

# Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY  
REVIEW COMMISSION

2013 APR - 5 PM 12: 43

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(1) Agency

Pennsylvania Gaming Control Board

(2) Agency Number:

Identification Number: 125-168

IRRC Number: 3003

(3) PA Code Cite:

421a, 421b, 439a, 465a, 481a, 501a, 503a, 503b 513a and 633a.

(4) Short Title:

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

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact:

Susan A. Yocum

Assistant Chief Counsel

Pennsylvania Gaming Control Board

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(6) Type of Rulemaking (check applicable box):



Proposed Regulation



Final Regulation



Final Omitted Regulation



Emergency Certification Regulation;



Certification by the Governor



Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

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

(8) State the statutory authority for the regulation. Include specific statutory citation.

The Board's general authority is found in 4 Pa.C.S. § 1202(b)(15) and (30)(relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(2), (5), (8) and (9) and §§ 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and 1602.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

There are no other applicable federal or state statutes, regulations or court decisions that mandate adoption of these changes contained in this rulemaking.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Applicants for a gaming junket enterprise license and individuals on the voluntary self-exclusion list who are requesting to come off the list when their term of voluntary exclusion has ended may benefit from this rulemaking. This rulemaking will also give certificate holders an additional pay table if offering Three Card Bonus wager in Blackjack.

The purpose of the gaming assistance message which is required on all gaming related advertising is to raise awareness that help for gambling addiction is available. The requirements in the rulemaking relating to advertising conducted by or on behalf of a slot machine licensee may therefore assist individuals and their family members who may have a gambling problem in accessing help.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no corresponding federal standards for any of these provisions in this rulemaking.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Not all states that have legalized gambling offer a self-exclusion program. For the states that do offer a program, the terms vary from 1 year to lifetime. Some jurisdictions allow individuals to request to come off the lifetime list while others do not. With respect to advertising requirements, several other gaming jurisdictions do require gambling assistance messages on all advertising.

It is not anticipated that this rulemaking will have an impact on Pennsylvania's ability to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation will not affect any other regulations of the PGCB nor any other state agency.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The revisions contained in this rulemaking are based on the Board's experience to date and communications between agency staff and the regulated community/those on the voluntary self-exclusion list. No other persons or groups were involved in the development and drafting of the regulations.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

There are currently eleven operational slot machine licensees that will be impacted by this rulemaking. This rulemaking will require licensees to include the gambling assistance message on all advertisements, annually update compulsive and problem gambling plans to include current research and information, reduce the number of employees necessary to conduct jackpot credit meter payouts under \$5,000, and will provide an additional payout table for the Three Card Poker wager in Blackjack.

Future applicants for a gaming junket enterprise license may benefit from the revisions contained in this rulemaking as the junket enterprise may qualify for a conditioned license which would allow the enterprise to offer its services to a slot machine licensee within a short duration of time after applying for a license.

The 4,980 individuals currently on the self-exclusion list and any individuals who may request to be placed on the self-exclusion list in the future may be impacted by this rulemaking. For those individuals who've requested a 1-year or 5-year term, when their term of voluntary self-exclusion has ended they will have to travel to a Board office only one time instead of two to complete the removal process. Individuals with lifetime exclusion may be impacted as they may be permitted to come off the list after a period of ten years provided they can demonstrate good cause for removal.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

The twelve slot machine licensees currently licensed, and any future licensees, will be required to comply with the requirements contained in this rulemaking.

Although future applicants for a gaming junket enterprise license and the 4,980 individuals on the self-exclusion list may be impacted by this rulemaking, required compliance with the regulation will be contingent on whether an applicant for a gaming junket enterprise license qualifies for a conditioned license or if individuals on the self-exclusion list ever request to come off the list. If an applicant for a gaming junket enterprise license does not qualify for a conditioned license or if individuals on the self-exclusion list do not request to come off the list, the requirements contained in this rulemaking will be inapplicable.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

Slot machine licensees may see a slight cost savings as only one individual instead of two will be required to conduct a majority of the jackpot credit meter payouts that occur during the gaming day.

Slot machine licensees that conduct advertising will continue to be required to include the gambling assistance message on all advertising. The gambling assistance message on advertising provides a social benefit in that it promotes awareness that help for a gambling problem is available. It is not anticipated that this requirement will create a financial burden on licensees.

