

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0; font-size: small;">(All Comments submitted on this regulation will appear on IRRC's website)</p>	<p style="margin: 0;">INDEPENDENT REGULATORY REVIEW COMMISSION</p> <div style="display: flex; justify-content: center; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; margin-right: 10px;">RECEIVED</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold;">IRRC</div> </div> <p style="margin: 0; font-size: small;">2018 SEP 11 P 2:03</p>
<p>(1) Agency Pennsylvania Gaming Control Board</p>	<p>IRRC Number: 3213</p>
<p>(2) Agency Number: 125 Identification Number: 218</p>	
<p>(3) PA Code Cite: 58 Pa.Code §§ 685a</p>	
<p>(4) Short Title: Table Game Rules of Play</p>	
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: R. Douglas Sherman Chief Counsel Pennsylvania Gaming Control Board P.O. Box 69060 Harrisburg, PA 17101-8323 Phone: (717) 346-8300/ Fax: (717) 703-2988 Email: rsherman@pa.gov</p> <p>Secondary Contact:</p>	
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>	<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p style="margin-left: 20px;"><input type="checkbox"/> Certification by the Governor</p> <p style="margin-left: 20px;"><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 games 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>	

(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 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.

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 play. The Board reviewed all payout tables submitted by the manufacturer/proprietary owner. As all tables submitted were approved, the regulatory requirements contained in this rulemaking should 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 thirteen 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 thirteen slot machine licensees that would like to offer the games contained in this rulemaking will be required to comply with the requirements of the rulemaking.

(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.

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. Individual patrons of Pennsylvania casinos which choose to offer this new table game will have an additional option available to them to play.

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

This rulemaking will provide operators with more table game options to offer and ensure consistency for patrons in the method of play of the games. It is not anticipated that there will be any adverse effects associated with the approval of these games.

(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.

Certificate holders that decide to offer the game will be required to submit updated rules submission forms and internal controls to reflect the 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 should be offset by the proceeds of gaming.

(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 requirements of this rulemaking will have any fiscal impact on the Board or any other Commonwealth agency. Internal control procedures and table games rules submission forms 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.

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.

(22a) Are forms required for implementation of the regulation?

Yes, operators will be required to electronically submit a rules submission form for approval before offering the table game.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Attached are copies of the checklists that operators would be required to complete and electronically submit to the agency prior to offering Down Under Blackjack.

(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.

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

Program	FY -3	FY -2	FY -1	Current FY 2018/2019
PGCB Overall Budget	\$39,900,000	40,169,000	\$41,665,000	\$48,553,000

(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 thirteen 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.

- (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.

It is not anticipated that there will be substantive administrative costs associated with this rulemaking. As stated above, rules submission forms are checklists, are very simple to complete and are submitted electronically.

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

As stated above, this rulemaking will impact slot machine licensees which are not small businesses.

- (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:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;

The thirteen 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.

- 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 performance 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 length of the public comment period: | 30 days from publication |
| B. The date or dates on which any public meetings or hearings will be held: | Public meeting on 7/18/18 |
| C. The expected date of delivery of the final-form regulation: | 2019 |
| D. The expected effective date of the final-form regulation: | Upon final publication |
| E. The expected date by which compliance with the final-form regulation will be required: | Upon final publication |
| F. The expected 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.

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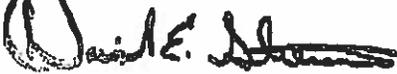
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Attorney General



By: _____
(Deputy Attorney General)

AUG 27 2018

DATE OF APPROVAL

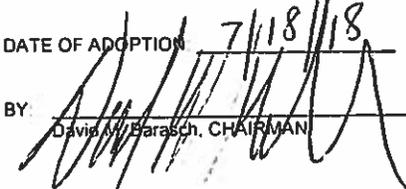
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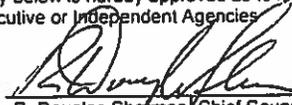
Pennsylvania Gaming
Control Board

FISCAL NOTE NO.: 125-218

DATE OF ADOPTION 7/18/18

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

7/18/18

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
Subpart K.

CHAPTER 685a.

