

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 151.00: REQUIREMENTS FOR THE OPERATIONS AND CONDUCT OF GAMING AT A GAMING ESTABLISHMENT

Section

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151.01: Issuance and Posting of Operation Certificate

(1) Before conducting gaming at a gaming establishment, or commencing operations of non-gaming amenities, other than for testing purposes in accordance with 205 CMR 151.03, a gaming licensee must request and obtain from the commission an Operation Certificate. The Operation Certificate shall not issue until the commission has conducted all reviews, including on-site tests and inspections required in accordance with 205 CMR 151.00 and otherwise deemed necessary by the commission. The commission may authorize a designee to issue a conditional Operation Certificate, subject to ratification by the full commission, subsequent to a successful test period in accordance with 205 CMR 151.03 and satisfaction of any other outstanding condition.

(2) The Operation Certificate shall be conspicuously posted within the gaming establishment and shall state the number of gaming positions by type, *i.e.*, slot machines, electronic gaming devices, table games or such other forms of gaming positions approved by the commission.

(3) An Operation Certificate shall not issue unless the gaming licensee has demonstrated to the commission that it has complied with all requirements of M.G.L. c. 23K, 205 CMR, and all applicable laws. Such compliance includes, but is not limited to:

- (a) Approval of its system of internal controls in accordance with 205 CMR 138.02(2) including implementation of all approved policies and procedures required in accordance with 205 CMR 138.02(4);
- (b) Compliance with all elements of M.G.L. c. 23K, § 25(a);
- (c) Provision of a current list of all gaming employees;
- (d) For category 1 and category 2 gaming licensees, the gaming area and other essential ancillary entertainment services and non-gaming amenities, as determined by the commission, have been built and are of a superior quality and comply with any applicable conditions of licensure;
- (e) For category 1 gaming licensees, documentation to confirm that total infrastructure improvements onsite and around the vicinity of the gaming establishment, including projects to account for traffic mitigation, are completed in accordance with M.G.L. c. 23K, § 10(c) and the conditions of the gaming licensee's license;
- (f) For the category 2 gaming licensee, documentation to confirm that any infrastructure improvements necessary to increase visitor capacity and account for traffic mitigation are completed in accordance with M.G.L. c. 23K, § 11 and the gaming licensee's license conditions;
- (g) A copy of an emergency response plan filed with the commission and filed with fire department and police department of the host community, which plan shall include, but not be limited to:
 - 1. a layout identifying all areas within the facility and grounds, including support systems and the internal and external access routes;
 - 2. the location and inventory of emergency response equipment and the contact information of the emergency response coordinator for the gaming establishment;
 - 3. the location of any hazardous substances and a description of any public health or safety hazards present on site;
 - 4. a description of any special equipment needed to respond to an emergency at the gaming establishment;
 - 5. an evacuation plan; and

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- 6. any other information relating to emergency response as requested by the commission, the fire department or the police department of the host community.
- (h) A copy of the certificate of occupancy issued by a building commissioner or inspector of buildings of the host community in accordance with 780 CMR 111.00: *Certificate of Occupancy* that includes an approval under 521 CMR: *Architectural Access Board*, indicating the necessary use and occupancy to operate the gaming establishment; as well as copies of any other permits required to be issued by the host community prior to the opening of a like facility;
- (i) A copy of all certification of operation for all elevators in accordance with M.G.L. c. 143, § 63 and 524 CMR: *Board of Elevator Regulations*; and
- (j) Compliance with all applicable terms and condition of the gaming licensee's license.

151.02: Floor Plan

(1) Prior to the issuance or amendment of an Operation Certificate and the commencement of gaming or simulcast wagering, a gaming licensee shall obtain commission approval for the floor plans of its gaming area, simulcasting area (if any), and any restricted areas. The gaming establishment shall be arranged in such a manner as to provide optimum security for the gaming establishment operations.