Gaming junket enterprises may benefit from this rulemaking as applicants for a license may be eligible for a conditioned license. A conditioned license would allow the gaming junket enterprise to provide its services to a slot machine licensee prior to completion of the full background investigation provided that the gaming junket enterprise is licensed or otherwise credentialed in another gaming jurisdiction and the gaming junket enterprise successfully completes a criminal history and tax clearance review.

Individuals on the self-exclusion list who are eligible to be removed from the list may benefit from the amendments made in this rulemaking. Previously, individuals on the voluntary self-exclusion list were required to attend two appointments at a Board office before their name could be removed from the list. Requiring individuals to travel to a Board office on two separate occasions created an issue, particularly for those individuals many hours away from a Board office. Individuals will now be required to attend one appointment, once their term of voluntary exclusion has expired, before their name may be removed from the list.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

Regarding the gaming assistance message that licensees are required to include on all advertising: the Board recognizes the social effects of gaming and promotes problem gaming education programs in the Commonwealth. The Board believes that requiring the gaming assistance message on all advertising promotes awareness that help for a gambling addiction is available.

Requiring licensees to update compulsive and problem gaming training and training materials annually ensures that employees are trained with the most up-to-date information to identify patrons who may have a gambling problem.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Licensees may see a slight cost savings as only one individual instead of two will be required to conduct a majority of the jackpot credit meter payouts that occur during the gaming day. With respect to the compulsive and problem gaming advertising and employee training requirements, it is not anticipated that the requirements will create an increase in costs to the licensees.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

This rulemaking will have no fiscal impact on local governments.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board does not expect that the provisions contained in this rulemaking will have any fiscal impact on the Board or any other Commonwealth agency. Any updates to internal control procedures or training materials related to compulsive and problem gambling submitted by licensees will be reviewed by existing Board staff.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

If an operator would like to offer any of pay table contained in this rulemaking, the operator will have to submit updated rules submission forms for approval. The rules submission forms are straightforward checklists and are submitted electronically.

Licensees are already required to submit to the OCPG the compulsive and problem gambling plans as well as the gambling assistance message for approval. Licensees create their own plans which are submitted to the agency electronically.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	<b>Current FY Year</b>	<b>FY +1 Year</b>	<b>FY +2 Year</b>	<b>FY +3 Year</b>	<b>FY +4 Year</b>	<b>FY +5 Year</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Savings</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>						
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Costs</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Revenue Losses</b>	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3</b>	<b>FY -2</b>	<b>FY -1</b>	<b>Current FY</b>
PGCB Overall Budget	\$33,744,500	\$35,800,000	\$35,501,000	\$36,098,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.

The eleven slot machine licensees that operate in the Commonwealth of Pennsylvania will be impacted by this rulemaking; however, in accordance with the United States Small Business Administration's Small Business Size Regulations, under 13 CFR Ch. 1 Part 121, none of the casinos qualify as a small business.

Future applicants for a gaming junket enterprise license may qualify as a small business, however, this regulation may be beneficial and would therefore not have an adverse impact on future applicants.

- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

N/A

- (c) A statement of probable effect on impacted small businesses.

N/A

- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

N/A

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been added.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory approaches were considered as this rulemaking primarily transitions statements of policy into regulations and amends the requirements for removal of an individual's name from the self-exclusion list.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

As stated in (24), this rulemaking will impact slot machine licensees; however, slot machine licensees are not small businesses under the United States Small Business Administration's Small Business Size Regulations. Gaming junket enterprises that may apply for a license in the future may or may not be a small business but may benefit and won't be adversely impacted by this rulemaking irrespective of their

status as a small business.

- a) The establishment of less stringent compliance or reporting requirements for small businesses;  
N/A
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;  
N/A
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;  
N/A
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and  
N/A
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.  
N/A

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

There is no data, as defined under section (3) of the Regulatory Review Act (71 P.S. § 745.3), upon which this rulemaking is based.

