

# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### MILK MARKETING BOARD

[ 7 PA. CODE CH. 143 ]

#### Transactions Between Dealers and Producers; Payment

The Milk Marketing Board (Board) amends 7 Pa. Code by adding § 143.15 (relating to cooperative communication of over-order premium) to read as set forth in Annex A.

##### *Effective Date*

The amendment will be effective 120 days after publication of this final-form rulemaking in the *Pennsylvania Bulletin*.

##### *Statutory Authority*

Section 301 of the Milk Marketing Law (act) (31 P.S. § 700j-301) gives the Board the authority to “supervise, investigate and regulate the entire milk industry of this Commonwealth, including the . . . purchase and sale of milk . . . in this Commonwealth, and including the establishment of reasonable trade practices. . . .” Section 307 of the act (31 P.S. § 700j-307) gives the Board the authority to adopt and enforce regulations necessary or appropriate to carry out the provisions of the act. Section 608 of the act (31 P.S. § 700j-608) provides that “[m]ilk dealers buying or receiving milk from producers shall furnish to each producer . . . a written statement. . . .” and that “[s]uch statement shall set forth such information as may be required by the board. . . .” The definition of milk dealer in section 103 of the act (31 P.S. § 700j-103) provides, in pertinent part, “[i]f a cooperative distributes . . . milk within this Commonwealth. . . to other milk dealers. . . it shall be deemed to be a milk dealer. . . as to that part of its business, and shall be governed by the provisions of this act applicable thereto.”

##### *Purpose and Explanation*

The Board mandates, by way of official general order, an over-order premium be paid to Pennsylvania producers based on milk produced, processed and sold in this Commonwealth. The Board requires milk dealers to provide a line item on monthly statements to producers that shows the amount of over-order premium being paid. The act defines cooperatives as “producers,” so cooperatives are told how much over-order premium they are paid. However, there is no similar requirement that cooperatives provide a line item on monthly statements to their members that shows the amount of over-order premium the members are paid, despite cooperatives being defined in the act as dealers when they distribute member milk to other dealers. This regulation would require cooperatives to provide a line item on monthly statements to their members disclosing the amount of over-order premium being paid.

In April and May 2019, the Board conducted a survey to determine dairy farmers’ knowledge and opinions about this Commonwealth’s milk pricing system including the over-order premium.

When asked if they receive an over-order premium, 69% of cooperative members stated, “No” or “I am not sure.” Those individuals indicating, “I am not sure,” were asked for a reason for that response; the majority of

comments stated that they have no information on monthly checks from cooperatives to indicate any over-order premium is received. Respondents were also asked whether they believe the over-order premium is distributed fairly. Less than 5% of cooperative members agree that it is. Conversely, the majority of cooperative members believe the Board should revise its system for determining and distributing the over-order premium.

A total of 214 comments from survey respondents focused mainly on the lack of transparency by cooperatives in not providing information about the amount of over-order premium included in their monthly payment. Because they lack information, many cooperative members are skeptical and even distrustful of the State and Board, as well as the cooperatives, when discussing their income. They do not understand how the system is benefitting them in any way and believe they are not, in fact, receiving what they are entitled to receive.

Milk dealers have been required since 1997 to provide a line item on monthly statements to producers showing the amount of over-order premium being paid; the independent producers are thus able to quantify the direct benefit they receive from the Board’s mandated over-order premium. For payment purposes, cooperatives are defined as the “producer,” so cooperatives are provided information regarding how much over-order premium they are being paid, but cooperatives are not required to provide that information to their members.

As of February 2021, there were approximately 1,100 independent producers and 4,300 cooperative member producers in this Commonwealth. The independent producers are provided information on their monthly pay statements showing the direct benefit they receive from the Pennsylvania over-order premium.

The majority of the 4,300 cooperative member producers do not have a line item currently on their statements detailing the amount of over-order premium they are being paid. Those producers who do not have the line item are the intended beneficiaries of this regulation.

##### *Description of Proposed Amendments*

The amendment will require cooperatives to provide a line item on monthly statements to their Pennsylvania producer members that shows the amount of Board-mandated over-order premium being paid.

The regulation prescribes a formula for the cooperatives to use to calculate the over-order premium rate and total amount being paid to their Pennsylvania producer members. This will provide uniformity between and among cooperatives regarding the calculation of the amount of over-order premium. The Board also currently prescribes a formula for milk dealers to determine the line item on their monthly statements to independent producers.

The cooperative formula is identical to the formula the Board currently uses to provide information to a Pennsylvania cooperative regarding the over-order premium rate received by that cooperative. That cooperative then provides the information to its members. Since this formula is already in use and produces a result that has effectively transmitted the over-order premium rate information, the Board decided to adopt it for this regulation. This formula calculates the average rate received by members of each cooperative.

*Public Comments*

The Pennsylvania Farm Bureau submitted a comment in favor of the Board adopting the regulation.

The Pennsylvania Association of Dairy Cooperatives (PADC) made several comments. First PADC and the Independent Regulatory Review Commission (IRRC) suggested adding "Pennsylvania" to subsection (b) to expressly specify the regulation was applicable to Pennsylvania member pounds. The Board agrees and "Pennsylvania" is added to subsection (b) in this final-form rulemaking.

PADC proposed adding a subsection to account for those situations where cooperatives market the milk of nonmembers, suggesting that the nonmember milk should be aggregated with member milk. Cooperatives are formed and operate with the purpose that the members work together to maximize benefits for the members. Nonmembers, by definition, are not parties to the agreement to work together to maximize benefits for the members; therefore, nonmember milk should not be treated the same as member milk and nonmember milk should receive information and payments specific to the milk the nonmember markets through the cooperative. The Board currently requires cooperatives, as the dealers they are defined to be, to specify the amount of over-order premium being paid to nonmembers under the member/nonmember dichotomy described. Therefore, this suggestion is not adopted in this final-form rulemaking.

PADC also suggested language to treat milk marketed for other cooperatives the same as milk marketed for member farmers. This concept is not adopted for this final-form rulemaking. This final-form rulemaking concerns transactions between individual producers and their cooperatives. The PADC cooperatives are the only cooperatives that suggested this concept be included in the regulation. Without more input from other cooperatives, the Board does not think that this suggestion should be adopted at this time.

PADC also suggested adding language based on section 809 of the act (31 P.S. § 700j-809) which provides in relevant part that cooperative members have the right to determine among themselves how the proceeds of their collective sales are distributed. This final-form regulation contains subsection (e) providing that cooperatives are not required to reduce or alter any payments or information provided to their members beyond providing the over-order premium payment information required by the new regulation.

After the close of the public comment period, the Board circulated a proposed draft of this final-form rulemaking, asking for additional input. PADC was the only party that provided additional input. Based on that additional input, the Board added a subsection to address situations where cooperatives are not paid over-order premium during a month and how that should be reported to that cooperative's members. The additional PADC input also suggested the rounding concept adopted in subsection (c) in this final-form rulemaking.

*Comments regarding calculation of the line item*

The Honorable Representative John Lawrence recommended that the Board change the regulation to require that cooperatives provide a line item to each cooperative member detailing the specific amount of over-order premium that member's milk generated. Regarding the proposed rulemaking, the Honorable Representative Lawrence commented "[t]he definition in paragraph (b) would result in a listing on each farmer's milk checks of total

dollar value of over-order premiums paid to the entire cooperative for a given month. This is very different from the information provided by milk dealers to their farmer members—where a milk check shows the amount of over-order premium dollars paid to each individual farmer." Milk price regulation is a complex subject and the Board believes that the Honorable Representative Lawrence was missing a key piece of information when he submitted his suggestion. The Board Chairperson explained that concept to the Honorable Representative Lawrence and the Board believes that if the Honorable Representative Lawrence had that information his suggestion would not have been made. IRRC also commented that providing an average over-order premium paid to the entire cooperative would not alleviate the concerns of cooperative members who do not believe they are receiving what they are entitled to receive. The calculation in subsection (b) to determine the over order premium rate for cooperative members is essentially the same calculation, mandated by Board official general order, used by milk dealers to specify over-order premium rate paid to independent farmers. This is an important issue and is explained in detail as follows.

The over-order premium is calculated on an individual handler pool basis based on each dealer's Class 1 utilization. This means that the over-order premium rate paid to producers differs among Class 1 processors, based on the ratio of the Pennsylvania producer milk they receive to the total producer milk they receive and the amount of packaged milk they sell in this Commonwealth. Each producer supplying a particular Class 1 processor receives the same over-order premium rate as every other producer supplying that same particular Class 1 processor, but remember that each processor pays a different over-order premium rate to its producers.

The over-order premium rate paid by each processor and received by each producer supplying that particular processor is essentially an average of the total over-order premium generated by each producer's shipments to the processor. Class 1 processors do not account for the utilization of each supplying producer's individual milk shipments. A producer's milk may today be packaged and sold to a retailer in this Commonwealth (generating an over-order premium obligation), tomorrow be packaged and sold to an out-of-state retailer (not generating an over-order premium obligation), and the next day be diverted to a cheese plant (not generating an over-order premium obligation). Regardless of the ultimate use of each shipment, every producer supplying a particular Class 1 processor is paid the same over-order premium rate per hundredweight as every other producer supplying the particular Class 1 processor. In other words, producers supplying Class 1 processors are not paid individual rates based on the over-order premium generated by their particular milk shipments, but rather are paid an average rate based on the plant's utilization.

Since each Class 1 processor has a different Pennsylvania Class 1 utilization, each Class 1 processor pays a unique over-order premium rate. Producers supplying a processor with high Pennsylvania Class 1 utilization are paid a higher over-order premium rate than producers supplying a processor with a lower Pennsylvania Class 1 utilization.

The Board's proposed regulation treats the milk marketed to a cooperative by its members analogously to how milk marketed by independent producers to Class 1 processors is treated. Class 1 processors calculate and itemize the over-order premium based on the total utiliza-

tion of the plant with no regard to where each supplying producer's milk ended up on any particular day. Similarly, the proposed regulation requires cooperatives to calculate and itemize the over-order premium with no regard to where an individual member's milk was shipped on any particular day. Each Class 1 processor pays a unique average over-order premium rate based on its utilization. The proposed regulation would require cooperatives to essentially do the same.

Subsection (b) has been expanded to make clear the requirement that the over-order premium rate calculated by cooperatives be applied to the pounds of milk marketed by each member to show an amount received specific to each member based on the amount of pounds marketed to the cooperative. This mirrors the requirement that Class 1 processors show the amount received by producers in their statements by applying the processor's particular rate to the pounds of milk marketed by each individual producer.

Broadly speaking, the cooperative business model provides for pooling revenues and paying money back to members per the agreement between members and the cooperative. Cooperatives receive over-order premium payments, along with other mandated minimum payments and voluntary premiums. Those revenues are pooled and paid back to members. Part of the payment to members is, therefore, attributable to the Pennsylvania over-order premium in an amount based on the premium received by the cooperative and the pounds of member milk marketed by the cooperative. Just as the over-order premium is not paid by processors to independent producers based on the over-order premium generated by each producer's individual milk shipments throughout the month, the proposed regulation does not require cooperatives to track and account for the over-order premium generated by each member's individual milk shipments throughout the month. Therefore, for the purpose of providing information regarding the over-order premium paid, the regulation treats cooperative member milk marketed to a cooperative the same as independent dairy farmer milk marketed to a Class I processor.

*Fiscal Impact*

This final-form rulemaking would have little fiscal impact on the Commonwealth, its political subdivisions or the public.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 10, 2019, the Board submitted a copy of the notice of proposed rulemaking, published at 49 Pa.B. 5455 (September 21, 2019) to IRRC and to the Chairpersons of the House and Senate Committees on Agriculture and Rural Affairs for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board is required to submit to IRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees, and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5(a)(j.2)), on April 14, 2021, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 15, 2021, and approved the final-form rulemaking.

*Contact Person*

Interested persons may obtain information regarding this final-form rulemaking by contacting Doug Eberly, Chief Counsel, Pennsylvania Milk Marketing Board, 2301 North Cameron Street, Harrisburg, PA 17110, ra-pmmb@pa.gov, within 30 days after publication in the *Pennsylvania Bulletin*. Individuals who require this information in a different format may call the Board at (717) 787-4194 or the Pennsylvania Hamilton Relay Service for TDD users at (800) 654-5984.

*Findings*

The Board finds that:

(1) Public notice of the intention to adopt these final-form regulations was given under sections 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and all comments were considered.

(3) The regulation is necessary and appropriate for the administration of the act.

*Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 7 Pa. Code Chapter 143, are amended by adding § 143.15 to read as set forth in Annex A.

(b) The Board will submit this order and Annex A to the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The order shall take effect 120 days following publication in the *Pennsylvania Bulletin*.

ROBERT N. BARLEY,  
*Chairperson*

*(Editor's Note: For IRRC's approval order, see 51 Pa.B. 2468 (May 1, 2021).)*

**Fiscal Note:** Fiscal Note 47-20 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART VI. MILK MARKETING BOARD**

**CHAPTER 143. TRANSACTIONS BETWEEN DEALERS AND PRODUCERS**

**PAYMENT**

**§ 143.15. Cooperative communication of over-order premium.**

(a) Cooperatives shall show by line item on their monthly statements to dairy farmers marketing milk through the cooperative the specific amount of the Pennsylvania Milk Marketing Board over-order premium being paid.

(b) For the purpose of this section, "the specific amount of the Pennsylvania Milk Marketing Board over-order premium being paid" shall be calculated monthly by each cooperative by

(1) deriving an over-order premium rate by dividing the total Pennsylvania over-order premium paid to the cooperative by the total cooperative Pennsylvania member pounds marketed,

(2) multiplying the rate derived in subsection (b)(1) by the Pennsylvania member pounds marketed.