PROPOSED RULEMAKING 125-218

PENNSYLVANIA GAMING CONTROL BOARD

58 PA. CODE CH. 685a

Table Game Rules of Play

Down Under Blackjack

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) (relating to regulatory authority), proposes to add Chapter 685a relating to Down Under Blackjack to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

This proposed rulemaking will add new table games to the compliment of games available for play in this Commonwealth.

Explanation

Section 685a.1 (relating to definitions) contains the definitions used throughout the chapter. Section 685a.2 (relating to table physical characteristics and card reader device) contains the physical characteristics of the table layout and associated equipment. Section 685a.3 (relating to cards; number of decks and value cards) details the number of cards and decks used to play the game as well as the value assigned to certain cards. Section 685a.4 (relating to opening of the table for gaming) addresses how the dealer is to open the table game for play.

Section 685a.5 relating to shuffle and cut of the cards) details how the cards are to be shuffled and cut. Section 682a.6 (relating to wagers) outlines the permissible wagers players may place during a round of play.

Section 685a.7 (relating to procedures for dealing the cards and completion of each round of play) addresses how the cards are to be dealt and the number of cards dealt to each player. In addition, this section details the process of placing cards in the reader and placement in specified areas of the table and determination of winning hands. Section 685a.8 (relating to insurance wagers), section 685a.9 (relating

to double down wagers), and section 685a.10 (relating to splitting pairs) set forth various optional wagers which a player may make during the course of play of a game. Section 685a.11 (relating to payout odds) outlines the permissible payout odds for winning wagers including for the basic game and the match the dealer side wager. Section 685a.12 (relating to irregularities) addresses how a dealer is to handle irregularities during play.

In Down Under Blackjack, the approved payout tables in section 682a.11 associated with the base game have a hold percentage of between .43% and .49% for required wagers. For optional match the dealer wagers, the hold percentage ranges from 3.67% to 4.06%.

Fiscal Impact

Commonwealth. The Board does not expect that this proposed rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

Political subdivisions. This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. This proposed rulemaking will provide certificate holders with an additional table game option. If a certificate holder decides to offer Down Under Blackjack within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and purchase new equipment - specifically table layouts corresponding to the game and wagers offered and a Masque Card reader device. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

General public. This proposed rulemaking will not have 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 Board staff electronically.

Effective Date

The proposed 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*. Public comments should be addressed to R. Douglas Sherman, Chief Counsel, Attention: Regulation #125-218 Public Comment, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060.

Contact Person

The contact person for questions about this proposed rulemaking is R. Douglas Sherman, Chief Counsel, (717)346-8300.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 11, 2018, 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 web site at www.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.

DAVID M. BARASCH,
Chairman

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 685a. DOWN UNDER BLACKJACK

Sec.

685a.1. Definitions.

685a.2. Down Under Blackjack table; Masque Card Reader device; physical characteristics; inspections.

685a.3. Cards; number of decks; value of cards.

685a.4. Opening of the table for gaming.

685a.5. Shuffle and cut of the cards.

685a.6. Wagers.

685a.7. Procedure of dealing the cards; completion of each round of play.

685a.8. Insurance Wager.

685a.9. Double Down Wager.

685a.10. Splitting pairs.

685a.11. Payout odds.

685a.12. Irregularities.

§ 685a.1. Definitions.

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

Blackjack - An ace and any card having a value of 10 dealt as the initial two cards to a player or the dealer.

Hard total - The total point count of a hand which does not contain aces or which contain aces that are each counted as 1 in value.

Large - A card value of either 10, jack, queen, king, or ace.

Hole card - The second card dealt face down to the dealer.

Small - A card value of either 2, 3, 4, or 5.

Masque Card Reader device - A device which illuminates either a blue (small), red (medium), or yellow (large) light based upon the value range of the dealer's hole card.

Medium - A card value of either 6, 7, 8, or 9.

Soft value - The total point count of a hand containing an ace when the ace is counted as 11 in value.

§ 685a.2. Down Under Blackjack table; Masque Card Reader device; physical characteristics; inspections.

