

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p><b>INDEPENDENT REGULATORY REVIEW COMMISSION</b></p>	
<p>(1) Agency</p> <p>Pennsylvania Gaming Control Board</p>		<p>2016 AUG 24 PM 12:55</p>	
<p>(2) Agency Number:</p> <p>Identification Number: 125-196</p>		<p>IRRC Number: <b>3118</b></p>	
<p>(3) PA Code Cite: 58 Pa.Code § 680a.</p>			
<p>(4) Short Title:</p> <p>Table Games Rules of Play</p>			
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact:  Susan A. Yocum  Senior Counsel  Pennsylvania Gaming Control Board  P.O. Box 69060  Harrisburg, PA 17101-8323  Phone: (717) 346-8300/ Fax: (717) 703-2988  Email: <a href="mailto:syocum@pa.gov">syocum@pa.gov</a></p>			
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation</p> <p><input checked="" type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>	
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>This rulemaking will add a new table game to the compliment of games available for play in the Commonwealth.</p>			
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>The Pennsylvania Gaming Control Board's general authority is 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).</p>			
<p>(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.</p> <p>There are no other applicable federal or state statutes, regulations or court decisions that mandate adoption of this rulemaking.</p>			

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(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.

This rulemaking will give certificate holders additional operational flexibility in the games that they provide to patrons and is needed to establish the rules of play. Patrons who play these games will benefit from the standardization of the rules of play.

(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?

This rulemaking expands the compliment of table games available for patron play. All payout tables submitted by the manufacturer/proprietary owner were reasonable in terms of hold percentage and were therefore approved by the Board. The provisions contained in this rulemaking should therefore not negatively impact 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.)

No other persons or groups were involved in the development and drafting of the regulation.

(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 twelve slot machine licensees that have a certificate to operate table games, all of which will be affected by the regulation in that they will have greater flexibility in the compliment of games available for patron play. Casinos that operate in the Commonwealth of Pennsylvania are not small business as defined in the United States Small Business Administration's Small Business Size Regulations, under 13 CFR Ch. 1 Part 121.

(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.

Any of the twelve slot machine licensees that would like to offer the game contained in this rulemaking

will be required to comply with the requirements of the rulemaking.
<p>(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.</p> <p>It is not anticipated that this rulemaking will have a negative financial or economic impact on the regulated community. Slot machine licensees will be impacted by this rulemaking as they will have a greater number of options to offer at their facilities.</p>
<p>(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.</p> <p>This rulemaking will add a new game and provide operators with more table game options to offer to patrons.</p>
<p>(19) Provide a specific estimate of the costs and/or savings to the <b>regulated community</b> associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.</p> <p>Certificate holders that decide to offer the game will be required to submit updated rules submission forms and internal controls to reflect any addition. The rules forms are simple checklists that take little time to complete, are available to the operators electronically and are also submitted electronically. Any costs incurred to purchase equipment and train employees will be offset by the proceeds of gaming.</p>
<p>(20) Provide a specific estimate of the costs and/or savings to the <b>local governments</b> associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.</p> <p>This rulemaking will have no fiscal impact on local governments. Host municipalities and counties will benefit from the local share funding that is mandated by Act 1.</p>
<p>(21) Provide a specific estimate of the costs and/or savings to the <b>state government</b> 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.</p> <p>The Board does not expect that the requirements of this rulemaking will have any fiscal impact on the Board or any other Commonwealth agency. Internal control procedures and table games rules submissions will be reviewed by existing Board staff.</p>
<p>(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.</p> <p>As stated above, if an operator would like to offer the game contained in this rulemaking, the operator will have to submit updated internal controls, rules submission forms, layout schematics, etc. for approval. The rules submission forms are straightforward checklists and are submitted electronically.</p>

(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>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</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>FY 2016/2017</b>
PGCB Overall Budget	\$36,098,000	\$37,999,000	\$39,900,000	\$40,169,000

(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 twelve slot machine licensees that operate in the Commonwealth of Pennsylvania may 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.

- (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 contains the rules of play for table games.

(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 which are not small businesses under the United States Small Business Administration's Small Business Size Regulations.

