

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 144.00: APPROVAL OF SLOT MACHINES AND OTHER ELECTRONIC GAMING DEVICES AND TESTING LABORATORIES

Section

144.01: Delivery and Installation of Slot Machines, Electronic Gaming Devices, and Software

144.02: Delivery of Electronic Gaming Devices to a Gaming Licensee

144.03: Installation and Approval for Use of an Electronic Gaming Device

144.04: Required Testing by Independent Testing Laboratories

144.05: Fees for Testing, Permitting, and Registration of Gaming Devices

144.06: Independent Testing Laboratory Certification and Auditing

144.01: Delivery and Installation of Slot Machines, Electronic Gaming Devices, and Software

(1) No new or modified electronic gaming device listed in 205 CMR 144.01(2) shall be:

(a) delivered to a gaming licensee or anyone permitted to possess such a device in accordance with 205 CMR 145.01(1), by a gaming vendor unless a prototype of the gaming device has been certified in accordance with 205 CMR 144.04 and notice provided in accordance with 205 CMR 144.02; or

(b) installed, modified, operated, or moved by a gaming licensee in a gaming establishment unless notice has been provided and approval received in accordance with 205 CMR 144.03.

(2) The following shall be considered electronic gaming devices for purposes of 205 CMR 144.00:

(a) Slot machines;

(b) Electronic table games;

(c) Kiosks;

(d) Wireless wagering devices;

(e) Slot machine games;

(f) Multiplayer systems;

(g) Server supported slot systems;

(h) Slot machine bonus systems;

(i) Table game bonus systems;

(j) Progressive systems;

(k) Account based wagering systems;

(l) Slot monitoring systems and casino management systems;

(m) Gaming voucher systems;

(n) Devices used in conjunction with a slot monitoring system or casino management system;

(o) Devices used in conjunction with electronic gaming devices including bill validators, printers, and other similar devices identified on the commission's website; and

(p) Software and hardware required to be tested in accordance with the GLI standards as adopted and modified by 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment*.

(3) For purposes of 205 CMR 144.00, a 'prototype' shall mean an electronic gaming device which consists of an individual component or collection of components assembled together to comprise a single electronic gaming device (e.g. a unique model of a slot machine cabinet, electronic table game, or casino management system).

144.02: Delivery of Electronic Gaming Devices to a Gaming Licensee

(1) In order for an electronic gaming device to be approved for use in a gaming establishment, a gaming vendor, at its own expense, must submit the electronic gaming device for scientific testing and technical evaluation in accordance with 205 CMR 144.04 by a commission certified independent testing laboratory certified pursuant to 205 CMR 144.06 to determine compliance with M.G.L. c. 23K and 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment*. The gaming vendor must provide the certified independent testing laboratory with all documentation and other materials necessary to conduct testing and evaluate compliance. The gaming vendor shall provide notice of submission of a new prototype for testing to the commission's gaming technology laboratory contemporaneously with submission to the independent testing laboratory.

144.02: continued

(2) Upon certification of a prototype of an electronic gaming device by a certified independent testing laboratory, a gaming vendor may deliver the electronic gaming device to the gaming licensee, or any other person authorized to possess such a device in accordance with 205 CMR 145.01(1), after providing notice to the commission, as directed, in accordance with 205 CMR 145.02(2). Upon receipt of the notice, the commission may deny entry of any electronic gaming device it determines may not be compatible with the commission's central monitoring system or for any reason necessary to protect the integrity of gaming in the Commonwealth.

Provided, prior to delivery of any such electronic gaming device into the Commonwealth the gaming vendor and electronic gaming device shall be in compliance with 15 U.S.C. 1173.

(3) Upon submission of the electronic gaming device prototype for testing to a certified independent testing laboratory in accordance with 205 CMR 144.02(1) and 144.04, the commission's gaming technology lab may require that the gaming vendor provide to the commission's gaming technology lab, at the gaming vendor's expense, a functioning prototype of the electronic gaming device as well as all software, documentation and other materials necessary to conduct testing and evaluate compliance. The commission's gaming technology lab may conduct any testing of the electronic gaming device it desires and require any further subsequent action.

(4) The gaming vendor and gaming licensee shall promptly notify the commission if it becomes aware of any negative action taken in another jurisdiction relative to a gaming device that has been delivered to a gaming licensee, or if it becomes aware of an issue that may negatively impact the reporting of revenue, game outcome, or the integrity of such a device.