(29) Include a schedule for review of the regulation including:

- |   |                              |
|---|------------------------------|
| A. The date by which the agency must receive public comments:                               | 30 days from publication     |
| B. The date or dates on which public meetings or hearings will be held:                     | N/A                          |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | 3 <sup>rd</sup> quarter 2013 |
| D. The expected effective date of the final-form regulation:                                | Upon publication             |
| E. The date by which compliance with the final-form regulation will be required:            | Upon publication             |
| F. The date by which required permits, licenses or other approvals must be obtained:        | Ongoing                      |



(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

No formal review schedule has been established. When table game regulations were finalized, agency staff began the process of compressively evaluating existing regulations and amending provisions accordingly. This rulemaking is the first amendment package addressing all applicable provisions in Subparts G, I and J of the Board's regulations.

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WITH THE LEGISLATIVE REFERENCE  
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Copy below is hereby approved as to form and legality.  
Attorney General

By: *Amy M. Elliott*  
(Deputy Attorney General)  
**MAR 26 2013**  
\_\_\_\_\_  
DATE OF APPROVAL

☐ Check if applicable  
Copy not approved. Objections attached.

Copy below is hereby certified to be true and correct  
copy of a document issued, prescribed or promulgated  
by:

**Pennsylvania Gaming  
Control Board**

FISCAL NOTE NO.: 125-168

DATE OF ADOPTION: 1/29/13

BY: *William H. Ryan, Jr.*  
William H. Ryan, Jr., CHAIRMAN

Copy below is hereby approved as to form and legality  
Executive or Independent Agencies

BY: *R. Douglas Sherman*  
R. Douglas Sherman, Chief Counsel  
**1/29/13**  
\_\_\_\_\_  
DATE OF APPROVAL

(Deputy General Counsel)  
(Chief Counsel - Independent Agency)  
(Strike inapplicable title)

☐ Check if applicable. No Attorney General Approval or  
objection within 30 days after submission.

**PROPOSED RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA**

**58 PA. CODE**

**Proposed Rulemaking  
Subparts B, E, G, I, J and K  
421a, 421b, 439a, 465a, 481a, 501a, 503a, 503b, 513a, 603a, 633a**

## PROPOSED RULEMAKING

### PENNSYLVANIA GAMING CONTROL BOARD

58 PA.CODE CHS. 421a, 421b, 439a, 465a, 481a, 501a, 503a, 503b  
513a and 633a.

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(15) and (30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(2), (5), (8) and (9) and §§ 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and 1602 proposes to delete policy statements in chapters 421b and 503b and amend chapters 421a, 439a, 465a, 481a, 501a, 503a, 513a and 633a to read as set forth in Annex A.

#### *Purpose of the Rulemaking*

This rulemaking will transition two policy statements into binding regulations, allow for the conditional licensure of gaming junket enterprises, amend the procedure for removal from the exclusion list for individuals whose period of voluntary exclusion has concluded, add a procedure for the possible removal of an individual's name from the life time exclusion list, update several provisions to reflect the other forms of cash equivalents used by licensed facilities and add an additional pay table to an already existing side wager in Blackjack.

#### *Explanation*

##### Advertising

The provisions in § 421a.6 were deleted from the chapter on General Provisions as these requirements properly belong with the chapter on Compulsive and Problem Gambling. These provisions were moved to a new section 501a.7 (relating to advertising). Additionally, the policy statement in § 421b.1-421b.4 was deleted and the requirements were also moved into § 501a.7. Section 501a.7 provides guidelines regarding the gambling assistance message that must be on all gaming related advertising.

##### Conditioned licensure for gaming junket enterprises

In § 439a.6b, the Board added provisions for a conditioned license awarded to gaming junket enterprises provided that certain criteria are satisfied including: all agreements are submitted to the Board; the gaming junket enterprise is licensed or otherwise credentialed in good standing in a gaming jurisdiction that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar safeguards as those required under the Act; and the applicant has passed a preliminary review for criminal history.

#### Internal Controls

In § 465a.20 (relating to personal check cashing), provisions were added to the section prohibiting a licensee or an entity certified or registered with the Board that is operating within a licensed facility from accepting checks made payable to an individual such as social security, unemployment, public assistance checks, etc. Notwithstanding the prohibition, a licensee may cash a payroll check of one of its employees or a check issued to a patron by the licensee. This provision was added as an employee convenience and to allow a licensee to cash its own check made payable to a patron who won a jackpot payout.