(2) Each floor plan required by 205 CMR 151.02(1) shall accurately depict the entire layout, including equipment positioning, in the gaming area and support areas; shall be drawn to at least one-eighth inch scale ($\frac{1}{8}$ inch = one foot); and shall depict, at a minimum, the location of the following:

- (a) The gaming area, and any simulcasting facility, including, at a minimum, the proposed total square footage thereof and a clear delineation of the respective perimeter of each;
- (b) Each gaming pit, its pit location number, and any alternate configurations;
- (c) Each table game, noting its pit and table game location number;
- (d) Each CCTV camera, noting its type and camera number;
- (e) Each slot booth, noting its booth number;
- (f) Each cashier's cage and its component offices and areas;
- (g) Each separate master coin bank;
- (h) Each window at the cashiers' cage, noting its window number;
- (i) Each count room;
- (j) Each slot zone, its slot zone location letter or number and the total number of authorized slot machine locations within that slot zone, and at the gaming licensee's option, a maximum of four alternate configurations or locations for that slot zone and the alternate slot zone location number for each (for example, Slot Zone 2A);
- (k) Each authorized slot machine or other gaming device location, which location shall contain no more than one slot machine and bill changer at a time, noting its slot machine location number and any slot zone location letter or number;
- (l) Each slot stool authorized for use, if any;
- (m) Each automated coupon redemption machine, noting its location number;
- (n) Each automated jackpot payout machine, noting its location number;
- (o) Each gaming voucher redemption machine, noting its location number;
- (p) Each satellite cage and its component offices and areas;
- (q) Each coin vault;
- (r) Each area approved for the storage of gaming chips or plaques;
- (s) Each room or area approved for the storage of dice or playing cards;
- (t) Each other room or area that is accessible directly from the gaming area;
- (u) For those establishments with a simulcasting facility:
 1. Each simulcast counter and any ancillary simulcast counter, along with their component offices, areas and equipment;
 2. Each credit voucher machine, noting its location number;
 3. Each self-service pari-mutuel machine, noting its location number; and
 4. Each other area or room designated by the commission.

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(3) A gaming licensee, after obtaining the commission's approval of its floor plans submitted in accordance with 205 CMR 151.02, shall not commence gaming or simulcast wagering in the areas depicted on the floor plan until an Operation Certificate has been issued, and a copy of the floor plans has been delivered to the commission's IEB office in the establishment, an electronic copy has been sent to the IEB's main office, and a printed copy thereof has been delivered to each of the following:

- (a) The gaming licensee's security podium; and
- (b) The gaming licensee's monitoring rooms.

151.03: Operation Certificate: Test Period

(1) Prior to the issuance of a Operation Certificate, a gaming licensee shall successfully complete an evaluation and test period in accordance with such terms and conditions as are reasonably calculated by the commission to allow the commission to assess whether the licensee is in compliance with M.G.L. c. 23K, § 25(a) and 205 CMR 151.01(3).

(2) The commission will provide the gaming licensee with the terms and conditions of the test period promptly upon receipt of the licensee's request for an Operation Certificate.

(3) The terms and conditions of the test period as determined by the commission, or its designee, shall incorporate, at a minimum, the following:

(a) The dates and times of the test period. Provided, said schedule may be increased or decreased by the commission or its designee as necessary to determine compliance with M.G.L. c. 23K, § 25(a) and 205 CMR 151.01(3);

(b) The areas and operations of the gaming establishment that will be tested, inspected, and reviewed including a review of the layout of the gaming establishment in comparison to that depicted in the floor plan submitted in accordance with 205 CMR 151.02;

(c) Any actions necessary to preserve and to assure an effective evaluation of the gaming licensee during such test period including permitting, limiting, restricting or prohibiting the gaming licensee from:

1. Accepting currency at table games during all or any part of such period; and
2. Allowing the count rooms to process cash.

(d) Any interim approval to operate slot machines or other gaming devices approved and certified in accordance with 205 CMR 144.00: *Approval of Slot Machines and Electronic Gaming Equipment and Testing Laboratories* subject to issuance of the Operation Certificate in accordance with 205 CMR 151.04.

151.04: Operation Certificate: Effective Date; Duration

(1) Upon the successful completion of the test period in accordance with 205 CMR 151.03, the commission shall establish the effective date of the Operation Certificate and the scope of the gaming licensee's authority to conduct gaming and, if applicable, simulcast wagering thereunder.

(2) Each certificate, once issued, shall remain in effect throughout the term of the gaming license under such terms and conditions as the commission may impose, and shall not be altered, modified or amended except in accordance with the commission's authority to revoke, suspend, limit or otherwise alter an Operation Certificate pursuant to M.G.L. c. 23K and 205 CMR.

(3) Each gaming licensee to which an Operation Certificate is issued shall operate its gaming establishment or simulcasting facility strictly in accordance with the terms of its original Operation Certificate, and shall not change any of the items to which the Operation Certificate applies except in accordance with 205 CMR 151.05.