144.03: Installation and Approval for Use of an Electronic Gaming Device

(1) (a) No electronic gaming device shall be installed or operated in a gaming establishment, nor shall a previously approved electronic gaming device be modified or moved from a previously approved location, unless a gaming licensee first submits a request for approval to the commission, as directed, at least five days prior to the anticipated installation, operation, modification, or movement date and such request is approved. The commission, or its designee, may approve such request on shorter notice in exceptional circumstances. The request for approval shall be in the form prescribed by the commission. Devices identified in 205 CMR 144.01(2)(o) shall be exempt from this approval procedure, but shall remain subject to inspection by the commission.

(b) For purposes of 205 CMR 144.03, modified or modification means a change or alteration to an electronic gaming device's software and/or hardware previously approved by the commission for installation or operation in Massachusetts (*e.g.* change to control programs, change to the theoretical payout percentage, change of denomination, or a change to the hash signature).

(2) (a) Upon receipt of a request for approval for installation, operation, movement, or modification of an electronic gaming device, the commission shall validate and process the information provided in accordance with 205 CMR 144.03(1) relative to each electronic gaming device. Validation shall be conducted in accordance with 205 CMR 144.03(3). Upon validation, the commission shall notify the gaming licensee of its assent to approval. The approval shall not expire, but shall be subject to revocation and any future conditions imposed in accordance with 205 CMR 144.03(4). An electronic gaming device that does not comport with 205 CMR 144.03(3)(a) through (d) and cannot be validated shall be denied approval. A denial shall be made in writing and include an explanation as to the reasoning therefor. Such a denial may be appealed in accordance with 205 CMR 144.03(11).

(b) Upon receipt of the assent to approval in accordance with 205 CMR 144.03(2)(a) the gaming licensee shall notify the IEB and coordinate a final inspection of the device in its intended location within the gaming area prior to operation. The gaming licensee shall certify in writing that the gaming device is configured consistent with the certification report described in 205 CMR 144.04(2) prior to the inspection. The inspection of a device shall be performed by a gaming agent and shall at a minimum include, as applicable, confirmation of proper surveillance coverage, and any testing. Upon satisfactory inspection of a new slot machine by the IEB, a gaming agent shall place a seal on the slot machine indicating approval. At the election of the IEB a gaming device may be approved for use without an inspection.

144.03: continued

(c) Upon satisfactory completion of its inspection or review, the IEB shall indicate in the commission's records that the device is 'Approved for Use', and the device may be placed into operation by the gaming licensee. Operation of a slot machine by a gaming licensee prior to being 'Approved for Use' in accordance with 205 CMR 144.03(2)(c), or after revocation of such approval in accordance with 205 CMR 144.03(4), may result in the device being ordered out of operation and disciplinary measures, including assessment of a civil administrative penalty upon the gaming licensee and any responsible party in accordance with M.G.L. c. 23K, § 36. (Any such assessment shall be made notwithstanding any criminal penalties that are imposed pursuant to M.G.L. c. 23K, § 37(d).)

(3) In order for an electronic gaming device to be validated as required in accordance with 205 CMR 144.03(2)(a), all information required in the request for approval in accordance with 205 CMR 144.03(1) must be provided, and each individual electronic gaming device, including the game critical content, must:

- (a) be identical in all material mechanical, electrical, electronic or other material aspects to the prototype certified in accordance with 205 CMR 144.04 on which the electronic gaming device is based;
- (b) comply with any conditions placed upon the prototype on which the certification of the electronic gaming device is based;
- (c) not endanger, compromise, or weaken the credibility or integrity of gaming in the Commonwealth; and
- (d) where applicable, be interoperable with the commission's central monitoring system. Where an electronic gaming device is not interoperable with the commission's central monitoring system, the commission reserves the right to inspect/validate the device prior to operation.

An electronic gaming device that the commission determines does not comport with 205 CMR 144.03(3)(a) through (d) may be deemed a new gaming device requiring completion of a full certification procedure in accordance with 205 CMR 144.02.