(c) The amount calculated in subsection (b) shall be expressed on dairy farmer monthly statements in cents/hundredweight. When the result of the calculation in subsection (b)(1) falls between cents, the rate reported to dairy farmers shall be rounded down to the lower cent.

(d) If a cooperative is not paid over-order premium during a month, the cooperative shall disclose on its monthly statement that no over-order premium was received.

(e) Other than setting forth the calculation of value in subsection (b), nothing in this section shall require reduction or alteration of amounts, content or format of information about cooperative premium programs on the monthly statements to dairy farmers.

[Pa.B. Doc. No. 21-850. Filed for public inspection May 28, 2021, 9:00 a.m.]

## Title 40—LIQUOR

### LIQUOR CONTROL BOARD

[ 40 PA. CODE CH. 5 ]

#### Proof of Recycling; Correction

The findings and ordering language was inadvertently omitted from the final-form rulemaking published at 51 Pa.B. 2927 (May 22, 2021). The correct version of the findings and ordering language is as follows.

#### Findings

The Board finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to relating to notice of proposed rulemaking; and adoption of regulations).

(2) The amendments to the Board's regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

#### Order

The Board, acting under the authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 5, are amended by adding § 5.43 to read as set forth in Annex A.

(b) The Board shall certify this order and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 21-851. Filed for public inspection May 28, 2021, 9:00 a.m.]

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 441a, 465a, 501a, 503a, 603a AND 609a ]

#### Slot Machine Licenses; Accounting and Internal Controls; Compulsive and Problem Gambling Requirements; Casino Self-Exclusion; Table Game Equipment; Credit

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), and § 1516(a) and (b) (relating to regulatory authority; and list of persons self excluded from gaming activities), amends Chapters 441a, 465a, 501a, 503a, 603a and 609a to read as set forth in Annex A.

#### *Purpose of this Final-Form Rulemaking*

This final-form rulemaking revises the existing body of regulations to alter the procedures for a person to self-exclude from gaming activities in licensed facilities in the Commonwealth, and specifically delineate that the modified sections apply only to casino and retail sports wagering self-exclusion. Self-exclusion for other forms of gaming in the Commonwealth (interactive gaming, VGT gaming and Fantasy Contests) will all be maintained on separate lists in a manner consistent with the Pennsylvania Race Horse Development and Gaming Act (act) (4 Pa.C.S. §§ 1101—1904).

#### *Explanation*

##### *Chapters 441a and 465a*

The amendments to Chapters 441a and 465a are for cross-reference purposes.

##### *Chapter 501a*

The amendments in this Chapter are to §§ 501a.2—501a.4 and 501a.7. These amendments are made to rename the self-exclusion list the “casino self-exclusion list,” as well as minor administrative changes regarding compulsive and problem gambling messages in advertisements. The advertising changes in § 501a.7 (relating to advertising) relate to the inclusion of reference to the Department of Drug and Alcohol Programs as an entity which provides assistance to the Board and casino patrons when it comes to problem gaming.

##### *Chapter 503a*

The amendments in this Chapter are made to rename the self-exclusion list the “casino self-exclusion list.” This list will be available for people who only want to self-exclude from brick-and-mortar casino gaming and retail sports wagering at licensed facilities. Separate lists will be maintained by the Board for individuals who wish to self-exclude from interactive gaming (including interactive sports wagering), Video Gaming and Fantasy Contests.

Section 503a.1 (relating to definitions) contains amendments to the definitions section, removing the definitions of “self-excluded person” and “self-exclusion list” and adding the definition of “casino self-excluded person” and “casino self-exclusion list.” Additionally, provisions relating to the placement of sports wagers are added to the definitions relating to what a gaming transaction or gaming activity consists of.

In § 503a.2 (relating to request for casino self-exclusion), additional procedures are added to allow a patron to self-exclude from gaming activities in licensed facilities electronically on the Board's web site. When filling out the webform on the Board's web site, an individual has the option to check a box as to which forms of gaming he or she wishes to self-exclude from. An individual only needs to fill out the form once to self-exclude from multiple forms of gaming after selecting the forms of gaming he or she wants to self-exclude from.

Updates to § 503a.3 (relating to casino self-exclusion list), are made to the terminology to reference the casino self-exclusion list, and update the procedures for distribution of the information on the casino self-exclusion list to licensed facilities.

Section 503a.4 (relating to duties of slot machine licensees) is merely updated to make reference to the casino self-exclusion list.

Section 503a.5 (relating to removal from casino self-exclusion list) contains modifications that are designed to amend the procedures for a patron who wishes to remove himself or herself from the casino self-exclusion list, including provisions that allow an individual who self-excluded for lifetime to request removal under limited circumstances. The Board sought to make it easier for individuals who requested a 1-year or 5-year self-exclusion to remove themselves from the casino self-exclusion list. The individual may now choose to make the request for removal from the self-exclusion at an appointment with Board staff or complete the request online on the Board's web site. Permitting an individual to remove themselves online will be less burdensome and more efficient for self-excluded individuals and will ease administrative burden on Board staff.

As it pertains to individuals who previously selected lifetime casino self-exclusion, the regulations have not permitted a voluntary self-excluded individual from seeking removal from the self-exclusion list when lifetime was selected. Individuals, however, often petition the Board for relief, which requires the Office of Enforcement Counsel (OEC) to file a response and then have a hearing in the Office of Hearings and Appeals (OHA).

OEC would request denial of the Petition for Removal, as the regulations do not provide for the relief requested by the individual. OHA would then be bound to issue a Report and Recommendation to the Board recommending denial of the petition, for lack of an available remedy. However, there have been instances where individuals have made compelling arguments in their hearing or directly to the Board at the public meeting to justify removal from the self-exclusion list. These reasons include, but are not limited to, a significant time passing from the original decision to self-exclude and individuals who sought treatment for relevant issues and were in recovery, have presented a significant change in life circumstances, or even issues encountered by misinterpretation for non-English speaking patrons. However, without any remedy available, the Board was bound by the regulations to deny the relief requested, despite the establishment of compelling circumstances which may justify a rescission of an entirely voluntary action years earlier by the person.

The amended provisions in § 503a.5(f) give the Board discretion to remove from the list an individual has been on the casino self-exclusion list for a period of at least 10 years after selecting lifetime self-exclusion who satisfies his or her burden of proof presents a compelling case that

the removal will not have a negative impact on the individual or gaming in this Commonwealth. This maintains a level of protection both for the public at large, individuals who choose to self-exclude and the integrity of gaming operations in this Commonwealth.

#### *Chapters 603a and 609a*

The amendments to Chapters 603a and 609a are for cross-reference purposes.

#### *Response to Comments*

The Board did not receive any public comments from the regulated community or the general public. Comments were received from the Independent Regulatory Review Commission (IRRC), and responses to the comments follow:

*Statutory Authority; Whether the regulation is in the public interest; Reasonableness of requirements; and Protection of the public health, safety and welfare.*

The statutory authority of 4 Pa.C.S. § 1516(a) and (b) (relating to list of persons self excluded from gaming activities) govern the creation and implementation of a self-exclusion list. These provisions state that "[t]he board shall provide by regulation for the establishment of a list of persons self-excluded from gaming activities, including interactive gaming, at all licensed facilities." This provision is contrary to later provisions in the act which state that interactive gaming may not be conducted within a licensed facility (see 4 Pa.C.S. § 13B63(c) (relating to Internet cafes and prohibition)). This creates an inconsistency in the statute that the Board is required to navigate.

The Board determined that given the inconsistent use of the language, the Board is within its statutory authority to create the two separate lists, and that it was a better public interest decision to have two lists. The Board also considered the Legislature's directive that a separate list be created for video gaming (see 4 Pa.C.S. Part III (relating to video gaming)) and fantasy contests (see 4 Pa.C.S. Part I, Chapter 3 (relating to fantasy contests)), but no provisions were included for a separate Sports Wagering self-exclusion list, as sports wagering is offered in retail form at licensed facilities and as a form of interactive gaming. This multiple list is also consistent with the Commonwealth's regional gaming neighbor in New Jersey, who maintain a separate self-exclusion list for casino gaming and interactive gaming.

A two-list approach recognizes that an individual's decision to self-exclude is entirely voluntary on his or her part and not mandated by the Board or a third person. Accordingly, an individual is provided the option to self-exclude from retail gaming, interactive gaming, or both. The ability to choose is to the persons benefit as it allows him or her to exclude from one form or the other, as they voluntarily choose. This encourages a person to self-exclude from the form that they believe may pose a problem for them. A blanket exclusion may discourage some individuals from self-excluding with an all or nothing approach and thereby not serve the interests of the individual. For example, an individual who believes online gaming poses a risk to themselves but they still enjoy visiting a casino with a spouse periodically, may decline self-exclusion so they can go to a casino, thereby placing themselves at risk by not being self-excluded from the form of gaming they elect. This two-list approach allows patrons who wish to continue to visit licensed facilities to prevent themselves from having 24/7 access to interactive gaming web sites and mobile applications. From a compulsive and problem gambling standpoint, allowing the

separate lists provides an additional safeguard for individuals who wish to control their access to gaming, while still maintaining their ability to gamble on their own terms.

When an individual fills out the webform on the Board's web site, he or she is able to click on all of the forms of gaming he or she wishes to self-exclude from. This allows a patron to self-exclude from multiple forms of gaming while only having to provide the information one time.

*Compliance with the Regulatory Review Act or IRRC regulations.*

The Preamble and Regulatory Analyses Form (RAF) to this final-form rulemaking have been updated as requested to highlight the amendments to the sections and the rationale for the proposed changes.

*Communication with the regulated community.*

This matter was addressed in the updated final-form RAF form in the Board's response to question # 14.

§ 503a.1. *Definitions.—Clarity.*

These clarity issues are addressed in Annex A of this final-form rulemaking.

§ 503a.2. *Request for casino self-exclusion.—Clarity; Reasonableness of requirements, implementation procedures and timetable for compliance by the public and private sectors; and Possible conflict with statute.*

The provisions regarding social security numbers have been updated in Annex A. The amendments to the regulatory provisions now state that when an individual does not choose to voluntarily provide his or her full social security number, he or she may choose to voluntarily provide the last 4 digits of the number. Gathering this information is important to ensure that there is no confusion if individuals with the same or similar names place themselves on the casino self-exclusion list (or other lists, as this language will be contained in the Board's other provisions regarding self-exclusion in other forms of gaming). By requesting at least the truncated social security number, this also aids to ensure that individuals are placed on the list by other people, and to prevent people who have not chosen to avail themselves of the casino self-exclusion list from being inadvertently prohibited from gaming in this Commonwealth.

The Board acknowledges that section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a) prohibits a state agency from denying an individual a "right, benefit, or privilege provided by law" for failure to disclose a social security number. The Board's self-exclusion program is entirely voluntary, and based upon the amended language, the Board will not deny an individual placement on the casino self-exclusion list for failure to provide a social security number or the last 4 digits of the social security number. However, the Board will continue to encourage individuals to voluntarily provide that information, as it makes the casino self-exclusion list more effective in preventing self-excluded individuals from engaging in gaming activities.

As to the second issue raised, it is true that certain licensed facilities, when gaining the information of individuals on the casino self-exclusion list, may choose to exclude those individuals from using their interactive gaming platforms or at jurisdictions in other states as well. When an individual chooses to self-exclude from casino gaming, he or she must identify as a problem gambler on the form. Certain entities in the gambling

industry may choose to exclude a self-excluded person from all forms of gambling they entity provides as is their common-law right and potentially limit liability if the person would use the other forms of gambling to the persons detriment.

The Board's self-exclusion web portal, which will provide access to all self-exclusion lists, contains a disclaimer in the Frequently Asked Questions section that states: "Licensees may have more restrictive policies on self-exclusion. Licensees may ban you from their iGaming sites if you have enrolled in the Casino Self-Exclusion Program. Likewise, licensees may ban you from entering their casino if you have enrolled in the iGaming self-exclusion program. Licensees may also choose to ban self-excluded individuals from gambling establishments and iGaming sites in other jurisdictions. It is your responsibility to learn these policies by contacting the licensees directly by phone or e-mail."

When an individual uses the Board's online self-exclusion portal to self-exclude from any or all forms of gaming, he or she must create an account. If an individual self-excludes by means of the online portal, he or she will be able to log into his or her account and update the required information. However, if a person self-excluded prior to the implementation of the self-exclusion portal or chooses to self-exclude at a Board office or a licensed facility, the individual will not have a self-exclusion portal account. However, an "Update My Information" webform will be created that will allow and individual to submit a request for the Office of Compulsive and Problem Gambling to update the information in the database. Annex A in this final-form rulemaking is updated to reflect this.

§ 503a.3. *Casino self-exclusion list.—Clarity.*

This clarity issue is addressed in Annex A of this final-form rulemaking.

§ 503a.5. *Removal from casino self-exclusion list.—Clarity; Reasonableness of requirements, implementation procedures and timetables for compliance by the public; Whether the regulation is in the public interest; and Protects the public health, safety and welfare.*

The provisions of § 503a.2(d)(4) and (f) are amended in Annex A of this final-form rulemaking to make clear that an individual remains self-excluded and prohibited from entering licensed facilities until the complete request for removal is accepted by the Board and 7 business days have elapsed from the acceptance. A request for removal from the casino self-exclusion list is deemed accepted when all necessary information and documentation has been provided to the Board, either in-person or by means of the Board's web site. Once accepted, the Board will remove the individual's name within 5 business days, and after 7 business days, the individual is permitted to enter licensed facilities again.

The rationale behind only accepting assessments from Commonwealth funded providers is two-fold. The first is that it provides an avenue where people can get either free or reduced costs assessments done, as the Commonwealth provides funding for these assessments. Additionally, Commonwealth funded providers must be approved by the Department of Drug and Alcohol Programs to conduct problem gambling assessment or treatment, or both. The Board prefers to have individuals who have previously identified as problem gamblers to have assessments performed by treatment providers who have been identified as being qualified in that area.