- 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:                     | Held August 10, 2016     |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | N/A                      |
| 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. Instead, the Board consistently reviews its regulations and proposes amendments as the need arises.

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE  
BUREAU**

**(Pursuant to Commonwealth Documents Law)**

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Copy below is hereby approved as to form and legality.  
Attorney General

By: \_\_\_\_\_  
(Deputy Attorney General)

\_\_\_\_\_  
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.: 125-196

DATE OF ADOPTION

BY:

David M. Barasch, CHAIRMAN

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

BY: \_\_\_\_\_  
R. Douglas Sherman, Chief Counsel

8/10/16  
\_\_\_\_\_  
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.

**FINAL-FORM RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA**

**Proposed Rulemaking  
Subpart K**

680a

**FINAL FORM RULEMAKING**  
**125-196**  
**IRRC # 3118**

**PENNSYLVANIA GAMING CONTROL BOARD**

**58 PA.CODE CH. 680a.**

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 add chapter 680a to read as set forth in Annex A.

***Purpose of the Rulemaking***

This rulemaking will add a new table game, Saigon 5 Card, to the compliment of games available for play in the Commonwealth.

***Explanation***

Section 680a.1 (relating to definitions) contains the definitions used throughout Chapter 680a. Section 680a.2 (relating to Saigon 5 Card table physical characteristics) contains the table physical characteristics. Section 680a.3 (relating to cards; number of decks) details the number of cards and decks used to play the game. Section 680a.4 (relating to opening of the table for gaming) addresses the opening of the table for gaming. Section 680a.5 (relating to shuffle and cut of the cards) details how the cards are to be shuffled and cut. Section 680a.6 (relating to Saigon 5 Card rankings) specifies the ranking of the hands. Section 680a.7 (relating to wagers) outlines the permissible wagers. Sections 680a.8–680a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) detail the procedures for dealing the cards. Section 680a.11 (relating to procedures for completion of each round of play) addresses how the round of play is to be completed. Section 680a.12 (relating to payout odds; Envy Bonus; rate of progression) outlines the permissible payout odds for winning wagers. Section 680a.13 (relating to irregularities) addresses irregularities in play.

In Saigon 5 Card, the hold percentage for the optional Bonus Wager is 7.97%.



### ***Comment and Response Summary***

Notice of the proposed rulemaking was published at 45 Pa.B. 6987 (December 12, 2015). The Board did not receive any comments from the regulated community or the Independent Regulatory Review Commission on this rulemaking.

### ***Additional Revisions***

At final, the Board made only minor corrections in §680a.2(b)(6) (relating to Saigon 5 Card table physical characteristics) and in §680a.8(d) (relating to Procedures for dealing the cards from a manual dealing shoe).

### ***Affected Parties***

Slot machine licensees may be impacted by this rulemaking as they will have the option to offer another game to patrons at their licensed facilities.

### ***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. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

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

Private Sector. This rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer Saigon 5 Card within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and may need to purchase new equipment. Any costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

General Public. This 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 form reflecting the changes. These forms are available and submitted to agency staff electronically.

### ***Effective Date***

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

### ***Regulatory Review***

Under section 5(a) of the Regulatory Review Act (71 P.S. §745.5(a)), on November 23, 2015, the Board submitted a copy of the proposed rulemaking, published at 45 Pa.B. 6987 (December 12, 2015) and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees).

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of comments received during the public comment period, as well as other documents when requested. With regard to this rulemaking, no comments were received from the Committees.

Under section 5a(j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the Committees on **INSERT DATE**. IRRC met on **INSERT DATE** and approved the regulations in accordance with section 5a(e) of the Regulatory Review Act.

### ***Findings***

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa.Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

**Order**

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

(1) The regulations of the Board, 58 Pa.Code Chapter 680a to read as set forth in Annex A.

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

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

David M. Barasch  
Chairman

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 680a. SAIGON 5 CARD**

Sec.

680a.1. Definitions.

680a.2. Saigon 5 Card table physical characteristics.

680a.3. Cards; number of decks.

680a.4. Opening of the table for gaming.

