

**NOTICES - #125-233**

**PENNSYLVANIA GAMING CONTROL BOARD**

**RESOLUTION REGARDING DELEGATION OF POWERS**

WHEREAS, the COVID-19 pandemic has caused the temporary closure of licensed facilities in Pennsylvania which are under the regulatory authority of the Board. The Centers for Disease Control (CDC) and the Pennsylvania Department of Health have recognized concerns over the spread of the COVID-19 virus implicated by gatherings of groups of individuals in confined locations, and therefore recommend mitigation measures be implemented to increase sanitation, limit the numbers of individuals in locations and to further limit the spread of the virus when venues hosting gatherings of persons reopen; and

WHEREAS, the COVID-19 related closures have resulted in significant reductions in revenues available to the Board and other regulatory agencies during the closures, and the restrictions placed on licensed facility operations are anticipated to continue to suppress revenues available for regulatory oversight for some time into the future; and

WHEREAS, the COVID-19 pandemic will cause the licensed facilities and the Board to make significant changes to traditional modes of operation in order to mitigate threats to the health and safety of patrons as well as employees of the

licensed facilities and of the Board, as well as in recognition of the decreased funding available for regulatory oversight.

AND NOW, this 10<sup>th</sup> day of June, 2020, The Pennsylvania Gaming Control Board ("the Board"), in response to the COVID-19 pandemic and in the interest of creating an environment for an efficient re-opening of casinos in the Commonwealth while preserving the health and safety of casino patrons, casino staff, and Board staff, hereby adopts the following RESOLUTION in accordance with the provisions of 58 Pa. Code § 403a.6 (relating to delegation of powers), and the Board delegates the following authority to the Executive Director:

1. Without the necessity of a formal petition under 58 Pa. Code § 493a.5 (relating to petitions generally), the Executive Director may, upon request by an entity licensed by the Board, modify or grant waivers to regulatory requirements contained in Part VII of Title 58 of the Pennsylvania Code that, if enforced, would be inconsistent with or contrary to the guidance issued by the CDC, Office of the Governor or the Pennsylvania Department of Health regarding safe re-opening of businesses in the Commonwealth.
2. The Executive Director may, *sua sponte*, identify regulatory requirements contained in Part VII of Title 58 of the Pennsylvania Code that, if enforced, would be inconsistent

with or contrary to the guidance issued by the CDC, Office of the Governor or the Pennsylvania Department of Health regarding re-opening of businesses in the Commonwealth, and modify or issue a waiver of the inconsistent or contrary regulatory requirement.

3. If a full waiver of a regulatory requirement contained in Part VII of Title 58 of the Pennsylvania Code that would be inconsistent with, or contrary to, the guidance issued by the Office of the Governor or the Pennsylvania Department of Health regarding re-opening of businesses in the Commonwealth is not necessary, feasible or warranted, the Executive Director may instead grant or issue a temporary modification to the regulatory requirement.
4. The Executive Director may, *sua sponte*, and in light of the decreased funding for regulatory oversight, identify regulatory requirements contained in Part VII of Title 58 of the Pennsylvania Code that can be accomplished in alternative manners and modify the requirements to fulfill the regulatory oversight objective during the period of decreased funding available for the Board's operations.
5. The Executive Director shall not have the authority to modify or waive any regulatory requirement contained in Part VII of Title 58 of the Pennsylvania Code that is also mandated by the Pennsylvania Race Horse Development and

Gaming Act and contained in Title 4, Part I, Chapter 3 (relating to Fantasy Contests), Part II (relating to gaming) and Part III (relating to video gaming).

6. The Executive Director shall continue to monitor the impact of the COVID-19 pandemic on Board operations and regulatory practices and shall periodically report to the Board as to that impact until such time as this public health crisis has abated at which time the Board shall take further action with respect to this Resolution and Order.

**Order**

The Board, acting under 4 Pa.C.S. Part II, finds and orders that:

(1) The delegation of powers to the Executive Director under 58 Pa. Code § 403a.6 is necessary to ensure a safe, secure, and efficient re-opening of Pennsylvania casinos during the COVID-19 pandemic.

(2) This Notice shall be published on the Board's website, and shall remain in effect indefinitely until promulgation of a regulation or the adoption of a subsequent order or resolution at a public meeting of the Board.

(3) This order shall take effect immediately upon Board adoption.

David M. Barasch  
Chairman