The prohibition on check cashing that was moved into § 465a.20 was previously contained in § 501a.6 (relating to check cashing). Section 501a.6 was deleted from chapter 501a on compulsive and problem gaming as the provisions contained in the section more logically belong in the chapter on internal controls. The reference to § 501a.6 was then removed from §§ 465a.20, 465a.21 (relating to wire transfers) and 465a.22 (relating to cash equivalents).

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

#### Diversity

The chapter on diversity (481a), was updated to reflect that the Bureau of Small Business Opportunities (formerly the Bureau of

Minority and Women's Business Enterprises) verifies that a business is minority or women's business enterprise. In § 481a.6, the section was updated to reflect that agency staff conducts diversity reviews, not audits. This technical revision was made for consistency with the statutory language in 4 Pa.C.S. § 1212(b).

#### Compulsive and Problem Gambling

As mentioned above, the advertising requirements that were previously contained in § 421a.6 and the policy statement in chapter 421b were moved into the new § 501a.7.

In § 501a.1, a definition of advertising was added. In § 501a.2(i), the language reiterated the requirements already specified in subsections (g) and (h). The redundant language was therefore deleted and the cross reference added.

A new subsection (b) was added requiring that training materials be updated annually to include the most current research on responsible and problem gambling. The remaining subsections were then re-lettered.

A signage requirement was added in § 501a.5(a) to reflect the statutory provisions in 4 Pa.C.S. § 1509(c). All references to advertisements were then taken out of this section as advertising requirements are now addressed in § 501a.7.

#### Self-exclusion

The Board has amended the provisions associated with self-exclusion contained in chapter 503a. In § 503a.1, language was added to the definition of 'fully executed gaming transaction' and 'self-exclusion list' to reflect that gaming activity may also be conducted in locations off the gaming floor. The same language was added throughout the chapter to reflect this change. Definitions of gaming activity and gaming related activity were also added in § 503a.1.

In § 503a.2, the cross-reference in subsection (c) was corrected.

In subsection (e)(5), language was added specifying that a self-excluded individual's gambling winnings will be subject to confiscation to support compulsive and problem gaming programs. Confiscation is consistent with the statutory language in 4 Pa.C.S. § 1516(a). The confiscation of winnings language will

also be included in the waiver individuals are required to sign to be placed on the exclusion list as specified in (e)(6)(iii).

In § 503a.4, subsection (a) was amended for clarity and to delete unnecessary language. Subsection (a)(2) for instance was redundant with (a)(1)(iii) and was therefore deleted. The remaining sections were then renumbered. Subsection (a)(6) (presently (a)(7)), currently requires licensees to disseminate self-exclusion program materials but does not provide guidelines for licensees to ensure compliance. The language was therefore amended to require licensees to 'make available' information on the self-exclusion program. This change is also consistent with the regulatory language found in § 609a.12(f) relating to the voluntary credit suspension program.

In subsection (e), the redundant language was deleted and replaced with the cross-reference to the submission and approval process found in subsections (c) and (d).

Section 503a.5 amends the current removal process for those individuals whose term of voluntary exclusion has concluded and creates a procedure for the possible removal of an individual's name from the exclusion list when then individual has signed up for lifetime exclusion.

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

The Board has also included in this chapter a mechanism by which an individual who has signed up for lifetime exclusion may be

removed from the list. An individual who has signed up for lifetime exclusion may petition the Board for removal from the list; however, the individual will be prohibited from petitioning for removal for a period of 10 years from the date the individual was placed on the list.

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

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

A new § 503a.7 (relating to disclosure of information related to persons on the self-exclusion list) was added to the chapter on self-exclusion. This information was moved from an existing policy statement and specifies the type of general information that the Board may disclose publicly. In accordance with the Act, detailed information regarding any individual on the list is deemed confidential and will not be publically disclosed. See 4 Pa.C.S. § 1516(d).

#### Underage Gaming

Revisions were made to chapter 513a (related to underage gaming), to add additional requirements to ensure the exclusion of underage individuals from all gaming and gaming related activities. Slot machine licensees are required to train their employees and establish procedures to identify underage individuals, refuse gaming related activities to minors, including check cashing, and to notify the on-site casino

compliance representatives and the PSP if an underage individual is discovered on the gaming floor or areas off the gaming floor where contests or tournaments are conducted.