680a.5. Shuffle and cut of the cards.

680a.6. Saigon 5 Card rankings.

680a.7. Wagers.

680a.8. Procedures for dealing the cards from a manual dealing shoe.

680a.9. Procedures for dealing the cards from the hand.

680a.10. Procedures for dealing the cards from an automated dealing shoe.

680a.11. Procedures for completion of each round of play.

680a.12. Payout odds; Envy Bonus; rate of progression.

680a.13. Irregularities.

**§ 680a.1. Definitions.**

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

*Ante Wager* – The wager that a player is required to make prior to any cards being dealt to compete against the dealer's hand.

*Bonus Wager* – An optional wager a player may make to compete against a posted payout table.

*Qualify* or *qualifies* – When the dealer's three-card hand or the player's three-card hand made from the five cards dealt to the dealer and the player has a total value of 10, 20 or 30.

*Showdown hand* – The two-card hand of the player or the dealer made from the five cards dealt to the player or the dealer.

**§ 680a.2. Saigon 5 Card table physical characteristics.**

(a) Saigon 5 Card shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Saigon 5 Card table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

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

(2) A separate betting area designated for the placement of the Ante Wager for each player.

(3) Two separate areas for each player for the placement of the player's three-card qualifying hand and the player's two-card showdown hand.

(4) If the certificate holder offers the optional Bonus Wager authorized under § 680a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Bonus Wager for each player.

(5) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If payout odds are not inscribed on the layout, a sign indicating the payout odds for all permissible wagers shall be posted at each Saigon 5 Card table.

(6) If the certificate holder establishes a payout limit per player, per round of play, as authorized under § 680a.12(d) (relating to payout odds; Envy Bonus; rate of progression), inscriptions that advise patrons of the payout limit. If the payout limit is not inscribed on the layout, a sign identifying the payout limit shall be posted at each Saigon 5 Card table.

(c) Each Saigon 5 Card table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino

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

(d) Each Saigon 5 Card table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 680a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Saigon 5 Card shall be played with one deck of cards that are identical in appearance and one cover card. The deck of cards used to play Saigon 5 Card must include one joker. A certificate holder may use decks that are manufactured with two jokers provided that only one joker is used for the play of the game.

(b) If an automated card shuffling device is utilized, Saigon 5 Card may be played with two decks of cards in accordance with the following requirements:

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

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

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

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

(c) The decks of cards used in Saigon 5 Card shall be changed at least every:

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

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

**§ 680a.4. Opening of the table for gaming.**

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

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

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been



stacked, the cards shall be shuffled in accordance with § 680a.5 (relating to shuffle and cut of the cards).

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

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

**§ 680a.5. Shuffle and cut of the cards.**

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

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 53 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 680a.8, § 680a.9 or § 680a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

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

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

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be

recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Saigon 5 Card table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 680a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

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

**§ 680a.6. Saigon 5 Card rankings.**

(a) The value of the cards in each deck shall be as follows:

(1) Any card from 2 to 9 shall have its face value.

(2) Any 10, jack, queen or king shall have a value of

10.

(3) Any ace shall have a value of 1.

(4) A joker has a value of 3, 6 or 9.

(b) The Point Count of a showdown hand shall be a number from 1 to 10, with 10 being the highest rank and 1 being the lowest rank, determined by totaling the value of the cards in the hand. If the total value of the cards in a showdown hand is greater than 10, 10 will be subtracted from the number. For example:

(1) A showdown hand composed of an ace and 4 has a Point Count of 5.

(2) A showdown hand composed of a 10 and a jack has a value of 20 but a Point Count of only 10 since 10 is subtracted from 20.

(c) For purposes of the Bonus Wager, a joker may be used as an ace in any hand, other than the royal flush with no joker, or may be used to complete a royal flush with a joker, straight flush, flush or a straight. An ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, a queen, king, ace, 2 and 3). The permissible Poker hands shall be:

(1) Five aces, which is a hand consisting of four aces and a joker.

(2) A royal flush with no joker, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(3) A royal flush with a joker, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit, with a joker used as one of the cards.