(4) The gaming licensee must ensure that the approved electronic gaming device is and remains in compliance with 205 CMR 144.03(3), 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment*, as applicable, and is consistent with the configurations contained in the certification report described in 205 CMR 144.04(2), at all times. The commission may at any time inspect any approved electronic gaming device and revoke or condition the approval pursuant to 205 CMR 144.03(9) if that device fails to comply with 205 CMR 144.03(3), 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment*, is not configured consistent with the certification report described in 205 CMR 144.04(2), or in any way fails to operate in the manner for which it was approved. Prior to revoking or conditioning the approval of an electronic gaming device currently in use in a gaming establishment, the commission may allow the gaming licensee a reasonable amount of time to bring the device into compliance.

(5) Subsequent to an electronic gaming device being deemed 'Approved for Use' in the gaming area pursuant to 205 CMR 144.03(2)(c), an electronic gaming device may only be moved or modified in accordance with the gaming licensee's approved system of internal controls submitted in accordance with 205 CMR 138.63: *Slot Machines and Other Electronic Gaming Devices; Authorized Locations; Movements* which shall incorporate the notice and approval provisions contained in 205 CMR 144.03.

(6) Prior to issuing an approval or 'Approval for Use' of an electronic gaming device, the commission may require a trial period of a length to be established on a case by case basis, not to exceed 90 days, to test the gaming device in a gaming establishment to determine whether it complies with 205 CMR 144.03(3). During the trial period, minor changes in the operation or design of the electronic gaming device may be made with prior approval of the commission. The commission may, for reasonable cause, extend the trial period as necessary to ensure compliance with 205 CMR 144.03(3).

(7) A gaming licensee shall inform the IEB of any approved electronic gaming device that the gaming licensee no longer possesses by indicating such on the Slot Machine Master List provided in accordance with 205 CMR 145.01(2).

144.03: continued

(8) The IEB may assess a civil administrative penalty on a gaming licensee, or anyone permitted to possess a gaming device pursuant to 205 CMR 145.01(1), in accordance with M.G.L. c. 23K, § 36 for a violation of 205 CMR 144.00.

(9) If the commission finds that a gaming device does not comply with 205 CMR 144.03(4), or a gaming licensee, or anyone permitted to possess a gaming device pursuant to 205 CMR 145.01(1), has violated a provision of 205 CMR 144.00, it may issue a written notice of its intent to revoke, and/or condition approval to operate the subject device. Such notices shall be provided in writing and contain a factual basis and the reasoning in support the decision including citation to the applicable statute(s) or regulation(s) that supports the decision. It shall further advise the licensee or person of their right to a hearing and their responsibility to request a hearing in accordance with 205 CMR 144.03(11), if they so choose, and that failure to do so may result in the decision automatically being imposed.

(10) If the commission determines that a gaming device does not comply with 205 CMR 144.03(4), and that continued operation of the gaming device would pose a substantial and immediate threat to the credibility or integrity of gaming in the Commonwealth, it may temporarily revoke the approval to use such device pending the outcome of the process set forth in 205 CMR 144.03(9) and (11), as applicable.

(11) If the gaming licensee or person is aggrieved by a decision made by the commission to revoke or condition an approval to operate a gaming device, and/or to assess a civil administrative penalty in accordance with 205 CMR 144.03(8) and (9), it may request review of said decision in accordance with 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Hearings*. Failure to request such review in the prescribed manner may result in the decision automatically being imposed.

144.04: Required Testing by Independent Testing Laboratories

(1) Any testing by a commission certified independent testing laboratory for the purposes of certifying an electronic gaming device shall be conducted in compliance with M.G.L. c. 23K and 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment* and 144.00.

(2) The independent testing laboratory shall issue a report of the testing results to the gaming vendor and to the commission pursuant to 205 CMR 145.02(2). Such report shall contain:

- (a) the part and version numbers of the electronic gaming device tested;
- (b) attachments containing documents sufficient to describe the functionality and operation of all material components of the electronic gaming device;
- (c) a statement as to whether each of the components within the electronic gaming device, each interaction between components, and the device as a whole is compliant with the latest version of M.G.L. c. 23K and 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment* as of the start date of testing;
- (d) the date the electronic gaming device was submitted for testing;
- (e) the start and end dates of the electronic gaming device testing;
- (f) the location of the facility used to perform the testing; and
- (g) a statement, signed under penalty of perjury, that all information provided in the report is accurate and complete.

(3) The independent testing laboratory's report shall not contain any information in its body that if publically released may harm the integrity of the electronic gaming device, but such information may be disclosed in an attachment.