The self-exclusion process for individuals granted relief under § 503a.5(f)(6)(i) will be the same process for other individuals who self-excluded for 1-year or 5 years seeking removal from the casino self-exclusion list. The information that will be provided to the individual, referred to in subsection (f)(6)(i), will be the procedures outlined for removal in § 503a.5(a)—(e). Additionally, any denial order under subsection (f)(6)(ii) will include the reason for denial.

*Miscellaneous clarity.*

All points raised for miscellaneous clarity were addressed in Annex A of this final-form rulemaking.

*Fiscal Impact*

*Commonwealth.* The Board does not expect that this final-form rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. The updated processes for casino self-exclusion will be reviewed by existing Board staff.

*Political subdivisions.* This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* This final-form rulemaking will not have a fiscal impact on the private sector. The procedures for casino self-exclusion and enforcement of such by licensed facilities are already in place, including the use of the self-exclusion system to update the self-exclusion lists that slot machine licensees maintain.

*General public.* This final-form rulemaking will provide persons who wish to self-exclude from gaming activities at casinos in this Commonwealth an option to do so online, eliminating the need to make an appointment to do so in person and thus requiring no travel.

*Paperwork Requirements*

If an individual wishes to join the casino self-exclusion list, the person may do so online on the Board’s web site by filling out a webform and choosing what forms of gaming the individual desires to self-exclude from. An individual who wishes to self-exclude from multiple forms of gaming need only fill out the form one time, and check boxes as to self-exclusion list the individual wishes to join. The Board’s self-exclusion web site address is <https://responsibleplay.pa.gov/self-exclusion/>.

If a person who self-excluded for 1-year or 5 years wishes to remove himself or herself from the casino self-exclusion list, he or she must file a Request for Removal from Voluntary Self-Exclusion Form, which will be available on the Board’s web site. An individual seeking removal from lifetime casino self-exclusion must file a petition with the Board requesting removal.

*Effective Date*

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of the proposed rulemaking, published at 49 Pa.B. 7084 (November 30, 2019) and a copy of the RAF to IRRC and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees are provided with copies of comments received during the public comment period, as well

as other documents when requested. With regard to this rulemaking, no comments were received from the House and Senate Committees.

Under section 5a(j.2) of the Regulatory Review Act, on April 14, 2021, the final-form rulemaking was deemed approved by the House and Senate Committees. IRRC met on April 15, 2021, and approved the regulations in accordance with section 5a(e) of the Regulatory Review Act.

*Findings*

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2. (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) This final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

*Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code 441a, 465a, 501a, 503a, 603a and 609a, are amended by amending §§ 441a.23, 465a.11, 501a.2—501a.4, 501a.7, 503a.1—503a.7, 603a.20 and 609a.3 to read as set forth in Annex A.

(2) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(3) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

DAVID M. BARASCH,  
Chairperson

(Editor’s Note: See 51 Pa.B. 2468 (May 1, 2021) for IRRC’s approval order.)

**Fiscal Note:** Fiscal Note 125-225 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart C. SLOT MACHINE LICENSING**

**CHAPTER 441a. SLOT MACHINE LICENSES**

**§ 441a.23. Category 3 slot machine licensees.**

\* \* \* \* \*

(b) A Category 3 slot machine applicant shall submit, as part of its application and its internal controls required under Chapter 465a (relating to accounting and internal controls), a plan detailing how the applicant will monitor the gaming area to ensure compliance with Chapters 503a, 511a and 513a (relating to casino self-exclusion; persons required to be excluded; and underage gaming) and that only the following persons are permitted to enter the gaming area:

\* \* \* \* \*

**Subpart E. SLOT MACHINE, TABLE GAME AND ASSOCIATED EQUIPMENT TESTING AND CONTROL; ACCOUNTING AND INTERNAL CONTROLS**

**CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS**

**§ 465a.11. Slot machine licensee's organization; jobs compendium.**

\* \* \* \* \*

(b) A slot machine licensee's system of internal controls must also include, at a minimum, the following departments and supervisory positions, each of which must be categorized as mandatory and must cooperate with, yet perform independently of, other mandatory departments and supervisory positions of the slot machine licensee. Notwithstanding the foregoing, a department or supervisor that is not required or authorized by this section may operate under or in conjunction with a mandatory department or supervisor provided the organizational structure is consistent with the standards contained within the act and subsection (a). Mandatory departments and supervisory positions are:

(1) A surveillance department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of surveillance. The director of surveillance shall be subject to the reporting requirements specified in subsection (c) and shall be licensed as a key employee. The surveillance department shall be responsible for the following:

\* \* \* \* \*

(vii) The detection of the presence of any individual who may or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act (relating to regulation requiring exclusion or ejection of certain persons; and repeat offenders excludable from licensed gaming facility) and Chapters 511a and 513a (relating to persons required to be excluded; and underage gaming), or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act (relating to list of persons self-excluded from gaming activities) and Chapter 503a (relating to casino self-exclusion).

\* \* \* \* \*

**Subpart I. COMPULSIVE AND PROBLEM GAMBLING**

**CHAPTER 501a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS**

**§ 501a.2. Compulsive and problem gambling plan.**

\* \* \* \* \*

(f) The Board may provide the plan submitted by the slot machine licensee to the Department of Drug and Alcohol Programs or its successor agency for its use in administering the act. The Department of Drug and Alcohol Programs or its successor agency may provide comments and recommendations to the OCPG and the licensee relating to the plan.

\* \* \* \* \*

**§ 501a.3. Employee training program.**

(a) The employee training program required under § 501a.2(d)(5) (relating to compulsive and problem gambling plan) must include instruction in the following:

\* \* \* \* \*

(8) Procedures for the dissemination of written materials to patrons explaining the casino self-exclusion program, described in Chapter 503a (relating to casino self-exclusion).

(9) Procedures for removing an excluded person, an underage individual or a person on the casino self-exclusion list from a licensed facility including, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel.

(10) Procedures for preventing an excluded person or a person on the casino self-exclusion list from being mailed any advertisement, promotion or other target mailing no later than 5 business days after receiving notice from the Board that the person has been placed on the excluded person or casino self-exclusion list.

(11) Procedures for preventing an individual under 21 years of age from receiving any advertisement, promotion or other target mailing.

(12) Procedures to prevent an excluded person, an individual under 21 years of age or a person on the casino self-exclusion list from having access to or from receiving complimentary services, or other like benefits.

(13) Procedures to prevent an excluded person, an individual under 21 years of age or a person on the casino self-exclusion list from cashing checks.

\* \* \* \* \*

(g) The identity of an individual suspected of known compulsive or problem gambling shall be confidential except as provided under § 503a.3(f) (relating to casino self-exclusion list) and section 1516(d) of the act (relating to list of persons self excluded from gaming activities).

(h) Slot machine licensees may collaborate with a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required under this chapter.

**§ 501a.4. Reports.**

\* \* \* \* \*

(b) The annual summary must contain, at a minimum, detailed information regarding:

\* \* \* \* \*

(2) An estimated amount of printed materials provided to patrons regarding:

- (i) Compulsive and problem gambling.
- (ii) The casino self-exclusion program.
- (iii) Responsible gaming.
- (iv) Available treatment services.

(3) The amount spent on the Compulsive and Problem Gambling Plan for:

- (i) Employee training.
- (ii) Printed materials.
- (iii) Outreach including community training and sponsorships.

(4) Additional information including:

(i) The number of underage individuals who were denied access to the gaming floor.

(ii) The number of casino self-excluded individuals who were discovered on the gaming floor at the licensed facility.



(iii) The number of signs within the licensed facility that contain the approved problem gambling statement and helpline number.

(iv) A summary of any community outreach conducted by the licensee.

**§ 501a.7. Advertising.**

(a) A licensee, entity certified or registered by the Board, or its agent may not employ or contract with an individual or entity to persuade or convince a person to engage in gaming or play a specific slot machine or table game while on the gaming floor of a licensed facility.

(b) A licensee, entity certified or registered by the Board, or its agent shall discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice that the OCPG has determined that the use of the particular advertisement in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.

(c) Advertisements used by a licensee, entity certified or registered by the Board, or its agent may not:

- (1) Contain false or misleading information.
- (2) Fail to disclose conditions or limiting factors associated with the advertisement.
- (3) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring conditions or limiting factors associated with the advertisement or the statement required under subsection (d).

(d) Advertisements must contain a gambling assistance message that includes the telephone number established by the Department of Drug and Alcohol Programs or its successor agency to provide persons with information on assistance for compulsive or problem gambling.

(e) The complete text of the gambling assistance message and the font to be used for the statement, if it has not been previously approved, shall be submitted to the Director of OCPG for approval utilizing the process in § 501a.2(g) (relating to compulsive and problem gambling plan) and comply with the following:

\* \* \* \* \*

**CHAPTER 503a. CASINO SELF-EXCLUSION**

**§ 503a.1. Definitions.**

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

*Casino self-excluded person*—A person whose name and identifying information is included, at the person’s own request, on the casino self-exclusion list maintained by the Board.

*Casino self-exclusion list*—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be:

- (i) Excluded from the gaming floor and areas off the gaming floor where gaming activity is conducted.
- (ii) Excluded from engaging in all gaming related activities at a licensed facility or other location approved by the Board to conduct gaming activity.
- (iii) Prohibited from collecting any winnings or recovering any losses resulting from gaming activity.

*Fully executed gaming transaction*—An activity involving a slot machine, table game or associated equipment, or placement of a sports wager which occurs on the gaming floor of a licensed facility or other location

approved by the Board to conduct gaming activity or in areas off the gaming floor where contests or tournaments are conducted which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee or slot system operator.

*Gaming activity*—The play of slot machines, table games, or the placement of a sports wager, including play during contests, tournaments or promotional events.

*Gaming related activity*—An activity related to the play of slot machines, table games, or the placement of a sports wager, including applying for player club memberships or credit, cashing checks, or accepting a complimentary gift, service, promotional item or other thing of value at a licensed facility or other location approved by the Board to conduct gaming activity.

*OCPG*—Office of Compulsive and Program Gambling.

*Winnings*—Any money or thing of value received from, or owed by, a slot machine licensee or slot system operator as a result of a fully executed gaming transaction.

**§ 503a.2. Request for casino self-exclusion.**

(a) A person requesting to be self-excluded from gaming activity at licensed facilities or other locations approved by the Board to conduct gaming activity shall submit a completed Request for Voluntary Self-Exclusion from Gaming Activities Form to the Board by one of the following methods:

- (1) Electronically on the Board’s web site.
- (2) In person by scheduling an appointment at the Board’s Harrisburg office, one of the Board’s other offices or at a licensed facility. To make an appointment, a person may contact the OCPG at (717) 346-8300 or [problemgambling@pa.gov](mailto:problemgambling@pa.gov).
- (b) A request for casino self-exclusion must include the following identifying information:
  - (1) Name, including any aliases or nicknames.
  - (2) Date of birth.
  - (3) Address of current residence.
  - (4) Telephone number.
  - (5) Social Security number, or the last 4 digits of the individual’s Social Security Number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).
  - (6) Physical description of the person, including height, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.
- (c) The information provided in subsection (b) shall be updated by the casino self-excluded person within 30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address, or submitted online in the “update my information” webform on the Board’s web site. A copy of the form can be obtained by calling the OCPG at (717) 346-8300, by e-mail at [problemgambling@pa.gov](mailto:problemgambling@pa.gov), or by writing to:

PENNSYLVANIA GAMING CONTROL BOARD  
 OFFICE OF COMPULSIVE AND  
 PROBLEM GAMBLING  
 P.O. BOX 69060  
 HARRISBURG, PA 17106-9060

(d) The length of casino self-exclusion requested by a person must be one of the following:

- (1) One year (12 months).
  - (2) Five years.
  - (3) Lifetime.
- (e) A request for casino self-exclusion must include a signed release which:
- (1) Acknowledges that the request for casino self-exclusion has been made voluntarily.
  - (2) Certifies that the information provided in the request for casino self-exclusion is true and accurate.
  - (3) Acknowledges that the individual requesting casino self-exclusion is a problem gambler.
  - (4) Acknowledges that a person requesting a lifetime exclusion may only request removal from the casino self-exclusion list in accordance with the procedures set forth in § 503a.5(f) (relating to removal from casino self-exclusion list) and that a person requesting a 1-year or 5-year exclusion will remain on the casino self-exclusion list until a request for removal under § 503a.5 is accepted and the 7 business days required under § 503a.5(e) have elapsed.
  - (5) Acknowledges that if the individual is discovered on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities at any licensed facility or other location approved by the Board to conduct gaming activity, that the individual will be subject to removal and arrest for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass) and the individual's winnings will be subject to confiscation and remittance to support compulsive and problem gambling programs.
  - (6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board and all slot machine licensees from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the casino self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:
    - (i) The failure of a slot machine licensee to withhold gaming privileges from or restore gaming privileges to a casino self-excluded person.
    - (ii) Otherwise permitting or not permitting a casino self-excluded person to engage in gaming activity in a licensed facility or other location approved by the Board to conduct gaming activity while on the list of casino self-excluded persons.
    - (iii) Confiscation of the individual's winnings.
  - (f) Casino self-exclusions for 1-year or 5 years remain in effect until the period of casino self-exclusion concludes and the person requests removal from the Board's casino self-exclusion list under § 503a.5, the request for removal is accepted by the Board, and the required 7 business days under § 503a.5(e) have elapsed.
  - (g) A person submitting a casino self-exclusion request shall present or submit electronically a copy of that person's valid government-issued identification containing the person's signature and photograph when the person submits the request, or if the person does not possess a valid government-issued identification, some other documentation to verify the identity of the person (for example, a utility or other bill in the person's name at the same address provided).
  - (h) A person requesting casino self-exclusion in person under this chapter shall have a photograph taken by the Board, or agent thereof, upon submission of the request to be on the list.