(4) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking.

(5) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(6) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(7) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(8) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank.

(9) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(10) Two pair, which is a hand containing two pairs.

**§ 680a.7. Wagers.**

(a) Wagers at Saigon 5 Card shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Saigon 5 Card table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers shall be placed prior to the dealer announcing "'no more bets'" in accordance with the dealing procedure in § 680a.8, § 680a.9 or § 680a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) and may not be increased or withdrawn after the dealer has announced "'no more bets.'"

(d) The following wagers may be placed in the game of Saigon 5 Card:

(1) A player may compete solely against the dealer by placing an Ante Wager.

(2) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a Saigon 5 Card table the option to make an additional Bonus Wager which shall win if the player's five cards contain two pair or better as described in § 680a.6(c) (relating to Saigon 5 Card rankings).

(e) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

**§ 680a.8. Procedures for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 680a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "'no more bets.'" To deal the cards, the dealer shall remove each card from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and place it on the appropriate area of the layout with the opposite hand.

(c) Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal one card at a time to each player who has placed an Ante Wager in accordance with § 680a.7(d)(1) (relating to wagers) and to the dealer until each player who placed a wager and the dealer have five cards.

(d) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection [(f)] (e), place the stub in the discard rack without exposing the cards.

(e) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 53 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(f) If the count of the stub indicates that 53 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(g) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 53 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 680a.9. Procedures for dealing the cards from the hand.**

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



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

(2) After the procedures required under § 680a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "'no more bets.'"

(b) To deal the cards, the dealer shall hold the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed an Ante Wager in accordance with § 680a.7(d)(1) (relating to wagers) and to the dealer until each player who placed a wager and the dealer have five cards. All cards shall be dealt face down.

(c) After five cards have been dealt to each player and the dealer, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 53 cards are present is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 53 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 53 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 680a.10. Procedures for dealing the cards from an automated dealing shoe.**

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

(1) After the procedures required under § 680a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce ''no more bets.''

(b) The dealer shall deliver the first stack of five cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager in accordance with § 680a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards.

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

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 53 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of

play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 53 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 53 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 680a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 680a.8, § 680a.9 or § 680a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Saigon 5 Card shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

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

(b) Each player shall examine his cards and shall set them into two hands. If any three of the player's five cards:

(1) Have a combined total value of 10, 20 or 30, the player's hand qualifies and the player shall set those three cards as the player's three-card hand. The remaining two cards shall be set as the player's two-card showdown hand. For example, if a player's hand contains a joker, 8, 6, 5 and 2, the player's three-card hand would contain the joker (used as a 9 value card), the 5 and the 6 for a total value of 20, which would qualify, and the 8 and 2 would compose the player's showdown hand with a Point Count of 10.

(2) Does not have a combined total value of 10, 20 or 30, the player's hand does not qualify and the player may place any three cards as the player's three-card hand and the remaining two cards in the player's two-card showdown hand.

(c) After each player has set his two hands, the dealer shall then reveal and arrange the dealer's cards. If any three of the dealer's five cards:

(1) Have a combined total value of 10, 20 or 30, the dealer's hand qualifies and the dealer shall set those three cards as the three-card hand. The remaining two cards shall be set as the dealer's two-card showdown hand.

(2) Does not have a combined total value of 10, 20 or 30, the dealer's hand does not qualify.

(d) After the dealer's cards are turned face up and set, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player. The dealer shall turn the player's three-card hand face up on the layout and compare the dealer's three-card hand to the player's three-card hand. If the dealer's three-card hand:

(1) Does not qualify and the player's three-card hand:

(i) Does not qualify, the dealer shall return the player's Ante Wager.

(ii) Qualifies, the dealer shall reveal the player's showdown hand. If the player's two-card showdown hand:

(A) Has a Point Count of 1-4 or 6-10, the dealer shall pay the winning Ante Wager in accordance with § 680a.12(a) (relating to payout odds; Envy Bonus; rate of progression).

(B) Has a Point Count of 5, the dealer shall pay the winning Ante Wager in accordance with § 680a.12(b).