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

#### Table Gaming Equipment

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

#### Blackjack

In § 633a.13(k), an additional payout table was added for winning Three Card Poker wagers.

#### *Affected Parties*

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

#### *Fiscal Impact*

#### *Commonwealth.*

The Board does not expect that the provisions contained in this rulemaking will have any fiscal impact on the Board or any other Commonwealth agency. Any updates to internal control procedures or training materials related to compulsive and problem gambling submitted by licensees will be reviewed by existing Board staff.

*Political Subdivisions.* This proposed rulemaking will have no fiscal impact on political subdivisions of the Commonwealth.

*Private Sector.* Slot machine licensees will be required to comply with the requirements contained in this rulemaking and may need to submit updated internal control procedures and



training materials related to compulsive and problem gambling. However, licensees have already been complying with requirements currently contained in statements of policy. It is therefore not anticipated that this rulemaking will have a negative fiscal impact on the licensees.

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

*General Public.* This proposed rulemaking will have no fiscal impact on the general public.

#### *Paperwork Requirements.*

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

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

#### *Effective Date*

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

#### *Public Comments*

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

#### *Contact Person*

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

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 5, 2013, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's website at [gamingcontrolboard.pa.gov](http://gamingcontrolboard.pa.gov)

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

William H. Ryan, Jr.  
Chairman

ANNEX A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. General Provisions

CHAPTER 421a. GENERAL PROVISIONS

[§ 421a.6. Advertising.] Reserved.

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

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

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

(1) Contain false or misleading information.

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

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

(d) Advertisements must contain a statement that is similar to the following: ''If you or someone you know has a gambling problem, help is available. Call (toll-free telephone number).'' The complete text of the statement and type size to be used for the statement, if it has not been previously approved by the Director of the Office of Compulsive and Problem Gambling, shall be submitted to the Director of the Office of Compulsive and Problem Gambling for approval utilizing the process contained in § 501a.2(g) (relating to compulsive and problem gambling plan).

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

\* \* \* \* \*

[CHAPTER 421b. ADVERTISING GUIDELINES—

STATEMENT OF POLICY] Reserved.

Sec.

[421b.1. Signs, direct mail marketing materials, posters and print advertisements] Reserved.

[421b.2. Billboards] Reserved.

[421b.3. Video and television advertisements] Reserved.

[421b.4. Statements for sources of gambling assistance] Reserved.

[§ 421b.1. Signs, direct mail marketing materials, posters and print advertisements] Reserved.

[The height of the font used for the gambling assistance message in signs, direct mail marketing materials, posters and other print advertisements should be at least the same size as the majority of the text used in the sign, direct mail marketing material, poster or other print advertisement or 2% of the height or width, whichever is greater, of the sign, direct mail marketing material, poster or other print advertisement, whichever is greater.]

[§ 421b.2. Billboards] Reserved.

[The height of the font used for the gambling assistance message should be at least 5% of the height or width, whichever is greater, of the face of the billboard.]

[§ 421b.3. Video and television advertisements] Reserved.

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

(b) The gambling assistance message should be visible for the entire time the video or television advertisement is displayed.]

[§ 421b.4. Statements for sources of gambling assistance] Reserved.

[The following statements may be used to provide information on assistance for potential gambling problems:

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

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

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

\* \* \* \* \*

#### Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

##### CHAPTER 439a. GAMING JUNKET ENTERPRISES

##### § 439a.6b. Conditional Licenses.

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

(1) Submit a completed gaming junket enterprise license and gaming junket representative permit application,

including the nonrefundable application fee, as posted on the Board's web site, and pass a preliminary review.

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

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

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

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

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant that has received a conditional gaming junket enterprise license, the Bureau of

Licensing may rescind the conditional license. If the conditional license is rescinded, the gaming junket enterprise shall cease conducting business by the date specified in the notice of the rescission sent to the conditional licensee.

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

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

(2) Slot machine licensees shall cease conducting business with the gaming junket enterprise by the date specified in the notice.