(i) A person requesting casino self-exclusion electronically on the Board's web site shall submit a copy of a recent passport-style photograph of the person upon submission of the request to be on the list.

**§ 503a.3. Casino self-exclusion list.**

(a) The Board will maintain the official casino self-exclusion list and will make all necessary additions or deletions of individuals removed from the list under § 503a.5 (relating to removal from casino self-exclusion list) within 5 business days of the verification of the information received under § 503a.2 (relating to request for casino self-exclusion) and shall make the casino self-exclusion list available to slot machine licensees electronically by means of the Board's self-exclusion system.

(b) The information made available to slot machine licensees by means of the Board's self-exclusion system will include the following information concerning a person who has been added to the casino self-exclusion list:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number.
- (5) Social Security number, or the last 4 digits of the individual's Social Security Number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).

(6) Physical description of the person, including height, gender, hair color, eye color and other physical characteristic, that may assist in the identification of the person.

(7) A copy of the photograph taken by the Board or submitted electronically under § 503a.2(h) and (i).

(c) The information made available to slot machine licensees by the Board concerning a person whose name has been removed from the casino self-exclusion list will include the name and date of birth of the person.

(d) A slot machine licensee shall maintain a copy of the casino self-exclusion list and establish procedures to ensure that the copy of the casino self-exclusion list is updated at least every 2 business days with the information made available to slot machine licensees by means of the Board's self-exclusion system and that all appropriate employees and agents of the slot machine licensee are notified of the additions to or deletions from the list.

(e) Information furnished to or obtained by the Board under this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter.

(f) Slot machine licensees, employees or agents thereof may not disclose the name of, or any information about, a person who has requested casino self-exclusion to anyone other than employees and agents of the slot machine licensee whose duties and functions require access to the information. Notwithstanding the foregoing, a slot machine licensee may disclose the identity of a casino self-excluded person to appropriate employees of other slot machine licensees in this Commonwealth or affiliated gaming entities in other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs.

(g) A casino self-excluded person may not collect in any manner or in any proceeding any winnings or recover any losses arising as a result of any gaming activity for the entire period of time that the person is on the Board's casino self-exclusion list.

(h) Winnings incurred by a casino self-excluded person shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(i) For the purposes of this section, winnings issued to, found on or about, or redeemed by a casino self-excluded person shall be subject to remittance to the Board.

**§ 503a.4. Duties of slot machine licensees.**

(a) A slot machine licensee shall train its employees and establish procedures to:

(1) Identify a casino self-excluded person when present on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities and, upon identification, immediately notify the following persons:

(i) Employees of the slot machine licensee whose duties include the removal of casino self-excluded persons.

(ii) Casino compliance representatives at the licensed facility.

(iii) The Pennsylvania State Police, or local police department if applicable.

(2) Refuse wagers from and deny gaming privileges to a casino self-excluded person.

(3) Deny gaming related activities, gaming junket participation and other similar privileges and benefits to a casino self-excluded person.

(4) Ensure that casino self-excluded persons do not receive, either from the slot machine licensee or any agent thereof, gaming junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed facility or other location approved by the Board to conduct gaming activity as required under § 501a.3(a)(10) (relating to employee training program).

(5) Comply with § 503a.3(d) (relating to casino self-exclusion list).

(6) Make available to patrons written materials explaining the casino self-exclusion program.

(b) A slot machine licensee shall submit a copy of its procedures and training materials established under subsection (a) to the Director of OCPG for review and approval at least 30 days prior to initiation of gaming activities at the licensed facility or other location approved by the Board to conduct gaming activity. The slot machine licensee will be notified in writing of any deficiencies in the procedures and training materials and may submit revisions to the procedures and training materials to the Director of OCPG. A slot machine licensee may not commence operations until the Director of OCPG approves the procedures and training.

(c) A slot machine licensee shall submit amendments to the procedures and training materials required under subsection (b) to the Director of OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The slot machine licensee may implement the amendments on the 30th calendar day following the filing of the amendments unless the slot machine licensee receives a notice under subsection (d) objecting to the amendments.

(d) If during the 30-day review period the Director of OCPG determines that the amendments to the procedures and training materials may not promote the prevention of gaming by self-excluded individuals or assist in the proper administration of the casino self-exclusion pro-

gram, the Director of OCPG may, by written notice to the slot machine licensee, object to the amendments. The objection will:

(1) Specify the nature of the objection and, when possible, an acceptable alternative.

(2) Direct that the amendments not be implemented until approved by the Director of OCPG.

(e) When the amendments to the procedures and training materials have been objected to under subsection (d), the slot machine licensee may submit revised amendments in accordance with subsections (c) and (d).

(f) A slot machine licensee shall post signs at all entrances to a licensed facility or other location approved by the Board to conduct gaming activity indicating that a person who is on the casino self-exclusion list will be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass) if the person is on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities in the licensed facility or other location approved by the Board to conduct gaming activity. The text and font size of the signs shall be submitted for approval to the Director of OCPG under the procedures specified in subsection (b).

(g) The list of casino self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of the act.

(h) Under section 1516 of the act (relating to list of persons self excluded from gaming activities), slot machine licensees and employees thereof may not be liable for damages in any civil action, which is based on the following:

(1) Failure to withhold gaming privileges from or restore gaming privileges to a casino self-excluded person.

(2) Permitting or not permitting a casino self-excluded person to gamble.

(3) Good faith disclosure of the identity of a casino self-excluded person to someone, other than those authorized by this chapter, for the purpose of complying with this chapter.

(i) A slot machine licensee shall report the discovery of a casino self-excluded person on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities to the Director of OCPG within 24 hours.

**§ 503a.5. Removal from casino self-exclusion list.**

(a) For individuals who are self-excluded from licensed facilities or other locations approved by the Board to conduct gaming activity for 1 year or 5 years, upon the conclusion of the period of casino self-exclusion, the individual may request removal from the casino self-exclusion list electronically on the Board's web site or by scheduling an appointment with the OCPG at (717) 346-8300 or [problemgambling@pa.gov](mailto:problemgambling@pa.gov).

(b) The individual requesting removal shall complete and submit a Request for Removal from Voluntary Self-Exclusion Form as required under subsections (c) and (d). With an appointment, removal from the list may be conducted at the Board's Harrisburg office, one of the Board's regional offices or other location approved by the OCPG.

(c) A completed Request for Removal from Voluntary Self-Exclusion Form must include:

(1) The identifying information specified in § 503a.2(b) (relating to request for casino self-exclusion).

(2) The signature of the person requesting removal from the casino self-exclusion list indicating acknowledgment of the following statement:

“I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for casino self-exclusion, and I authorize the Board to permit all slot machine licensees of the Commonwealth of Pennsylvania to reinstate my gaming privileges at licensed facilities or other locations approved by the Board to conduct gaming activity.”

(d) A person submitting a Request for Removal from Voluntary Self-Exclusion Form shall be required to present or submit a copy of that person’s valid government-issued identification containing the person’s signature and photograph when the form is submitted electronically or during the person’s scheduled appointment, or if the person does not possess a valid government-issued identification, some other documentation to verify the identity of the person (for example, a utility or other bill in the person’s name at the same address provided).

(e) Within 5 business days after the completed Request for Removal from Voluntary Self-Exclusion Form is accepted by Board staff, the OCPG will delete the name of the individual from the casino self-exclusion list. An individual who was removed from the voluntary casino self-exclusion list may not enter the gaming floor, areas off the gaming floor where contests or tournaments are conducted or engage in gaming related activities for 7 business days from the date Board staff accepts the complete Request for Removal from Voluntary Self-Exclusion Form.

(f) For individuals who selected lifetime casino self-exclusion under § 503a.2(d)(3):

(1) After being on the casino self-exclusion list for a period of 10 years, the individual may petition the Board to be removed from the casino self-exclusion list.

(2) The petition shall be filed with the Board in writing, and shall be accompanied by all of the following:

(i) Documentation from a treatment provider who is certified by the International Gambling Counselor Certification Board or who has received a Problem Gambling Endorsement from the Pennsylvania Certification Board to conduct problem gambling assessments that the individual has completed a problem gambling assessment.

(ii) Documentation from a treatment provider that the individual has completed the treatment recommendation, if any, made after the assessment by the State-funded problem gambling treatment provider.

(3) After the petition is filed, OCPG will provide documentation to the Office of Enforcement Counsel regarding whether the individual has been known to be present at any licensed facilities or other locations approved by the Board to conduct gaming activity while on the casino self-exclusion list, and if so, the names of the licensed facilities or other locations and dates of attendance.

(4) The petition shall be handled in accordance with the procedures for petitions found in Subpart H of the Board’s regulations, including all confidentiality provisions.

(5) As the petitioner, the lifetime casino self-excluded individual filing the petition for removal from the casino self-exclusion list bears the burden of proof in showing

that removal from the list would not be detrimental to the individual’s physical or mental well-being and would not have a negative impact on gaming in the Commonwealth.

(6) If the Board:

(i) Grants the petition, it shall deliver to the individual by first class mail an Order approving the petition for removal from the casino self-exclusion list, and provide to the individual the contact information for OCPG for information on how to complete the removal process.

(ii) Denies the petition, it shall deliver to the individual by first class mail an Order denying the petition for removal from the casino self-exclusion list, which shall notify the individual that he or she shall remain on the casino self-exclusion list and include the reason for denial.

(7) Any petitioner whose petition is denied by the Board shall be prohibited from filing a subsequent petition for removal from the lifetime casino self-exclusion list for a period of 5 years from the date of denial.

**§ 503a.6. Exceptions for individuals on the casino self-exclusion list.**

The prohibition against allowing casino self-excluded persons to be on the gaming floor or in areas off the gaming floor where gaming activity is conducted does not apply to an individual who is on the casino self-exclusion list if all of the following apply:

(1) The individual is carrying out the duties of employment or incidental activities related to employment.

(2) The slot machine licensee’s security department and the Board’s office located at the licensed facility have received prior notice.

(3) Access to the gaming floor or areas off the gaming floor where gaming activity is conducted is limited to the time necessary to complete the individual’s assigned duties.

(4) The individual does not otherwise engage in any gaming activities.

**§ 503a.7. Disclosure of information related to persons on the casino self-exclusion list.**

(a) The Board may periodically release to the public demographics and general information regarding the casino self-exclusion list such as the total number of individuals on the list, gender breakdown and age range.

(b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

(c) The Board will not disclose identifying information or confirm or deny the existence of an individual’s name on the Board’s voluntary casino self-exclusion list.

**Subpart K. TABLE GAMES**

**CHAPTER 603a. TABLE GAME EQUIPMENT**

**§ 603a.20. Match Play Coupons; physical characteristics and issuance.**

\* \* \* \*

(q) If included in the certificate holder’s internal controls, required under § 465a.2, a certificate holder may authorize a gaming service provider to print and mail Match Play Coupons directly to patrons in accordance with the following requirements:

\* \* \* \*

(7) The certificate holder is responsible for ensuring that the gaming service provider does not mail Match Play Coupons to individuals on the casino self-exclusion list under Chapter 503a (relating to casino self-exclusion) or the exclusion list under Chapter 511a (relating to persons required to be excluded).

\* \* \* \* \*

**CHAPTER 609a. CREDIT**

**§ 609a.3. Application and verification procedures for granting credit.**

\* \* \* \* \*

(c) Prior to a certificate holder’s approval of a patron’s credit limit, a credit clerk shall:

\* \* \* \* \*

(5) Verify that the patron’s name is not on:

(i) The list of individuals who have voluntarily requested suspension of credit privileges under § 609a.9 (relating to voluntary credit suspension list).

(ii) The list of individuals who have voluntarily placed themselves on the casino self-exclusion list under Chapter 503a (relating to casino self-exclusion).

(iii) The list of individuals who have been placed on the exclusion list under Chapter 511a (relating to persons required to be excluded).

\* \* \* \* \*

[Pa.B. Doc. No. 21-852. Filed for public inspection May 28, 2021, 9:00 a.m.]

**Title 58—RECREATION**

**PENNSYLVANIA GAMING CONTROL BOARD**

**[ 58 PA. CODE CHS. 686a, 687a AND 688a ]**

**Over/Under, DJ Wild Stud Poker, Face Up Pai Gow Poker**

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), adds Chapters 686a, 687a and 688a (relating to Over/Under; DJ Wild Stud Poker; and Face Up Pai Gow Poker) to read as set forth in Annex A.

*Purpose of this Final-Form Rulemaking*

This final-form rulemaking adds new table games to the complement of games available for play in this Commonwealth.

*Explanation*

Sections 686a.1, 687a.1 and 688a.1 (relating to definitions) contain the definitions used throughout the chapters. Sections 686a.2, 687a.2 and 688a.2 (relating to Over/Under; physical characteristics; inspections; DJ Wild Stud Poke; physical characteristics; and Face Up Pai Gow Poker Shaker; physical characteristics) contain the physical characteristics of the table layout and related equipment. Sections 686a.3, 687a.3 and 688a.3 (relating to cards; number of decks; value of cards; cards; number of decks; and cards; number of decks) detail the number of cards and decks used to play the game and the rank of hands in § 687a.3. Sections 686a.4, 687a.4 and 688a.4 (relating to opening of the table for gaming) address how the dealer is to open the table game for play.

Sections 686a.5 and 687a.5 (relating to shuffle and cut of cards) and § 688a.5 (relating to shuffle and cut of the cards; procedures for determining starting position for dealing cards) detail how the cards are to be shuffled and cut and in § 688a.5, how to determine the starting point for the dealing of the cards. Sections 687a.6 and 688a.6 (relating to DJ Wild Stud Poker rankings; and Face Up Pai Gow Poker rankings) address the rank of the cards and hands. Sections 686a.6, 687a.7 and 688a.7 (relating to wagers) outline the permissible wagers players may place during a round of play.