(4) The independent testing laboratory may communicate with the gaming vendor to request additional documentation or to discuss potentially non-compliant components. The independent testing laboratory shall log any communication between itself and the applicant and be able to provide to the commission copies of all documents transmitted to or from the applicant for at least seven years following the issuance of the report.

144.04: continued

(5) The independent testing laboratory may rely on testing conducted and data collected from testing conducted for another jurisdiction, whether by the independent testing laboratory or by another entity, if the testing was performed by an independent party with no apparent interest in the result. An independent testing laboratory relying on such external testing or data must clearly identify in its report all such reliance and independently verify the validity of such data or testing by making a finding that the methods described in the earlier test are reliable and there is no indication that the data is incorrect.

(6) An independent testing laboratory may rely on any data or results of testing conducted by a commission certified independent testing laboratory when such testing was conducted for purposes of permitting an electronic gaming device in the Commonwealth. Any reliance pursuant to 205 CMR 144.04(5) or (6) must be clearly identified in the report.

144.05: Fees for Testing, Permitting, and Registration of Gaming Devices

(1) The commission may assess a fee to a gaming vendor representing the cost associated with the testing of any electronic gaming device by the commission's gaming technology lab in accordance with 205 CMR 144.02(3), at hourly rates to be posted by the Commission.

(2) A gaming vendor requesting that a commission certified independent testing laboratory conduct testing shall pay all costs of the testing directly to the independent testing laboratory.

144.06: Independent Testing Laboratory Certification and Auditing

(1) Certification Process. In order to provide testing services of electronic gaming devices in Massachusetts, a person must be certified as an independent testing laboratory in accordance with 205 CMR 144.06. The certification process will take place as follows:

(a) The commission may issue yearly a request for applications from applicants interested in being certified as independent testing laboratories.

(b) Upon receipt of an application in the form prescribed in 205 CMR 144.06(5) the gaming technology laboratory and the bureau shall conduct any investigation they deem reasonable, including any visit, review or inspection of each independent testing laboratory seeking certification to evaluate the laboratory's qualifications and capabilities pursuant to 205 CMR 144.06(3).

(c) The applicant is required to submit a \$5,000 application fee with its application for certification. If the Commission's costs associated with the investigation, including site visits, inspections, and background investigations, of the applicant during the certification evaluation period, in accordance with the fee schedule posted by the Commission to its website, exceed the application fee, the applicant shall pay the additional amount within 30 days after notification of insufficient fees or the application shall be rejected.

(d) Upon the conclusion of evaluation and upon full payment of any costs associated with the certification process, the gaming technology laboratory, with the input of the bureau, shall issue a written report to the commission and to the applicant. The commission shall determine whether to initiate a process for a public hearing or adjudicatory proceeding. However, the commission may only utilize the public hearing process with the applicant's consent.

(e) If the commission determines that an adjudicatory proceeding will be held, the commission shall conduct an adjudicatory proceeding in accordance with 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Hearings*.

(f) If the commission determines that a public hearing should be held, the commission shall review the gaming technology laboratory's report and make a final decision granting or denying the certification at a public hearing. The commission will issue a notice in advance of the public hearing stating the date, time and place of the hearing.

(g) Certification as an independent testing lab shall be valid for one year and shall automatically renew annually thereafter upon payment of a renewal and audit fee of \$2,000. The commission may audit the compliance of the certified independent testing laboratory with commission requirements annually or more often if needed. The commission may revoke the registration of a certified independent testing laboratory if the testing laboratory no longer meets the requirements of M.G.L. c. 23K and 205 CMR.

144.06: continued

(h) The commission shall maintain a list of certified independent testing laboratories along with the categories of electronic gaming device that each independent testing laboratory may test.

(2) Categories of Certification. Each independent testing laboratory must be certified for each category of testing for which the laboratory seeks to provide results. The categories of testing include:

- (a) Electronic games and game variations;
- (b) Electronic gaming devices outlined in 205 CMR 144.01(2) and gaming device modifications;
- (c) Gaming associated equipment and gaming associated equipment modifications;
- (d) Cashless wagering systems and cashless wagering system modifications;
- (e) Inter-casino linked systems and inter-casino linked system modifications;
- (f) Mobile gaming systems and mobile gaming system modifications;
- (g) Interactive gaming systems and interactive gaming system modifications; and
- (h) Any other category of testing that the commission may deem appropriate.