(a) Down Under Blackjack 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 Down Under Blackjack table shall be submitted to the Bureau of Gaming Operations and approved 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 Bet Wager for each player.

(3) Three rectangular areas in front of the dealer's table position where the dealer's hand will be placed after the hole card's value range is determined using the Masque Card Reader device. The three areas shall be inscribed with the following:

(i) Small, 2-3-4-5

(ii) Medium, 6-7-8-9

(iii) Large, 10-J-Q-K-A

(4) The following inscriptions:

(i) Blackjack pays 3 to 2.

(ii) Insurance pays 2 to 1.

(iii) Dealer shall draw to 16 and stand on all 17s or other similar language approved by the Executive Director in accordance with § 601a.10(a).

(iv) Surrender is not available on a Down Under Blackjack table or other similar language. If the language is not inscribed on the layout, a sign specifying that surrender is not available shall be posted at each Down Under Blackjack table.

(5) If the certificate holder offers the optional Match-the-Dealer wager authorized under § 685a.6 (relating to wagers), a separate area designed for the placement of the Match-the-Dealer wager for each player.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Down Under Blackjack table.

(c) Each Down Under Blackjack table must have a drop box and 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 Down Under Blackjack table must have a Masque Card Reader device attached to the top of the dealer's side of the table. The floorperson assigned to the Down Under Blackjack table shall inspect the Masque Card Reader device at the beginning of each gaming day to ensure that there has been no tampering with the device and that it is in proper working order.

(e) Each Down Under Blackjack table must have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack must either:

(1) Equal the height of the cards, stacked one on top of the other, in the total number of decks that are to be used in the dealing shoe at that table.

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards in the number of decks to be used in the dealing shoe at that table.

§ 685a.3. Cards; number of decks; value of cards.

(a) Except as provided in subsection (b), Down Under Blackjack shall be played with either a four, five, six, or eight-deck batch of cards that are identical in appearance and at least one cover card. The decks shall consist of 52 cards.

The cards may be dealt from a multi-deck shoe or a continuous shuffler.

(b) If an automated card shuffling device is utilized, other than a continuous shuffler, Down Under Blackjack shall be played with two batches of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches with four, five, six, or eight decks included in each batch, with each batch containing the same number of decks.

(2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch.

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

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

(c) The decks of cards opened for use at a Down Under Blackjack table shall be changed at least once every 24 hours.

(d) The value of the cards shall be as follows:

(1) Any card from 2 to 10 shall have its face value.

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

(3) An ace shall have a value of 11 unless that value would give a player a score in excess of 21 or the dealer a score in excess of 22, in which case the ace shall have a value of 1.

(d) The dealer's hole card, after the cards are dealt and after placement in the Masque Card Reader device, will be assigned one of the following value ranges prior to being exposed to the players and prior to any action on the hand:

(1) Small, if the value of the hole card is either 2, 3, 4, or 5, indicated by a blue light on the Masque Card Reader device.

(2) Medium, if the value of the hole card is either 6, 7, 8, or 9, indicated by a red light on the Masque Card Reader device.

(3) Large, if the value of the hole card is either 10, jack, queen, king, or ace, indicated by a yellow light on the Masque Card Reader device.

§ 685a.4. Opening of the table for gaming.

(a) After receiving the 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 § 685a.5 (relating to shuffle and cut of the cards).

(d) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)–(c) separate from the decks in the other batch of cards.

(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) and (c)–(e) do not apply.

§ 685a.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 shoe of cards is dealt 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 device shall place the decks 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) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined under subsection (c). If no player accepts the cut, the dealer shall cut the cards.

(c) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player on whose betting area the cover card appeared during the last round of play.

(3) If the cover card appeared on the dealer's hand during the last round of play, the player at the farthest position to the right of the dealer. If this player refuses, the

offer to cut the cards shall rotate to each player in a counterclockwise manner.