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

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

(f) The slot machine licensee shall have an affirmative duty to avoid agreements or relationships with persons applying for a gaming junket enterprise license whose background or association is injurious to the public health, safety, morals,



good order and general welfare of the people of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(g) The slot machine licensee shall have a duty to inform Board staff of any action by an applicant for or holder of a gaming junket enterprise license which the slot machine licensee believes would constitute a violation of the act or the Board's regulations.

\* \* \* \* \*

#### Subpart E. Slot Machines and Associated Equipment

##### CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

##### § 465a.20. Personal check cashing.

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

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

(2) Drawn for a specific amount.

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

(4) Currently dated, but not postdated.

\* \* \* \* \*

**§ 465a.21. Wire transfers.**

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

\* \* \* \* \*

**§ 465a.22. Cash equivalents.**

(a) The requirements in this section are not applicable to gaming chips or plaques.

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

and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

\* \* \* \* \*

**§ 465a.23. Customer deposits.**

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

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

and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

\* \* \* \* \*

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

(a) Prior to commencing gaming operations, a slot machine licensee shall establish a comprehensive system of internal controls addressing jackpot and credit meter payouts that are not paid directly from a slot machine or fully automated electronic gaming table. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

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

(1) The use of a two-part electronically generated jackpot/credit meter payout slip created by a slot attendant or slot supervisor or higher slot operations department employee, verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine or fully automated electronic gaming table and the amount of the jackpot or credit meter payout based on the observed winning wager or winning combinations.

(2) A requirement that if the jackpot or credit meter payout on a slot machine is equal to or between \$1,200 and \$9,999.99, a security department member or a slot operations

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

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

(ii) All jackpot payouts that are equal to or greater than \$1,200 must be accompanied by the issuance of a W2-G tax form.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

#### **§ 465a.29. Automated teller machines.**

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

\* \* \* \* \*

**Subpart G. MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

**CHAPTER 481a. DIVERSITY**

Sec.

481a.1. Statement of purpose, policy and applicability.

481a.2. Definitions.

481a.3. Diversity participation.

481a.4. Establishment of diversity plan required.

481a.5. Report of participation.

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

**§ 481a.3. Diversity participation.**

(a) The list of the minority and women's business enterprises that are **[certified] verified** by the Bureau of **[Minority and Women's Business Enterprises] Small Business Opportunities** of the Department of General Services under 62 Pa.C.S. Part I (relating to Commonwealth Procurement Code) may be used by a regulated entity to establish the eligibility of an enterprise as a minority or women's business enterprise for the purpose of promoting and ensuring minority and women's business participation.

(b) It shall be the responsibility of the regulated entity to verify that a minority or women's business enterprise that is not **[certified] verified** by the Bureau of **[Minority and Women's Business Enterprises] Small Business Opportunities** of the

Department of General Services is a minority or women's business enterprise as defined in 4 Pa.Code § 58.202 (relating to definitions).

\* \* \* \* \*

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

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

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

\* \* \* \* \*

**Subpart I. COMPULSIVE AND PROBLEM GAMBLING**

**CHAPTER 501a. COMPULSIVE AND PROBLEM**

**GAMBLING REQUIREMENTS**

Sec.

501a.1. Definitions.

501a.2. Compulsive and problem gambling plan.

501a.3. Employee training program.

501a.4. Reports.

501a.5. Signage requirements.

**[501a.6. Check cashing.] Reserved.**

501a.7. Advertising.

**§ 501a.1. Definitions.**



The following term, when used in this chapter, has the following meaning, unless the context clearly indicates otherwise:

*OCPG* — The Office of Compulsive and Problem Gambling.

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

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

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

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

\* \* \* \* \*

(f) The Board may provide the plan submitted by the slot machine licensee to the Department of Health for **[evaluation]** **its use in administering the requirements of the Act.** The Department of Health may provide comments and recommendations to the **[Board]** **OCPG and the licensee** relating to the plan.

\* \* \* \* \*

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

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

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

\* \* \* \* \*

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

\* \* \* \* \*

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

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

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

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

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

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

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

\* \* \* \* \*

**§ 501a.5. Signage requirements.**

(a) Under section 1509(c) of the act (relating to compulsive and problem gambling program), each slot machine licensee shall post **at least 20** signs that include a **gambling assistance message that complies with the requirements in § 501a.7(d) (relating to advertising)**. **[statement that is similar to the following: "If you or someone you know has a gambling problem, help is available. Call (toll-free telephone number)."]** The complete text of the sign shall be submitted for approval to the Director of OCPG utilizing the process contained in § 501a.2(g) (relating to compulsive and problem gambling plan). The signs shall be prominently posted at the following locations:

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

(2) Above or below the cash dispensing opening on all ATMs, automated gaming voucher and coupon redemption machines

and other machines that dispense cash to patrons in the licensed facility.

