

FINAL-OMITTED REGULATIONS

125-228

PENNSYLVANIA GAMING CONTROL BOARD

58 PA. CODE CH. 601a, 603a, 605a, 613a, 617a, 619a, 621a, 623a, 625a, 627a, 629a, 631a, 633a, 635a, 637a, 639a, 641a, 643a, 645a, 647a, 649a, 651a, 653a, 655a, 657a, 659a, 661a, 663a, 665a, 668a, 669a, 670a, 671a, 672a, 673a, 674a, 675a, 676a, 677a, 678a, 679a, 680a, 681a, 682a, 683a, 684a, 685a, 686a, 687a, 688a

General Table Games Provisions; Table Game Equipment; Electronic Table Games; Gaming Related Gaming Service Providers; Table Game Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2), proposes to amend Chapters 601a, 603a, 605a, 613a, delete in entirety Chapters 617a, 619a, 621a, 623a, 625a, 627a, 629a, 631a, 633a, 635a, 637a, 639a, 641a, 643a, 645a, 647a, 649a, 651a, 653a, 655a, 657a, 659a, 661a, 663a, 665a, 668a, 669a, 670a, 671a, 672a, 673a, 674a, 675a, 676a, 677a, 678a, 679a, 680a, 681a, 682a, 683a, 684a, and rescind the proposed rulemakings set forth previously as 685a, 686a, 687a, and 688a, with all amended, deleted, and rescinded text to read as set forth in Annex A.

The regulatory authority provisions of § 13A02(1) and (2) direct that the Board promulgate regulations "[e]stablishing standards and procedures for table games and table game devices or associated equipment..." and "[e]stablishing standards and rules to govern the conduct of table games and the system of wagering associated with table games..." The above provisions do not require that the rules prescribing the play of each individual game (the rules of play are created by and are the property of the manufacturer/owner of the game), be formally promulgated as a Final-Form Regulation. Rather, all that is required is that the "standards and procedures for table games" and "standards and rules to govern the conduct of table games" be addressed.

The provisions of Chapters 601a - 615a (relating to general table game provisions, table game equipment, electronic table games, possession of table games and table game devices, credit, table game minimum training standards, gaming related gaming

service providers, and conditional table game device licenses) provide the necessary framework to establish the "standards and procedures for table games" and "rules to govern the conduct of table games."

The new procedures for approval of new table games or features of existing table games outlined § 601a.2 and § 601a.3 further accomplishes those stated goals by providing a regulatory framework for the verification of the rules submitted by the manufacturer, approval by the Board and publication of the rules of the table game to the general public in the *Pennsylvania Bulletin* and on the Board's website. In conjunction with the previously cited Chapters, the entire set of rules and standards for the conduct of table games is established.

Purpose of the Rulemaking

This Final-Omitted rulemaking will make changes to the Board's policies and procedures for the approval of table games rules of play and wagering for new games and new features of existing games. The rules of the table games or new features for existing table games are created by game manufacturers or gaming related gaming service providers. These rules and the game itself are the intellectual property of the entity that creates the game. The Board's Gaming Lab and Executive Director review the game and rules submitted and the Board ultimately approves the offering of the game as appropriate for the public.

The text of the rules of play of table games previously adopted by the Board and promulgated as Final-Form regulations are merely a transcription of the rules provided by the manufacturer or gaming related gaming service provider to be offered in a Pennsylvania licensed facility. This process of adopting the rules of play as formal regulations is lengthy and provided little flexibility when it came to making minor changes to the games, such as adding new features such as side wagers or new paytables. This limits the Board's ability to get the newest games and features of existing games into Pennsylvania casinos in an expeditious manner to be competitive with surrounding jurisdictions. Moreover, the former process of using the regulation process to set forth the manufacturers' rules of play including opening a table, shuffling cards and the like were duplicative across many differing games leading to voluminous and unwieldy regulatory submissions.

These new policies and procedures as contained in Annex A will allow more flexibility to make changes to existing games and

streamline the process for new games to be offered in licensed facilities in the Commonwealth to create a more efficient, timely process. Moreover, they will assure the same degree of transparency and protection of the public as Pennsylvanian's have come to expect.

Explanation

Chapter 601a (relating to General Table Games Provisions)

Chapter 601a has been re-ordered to make more logical sense for the regulated community, alter the process for new table game rules, and a section has been deleted. The sections that have been affected are as follows:

§ 601a.1 - Definitions: Definitions that are no longer relevant have been deleted, as they were only found in the table game rules provisions that are likewise being deleted.

§ 601a.2 - Request to offer a new table game or new feature for an existing table game: This was previously § 601a.4, but makes more sense to logically to be the first substantive subsection, as this is the first step in a table game being made available for play in Pennsylvania.