(4) If the reshuffle was initiated at the direction of the floorperson or above, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(d) The player or dealer making the cut shall place the cover card in the stack at least ten cards from the top or bottom of the stack. Once the cover card has been inserted, the dealer shall take all cards on top of the cover card and place them on the bottom of the stack. The dealer shall then insert the cover card in the stack at a position at least 1/4 of the way in from 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 the cards have been placed in the dealing shoe, 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. If a recut is required, the cards shall be recut either by the player who last cut the cards or by the next person entitled to cut the cards, as determined under subsection (c). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe, as provided in § 685a.7(d) (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) If there is no gaming activity at a Down Under Blackjack table which is open for gaming, the cards shall be removed from the dealing shoe and the 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 § 685a.4 (relating to opening of the table for gaming) and this section shall be completed.

(h) 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 (b)-(g) do not apply.

§ 685a.6. Wagers.

(a) Wagers at Down Under Blackjack shall be made by placing value chips, plaques, or other Board-approved table gaming wagering instruments on the appropriate areas of the Down Under Blackjack layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(b) After the cards have been shuffled as required by § 685a.5 (relating to shuffle and cut of the cards), a certificate holder may prohibit any patron, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

(1) The certificate holder chooses to permit the player to begin wagering again.

(2) A reshuffle of the cards has occurred.

(c) All wagers, except an Insurance Wager under § 685a.8 (relating to Insurance Wager), a wager to double down under § 685a.9 (relating to double down) or a wager that splits pairs under § 685a.10 (relating to splitting pairs), shall be placed prior to the first card being dealt for each round of play. A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(d) A player shall place a Bet Wager to participate in a round of play and compete against the dealer's hand.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Bet Wager in accordance with subsection (d), the option of placing a Match-the-Dealer Wager. The Match-the-Dealer Wager may only be offered at Down Under Blackjack tables using a six or eight-deck batch or batches of cards.

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

§ 685a.7. Procedure for dealing the cards; completion of each round of play.

(a) All cards shall be dealt from a dealing shoe which 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 under § 685a.5 (relating to shuffle and cut of the cards) have been completed, the stacked cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer may deal cards to the two betting positions closest to the dealing shoe with the same hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. The dealer shall then:

(1) Collect and reshuffle the cards by removing the cards remaining in the shoe and placing them in the discard rack to ensure that no cards are missing.

(2) Shuffle the cards so that they are randomly intermixed.

(e) After all Blackjack and optional Match-the-Dealer Wagers have been placed, the dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face up to each box on the layout in which a Bet Wager is contained.

(2) One card face up to the dealer.

(3) A second card face up to each box in which a Bet wager is contained.

(4) A second card face down to the dealer.

(f) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before the dealer's hole card is placed in the Masque Card Reader device, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the player's optional Match-the-Dealer Wagers by collecting all losing wagers and paying all winning wagers. If a player placed a Match-the-Dealer Wager and either or both of the player's initial two cards match the rank of the dealer's up card, the dealer shall pay the winning Match-the-Dealer Wager in accordance with § 685a.11(c) (relating to Payout odds). Any card with a face value of 10 or a point value of 10 (a jack, queen or king) shall only match an identical card without regard to value.

(g) Immediately after the dealer settles the optional Match-the-Dealer Wagers, if the dealer's first card is an ace, the dealer shall offer the Insurance Wager or even money in accordance with § 685a.8 (relating to Insurance Wager).

(h) After the procedures in subsection (g) have been completed, if applicable, the dealer shall determine the value range of the dealer's hole card. The dealer shall insert the hole card into the Masque Card Reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer's hole card is in the Small value range (2-3-4-5), the Masque Card Reader device will illuminate a blue light. If the dealer's hole card is in the Medium value range (6-7-8-9), the Masque Card Reader device will illuminate a red light. If the dealer's hole card is in the Large value range (10-J-Q-K-A), the Masque Card Reader device will illuminate a yellow light. The dealer will then place his hand in the corresponding area on the layout as described in § 685a.2(b)(3). If the dealer's first card and hole card are both in the Large value range, the dealer's hole card shall be exposed to the players prior to the beginning of action. If the dealer has a Blackjack, additional cards may not be dealt and if a player:

(1) Has a Blackjack, the dealer shall return the player's Bet Wager and pay out any Insurance Wager, if applicable.

(2) Does not have a Blackjack, the dealer shall collect the player's Bet Wager and pay out any Insurance Wager, if applicable.