(3) Standards for Certification. To qualify for certification, the independent testing laboratory, must:

- (a) Be independent pursuant to 205 CMR 144.06(4)
- (b) Be accredited in accordance with ISO/IEC 17025 by an accreditation body that is a signatory to the *International Laboratory Accreditation Cooperation Mutual Recognition Agreement*;
- (c) Demonstrate suitability in accordance with M.G.L. c. 23K, §§ 12 and 16 by clear and convincing evidence after considering reciprocity from other jurisdictions;
- (d) Demonstrate that it is technically competent in testing the category of game, device, or system in which it is seeking certification; and
- (e) Demonstrate that it is technically competent to test compliance with the applicable Massachusetts statutes, regulations, standards and policies.

(4) Independence. An independent testing laboratory must be independent at all times while certified by the commission.

(a) To be considered independent from a manufacturer, distributor, or operator pursuant to 205 CMR 144.06(3)(a), the independent testing laboratory, including its employees, management, directors, owners, compliance committee members and gaming regulatory advisors, with the exception of the independent testing laboratory's external accountants and attorneys:

1. Must not have a financial or other interest, direct or otherwise, in a manufacturer, distributor, or operator of any game, electronic gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, regardless of whether or not the person or entity is licensed, registered, or otherwise does business in Massachusetts;
2. Must not participate, or otherwise be involved in the design, development, programming, or manufacture of any game, electronic gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto;
3. Must not have any other interest in or involvement with a manufacturer, distributor, or operator that could cause the independent testing laboratory to act in a manner that is not impartial; and
4. Such individuals shall not serve in any capacity with a manufacturer, distributor, or operator beyond the scope of the independent testing laboratory's engagement pursuant to 205 CMR 144.04.

(b) The restrictions in 205 CMR 144.06(4)(a) shall not be interpreted to limit an independent testing laboratory, or the above listed individuals, from providing consulting services to a manufacturer, distributor, or operator, provided that such services do not directly or indirectly indicate, suggest, or imply how to design, develop, program or manufacture a game, electronic gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any components thereof or modification thereto.

144.06: continued

(c) The restrictions in 205 CMR 144.06(4)(a) shall not be interpreted to limit its ability to accept fees from a gaming device vendor in accordance with 205 CMR 144.05.

(5) Form of Application. An application for certification as an independent testing laboratory shall be in the form prescribed by the commission and contain:

- (a) The required application fee pursuant to 205 CMR 144.06(1)(c);
- (b) A completed business entity disclosure form as set forth in 205 CMR 134.07(6): *Business Entity Disclosure Form - Gaming Vendor - Primary* for the applicant entity;
- (c) Completed multi-jurisdictional personal history disclosure forms as set forth in 205 CMR 134.07(1): *Multi-jurisdictional Personal History Disclosure Form for Key Gaming Employees- Executive and Gaming Vendor Qualifiers* for each person who would be a gaming vendor qualifier pursuant to 205 CMR 134.04(4): *Gaming Vendor Qualifier* if the applicant were a gaming vendor;
- (d) Copies of all ISO/IEC 17025 certification and accreditation materials except if the independent testing laboratory is only seeking registration for the testing of games and game variations;
- (e) All ISO required internal controls, policies and procedures, except if the independent laboratory is only seeking registration for the testing of games and game variations;
- (f) Detailed description of the testing facilities;
- (g) Detailed description of available testing staff and staff qualifications, including education, training, experience and skill levels;
- (h) Detailed description of available testing equipment;
- (i) Copies of documented policies, systems, programs, procedures and instructions to assure the quality of test results;
- (j) Copies of all test scripts to be used for testing against the applicable Massachusetts statutes, regulations, standards, and policies.
- (k) A statement subscribed by the applicant that:
  1. The information being provided to the commission is accurate and complete;
  2. The applicant agrees to cooperate with all requests, inquiries, or investigations of the commission;
  3. The applicant acknowledges that the commission shall retain jurisdiction over the independent testing laboratory in any matter involving an electronic gaming device;
  4. The applicant acknowledges that it will comply with M.G.L. c. 23K, § 13(b) and (c) and update the commission in accordance with 205 CMR 144.06(6);
  5. The applicant agrees to indemnify and hold harmless the Commonwealth of Massachusetts and the commission, and each of their members, agents, and employees in their individual and representative capacities against any and all claims, suits and actions, brought against the persons named in 205 CMR 144.06(5)(k)5. by reason of any inspections or certifications performed by the applicant as a certified independent testing laboratory, and all other matters relating thereto, and against any and all expenses, damages, charges and costs, including court costs and attorney fees, which may be sustained by the persons and entities named in 205 CMR 144.06(5)(k)5. as a result of said claims, suits and actions; and
- (l) any additional information that the commission may require.