Section 686a.7 (relating to procedure for dealing the cards; completion of each round of play) addresses how the cards are to be initially dealt and completing the round of play. Sections 687a.8—687a.10 and 688a.8—688a.10 address how the cards are to be dealt and the number of cards dealt to each player. Sections 687a.11 and 688a.11 (relating to procedures for completion of each round of play) specify how wagers are to be settled and a round of play completed. Sections 686a.8, 687a.12 and 688a.12 (relating to payout odds; payout odds; progressive wager configuration; and payout odds; Envy Bonus; rate of progression) outline the permissible payout odds for winning wagers and allows the operator to place a payout limit, per player per round of play. Sections 686a.9 and 687a.13 (relating to irregularities) and 688a.13 (relating to irregularities; invalid roll of dice) address how a dealer is to handle irregularities during play.

In Over/Under, the expected payback would be 98.95% on the required wagers. For the Bonus Wager, the expected payback wager on the approved payable would be 94.393%.

In DJ Wild Stud Poker, the expected payback on the Ante, Blind and Play Wagers using perfect strategy is 98.99%. For the Trips Bonus Wager, the expected payback for the approved paytables are 98.843%, 92.474%, 92.338% and 91.454%. For the Bad Beat Bonus Wager, the expected payback for the approved paytables are 86.8%, 87.682%, 85.904% and 85.848%. For the Progressive Wager, the expected payback for the approved paytables is 77%.

In Face Up Pai Gow Poker, the expected payback on the required wagers is 98.404%. For the Ace High Bonus Wager, the expected payback for the approved paytables is 96.425%, 95.233%, 94.169%, 93.141% and 92.647%. For the Fortune Bonus Wager, the maximum payback for the approved paytables is 93.94%, 94.15%, 94.10%, 93.41%, 92.62% and 94.10%. For the Progressive Wager, the payback percentage is 75.751%, 78.073%, 75.568%, 91.937%, 80.962%, 75.349% and 75.746%.

*Response to Comments*

The Board did not receive any public comments from the regulated community or general public during the public comment period. However, a comment was received from Bally Gaming after the public comment period expired, but prior to the proposed rulemaking being transitioned into final-form. The comment is addressed at the end of this section. Comments were received from the Independent Regulatory Review Commission (IRRC) and responses to the comments are as follows:

*Conforms to the intention of the General Assembly*

Historically, the Board did initially promulgate the rules of play for table games as a temporary regulation, which were valid for 2 years. In that 2-year window, the Board would then transition the rules of play into a proposed rulemaking and then a final-form rulemaking. However, under 4 Pa.C.S. § 13A03(a) (relating to tempo-

rary table game regulations), it states that “regulations promulgated by the board shall be deemed temporary regulations which shall expire not later than two years following the publication of the temporary regulation.”

Board staff have since re-evaluated its procedures and established a new practice that when the rules of play of a table game are promulgated as a proposed rulemaking, the Board will treat those regulations as if they are temporary regulations. This is consistent with the provisions of section 13A03(a) of the act. With the proposed rulemakings being “deemed temporary regulations,” the Board determined it would be appropriate for licensees to be able to offer the table games under the regulatory text of the proposed rulemakings, prior to the regulations being transitioned into final-form.

According to records of the Board’s Bureau of Casino Compliance, Over/Under and DJ Wild Stud Poker are not being offered in any licensed facilities. Face Up Pai Gow Poker is currently offered at five licensed facilities.

§ 686a.2—*Clarity.*

This proposed correction was made in Annex A.

§ 685a.5—*Clarity.*

A correction was made to the text in Annex A to make it clear what the procedure is for requesting the cards be spread out face up. This correction was also made in §§ 687a.5(f) and 688a.5(g).

§ 687a.8—*Clarity.*

This proposed correction was made in Annex A.

§ 688a.1—*Clarity; Reasonableness.*

“Pai gow” is a name of a separate game (played with tiles), but in the context of this game simply refers the seven cards in dealer’s or player’s hand; it does not have any specific meaning. This is widely known in the regulated community, and thus a definition would be redundant and unnecessary.

The Board does not create the rules of table games, but merely transcribes the rules submitted by a manufacturer or gaming related gaming service provider into regulatory language. Therefore, the Board is not setting the minimum for a wager to be a qualifying wager, it is set by the intellectual property holder of the game.

§ 688a.13—*Clarity.*

Language was deleted from this provision to eliminate the inconsistency and bring the procedures in line with what is currently used in Pai Gow Poker.

*Miscellaneous clarity*

This issue is remedied in the final-form Regulatory Analyses Form.

In addition to the changes made under IRRC comments, additional amendments were made to § 688a.12. There were some errors in three of the paytables for the Progressive Wager that have been corrected.

Additionally, the earlier-referenced comment received from Bally Gaming related to the rules of the game in the proposed rulemaking not featuring a maximum payout amount, which was inconsistent with traditional Pai Gow Poker. To keep the game both consistent with the submission from the manufacturer and the currently approved Pai Gow Poker rules in Chapter 645a (relating to Pai Gow Poker), the \$50,000 maximum payout language was added as subsection § 688a.12(e).

*Fiscal Impact*

*Commonwealth*

The Board does not expect that this final-form 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 final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private sector*

This final-form rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer Over/Under, DJ Wild Stud Poker or Face Up Pai Gow Poker 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. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

*General public*

This final-form 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*

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 49 Pa.B. 3609 (July 19, 2019) to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board is required to submit to IRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees, and the public.

Under section 5.1a(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)) on April 14, 2021, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 15, 2021, and approved the final-form rulemaking.

*Findings*

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law and

the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2. (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) This final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

*Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code 686a, 687a and 688a, are amended by adding §§ 686a.1—686a.9, 687a.1—687a.13, and 688a.1—688a.13 to read as set forth in Annex A.

(2) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(3) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

DAVID M. BARASCH,  
*Chairperson*

(*Editor’s Note:* For IRRC’s approval order, see 51 Pa.B. 2468 (May 1, 2021).)

**Fiscal Note:** Fiscal Note 125-223 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart K. TABLE GAMES**

**CHAPTER 686a. OVER/UNDER**

Sec.	
686a.1.	Definitions.
686a.2.	Over/Under table; physical characteristics; inspections.
686a.3.	Cards; number of decks; value of cards.
686a.4.	Opening of the table for gaming.
686a.5.	Shuffle and cut of the cards.
686a.6.	Wagers.
686a.7.	Procedure for dealing the cards; completion of each round of play.
686a.8.	Payout odds.
686a.9.	Irregularities.

**§ 686a.1. Definitions.**

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

*Ante Wager*—The wager that a player is required to make prior to any cards being dealt to participate in the round of play.

*Bonus Wager*—An optional wager a player shall make prior to any cards being dealt to compete against a posted payout table.

*Hand*—The three cards dealt to the player.

*Over 23 Wager*—An additional wager made by the player after the first card is dealt to his hand if the player opts to remain in the round of play.

*Surrender*—When the player opts to forfeit his ante wager after being dealt the first card of the hand in a round of play.

*Under 18 Wager*—An additional wager made by the player after the first card is dealt to his hand if the player opts to remain in the round of play.

**§ 686a.2. Over/Under table; physical characteristics; inspections.**

(a) Over/Under 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 an Over/Under 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 Ante Wager, Over 23 Wager and Under 18 Wager for each player.

(3) Three rectangular areas in front of each player’s position where the player’s three-card hand will be placed.

(4) The following inscriptions:

(i) All bets pay even money except for Bonus wagers.

(ii) House wins on 18—23.

(iii) Aces are always counted as 11.

(5) If the certificate holder offers the optional Bonus Wager authorized under § 686a.6 (relating to wagers), a separate area designed for the placement of the Bonus 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 Over/Under table.

(c) Each Over/Under 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 Over/Under 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.

**§ 686a.3. Cards; number of decks; value of cards.**

(a) Except as provided in subsection (b), Over/Under shall be played with a six-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, Over/Under shall be played with two batches of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches with six 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 an Over/Under 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.

#### § 686a.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 § 686a.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.

#### § 686a.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 § 686a.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 an Over/Under 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 the first player arriving at the table 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 § 686a.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.

#### § 686a.6. Wagers.

(a) Wagers at Over/Under shall be made by placing value chips, plaques, or other Board-approved table gam-



ing wagering instruments on the appropriate areas of the Over/Under 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 § 686a.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 Over 23 Wager or Under 18 Wager 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 must place an Ante Wager to participate in a round of play.

(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 an Ante Wager in accordance with subsection (d), the option of placing a Bonus Wager.

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

**§ 686a.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 § 686a.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 inter-mixed.

(e) After all Ante and Bonus 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 one card face up in the rectangular box described in § 686a.2(b)(3) (relating to Over/Under table; physical characteristics; inspections) closest to the player of each position on the layout in which an Ante Wager is placed.

(f) Immediately after the first card is dealt to each player, but prior to any additional cards being dealt the dealer shall start with the player farthest to the dealer's left and continue around the table in a clockwise direction and determine the decision of each player.

(g) Each player when asked by the dealer may elect to either:

(1) Place an Over 23 Wager equal to the amount of the player's Ante Wager.

(2) Place an Under 18 Wager equal to the amount of the player's Ante Wager.

(3) Surrender the Ante Wager, which shall then be collected by the dealer.

(h) A player's decision to surrender and forfeit the Ante Wager does not also forfeit the player's Bonus Wager, if made, and the Bonus Wager shall be settled in accordance with subsection (k).

(i) After a player indicates his decision, the dealer shall deal face up the two additional cards to the player's hand, even if the player decides to surrender his hand and has not placed a Bonus Wager.

(j) After the two additional cards have been dealt to a player, the dealer shall settle the player's wagers placed prior to and during the round of play, remove the cards and place them in the discard rack, and then move to the next player.

(i) A player shall win and be paid in accordance with § 686a.8 (relating to payout odds) if:

(1) The player placed an Ante Wager and an Over 23 Wager, and the total point count of the player's hand is 24, 25, 26, 27, 28, 29, 30, 31, 32 or 33.

(2) The player placed an Ante Wager and an Under 18 Wager, and the total point count of the player's hand is 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 or 17.

(k) A player's Ante Wager and Over 23 Wager or Under 18 Wager shall lose and shall be collected if the total point count of the player's hand is 18, 19, 20, 21, 22 or 23.

(l) A player's Bonus Wager shall win and be paid in accordance with § 686a.8 if the player's point total is 6, 7, 8, 9, 10, 11, 12, 27, 28, 29, 30, 31, 32 or 33, and shall lose if the total point count of the player's hand is 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 or 26.

(m) After all player hands 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.

(n) Players and spectators may not handle, remove or alter any cards used to play Over/Under.

**§ 686a.8. Payout odds.**

(a) The certificate holder shall pay out each winning Ante Wager, Over 23 Wager and Under 18 Wager at odds of 1 to 1.

(b) The certificate holder shall pay out winning Bonus Wagers at the odds in the following payable:

<i>Paytable Point Total</i>	<i>Pay</i>
6 or 33	50 to 1
7 or 32	10 to 1
8 or 31	5 to 1
9 or 30	4 to 1
10 or 29	3 to 1
11 or 28	2 to 1
12 or 27	1 to 1

#### § 686a.9. 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) 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 § 686a.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.

(c) If after receiving the first card, the dealer fails to deal the additional two cards to a player, then, at the player's option, the dealer shall either deal the additional cards after all other players have received their additional cards and complete the round of play, or call the player's hand dead and return the player's initial Ante Wager.

(d) 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.

(e) 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.

### CHAPTER 687a. DJ WILD STUD POKER

Sec.	
687a.1.	Definitions.
687a.2.	DJ Wild Stud Poker table; physical characteristics.
687a.3.	Cards; number of decks.
687a.4.	Opening of the table for gaming.
687a.5.	Shuffle and cut of the cards.
687a.6.	DJ Wild Stud Poker rankings.
687a.7.	Wagers.
687a.8.	Procedure for dealing the cards from a manual dealing shoe.
687a.9.	Procedure for dealing the cards from the hand.
687a.10.	Procedure for dealing the cards from an automated dealing shoe.
687a.11.	Procedures for completion of each round of play.
687a.12.	Payout odds; progressive wager configuration.
687a.13.	Irregularities.

#### § 687a.1. Definitions.

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

*Ante Wager*—A wager a player is required to make prior to any cards being dealt to participate in a round of play.

*Blind Wager*—A wager a player is required to make prior to any cards being dealt to participate in a round of play, equal to the player's Ante Wager.

*Fold*—The withdrawal of a player from a round of play by not making Raise Wagers.

*Progressive Bonus Wager*—An optional wager a player may make prior to any cards being dealt to compete against a posted progressive payable and meter.

*Raise Wager*—An additional wager of two times the player's Ante Wager that a player may make after examining the five cards dealt to the player.

*Trips Bonus Wager*—An optional wager a player shall make prior to any cards being dealt to compete against a posted payable.

*Two-Way Bad Beat Bonus Wager*—An optional wager a player shall make prior to any cards being dealt to compete against the dealer.

#### § 687a.2. DJ Wild Stud Poker table; physical characteristics.

(a) DJ Wild Stud Poker 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 DJ Wild Stud Poker table shall be submitted to the Bureau of Gaming Operations 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 placement of the Ante Wager, Blind Wager and Raise Wager.

(3) If the certificate holder offers the optional Progressive Bonus Wager authorized under § 687a.7(d)(2) (relating to wagers), the Trips Bonus Wager authorized under § 687a.7(d)(3), or the Two-Way Bad Beat Bonus Wager authorized under § 687a.7(d)(4) a separate area designated for the placement of each of the wagers for each player.

(4) If the certificate holder offers the optional Progressive Bonus Wager authorized under § 687a.7(d)(2), an area to place one card face down after the cards are dealt to the players and the dealer, which if necessary will replace the Joker card in a player's hand for purposes of the Progressive Bonus Wager.