[(b) Each slot machine licensee and gaming junket enterprise shall print a statement related to obtaining compulsive or problem gambling on all marketing or advertising materials that are offered to the general public by a slot machine licensee or gaming junket enterprise, including signs, billboards, print, radio or television advertisements. The text and font size of the statement shall be submitted for approval to the Director of OCPG utilizing the process in § 501a.2(g).] [§ 501a.6. Check cashing.] Reserved.

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

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

slot machine licensee may accept a check issued to a patron by the slot machine licensee.]

§ 501a.7. Advertising.

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

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

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

(1) Contain false or misleading information.

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

(3) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring any conditions or limiting factors associated with the advertisement or the statement required under subsection (d).

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

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

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

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

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

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

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

(ii) 2% of the height or width, whichever is greater, of the sign, direct mail marketing material, poster or other print advertisement.

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

(3) For video and television:

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

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

(4) For websites including social media sites:

(i) The gambling assistance message shall 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 gambling assistance message shall be at least the same size as the majority of the text used in the webpage or profile page.

(iii) For advertisements posted on the webpage or profile page, the height of the font used for the gaming assistance message shall comply with the requirements in subsection (e)(1).

#### CHAPTER 503a. SELF-EXCLUSION

Sec.



503a.1. Definitions.

503a.2. Request for self-exclusion.

503a.3. Self-exclusion list.

503a.4. Duties of slot machine licensees.

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

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

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

§ 503a.1. Definitions.

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

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

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

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

\* \* \* \* \*

*Self-exclusion list* — A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be excluded from the gaming floor and areas off the gaming floor where any gaming activity is conducted, from engaging in all gaming related activities at a licensed facility and to be prohibited from collecting any winnings[,] or recovering any losses [or accepting complimentary gifts or services or any other thing of value at a licensed facility] resulting from gaming activity.

\* \* \* \* \*

§ 503a.2. Request for self-exclusion.

\* \* \* \* \*

(c) The information provided in subsection [(c)] (b) shall be updated by the self-excluded person within 30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address. A copy of the form

can be obtained by calling the OPCG at (717) 346-8300 or by writing to:

\* \* \* \* \*

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

\* \* \* \* \*

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

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

(6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board, and all slot machine

licensees from any claims, damages, losses, expenses or liability arising out of, by reason of or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

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

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

(iii) **Confiscation of the individual's winnings.**

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

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

(h) A person requesting self-exclusion under this chapter shall **[be required to]** have a photograph taken by the Board, or

agent thereof, upon **[the Board's]** acceptance of the request to be on the list.

\* \* \* \* \*

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

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

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

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

(ii) Casino compliance representatives at the licensed facility.

(iii) The Pennsylvania State Police.

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

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

**[(4)] (3) Deny [check cashing privileges, extensions of credit, player club membership, complimentary goods and**

**services] gaming related activities**, gaming junket participation and other similar privileges and benefits to a self-excluded person.

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

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

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

\* \* \* \* \*

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

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

\* \* \* \* \*

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

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

(a) **[A self-excluded person may]** For individuals who are **self-excluded for 1 or 5 years**, upon the **[expiration]** conclusion of the period of self-exclusion, **the individual may** request removal **[of the person's name]** from the self-exclusion list by **scheduling an appointment with [submitting a completed request for removal as required by subsections (b) and (c)]**. The submission may be made by scheduling an appointment at the

Board's Harrisburg office or one of the Board's other offices. To make an appointment, a person may contact] the OCPG at (717) 346-8300. At the scheduled appointment time, the individual requesting removal shall submit, in person, a completed Request for Removal from Voluntary Self-Exclusion form as required in subsections (b) and (c). With an appointment, removal from the list may be conducted at the Board's Harrisburg office, one of the Board's regional offices or other location approved by the OCPG.