§ 601a.3 - Approval of table game rules of play; notice of table game rules of play: This is an entirely new section that outlines the new procedure for the Board's approval of the rules of play and wagering for a new table game or feature to an existing table game, whereas past practice had the rules adopted and published as regulations.

§ 601a.4 - Table game rules submissions: This was previously § 601a.2, but makes more sense logically to be moved here, as this dictates what a casino must do to offer a game once it has been approved by the Board.

§ 601a.5 - Waiver of existing table games rules of play and wagering: This section is being deleted. As the process to amend games and add features or wagers is more streamlined and efficient, there is no longer a need for a process to seek a waiver of the table game rules of play.

Chapters 603a, 605a, and 613a (relating to Table Game Equipment, Electronic Table Games, and Gaming Related Gaming Service Providers)

The only amendments in these Chapters are to correct cross-references to provisions in Chapter 601a that have been renumbered.

Chapters 617a, 619a, 621a, 623a, 625a, 627a, 629a, 631a, 633a, 635a, 637a, 639a, 641a, 643a, 645a, 647a, 649a, 651a, 653a, 655a, 657a, 659a, 661a, 663a, 665a, 668a, 669a, 670a, 671a, 672a, 673a, 674a, 675a, 676a, 677a, 678a, 679a, 680a, 681a, 682a, 683a, and 684a (relating to numerous Table Games Rules of Play)

These Chapters are the rules of play for table games that have been previously adopted by the Board and implemented as final-form rulemakings, published in the *Pennsylvania Bulletin* and *Pennsylvania Code*. These table game rules of play are being deleted in entirety, and the rules for each individual game will be published on the Board's website, as required by § 601a.3.

685a, 686a, 687a, and 688a (relating to numerous Table Game Rules of Play)

These Chapters are the rules of play for table games that have previously been adopted by the Board as proposed rulemakings and published in the *Pennsylvania Bulletin*. These table games rules of play proposed rulemakings are being rescinded in entirety, and the rules for each individual game will be published on the Board's website, as required by § 601a.3, with necessary changes made based upon comments received during the general comment period and from the Independent Regulatory Review Commission (IRRC). These chapters will be withdrawn from IRRC consideration and from the formal rulemaking process after publication of this Final-Omitted Regulation package.

Comment and Response Summary

As this is a Final-Omitted Regulation package, no prior notification or publication was made, and as such, no public comment was received.

Fiscal Impact

Commonwealth. The Board does not expect that the provisions contained in this rulemaking will have a negative fiscal impact on the Board or any other Commonwealth agency. The provisions likely will positively affect the fiscal impact to the Board in that it will impart great efficiencies to the process of introducing new table games in the Commonwealth. All new procedures will be handled by existing Board staff.

Political Subdivisions. This final-form rulemaking will have no fiscal impact on political subdivisions of the Commonwealth.

Private Sector. The amendments contained in this rulemaking will provide more flexibility to get new table games and new features of existing table games into licensed facilities quicker, thereby enabling the licensees to be more competitive with operators in surrounding jurisdictions, generating additional revenues.

General Public. This final-form rulemaking will have no fiscal impact on the general public.

Paperwork Requirements

If a certificate holder wishes to offer certain table games, the certificate holder will be required to submit Rules Submission form, and update the form with the Board should they wish to change the rules or add new approved features. These forms are available and submitted to Board staff electronically. Below is the link that contains all table game rules submission forms:

<http://gamingcontrolboard.pa.gov/?p=187>

Effective Date

These final-omitted regulations will become effective upon publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on **INSERT DATE HERE** the Board submitted a copy of this Final-Omitted Regulations and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC), to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee, and to the Attorney General for review.

Findings

The Board finds that compliance with the proposed rulemaking procedures of the Commonwealth Documents Law (45 P.S. § 1201 and 1202) are impracticable and contrary to the public interest, as comments from the public are not appropriate, necessary, or beneficial. The amendments made by the Board to the effected Chapters merely pertain to agency procedure and practice, and

are necessary and appropriate for the efficient administration and oversight of gaming activities involving table games in the Commonwealth.

Order

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

(1) The regulations of the Board, 58 PA.CODE CH. 601a, 603a, 605a, are 613a amended to read as set forth in Annex A.

(2) Chapters 617a, 619a, 621a, 623a, 625a, 627a, 629a, 631a, 633a, 635a, 637a, 639a, 641a, 643a, 645a, 647a, 649a, 651a, 653a, 655a, 657a, 659a, 661a, 663a, 665a, 668a, 669a, 670a, 671a, 672a, 673a, 674a, 675a, 676a, 677a, 678a, 679a, 680a, 681a, 682a, 683a, and 684a are deleted in entirety.

(3) Chapters 685a, 686a, 687a, and 688a, previously adopted by the Board as proposed rulemakings are rescinded in entirety.

(4) The Chairman of the Board will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

(4) The Chairman of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(5) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

David M. Barasch
Chairman