151.05: Operation Certificate: Amendment to Conform to Approved Changes

(1) Prior to making a change to any approved component of its gaming establishment, a gaming licensee shall petition the commission to amend the Operation Certificate. The application shall include, without limitation, the following:

- (a) If applicable, a description of any proposed changes in the number of authorized gaming positions, by category, to be played in the gaming establishment;

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(b) If applicable, a revised floor plan of the gaming establishment, simulcasting area, or any restricted area reflecting the proposed change, which revised floor plan shall be filed with the commission at the office of its Senior Supervising Agent in the establishment. Such petition shall also include the following information:

1. a comparison showing the presently authorized square footage of the gaming area, simulcasting area, or restricted area to be amended with that which will result if the proposed change is made;
2. A clear delineation of any proposed change to the perimeter of the gaming area, simulcasting area, or restricted area;
3. A narrative from the architect certifying the floor plan that clearly describes the change to be made by the proposal, noting with particularity any such change to the perimeter of the gaming area, simulcasting area, or restricted area; and
4. A description of any alternate gaming pit or slot zone configurations of locations. Prior to any change to and offering to the public of an approved alternate configuration or location:
 - a. The gaming licensee shall provide the Senior Supervising Agent with at least 24 hours prior written notice of the change; and
 - b. A physical and CCTV inspection of the alternate configuration or location shall be performed and approved by the commission, or its designee.

(2) Within three business days of a gaming licensee filing an application pursuant to 205 CMR 151.05(1), the commission, or its designee, shall review the proposed change set forth in the application for compliance with M.G.L. c. 23K and 205 CMR. Unless the commission, or its designee, notifies the gaming licensee in writing that the proposed change is to be scheduled for a full hearing by the commission at a public meeting or is disapproved, the gaming licensee, after obtaining all approvals required by federal, state or local government officials and providing a copy or other acceptable written evidence of such approvals to the commission, may begin implementing such change upon the earlier of the following:

- (a) The expiration of the three-day period; or
- (b) Receipt of written commission approval for the change.

(3) The gaming licensee shall notify the commission in writing upon final completion of any proposed change set forth in the application and for which the gaming licensee is prepared to seek final approval pursuant to 205 CMR 151.05(4). A floor plan in the form prescribed by 205 CMR 151.02(2) that depicts the changes made shall accompany the notice.

(4) Promptly after the filing of a notice pursuant to 205 CMR 151.05(3), the commission or its designee shall inspect the physical changes made to the gaming establishment, simulcasting facility and/or any restricted area to ensure that those changes conform to the floor plan accompanying the notice and the description previously submitted to the commission. Following such inspection, the commission, or its designee, shall notify the gaming licensee in writing as to which physical change is approved and which is rejected, whereupon, in the event any change is rejected, the gaming licensee shall either:

- (a) Correct any rejected change to conform with the approved floor plan;
- (b) Submit a new application for the proposed change; or
- (c) Take such other action as the commission, or its designee, may direct to ensure that the currently approved floor plan accurately depicts the physical layout of the gaming establishment, the simulcasting area (if any) and/or any restricted area.

(5) The Operation Certificate shall be amended to conform to each change approved in accordance with 205 CMR 151.05(4).

151.06: Temporary Amendments for Pit and Slot Zone Configurations or Reconstitutions

(1) A gaming licensee may temporarily reconfigure one or more pits or slot zones by filing a notice with the commission at the IEB office in the gaming establishment to temporarily reconfigure for each specific pit or slot zone, which notice shall be filed at least 24 hours prior to implementing such alternate configuration. If the gaming licensee does not receive a response to the petition within that 24 hour period, the gaming licensee may proceed with the reconfiguration or reconstitution.

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- (2) A reconfigured pit shall not:
 - (a) Exceed the dimensions approved for the pit that existed immediately prior to the reconfiguration; nor
 - (b) Include any change requiring the approval of a building official without having first obtained that approval and the approval of the commission.

- (3) Each pit operating under an approved configuration shall have an alarm system, approved by the commission, which enables a pit clerk or a pit supervisor to transmit a signal that is audibly and visually reproduced in each of the following locations whenever there is an emergency in the pit:
 - (a) The surveillance monitoring rooms; and
 - (b) The casino security department.

REGULATORY AUTHORITY

205 CMR 151.00: M.G.L. c. 23K, §§ 10, 11 and 25.