(2) Qualifies, and the player's three-card hand:

(i) Does not qualify, the dealer shall collect the player's losing Ante Wager.

(ii) Qualifies, the dealer shall reveal the player's showdown hand and compare it to the dealer's showdown hand. If the dealer's showdown hand:

(A) Is higher in Point Count than the Point Count of the player's showdown hand, the dealer shall collect the player's losing Ante Wager.

(B) Is lower in Point Count than the Point Count of the player's showdown hand, the dealer shall pay the winning Ante Wager in accordance with § 680a.12(a) if the player's showdown hand had a Point Count 1-4 or 6-10 and in accordance with § 680a.12(b) if the player's showdown hand had a Point Count of 5.

(C) Is equal in Point Count with the Point Count of the player's showdown hand, the dealer shall return the player's Ante Wager.

(e) After settling the player's Ante Wager, the dealer shall settle any optional Bonus Wager by reconfiguring the player's five cards to form the highest ranking Poker hand. If the player's hand:

(1) Does not contain two pair or better, as provided in § 680a.6(c) (relating to Saigon 5 Card rankings), the dealer shall collect the losing Bonus Wager.

(2) Contains two pair or better, the dealer shall pay the winning Bonus Wager in accordance with § 680a.12(c).

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

**§ 680a.12. Payout odds; Envy Bonus; rate of progression.**

(a) A certificate holder shall pay winning Ante Wagers at odds of 1 to 1 if the player's showdown hand had a Point Count 1-4 or 6-10.

(b) A certificate holder shall pay winning Ante Wagers at odds of 1 to 2 if the player's showdown hand had a Point Count 5.

(c) A certificate holder shall pay out winning Bonus Wagers as provided in the following payout table:

<b>Hand</b>	<b>Paytable A</b>
Five aces	5,000 to 1
Royal flush-no joker	1,000 to 1
Royal flush-with a joker	250 to 1
Straight flush	100 to 1
Four-of-a-kind	50 to 1
Full house	20 to 1
Flush	15 to 1



Straight	12 to 1
Three-of-a-kind	10 to 1
Two pair	8 to 1

(d) Notwithstanding the payout odds in subsections (a)–(c), if specified in its Rules Submission form filed in accordance with § 601a.2 (relating to table games Rules Submissions), the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

**§ 680a.13. Irregularities.**

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

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

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

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

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

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

**COMMENTATORS WHO REQUESTED NOTICE  
OF THE FINAL-FORM REGULATION**

**FISCAL NOTE: 125-196**

**While § 5.1(a) of the Regulatory Review Act only requires the Board to provide a list of the commentators who have requested additional information and a copy of the final-form regulation, the PGCB sends a copy of the preamble, Regulatory Analysis Form and the final-form regulation to all commentators. These copies are sent by mail or emailed to the commentator if they request electronic delivery. For this rulemaking, copies of these materials have been sent to the following:**

**THERE WERE NO COMMENTS SUBMITTED FOR THIS RULEMAKING**

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

**I.D. NUMBER:** 125-196

**DATE:** 8/24/16

**SUBJECT:** Subpart K, Chapter 680a

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

**TYPE OF REGULATION**

- Proposed Regulation
- X** 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
- Delivery of Tolled Regulation
- a. With Revisions                      b. Without Revisions

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**FILING OF REGULATION**

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
1. <u>8-24-16</u>	<u>Elaine S. Ward</u> Senator Ward (168 MC)	Senate Community, Economic & Recreational Development
2. <u>8-24-16</u>	<u>M. J. Farnese</u> Senator Farnese (543 MC)	Senate Community, Economic & Recreational Development
3. <u>8-24-16</u>	<u>Theresa J. Payne</u> Representative Payne (416 Irvis)	House Gaming Oversight
4. <u>8-24-16</u>	<u>Ross Kotik</u> Representative Kotik (266 Irvis)	House Gaming Oversight
5. <u>8/24/16</u>	<u>K. Cooper</u>	Independent Regulatory Review Commission
6. <u>      </u>	<u>      </u>	Attorney General
7. <u>      </u>	<u>      </u>	Legislative Reference Bureau