

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 maximum 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 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

Prior to the issuance of an Operation Certificate and the commencement of gaming or simulcast wagering, a gaming licensee shall obtain approval for the floor plans as provided in 205 CMR 138.07: *Floor Plans*.

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.

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(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.

REGULATORY AUTHORITY

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