(5) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If payout odds are not inscribed on the layout, a sign indicating the payout odds for all permissible wagers shall be posted at each DJ Wild Stud Poker table.

(c) Each DJ Wild Stud Poker table must have a drop box and a 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 DJ Wild Stud Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

#### § 687a.3. Cards; number of decks.

(a) DJ Wild Stud Poker shall be played with one deck of 53 cards that are identical in appearance and one cover card, made up of a standard 52 card deck and one joker.

(b) If an automated card shuffling device is utilized, DJ Wild Stud Poker may be played with two decks of 53 cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

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

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in DJ Wild Stud Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

**§ 687a.4. Opening of the table for gaming.**

(a) After receiving one or more 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 § 687a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are reinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 687a.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 round of play has been completed 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 automated shuffling device shall place the deck 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) If an automated card shuffling device is being used, which counts the number of cards in the deck after the

completion of each shuffle and indicates whether 53 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with §§ 687a.8, 687a.9 or 687a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on 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 any cards have been dealt, 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.

(f) If there is no gaming activity at a DJ Wild Stud Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless the first player arriving at the table 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 § 687a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) 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 (d)—(f) do not apply.

**§ 687a.6. DJ Wild Stud Poker rankings.**

(a) The rank of the cards used in DJ Wild Stud Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace and 2). All suits shall be equal in rank.

(b) All four cards with a rank of 2 and the one joker card are considered Wild, and may be used to complete a Poker hand by assuming a different rank.

(c) The permissible Poker hands in the game of DJ Wild Stud Poker, in order of highest to lowest rank, shall be:

(1) Five Wilds, which is a hand consisting of all five Wild cards.

(2) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(3) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking, other than a royal flush.

(4) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(5) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(6) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(7) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank.

(8) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(9) Two pairs, which is a hand consisting of two sets of two cards which are of the same rank.

(10) Pair, which is a hand consisting of two cards of the same rank.

(11) High card, which is a hand that does not contain a pair or better.

(d) If a certificate holder offers the Progressive Bonus Wager, the player's hands eligible for a payout shall be:

- (1) A royal flush.
- (2) A straight flush.
- (3) A four-of-a-kind.
- (4) A full house.
- (5) A flush.
- (6) A straight.
- (7) A three-of-a-kind.

(e) If a certificate holder offers the Trips Bonus Wager, the hands eligible for a payout shall be:

- (1) Five wilds.
- (2) A royal flush.
- (3) A straight flush.
- (4) A four-of-a-kind.
- (5) A full house.
- (6) A flush.
- (7) A straight.
- (8) A three-of-a-kind.

(f) If a certificate holder offers the Two-Way Bad Beat Bonus Wager, the player's hands eligible for a payout shall be:

- (1) A royal flush.
- (2) A straight flush.
- (3) A four-of-a-kind.
- (4) A full house.
- (5) A flush.
- (6) A straight.
- (7) A three-of-a-kind.

#### § 687a.7. Wagers.

(a) Wagers at DJ Wild Stud Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a DJ Wild Stud Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except Raise Wagers, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in §§ 687a.8, 687a.9 or 687a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 687a.11(b) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of DJ Wild Stud Poker:

(1) To compete in a round of play, a player shall place an Ante Wager and Blind Wager, then a Raise Wager, in an amount equal to two times the player's Ante Wager, in accordance with § 687a.11(b).

(2) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a DJ Wild Stud Poker table the option to make an additional Progressive Bonus Wager which shall win if the five cards dealt to the player contain three-of-a-kind or better as provided in § 687a.6(d) (relating to DJ Wild Stud Poker rankings).

(3) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a DJ Wild Stud Poker table the option to make an additional Trips Bonus Wager, which shall win if the five cards dealt to the player contain three-of-a-kind or better as provided in § 687a.6(e).

(4) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a DJ Wild Stud Poker table the option to make an additional Two-Way Bad Beat which shall win if the five cards dealt to the player contain three-of-a-kind or better as provided in § 687a.6(f).

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

#### § 687a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe 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 required under § 687a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets." To deal the cards, the dealer shall remove each card from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and place it on the appropriate area of the layout with the opposite hand.

(c) If a player has placed a Progressive Bonus Wager on the sensor, the dealer will press the Start Game

button on the keypad, which will light up the Progressive Bonus Wagers placed, and the dealer will collect the Progressive Bonus Wagers.

(d) Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal a stack of five cards to each player who has placed an Ante Wager and Blind Wager in accordance with § 687a.7(d)(1) (relating to wagers). All cards shall be dealt face down to the players.

(e) After five cards have been dealt to each player, the dealer shall deal himself five cards.

(f) The dealer shall then place one card in the area on the layout described in § 687.2(b)(4) (relating to DJ Wild Stud Poker Table; physical characteristics), and the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (i), place the stub in the discard rack without exposing the cards.

(g) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 53 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(h) If the count of the stub indicates that 53 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(i) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 53 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 687a.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 687a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets."

(b) To deal the cards, the dealer shall hold the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. If a player has placed a Progressive Bonus Wager on the sensor, the dealer will press the Start Game button on the keypad, which will light up the Progressive Bonus Wagers placed, and the dealer will collect the Progressive Bonus Wagers.

(c) Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal a stack of five cards to each player who has placed an Ante Wager and Blind Wager in

accordance with § 687a.7(d)(1) (relating to wagers). All cards shall be dealt face down to the players.

(d) After five cards have been dealt to each player, the dealer shall deal himself five cards.

(e) The dealer shall then place one card in the area on the layout described in § 687.2(b)(4) (relating to DJ Wild Stud Poker Table; physical characteristics), and the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 53 cards are present is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 53 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 53 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 687a.10. Procedure for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 687a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets."

(b) The dealer shall deliver the first stack of five cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager and Blind Wager in accordance with § 687a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager and Blind Wager.

(c) After each stack of five cards has been dispensed and delivered in accordance with this section, the dealer shall dispense to himself five cards, remove the remaining cards from the automated dealing shoe and follow the procedures in § 687a.9(a)(2) (relating to procedure for dealing the cards from the hand) and place one card in the area on the layout described in § 687.2(b)(4) (relating to DJ Wild Stud Poker Table; physical characteristics) if a player has placed a Progressive Bonus wager.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 53 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 53 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 53 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 687a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under §§ 687a.8, 687a.9 or 687a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at DJ Wild Stud Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager and Blind Wager if he wishes to make a Raise Wager in an amount equal to two times the player's Ante Wager or fold and forfeit the Ante Wager and Blind Wager and end his participation in the round of play.

(1) If a player has placed an Ante Wager and Blind Wager and an optional Trips Bonus Wager but does not make a Raise Wager, the player shall forfeit the Ante Wager and Blind Wager but does not forfeit the Trips Bonus Wager.

(2) If a player has placed an Ante Wager and Blind Wager and an optional Two-Way Bad Beat Bonus Wager but does not make a Raise Wager, the player shall forfeit the Ante Wager, the Blind Wager and the Two-Way Bad Beat Wager.

(3) The certificate holder may, in its discretion, choose to allow or not allow folded hands to qualify for the Progressive Bonus Wager.

(c) After each player who has placed an Ante Wager and Blind Wager has either placed a Raise Wager on the designated area of the layout or forfeited his Ante Wager and Blind Wager, the dealer shall collect all forfeited wagers and associated cards, except for the cards of those players who placed an optional Trips Bonus Wager or Progressive Bonus Wager and place the cards in the discard rack.

(d) Once all players have either placed a Raise Wager or folded, the dealer shall turn over and reveal his five-card hand and announce the best possible DJ Wild Stud Poker hand that can be formed.

(e) Beginning with the player farthest to the dealer's left and continuing around the table in a counterclockwise direction, the dealer shall then evaluate and announce

the best possible DJ Wild Stud Poker hand that can be formed using the player's five cards. The wagers of each remaining player shall be resolved one player at a time regardless of outcome. All Ante Wagers, Blind Wagers and Raise wagers shall be settled as follows:

(1) If a player's highest ranking DJ Wild Stud Poker hand is higher than the dealer's highest ranking DJ Wild Stud Poker hand, as provided in § 687a.6(c) (relating to DJ Wild Stud Poker hand rankings), the dealer shall pay the winning Ante Wager, Blind Wager and Raise Wager in accordance with § 687a.12(a) and (b) (relating to payout odds; progressive wager configuration).

(2) If a player's highest ranking DJ Wild Stud Poker hand is equal to the dealer's highest ranking DJ Wild Stud Poker hand, as provided in § 687a.6(c), the hand is a push, and the dealer shall not collect the Ante Wager, Blind Wager and Raise Wager.

(3) If the player's highest ranking DJ Wild Stud Poker hand is lower than the dealer's highest ranking DJ Wild Stud Poker hand, as provided in § 687.6(c), the player loses, and the dealer shall collect the Ante Wager, Blind Wager and Raise Wager.

(f) After settling the player's Ante Wager, Blind Wager and Raise Wager, the dealer shall settle any optional wagers as follows:

(1) For the Progressive Bonus Wager, if the player has been dealt the Joker Wild card, it will be replaced in his hand with the one card in the area on the layout described in § 687.2(b)(4) (relating to DJ Wild Stud Poker Table; physical characteristics).

(i) If the player's highest ranking DJ Wild Stud Poker hand is not three-of-a-kind or better, as provided in § 687a.6(d), the dealer shall collect the losing Progressive Bonus Wager.

(ii) If the player's highest ranking DJ Wild Stud Poker hand is three-of-a-kind or better, as provided in § 687a.6(d), the dealer shall pay the winning Progressive Bonus Wager in accordance with § 687a.12(c).

(2) For the Trips Bonus Wager:

(i) If the player's highest ranking DJ Wild Stud Poker hand is not three-of-a-kind or better, as provided in § 687a.6(e), the dealer shall collect the losing Trips Bonus Wager.

(ii) If the player's highest ranking DJ Wild Stud Poker hand is three-of-a-kind or better, as provided in § 687a.6(e), the dealer shall pay the winning Trips Bonus Wager in accordance with § 687a.12(d).

(3) For the Two-Way Bad Beat Bonus Wager:

(i) If the player's highest ranking DJ Wild Stud Poker hand is not three-of-a-kind or better, or the player's highest ranking hand is a three-of-a-kind or better but does not lose to the dealer's higher ranking hand, as provided in § 687a.6(f), the dealer shall collect the losing Two-Way Bad Beat Bonus Wager.

(ii) If the player's highest ranking DJ Wild Stud Poker hand is three-of-a-kind or better and loses to the dealer's higher ranking hand, as provided in § 687a.6(f), the dealer shall pay the winning Two-Way Bad Beat Bonus Wager in accordance with § 687a.12(e).

(g) After all wagers of the player 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.

**§ 687a.12. Payout odds; progressive wager configuration.**

(a) A certificate holder shall pay winning Ante Wager and Raise Wagers 1 to 1.

(b) A certificate holder shall pay out winning Blind Bonus Wagers in accordance with one of the following payable:

<i>Paytable Hand</i>	<i>Pay</i>
Five wilds	1000 to 1
Royal flush	50 to 1
Five-of-a-kind	10 to 1
Straight flush	9 to 1
Four-of-a-kind	4 to 1
Full house	3 to 1
Flush	2 to 1
Straight	1 to 1
Three-of-a-kind or less	Push

(c) A certificate holder shall pay out winning Progressive Bonus Wagers in accordance with one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submission):

<i>Progressive Paytable 1; \$1 Wager; \$2,000 seed and re-seed</i>		
<i>Hand</i>	<i>Pay</i>	<i>Envy</i>
Royal flush	100% of meter	\$1,000
Straight flush	10% of meter	\$300
Four-of-a-kind	300 to 1	
Full house	50 to 1	
Flush	40 to 1	
Straight	30 to 1	
Three-of-a-kind	9 to 1	

<i>Progressive Paytable 2; \$5 wager; \$10,000 seed and re-seed</i>		
<i>Hand</i>	<i>Pay</i>	<i>Envy</i>
Royal flush	100% of meter	\$5,000
Straight flush	10% of meter	\$1,500
Four-of-a-kind	300 to 1	
Full house	50 to 1	
Flush	40 to 1	
Straight	30 to 1	
Three-of-a-kind	9 to 1	

(d) A certificate holder shall pay out winning Trips Bonus Wager as provided in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Paytable DJWT-04</i>		
<i>Hand</i>	<i>Natural</i>	<i>With Wild</i>
Five wilds	n/a	2000 to 1
Royal flush	1000 to 1	90 to 1
Five-of-a-kind	n/a	70 to 1
Straight flush	200 to 1	25 to 1
Four-of-a-kind	60 to 1	6 to 1
Full house	30 to 1	5 to 1
Flush	25 to 1	4 to 1
Straight	20 to 1	3 to 1
Three-of-a-kind	6 to 1	1 to 1

<i>Paytable DJWT-05</i>		
<i>Hand</i>	<i>Natural</i>	<i>With Wild</i>
Five wilds	n/a	2000 to 1
Royal flush	1000 to 1	70 to 1
Five-of-a-kind	n/a	60 to 1
Straight flush	200 to 1	25 to 1
Four-of-a-kind	50 to 1	6 to 1
Full house	30 to 1	5 to 1
Flush	25 to 1	4 to 1
Straight	20 to 1	3 to 1
Three-of-a-kind	6 to 1	1 to 1

<i>Paytable DJWT-06</i>		
<i>Hand</i>	<i>Natural</i>	<i>With Wild</i>
Five wilds	n/a	500 to 1
Royal flush	400 to 1	70 to 1
Five-of-a-kind	n/a	60 to 1
Straight flush	200 to 1	25 to 1
Four-of-a-kind	50 to 1	6 to 1
Full house	30 to 1	5 to 1
Flush	25 to 1	4 to 1
Straight	20 to 1	3 to 1
Three-of-a-kind	6 to 1	1 to 1