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

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

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

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



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

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

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

(3) Sign the request a second time.]

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

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

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

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

(1) The individual is carrying out the duties of employment or incidental activities related to employment.

(2) The slot machine licensee's security department and the Board's office located at the licensed facility have received prior notice.

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

(4) The individual does not otherwise engage in any gaming activities.

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

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

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

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

\* \* \* \* \*

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

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

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

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

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

\* \* \* \* \*

## Subpart J. EXCLUSION OF PERSONS

### CHAPTER 513a. UNDERAGE GAMING

Sec.

513a.1. Definitions.

513a.2. Exclusion requirements.

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

513a.4. Signage requirements.

513a.5. Enforcement.

§ 513a.1. Definitions.

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

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

\* \* \* \* \*

**Underage Individual** - An individual who is under 21 years of age.

\* \* \* \* \*

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

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

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

(1) **Identify and remove individuals who are under the age of 21 and not otherwise authorized to be in the licensed**

facility as provided in § 513a.2(a) (relating to exclusion requirements).

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

(3) Refuse wagers from and deny gaming privileges to an individual under the age of 21.

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

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

[(b)] (c) Slot machine licensees shall establish procedures [that are designed] to prevent violations of this chapter and submit a copy of the procedures to the Director of OCPG 30 days prior to initiation of gaming activities at the licensed facility. A slot machine licensee will be notified in writing of

any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. The slot machine licensee may not commence operations until the Director of OCPG approves its procedures. Amendments to these procedures must be submitted to and approved by the Director of OCPG prior to implementation.

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

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

#### **§ 513a.4. Signage requirements.**

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

prohibition will be removed and may be subject to arrest [**for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass)**] and criminal prosecution.' ' The complete text of the sign shall be submitted to and approved by the Director of OCPG as part of the procedures required under § 513a.3(b) (relating to responsibilities of licensees, permittees, registrants and certification holders). The signs shall be prominently posted within 50 feet of each entrance and exit of the gaming floor.

\* \* \* \* \*

#### **Subpart K. Table Games**

#### **CHAPTER 603a. TABLE GAME EQUIPMENT**

##### **§ 603a.12. Dice; physical characteristics.**

(c) Dice used in the table game of Sic Bo must comply with subsection (a) except each die [**may**] **used in an automated Sic Bo shaker must** be formed in the shape of a cube 0.625 inch on each side with ball edge corners.

\* \* \* \* \*

#### **CHAPTER 633a. BLACKJACK**

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

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

**Hand**

**Paytable A**

**Paytable B**



Straight Flush	9 to 1	30 to 1
Three-of-a-kind	9 to 1	20 to 1
Straight	9 to 1	10 to 1
Flush	9 to 1	5 to 1

\* \* \* \* \*

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

**I.D. NUMBER:** 125-168

**DATE:** 4/5/13

**SUBJECT:** Subparts B, E, G, I, J and K

**AGENCY:** Pennsylvania Gaming Control Board (PGCB)

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**TYPE OF REGULATION**

X

Proposed Regulation

\_\_\_\_\_

Final-Form Regulation

\_\_\_\_\_

Final Regulation with Notice of Proposed Rulemaking Omitted

\_\_\_\_\_

120-day Emergency Certification of the Attorney General

\_\_\_\_\_

120-day Emergency Certification of the Governor

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Delivery of Tolloed Regulation

a. With Revisions

b. Without Revisions

**FILING OF REGULATION**

**DATE**

**SIGNATURE**

**DESIGNATION**

1. 4-5-13

Elaine S. Ward

Senator Kim L. Ward (168 MC)

**Senate** Community, Economic  
& Recreational Development

2. 4/6/13

Wayne Fontana

Senator Wayne Fontana (543 MC)

**Senate** Community, Economic  
& Recreational Development

3. 4.5.13

Tina Pickett

Representative Tina Pickett (314-C MC)

**House** Gaming Oversight

4. 4/5/13

Rosita Youngblood

Representative Rosita Youngblood

**House** Gaming Oversight

5. 4/5/13

K. Cooper

**Independent Regulatory Review  
Commission**

6. \_\_\_\_\_

**Attorney General**

7. 4/5/13

Corinne Inaut

**Legislative Reference Bureau**