(i) If the dealer's hole card did not give the dealer Blackjack, the dealer shall start with the player farthest to the dealer's left and continue around the table in a clockwise direction and if the player:

(1) Has Blackjack, the dealer shall announce and pay the Blackjack in accordance with § 685a.11(a) (relating to payout odds) and remove the player's cards.

(2) Does not have Blackjack, the player shall indicate whether he wishes to double down as permitted under § 685a.9 (relating to double down), split pairs as permitted under § 685a.10 (relating to splitting pairs), stand or draw additional cards. Players may not surrender in Down Under Blackjack.

(j) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.

(k) A player may elect to draw additional cards whenever his point count total is less than 21, except that:

(1) A player having a hard or soft total of 21 may not draw additional cards.

(2) A player electing to double down in accordance with § 685a.9 may draw only one additional card.

(l) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hole card face up, unless the hole card has already been exposed in accordance with § 685a.7(h).

(m) The dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20, 21 or 22. Any additional cards required to be dealt to the hand of the dealer shall be dealt face up. The dealer shall announce the dealer's total point count after each additional card is dealt.

(n) After all additional cards have been drawn, if the total point count of the dealer's hand:

(1) Is a 22, the dealer shall pay out any player's Bet Wager if the player has exactly two original Large value range cards or a hand with a hard or soft total of 21 in accordance with § 685a.11, and shall return all remaining player's Bet Wagers.

(2) Is not a 22, the dealer shall settle the player's Bet Wagers in accordance with subsections (o)-(q).

(o) A player shall win and be paid in accordance with § 685a.11 for the Bet Wager if:

(1) The total point count of the player's hand is 21 or less and the total point count of the dealer's hand is in excess of 22.

(2) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

(p) A Bet Wager shall tie and be returned to the player if the total point count of the player's hand does not exceed 21 and is the same as the total point count of the dealer's hand.

(q) A player's Bet Wager shall lose and shall be collected if:

(1) The total point count of the player's hand is in excess of 21.

(2) The total point count of the dealer's hand exceeds the total point count of the player's hand without exceeding 21.

(r) The dealer shall collect all losing wagers and settle all winning wagers in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) Collect all losing wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction and then settle all winning wagers.

(2) Collect each player's losing wagers and settle each player's winning wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall place any losing wagers directly into the table inventory and may not pay off any player's winning wagers by using value chips collected from a losing wager.

(s) After all wagers 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.

(t) Players and spectators may not handle, remove or alter any cards used to play Down Under Blackjack.

§ 685a.8. Insurance Wager.

(a) If the first card dealt to the dealer is an ace, each player may make an Insurance Wager which shall win if the dealer's hole card is a 10, jack, queen or king.

(b) An Insurance Wager may be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 of the player's initial Bet Wager. A player may wager an amount in excess of 1/2 of the initial Bet Wager to the next unit that can be wagered in chips, when, because of the limitation of the value of chip denominations, half the initial Bet Wager cannot be bet. Insurance Wagers shall be placed prior

to the dealer inserting his hole card into the Masque Card Reader device.

(c) Winning Insurance Wagers shall be paid in accordance with the payout odds in § 685a.11(b) (relating to payout odds).

(d) Losing Insurance Wagers shall be collected by the dealer immediately after the dealer inserts his hole card into the Masque Card Reader device and determines that he does not have a Blackjack and before he draws any additional cards.

§ 685a.9. Double Down Wager.

(a) Except when a player has Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his initial Bet Wager, on the first two cards dealt to that player, including any hands resulting from a split pair, provided that only one additional card shall be dealt to the hand on which the player has elected to double down.

(b) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall collect only the amount of the initial Bet Wager of the player and may not collect the additional Double Down Wager.

(c) Upon a player's election to make a Double Down Wager, the dealer shall deal the one additional card face up and place it sideways on the layout.

§ 685a.10. Splitting pairs.

(a) If the first two cards dealt to a player are identical in value, the player may select to split the hand into two separate hands, provided that he makes a wager on the second hand formed in an amount equal to his initial Bet Wager. For example, if a player has two 8s or a king and a queen, the player may elect to split the hand.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions to the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand.