<i>Paytable DJWT-07</i>		
<i>Hand</i>	<i>Natural</i>	<i>With Wild</i>
Five wilds	n/a	2000 to 1
Royal flush	1000 to 1	60 to 1
Five-of-a-kind	n/a	50 to 1
Straight flush	200 to 1	25 to 1
Four-of-a-kind	40 to 1	6 to 1
Full house	30 to 1	5 to 1
Flush	25 to 1	4 to 1
Straight	20 to 1	3 to 1
Three-of-a-kind	6 to 1	1 to 1

(e) A certificate holder shall pay out winning Two-Way Bad Beat Bonus Wagers as provided in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Paytable DJWBB-01</i>	
<i>Hand</i>	<i>Pay</i>
Royal flush	500 to 1
Five-of-a-kind	500 to 1
Straight flush	500 to 1
Four-of-a-kind	500 to 1
Full house	400 to 1
Flush	300 to 1
Straight	100 to 1
Three-of-a-kind	9 to 1

<i>Paytable DJWBB-02</i>	
<i>Hand</i>	<i>Pay</i>
Royal flush	10,000 to 1
Five-of-a-kind	10,000 to 1
Straight flush	5,000 to 1
Four-of-a-kind	500 to 1
Full house	400 to 1
Flush	300 to 1
Straight	100 to 1
Three-of-a-kind	9 to 1

<i>Paytable DJWBB-03</i>	
<i>Hand</i>	<i>Pay</i>
Royal flush	500 to 1
Five-of-a-kind	500 to 1
Straight flush	500 to 1
Four-of-a-kind	300 to 1
Full house	200 to 1
Flush	100 to 1
Straight	50 to 1
Three-of-a-kind	15 to 1

<i>Paytable DJWBB-04</i>	
<i>Hand</i>	<i>Pay</i>
Royal flush	299 to 1
Five-of-a-kind	299 to 1
Straight flush	299 to 1
Four-of-a-kind	299 to 1
Full house	200 to 1
Flush	100 to 1
Straight	50 to 1
Three-of-a-kind or less	15 to 1

§ 687a.13. **Irregularities.**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

(c) If a player is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the player's cards or dealer's cards are revealed prior to the placement of raise wagers in accordance with § 687a.11(b) (relating to procedure for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled, provided that if any player placed a Progressive Bonus Wager or Trips Bonus Wager, those wagers shall be settled in accordance with § 687a.11(f).

(e) 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.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

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

**CHAPTER 688a. FACE UP PAI GOW POKER**

Sec.

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§ 688a.1. **Definitions.**

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

*Ace High Bonus Wager*—An additional Face Up Pai Gow Poker wager which pays if the dealer's hand is an Ace High Pai Gow.

*Ace High Pai Gow*—When the seven cards in the player or dealer's hand is a rank of Ace high.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Qualifying Wager when another player at the Face Up Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A player's Face Up Pai Gow Poker hand with a rank of a four-of-a-kind or better formed from the seven cards dealt to a player.



*Fortune Bonus Wager*—An additional Face Up Pai Gow Poker wager which considers the best hand possible among the player's seven cards against a posted payable.

*High hand*—The five-card hand that is formed from the seven cards dealt so as to rank equal to or higher than the two-card low hand.

*Low hand*—The two-card hand that is formed from the seven cards dealt so as to rank equal to or lower than the five-card high hand.

*Progressive Payout Wager*—An optional wager a player may make prior to any cards being dealt to compete against a posted progressive payable and meter.

*Qualifying Wager*—A Progressive Payout Wager or Fortune Bonus Wager of at least \$5 which may entitle a player to an Envy Bonus.

*Setting the hands*—The process of forming a high hand and low hand from the seven cards dealt.

**§ 688a.2. Face Up Pai Gow Poker table; Pai Gow Poker Shaker; physical characteristics.**

(a) Face Up Pai Gow Poker 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 Face Up Pai Gow Poker 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 placement of the Face Up Pai Gow Poker Wager for each player.
- (3) Two separate areas designated for the placement of the high and low hands of each player.
- (4) Two separate areas designated for the placement of the high and low hands of the dealer.
- (5) If the certificate holder offers the optional Aces High Bonus Wager authorized under § 688a.7(e)(1) (relating to wagers), a separate area designated for the placement of the Aces High Bonus Wager for each player.
- (6) If the certificate holder offers the optional Fortune Bonus Wager authorized under § 688a.7(e)(2), a separate area designated for the placement of the Fortune Bonus Wager for each player.
- (7) If the certificate holder offers the optional Progressive Payout Wager authorized under § 688a.7(e)(3), a separate area designated for the placement of the Progressive Payout Wager for each player.

(8) Inscriptions that advise patrons that if the dealer's hand is an Ace High Pai Gow, the player's wager shall push and be returned to the player.

(9) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Face Up Pai Gow Poker table.

(c) To determine the starting position for the dealing or delivery of the cards, Face Up Pai Gow Poker may be played with:

- (1) A Pai Gow Poker shaker, approved in accordance with § 601a.10(a), which shall be designed and con-

structed to maintain the integrity of the game. The Pai Gow Poker shaker shall be the responsibility of the dealer, may not be left unattended while at the table and must:

- (i) Be capable of housing three dice that when not being shaken must be maintained within the Pai Gow Poker shaker. Dice that have been placed in a Pai Gow Poker shaker for use in gaming may not remain on a table for more than 24 hours.
- (ii) Be designed to prevent the dice from being seen while being shaken.

(iii) Have the name or logo of the certificate holder imprinted or impressed thereon.

(2) A computerized random number generator which shall be 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.

(d) If the certificate holder offers the optional Progressive Payout Wager in accordance with § 688a.7(e)(3), the Face Up Pai Gow Poker table must have a progressive table game system in accordance with § 605a.7 (relating to progressive table games) for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager under § 688a.7(e)(3) on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the placement of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(e) Each Face Up Pai Gow Poker table must have a drop box and a tip box attached on the same side of the gaming 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.

(f) Each Face Up Pai Gow Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 688a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Face Up Pai Gow Poker shall be played with one deck of cards that are identical in appearance and two cover cards. The deck of cards used to play Face Up Pai Gow Poker must include one joker. A certificate holder may use decks that are manufactured with two jokers provided that only one joker is used for gaming.

(b) If an automated card shuffling device is utilized, Face Up Pai Gow Poker may be played with two decks of cards in accordance with the following requirements:

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

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

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

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

(c) The decks of cards used in Face Up Pai Gow Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

**§ 688a.4. Opening of the table for gaming.**

(a) After receiving one or more 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) If the deck of cards used by the certificate holder contains two jokers, the dealer and a floorperson shall ensure that only one joker is utilized and that the other joker is torn in half and placed in the box, envelope or container that the deck came from. 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 and include the one joker.

(c) After the first player is 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 § 688a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(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)—(d) do not apply.

**§ 688a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing 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 round of play has been completed or when directed by the 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 deck 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:

(1) If the cards were shuffled using an automated card shuffling device, determine the starting position in accordance with subsection (i), then deal the cards in accordance with §§ 688a.8, 688a.9 or 688a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually, cut the cards in accordance with the procedures in subsections (c)—(e).

(c) Upon completion of a manual shuffle, the dealer shall place the stack of cards on top of one of the cover cards. 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 (d). If no player accepts the cut, the dealer shall cut the cards.

(d) 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 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.

(e) The player or dealer making the cut shall place the second cover card in the stack at least ten cards from the top or the bottom of the deck. Once the second cover card has been inserted, the dealer shall take the second cover card and all the cards on top of the second cover card and place them on the bottom of the stack. The dealer shall then remove the first cover card and place it on the bottom of the stack. The dealer shall remove one of the cover cards and either place it in the discard rack or use it as an additional cover card to be inserted four cards from the bottom of the deck. The dealer shall then determine the starting position in accordance with subsection (i) and deal the cards in accordance with §§ 688a.8, 688a.9 or 688a.10.

(f) After the cards have been cut and before the cards have been dealt, 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 (d).

(g) If there is no gaming activity at a Face Up Pai Gow Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless the first player arriving at the table 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:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests

otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt, if the automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(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.

(i) To determine the starting position for the dealing of cards, the certificate holder shall use one of the following:

(1) A Pai Gow Poker shaker in accordance with the following procedures:

(i) The dealer shall shake the Pai Gow Poker shaker at least three times to cause a random mixture of the dice.

(ii) The dealer shall then remove the lid covering the Pai Gow Poker shaker and place the uncovered shaker on the designated area of the table layout. The dealer shall then total the dice and announce the total.

(iii) To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice.

(iv) After the dealing procedures required under §§ 688a.8, 688a.9 or 688a.10 have been completed, the dealer shall place the cover on the Pai Gow Poker shaker and shake the shaker once. The Pai Gow Poker shaker shall then be placed to the right of the dealer.

(2) A computerized random number generator to select and display a number from 1 to 7. To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner until the count matches the number displayed by the random number generator.

(j) After the starting position for a round of play has been determined, a certificate holder may mark that position with an additional cover card or similar object approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment).

**§ 688a.6. Face Up Pai Gow Poker rankings.**

(a) The rank of the cards used in Face Up Pai Gow Poker, in order of highest to lowest, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: queen, king, ace, 2 and 3). The joker shall be used and ranked as an ace or may be used as any card to complete a straight, a flush, a straight flush or a royal flush.

(b) The permissible Poker hands at the game of Face Up Pai Gow Poker, in order of highest to lowest rank, shall be:

(1) Five aces, which is a high hand consisting of four aces and a joker.

(2) A royal flush, which is a high hand consisting of an ace, king, queen, jack and 10 of the same suit or a king, queen, jack and 10 of the same suit and a joker.

(3) A straight flush, which is a high hand consisting of five cards of the same suit in consecutive ranking, with ace, 2, 3, 4 and 5 being the highest ranking straight flush; king, queen, jack, 10 and 9 being the second highest ranking straight flush; and 2, 3, 4, 5 and 6 being the lowest ranking straight flush.

(4) A four-of-a-kind, which is a high hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(5) A full house, which is a high hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(6) A flush, which is a high hand consisting of five cards of the same suit. When comparing two flushes, the hand which contains the highest ranking card, as provided in subsection (a), which is not in the other hand, shall be considered the higher ranking hand.

(7) A straight, which is a high hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight; an ace, 2, 3, 4 and 5 being the second highest ranking straight; and a 2, 3, 4, 5 and 6 being the lowest ranking straight.

(8) A three-of-a-kind, which is a high hand containing three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(9) Three pair, used for the Fortune Bonus Wager only, which is a hand containing three pairs, with three aces, three kings, three queens being the highest ranking three pair hand and three 4s, three 3s, and three 2s being the lowest ranking three pair hand.

(10) Two pair, which is a high hand containing two pairs, with two aces and two kings being the highest ranking two pair hand and two 3s and two 2s being the lowest ranking two pair hand.

(11) A pair, which is either a high hand or a low hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two high hands or two low hands that are of identical hand rank under subsection (b), or contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not in the other hand, shall be considered the higher ranking hand. If the two hands are of identical rank after the application of this section, the hands shall be considered a tie.

(d) If the certificate holder offers the optional Aces High Bonus Wager under § 688a.7(e)(1) (relating to wagers), the wager wins if the dealer's seven cards are an Ace High Pai Gow.

(e) If the certificate holder offers the optional Fortune Bonus Wager under § 688a.7(e)(2), the following seven-card hands shall have a rank higher than a hand of five aces, as described in subsection (b)(1), and be used to determine the amount of the Fortune Bonus Wager payout or Envy Bonus payment to a winning player:

(1) A seven-card straight flush with no joker, which is a hand consisting of seven cards of the same suit in consecutive ranking, with no joker used to complete the straight flush.

(2) A royal flush plus Royal Match, which is a seven-card hand consisting of an ace, king, queen, jack and a 10 of the same suit, with or without a joker, with an additional king and queen of a same suit.

(3) A seven-card straight flush with joker, which is a hand consisting of seven cards of the same suit in consecutive ranking with a joker being used to complete the straight flush.

(f) If a certificate holder offers the optional Progressive Payout Wager under § 688a.7(e)(3), the following hands shall be used to determine the amount of the progressive payout and progressive wager envy bonus to a winning player:

(1) Seven-card straight flush is a hand consisting of seven cards of the same suit in consecutive ranking, with or without a joker.

(2) Seven-card natural straight flush is a hand consisting of seven cards of the same suit in consecutive order without a joker.

(3) Seven-card wild straight flush is a hand consisting of seven cards of the same suit in consecutive ranking, with a joker being used to complete the straight flush.

(4) A royal flush plus Royal Match, which is a seven-card hand consisting of an ace, king, queen, jack and a 10 of the same suit, with or without a joker, with an additional king and queen of a same suit.

(5) Five aces, which is a hand consisting of four aces and a joker.

(6) Five-of-a-kind, which is a hand consisting of four cards of the same rank and a joker.

(7) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit or a king, queen, jack and 10 of the same suit and a joker.

(8) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking.

(9) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(10) A full house, which is a hand consisting of a three-of-a-kind and a pair.

#### § 688a.7. Wagers.

(a) Wagers at Face Up Pai Gow Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the Face Up Pai Gow Poker layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Face Up Pai Gow Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at Face Up Pai Gow Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in §§ 688a.8, 688a.9 or 688a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play and compete against the dealer's high and low hands, a player shall place a Face Up Pai Gow Poker Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Pai Gow Poker Wager, in accordance with subsection (d), the option of placing the following additional wagers:

(1) An Ace High Bonus Wager that the seven cards dealt to the dealer will be an Ace High Pai Gow.

(2) A Fortune Bonus Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a three-pair or better as described in § 688a.6(e) (relating to Face Up Pai Gow Poker rankings).

(3) A Progressive Payout Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a full house or better as described in § 688a.6(f).