(6) Notification Requirements. Certified independent testing laboratories shall:

- (a) notify the commission of any change in ownership of the certified independent testing laboratory if it is privately held or any change in ownership resulting in shareholding of 5% or more of the independent testing laboratory or any of its holding or intermediary companies; any change in directors, executives, or key management or employees of the independent testing laboratory, and any other material changes to the information included in its application for registration or the information submitted in conjunction with or subsequent to its application within 30 days of such change;
- (b) no later than by the 15<sup>th</sup> day of each January, inform the commission in writing of any changes to the information that was contained on the certified independent testing laboratory's application for certification or submitted in conjunction with or subsequent to its application, or that no changes have occurred since the last reporting date;

144.06: continued

- (c) maintain copies of the results of any ISO/IEC 17025 audits or reviews and notify the commission in writing of the availability of the results within 15 days of when they become available to the certified independent testing laboratory and provide copies to the commission upon request.
- (d) notify the commission immediately of any material issues concerning any electronic gaming device that it tested for use in Massachusetts;
- (e) notify the commission immediately of any attempts by a manufacturer, distributor, or operator to improperly influence the certified independent testing laboratory, or any of its employees, managers, or owners, in or in connection with any testing of electronic gaming devices for use in Massachusetts; and
- (f) timely provide the commission with such other information as the commission may request or require.

(7) Continued Obligations. Certified independent testing laboratories shall abide by the following requirements while certified:

- (a) In the interest of preserving a competitive gaming industry, a certified independent testing laboratory shall not implement or maintain any procedure or policy or take any action that would inhibit or prevent a manufacturer, distributor or operator that has otherwise been deemed suitable for doing business in Massachusetts by the commission from submitting a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, for testing for use in Massachusetts, or that would call into question or tend to erode the independence of the certified independent laboratory from any clients that utilize its services.
- (b) All testing shall be performed by a person directly employed by the certified independent testing laboratory. The certified independent testing laboratory shall not assign, delegate, subcontract, or otherwise engage any person not directly employed by the certified independent testing laboratory for any testing for which the laboratory has been certified. The certified independent testing laboratory shall provide the commission every six months, or upon request as the commission requires, with a list and description of all amounts paid by or invoiced to licensed gaming vendors for costs of electronic gaming device testing or otherwise.
- (c) A certified independent testing laboratory shall implement and maintain a hiring and background check process, which shall be submitted to the commission and subject to the commission's approval, that ensures, at a minimum, that no person is hired in a position involving testing relating to Massachusetts, or in a position overseeing or managing an employee in such a position, who has:
  - 1. been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; or
  - 2. Had any gaming license, registration or other like credential revoked or committed any act which is a ground for the revocation of a gaming license, registration or other professional credential held by the person or would have been a ground for the revocation of a gaming license, registration or other professional credential had the person held such license, registration, or credential.
- (d) A certified independent testing laboratory shall handle all information and data prepared or obtained as part of the testing process as confidential.
- (e) A certified independent testing laboratory shall implement and maintain security and access control systems designed to secure and protect the confidentiality of all equipment, software, and other information entrusted to it as part of the testing process.
- (f) The commission may, as appropriate, periodically provide further guidance as to what is required of a certified independent testing laboratory through industry notices or other written communications.



205 CMR: MASSACHUSETTS GAMING COMMISSION

144.06: continued

(g) If a certified independent testing laboratory hires an individual who was previously employed by, or performed any work for, a manufacturer, distributor or operator within one year prior to the individual's date of employment with the independent testing laboratory, the certified independent testing laboratory shall not permit that person to test any electronic gaming device for use in Massachusetts, for which the person had any involvement with, whatsoever, while he or she was employed by the manufacturer, distributor or operator for a period of one year from the individual's date of employment with the independent testing laboratory.

REGULATORY AUTHORITY

205 CMR 144.00: M.G.L. c. 23K, §§ 4(28), 5 and 66.