(c) After a second card is dealt to each split pair hand, the player shall indicate his decision to stand, draw or double down with respect to that hand. A player may split pairs a maximum of one time, for a total of two hands.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall collect only the amount of the initial Bet Wager of the player and return the additional amount wagered in splitting pairs.

(e) If a player elects to split a pair of aces, each ace shall receive only one card.

§ 685a.11. Payout odds.

(a) The certificate holder shall pay out each winning Bet Wager at odds of 1 to 1, with the exception of Blackjack which shall be paid at odds of 3 to 2.

(b) The certificate holder shall pay out winning Insurance Wagers at odds of 2 to 1.

(c) The certificate holder shall pay out winning Match-the-Dealer Wagers at the odds in the following payable:

6 decks		8 decks	
<i>Result</i>	<i>Pay</i>	<i>Result</i>	<i>Pay</i>
Suited Match	11 to 1	Suited Match	14 to 1
Unsuited Match	4 to 1	Unsuited Match	3 to 1

§ 685a.12. Irregularities.

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack.

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

(c) After the first two cards have been dealt to each player and the dealer and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept the card may not have additional cards dealt to him during the round. If the card is refused by the players and the dealer cannot use the card, the card shall be placed in the discard rack.

(d) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(e) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut in accordance with the procedures in § 685a.5 (relating to shuffle and cut of the cards). The first card shall be drawn face down and placed in the discard rack and the dealer shall complete the round of play.

(f) If no cards are dealt to a player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to a player's hand, at the player's option, the dealer shall deal the second card to the player after all players have received a second card.

(g) If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall either deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card, unless that hole card has been exposed in accordance with § 685a.7(h), or call the player's hand dead and return the player's initial Bet Wager.

(h) If the Masque Card Reader device wrongly indicates the value range of the dealer's hole card by illuminating the wrong colored light, or if the dealer places the hole card in the incorrect spot on the layout prior to player action on the hand, the dealer shall either allow the player to continue the action

on that hand with the decisions already made or call the player's hand dead and return the player's initial Bet Wager, including those Bet Wagers for players who exceeded 21.

(i) If a Masque Card Reader device malfunctions, the dealer may not continue dealing the game of Down Under Blackjack at that table until the Card Reader device is repaired or replaced.

(j) 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.

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

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

I.D. NUMBER: 125-218

DATE: 9/11/2018

SUBJECT: Subpart K. Chapter 685a

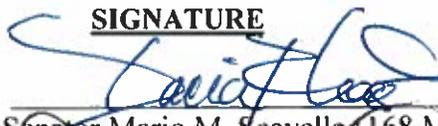
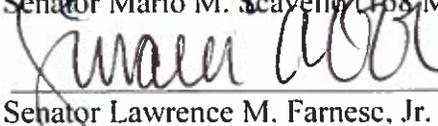
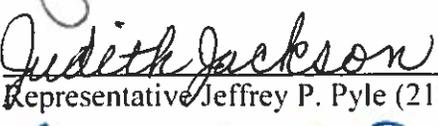
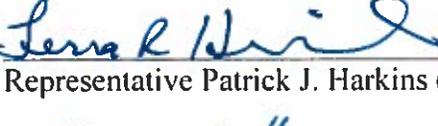
AGENCY: Pennsylvania Gaming Control Board (PGCB)

TYPE OF REGULATION

- 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
- 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>9/11/18</u>		Senate Community, Economic & Recreational Development Senator Mario M. Scavella (468 MC)
2. <u>9/11/18</u>		Senate Community, Economic & Rec. Dev Senator Lawrence M. Farnese, Jr. (543 MC)
3. <u>9/11/18</u>		House Gaming Oversight Representative Jeffrey P. Pyle (218 Ryan)
4. <u>9/11/2018</u>		House Gaming Oversight Representative Patrick J. Harkins (202 Irvis)
5. <u>9/11/18</u>		Independent Regulatory Review Commission
6. _____	_____	Attorney General
7. <u>9.11.18</u>		Legislative Reference Bureau