring the integrity of the bettor's account and the bettor's device by blocking sports wagers from devices that indicate tampering;

(5) discovery and updating of the internet protocol address of the bettor if such changes during a session and how physical location would then be detected;

(6) blocking any attempt to make a sports wager the geolocation software determines is being attempted from a physical location outside of the State of New York, logging any identifying information relating to such attempt, and making such information available to the skin and the commission upon request;

(7) how the geolocation system shall alert the mobile sports wagering licensee of potential risks and fraudulent activity and grant the licensee and the commission access to real-time data feeds of geofencing feeds and potential risks; and

(8) how the skin shall ensure that a mobile sports wagering vendor license is obtained by any geolocation vendor.

(b) *Additional requirements by bulletin*. The commission, at its discretion, may publish bulletins to specify additional geolocation requirements.