(f) A certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Face Up Pai Gow Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

#### § 688a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe 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 required under § 688a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(1) If the Fortune Bonus Wager or Progressive Payout Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

(2) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) The dealer shall determine the starting position for dealing the cards using one of the procedures authorized under § 688a.5(i).

(d) The dealer shall then deal the first card to the starting position as determined in subsection (c) and,

continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards. Each card dealt shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed, face down to the player and face up to the dealer, on the appropriate area of the layout with the opposite hand.

(e) After seven cards have been dealt to each position and the dealer, the dealer shall remove the stub from the manual dealing shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(f) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 688a.9. Procedures for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 688a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the dealer shall place the deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(i) If the Fortune Bonus Wager or Progressive Payout Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall then determine the starting position for dealing the cards using one of the procedures authorized under § 688a.5(i).

(c) The dealer shall then deal the first card to the starting position as determined in subsection (b) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position face down, and to the dealer face up, until each position and the dealer has seven cards.

(d) After seven cards have been dealt to each position and the dealer, the dealer shall determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 688a.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures under § 688a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and:

(i) If the Fortune Bonus Wager or Progressive Payout Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall determine the starting position for delivering the stacks of cards using one of the procedures authorized under § 688a.5(i).

(c) After the starting position for delivering the cards has been determined, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other positions, regardless of whether there is a wager at the position, and the dealer face up.

(d) After seven cards have been dispensed and delivered to each position and the dealer, the dealer shall remove the remaining cards from the shoe and determine whether four cards are left by spreading them face down

on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 688a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under §§ 688a.8, 688a.9 or 688a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, the dealer shall set his seven cards into two hands by arranging the cards into a high hand and low hand. The certificate holder shall specify in its Rules Submission under § 601a.2 (relating to table games Rules Submissions) the manner in which the hands of the dealer shall be set. The dealer shall then place the high hand and low hand face up on the appropriate area of the layout.

(b) After the high hand and low hand of the dealer have been set, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at a Face Up Pai Gow Poker table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with the certificate holder's Rules Submission under § 601a.2.

(2) Each player shall keep his seven cards in full view of the dealer at all times.

(3) Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

(c) Each player shall set his hands by arranging the cards into a high hand and a low hand. When setting the two hands, the five-card high hand must be equal to or higher in rank than the two-card low hand. For example, if the two-card hand contains a pair of sevens, the five-card hand must contain at least a pair of sevens and the three remaining cards.

(d) Unless a player has placed an optional wager authorized under § 688a.7(e)(1)—(3) (relating to wagers), a player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided in subsection (e). Once the player has announced his intention to surrender, the dealer shall immediately collect the Face Up Pai Gow Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. If any Qualifying Wagers have been placed, the cards of the player shall remain on the table until collected in accordance with subsection (h).

The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(e) After the dealer has set a high hand and a low hand, the dealer shall reveal both hands of each player, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall compare the high and low hand of each player to the high and low hand of the dealer and shall announce if the Face Up Pai Gow Poker Wager of that player wins, loses or is a tie.

(f) A Face Up Pai Gow Poker Wager will:

(1) Lose and will immediately be collected if:

(i) The high hand of the player is lower in rank than the high hand of the dealer and the low hand of the player is lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or the low hand of the player is identical in rank to the low hand of the dealer and the other hand of the player is identical in rank or lower in rank than the other hand of the dealer.

(iii) The high hand of the player was not set so as to rank equal to or higher than the low hand of that player.

(iv) The two hands of the player were not otherwise set correctly in accordance with this chapter.

(2) Tie and will be returned to the player if:

(i) The high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is identical in rank to the low hand of the dealer or lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or lower in rank than the high hand of the dealer, but the low hand of the player is higher in rank than the low hand of the dealer.

(iii) The dealer has an Ace High Pai Gow.

(3) Win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer. The dealer shall pay the winning Face Up Pai Gow Poker Wager in accordance with the payout odds in § 688a.12(a) (relating to payout odds; Envy Bonus; rate of progression).

(g) Except as provided in subsection (h), after settling the player's Face Up Pai Gow Poker Wager, the dealer shall place the cards of the player in the discard rack.

(h) After settling the player's Face Up Pai Gow Poker Wager, the dealer shall rearrange the seven cards of any player who placed an optional wager, in accordance with § 688a.7(e)(1)—(3), to form the highest ranking hand and be responsible for creating the hand for purposes of all optional wagers offered by the certificate holder. If any player at the table has placed a Qualifying Wager, the dealer shall rearrange the cards of all players regardless of whether the player placed a Fortune Bonus or Progressive Payout Wager. After rearranging the player's seven cards, the dealer shall:

(1) Settle the player's Ace High Bonus Wager as follows:

(i) If the dealer:

(A) Does not have an Ace High Pai Gow, as described in § 688a.6(d) (relating to Face Up Pai Gow Poker rankings), the dealer shall collect the Ace High Bonus Wager.

(B) Has an Ace High Pai Gow, the dealer shall pay the winning Ace High Bonus Wager in accordance with § 688a.12(b).

(2) Settle the player's Fortune Bonus Wager as follows:

(i) If a player:

(A) Does not have a straight or higher, as described in § 688a.6(e), the dealer shall collect the Fortune Bonus Wager.

(B) Has a straight or higher, the dealer shall pay the winning Fortune Bonus Wager in accordance with § 688a.12(c). If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place a Fortune Bonus Wager but has an Envy Bonus Qualifying Hand, and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Fortune Bonus Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 688a.12(c) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(iii) After all Envy Bonuses have been paid, the dealer shall collect all remaining cards and place them in the discard rack.

(3) Settle the player's Progressive Payout Wager as follows:

(i) If a player:

(A) Does not have a full house or better, as described in § 688a.6(f), the dealer shall collect the Progressive Payout Wager.

(B) Has a full house or better, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 688a.12(d). If a player has won a progressive payout that is a percentage of the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory, the cards of that player shall remain on the table until the necessary documentation has been completed.

(C) Did not place a Progressive Payout Wager but has an Envy Bonus Qualifying Hand, and another player at the table placed a Qualifying Wager, the dealer shall

verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(i) Notwithstanding the requirements in subsection (h), if the certificate holder offers more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

(j) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 688a.12. Payout odds; Envy Bonus; rate of progression.**

(a) A certificate holder shall pay each winning Face Up Pai Gow Poker Wager at odds of 1 to 1, and shall not charge a commission or vigorish on winning hands.

(b) The certificate holder shall pay out winning Ace High Bonus Wager payouts at the odds and amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Paytable 1</i>	
<i>Outcome</i>	<i>Pay</i>
Both dealer and player have ace high	20 to 1
Only dealer has ace high, with joker	10 to 1
Only dealer has ace high, no joker	8 to 1

<i>Paytable 2</i>	
<i>Outcome</i>	<i>Pay</i>
Both dealer and player have ace high	40 to 1
Only dealer has ace high, with joker	15 to 1
Only dealer has ace high, no joker	5 to 1

<i>Paytable 3</i>	
<i>Outcome</i>	<i>Pay</i>
Both dealer and player have ace high	30 to 1
Only dealer has ace high, with joker	15 to 1
Only dealer has ace high, no joker	6 to 1

<i>Paytable 4</i>	
<i>Outcome</i>	<i>Pay</i>
Both dealer and player have ace high	25 to 1
Only dealer has ace high, with joker	10 to 1
Only dealer has ace high, no joker	7 to 1

<i>Paytable 5</i>	
<i>Outcome</i>	<i>Pay</i>
Both dealer and player have ace high	40 to 1
Only dealer has ace high, with joker	12 to 1
Only dealer has ace high, no joker	5 to 1

(c) The certificate holder shall pay out winning Fortune Bonus Wagers and Envy Bonus payouts at the odds and amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Paytable 1</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	5,000 to 1	\$1,000
Royal flush + royal match	1,000 to 1	\$250
7 card straight flush with joker	750 to 1	\$100
Five aces	250 to 1	\$50
Royal flush	100 to 1	\$25
Straight flush	50 to 1	\$10
Four-of-a-kind	20 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	
Three pair	Push	

<i>Paytable 2</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	8,000 to 1	\$5,000
Royal flush + royal match	2,000 to 1	\$1,000
7 card straight flush with joker	1,000 to 1	\$500
Five aces	400 to 1	\$250
Royal flush	150 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Paytable 3</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	5,000 to 1	\$3,000
Royal flush + royal match	2,000 to 1	\$1,000
7 card straight flush with joker	1,000 to 1	\$500
Five aces	400 to 1	\$250
Royal flush	150 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Paytable 4</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	2,500 to 1	\$1,000
Royal flush + royal match	1,000 to 1	\$750
7 card straight flush with joker	750 to 1	\$250
Five aces	250 to 1	\$100
Royal flush	125 to 1	\$50

<i>Paytable 4</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Paytable 5</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	5,000 to 1	\$2,500
Royal flush + royal match	1,000 to 1	\$500
7 card straight flush with joker	500 to 1	\$250
Five aces	300 to 1	\$150
Royal flush	100 to 1	\$55
Straight flush	45 to 1	\$25
Four-of-a-kind	5 to 1	\$6
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Paytable 6</i>		
<i>Outcome</i>	<i>Pay</i>	<i>Envy</i>
7 card straight flush	5,000 to 1	\$2,500
Royal flush + royal match	2,000 to 1	\$500
7 card straight flush with joker	1,000 to 1	\$250
Five aces	400 to 1	\$150
Royal flush	150 to 1	\$55
Straight flush	50 to 1	\$25
Four-of-a-kind	25 to 1	\$6
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

(d) The certificate holder shall pay out winning Progressive Payout Wagers and Envy Bonus payouts at the odds and amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Paytable 1 (\$1 wager)</i>	<i>Pay</i>
7 card straight flush	100% of meter
Five aces	10% of meter
Royal flush	\$500
Straight flush	\$100
Four-of-a-kind	\$75
Full house	\$4
Meter seed: \$10,000	
Rate of progression: 28%	
Original wager not returned to player	



<i>Paytable 2 (\$1 wager)</i>	<i>Pay</i>
7 card natural straight flush	100% of meter
7 card wild straight flush	10% of meter
Five-of-a-kind	\$500
Royal flush	\$300
Straight flush	\$100
Four-of-a-kind	\$30
Full house	\$7
Meter seed: \$10,000	
Rate of progression: 7%	
Original wager not returned to player	
Fully wild joker	

<i>Paytable 3 (\$5 wager)</i>	<i>Pay</i>
7 card straight flush	100% of meter
Five aces	10% of meter
Royal flush	\$2,500
Straight flush	\$500
Four-of-a-kind	\$375
Full house	\$20
Meter seed: \$10,000	
Rate of progression: 29%	
Original wager not returned to player	

<i>Paytable 4 (\$5 wager)</i>		
<i>Outcome</i>	<i>Pay &amp; Progressive</i>	<i>Envy</i>
7 card straight flush	\$5,000/ 100% of meter	\$1,000
Royal flush + royal match	\$5,000/ 20% of meter	\$750
7 card straight flush w/joker	\$5,000/ 10% of meter	\$250
Five aces	\$2,500	\$100
Royal flush	\$500	\$50
Straight flush	\$200	\$20
Four-of-a-kind	\$100	\$5
Meter seed: \$10,000		
Rate of progression: 1%		
Reserve rate: 1%		
Original wager returned to player		

<i>Paytable 5 (\$1 wager)</i>	<i>Pay</i>
7 card straight flush	100% of meter
Five aces	10% of meter
Five-of-a-kind	\$1,000
Royal flush	\$500
Straight flush	\$100
Four-of-a-kind	\$20
Full house	\$5
Meter seed: \$5,000	

<i>Paytable 5 (\$1 wager)</i>	<i>Pay</i>
Rate of progression: 17%	
Original wager not returned to player	
Fully wild joker	

<i>Paytable 6 (\$1 wager)</i>	<i>Pay</i>
7 card straight flush	100% of meter
Five aces	10% of meter
Five-of-a-kind	\$800
Royal flush	\$400
Straight flush	\$75
Four-of-a-kind	\$10
Meter seed: \$2,000	
Rate of progression: 17%	
Original wager not returned to player	
Fully wild joker	

<i>Paytable 7 (\$1 wager)</i>	<i>Pay</i>
Five aces	100% of meter
Royal flush	\$500
Straight flush	\$100
Four-of-a-kind	\$75
Full house	\$5
Meter seed: \$1,000	
Rate of progression: 26%	
Original wager not returned to player	
Fully wild joker	

(e) Notwithstanding the payout odds in subsections (b)—(d), a certificate holder may, in its rules submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum payout amount shall be at least \$50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder may not apply to progressive wager meter payouts or envy bonus payouts.

**§ 688a.13. Irregularities; invalid roll of dice.**

(a) If the dealer uncovers the Pai Gow Poker shaker and all three dice do not land flat on the bottom of the shaker, the dealer shall call a “no roll” and reshake the dice.

(b) If the dealer uncovers the Pai Gow Poker shaker and a die or dice fall out of the shaker, the dealer shall call a “no roll” and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the first card to the wrong position, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If the dealer exposes any of the cards dealt to a player, the player may void the hand. The player shall make the decision to either play out the hand or to void the hand without looking at the unexposed cards.

(e) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If

more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

(g) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(h) If the dealer does not set his hands in the manner in which the certificate holder requires the hands of the dealer to be set, the hands shall be reset in accordance with the certificate holder's Rules Submission and the round of play shall be completed.

(i) If a card is exposed while the dealer is dealing the seven stacks in accordance with § 688a.10 (relating to procedures for dealing the cards from an automated dealing shoe), all wagers shall be returned to the players and the cards shall be reshuffled.

(j) If any player position or the dealer is dealt an incorrect number of cards, all hand shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(k) 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.

(l) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

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

[Pa.B. Doc. No. 21-853. Filed for public inspection May 28, 2021, 9:00 a.m.]