

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 109.00: AUTHORITY OF THE COMMISSION TO ACT IN AN EMERGENCY SITUATION

Section

109.01: Authority of the Commission to Act in an Emergency Situation

109.01: Authority of the Commission to Act in an Emergency Situation

(1) Consistent with the principles outlined in M.G.L. c. 23K, § 1 and in furtherance of the Commission's broad superintendence powers established in M.G.L. c. 23K, § 1 and M.G.L. c. 23K, § 4, in an emergency situation the Commission and/or the Bureau may, in furtherance of the provisions of M.G.L. c. 23K, §§ 23(b) and 35, in its discretion, take any action it deems necessary to preserve the health and safety of its employees, the gaming licensees and their employees, and/or patrons of the gaming establishments. An emergency situation may include, but not be limited to:

- (a) A state of emergency declared by the Governor of the Commonwealth pursuant to St. 1950, c. 639, § 5;
- (b) A national emergency declared by the President of the United States pursuant to 50 U.S.C. 1601 *et seq.*;
- (c) A local, national, or global public health emergency as declared by the Massachusetts Department of Public Health, the Federal Centers for Disease Control and Prevention, the World Health Organization, or a similarly situated local or national agency or organization having expertise in public health;
- (d) A natural disaster; or
- (e) Any situation that presents an immediate threat of serious physical harm to the health or well-being of the public that requires action without delay.

(2) During Such Emergency Situation.

- (a) The Bureau may issue an order to cease and desist activity pursuant to M.G.L. c. 23K, § 35(a) or § 35(e) or an order of suspension of the gaming license pursuant to M.G.L. c. 23K, § 35(e), and may make recommendations to the Commission to issue orders to condition, suspend, or revoke a gaming license pursuant to M.G.L. c. 23K, § 35(d); and/or
- (b) The Commission may issue orders and/or establish procedures to be followed by the gaming licensees as a condition of licensure pursuant to M.G.L. c. 23K, §§ 21(a)(19) and (c) and as a requirement of its operations certificate pursuant to M.G.L. c. 23K, § 25 that may include, but not be limited to, orders regarding operations relative to gaming and non-gaming activity at the gaming establishment. The Commission may also issue orders that include, but are not limited to, cessation of gaming or non-gaming activities or closure of the gaming establishments in whole or in part.

(3) Hearings.

- (a) If the Bureau takes action pursuant to 205 CMR 109.01(1) and (2), and M.G.L. c. 23K, § 35, it may take such action immediately and, in the event of a closure of the gaming establishment, shall coordinate with the licensee to execute a safe and orderly closure. If the Bureau issues an order to cease and desist activity pursuant to M.G.L. c. 23K, § 35(a) or § 35(e) or an order of suspension of the gaming license pursuant to M.G.L. c. 23K, § 35(e), the licensee shall have the right to an adjudicatory hearing before the Commission on such order in accordance with M.G.L. c. 30A and M.G.L. c. 23K, § 35(f). Such hearing shall be convened as soon as practicable, but in no case later than seven days from the date of the Bureau's action in accordance with M.G.L. c. 23K, § 35(f).
- (b) If the Commission intends to take action pursuant to 205 CMR 109.01(1) and (2), and M.G.L. c. 23K, § 23(b)(v) that will limit or cease gaming or non-gaming operations or result in closure of the gaming establishment in whole or in part, it shall provide reasonable notice of hearing in accordance with M.G.L. c. 30A. In the event of an emergency situation, notice shall be deemed reasonable if it is provided as promptly as the emergency allows.

REGULATORY AUTHORITY

205 CMR 109.00: M.G.L. c. 23K, §§ 1, 4, 23(b), and 35.