

2071. GAMING ACTIVITY AUTHORIZATION.

OPTION 1

(a) As part of the application for initial licensure, every applicant shall submit to the Bureau a report identifying all controlled games and gaming activities proposed to be offered at the gambling establishment. The report shall include, but not be limited to, the following:

- (1) The name of each controlled game and gaming activity;
- (2) The rules for each controlled game and gaming activity, including, where applicable, a description of the event that determines the winner of the controlled game and gaming activity, the wagering conventions, and the fee collection and assessment methods, including the criteria upon which a fee may be waived and the procedures for implementing the waiver;
 - (A) If a fee has not been waived pursuant to approved game rules, each player shall pay a fee from his or her own funds to the gambling enterprise.
 - (B) If a fee has not been waived pursuant to approved game rules, in games that feature a player-dealer position, the player-dealer and each player shall pay a fee, from his or her own funds, to the gambling enterprise for each hand or round of play. An authorized player as defined in Section 12200(b)(3) may use the funds of a registered or licensed TPPPS or a Gambling Business.
 - (i) The fee assessed to each player for his/her wager shall not be less than one-third of the amount of the fee assessed to the player-dealer in each hand or round of play; and
 - (ii) The criteria upon which the fee is determined must be the same for the player(s) and the player-dealer.
 - (C) For purposes of this section, collection rate or rate means the fee charged for playing in the controlled game in combination with the criteria upon which it was determined.
- (3) A glossary of distinctive terms or phrases used in each controlled game and gaming activity;
- (4) A statement for controlled game and each gaming activity that explains why that controlled game or gaming activity is not prohibited or made unlawful by statute, local ordinance, regulation, or final judgment by a competent court of law; and,
- (5) Such other information the Bureau, in its discretion, requests. Unless a reported controlled game or gaming activity is specifically disapproved by the Bureau, all gaming activities identified in the required report shall be deemed authorized upon issuance of the initial license. It shall be an unsuitable method of operation to offer for play any controlled game or gaming activity that was not specifically identified in the required report, without first obtaining authorization from the Bureau to do so.

(b) At any time after initial licensure, a gambling establishment may request the Bureau to authorize a controlled game or gaming activity which has not been previously authorized by the Bureau, for use at that establishment. Within 30 days of a request for authorization of a controlled game and gaming activity, the Bureau shall review the request for completeness and notify the licensee of any deficiencies in the request, or that the request is complete. Within 90 days from the date a licensee is notified that the request is complete, the Bureau shall act on the request. The request shall include, but not be limited to, the following:

- (1) The name of each requested controlled game and gaming activity;

- (2) The rules for each controlled game and gaming activity, including, where applicable, a description of the event that determines the winner of the controlled game and gaming activity, the wagering conventions, and the fee collection and assessment methods, including the criteria upon which a fee may be waived and the procedures for implementing the waiver;
- (A) If a fee has not been waived pursuant to approved game rules, each player shall pay a fee from his or her own funds to the gambling enterprise.
- (B) If a fee has not been waived pursuant to approved game rules, in games that feature a player-dealer position, the player-dealer and each player shall pay a fee, from his or her own funds, to the gambling enterprise for each hand or round of play. An authorized player as defined in Section 12200(b)(3) may use the funds of a registered or licensed TPPPS or a Gambling Business.
- (i) The fee assessed to each player for his/her wager shall not be less than one-third of the amount of the fee assessed to the player-dealer in each hand or round of play.
- (ii) The criteria upon which the fee is determined must be the same for the player(s) and the player-dealer.
- (c) The Bureau, in its sole discretion, may temporarily authorize the play of a controlled game or gaming activity during the pendency of the Bureau's review. The Bureau, in its sole discretion, may withdraw this temporary authorization at any time. Such temporary authorization does not create any presumption as to the suitability or lawfulness of the controlled game or gaming activity, nor does it create any right, of any nature whatsoever, to the continuing play of the temporarily authorized controlled game or gaming activity at the establishment.
- (d) If upon subsequent review it is determined by the Bureau that a controlled game or gaming activity is prohibited or made unlawful by statute, local ordinance, regulation, or final judgment by a competent court of law, then the authorization for that controlled game or gaming activity shall be withdrawn.
- (e) Within 10 days of service of notice from the Bureau either disapproving of, or withdrawing authorization for, a controlled game or gaming activity as provided in subdivisions (a), (b) and (d) above, an objection thereto may be filed with the Chief. The Chief, in his or her discretion, may then grant or deny the objection. Judicial review of the Chief's decision is subject to the limitation of Business and Professions Code Section 19804.

OPTION 2

- (a) As part of the application for initial licensure, every applicant shall submit to the Bureau a report identifying all controlled games and gaming activities proposed to be offered at the gambling establishment. The report shall include, but not be limited to, the following:
- (1) The name of each controlled game and gaming activity;
- (2) The rules for each controlled game and gaming activity, including, where applicable, a description of the event that determines the winner of the controlled game and gaming activity, the wagering conventions, and the fee collection and assessment methods, including the criteria upon which a fee may be waived and the procedures for implementing the waiver;
- (A) If a fee has not been waived pursuant to approved game rules, each player shall pay a fee from his or her own funds to the gambling enterprise.

(B) If a fee has not been waived pursuant to approved game rules, in games that feature a player-dealer position, the player-dealer and each player shall pay a fee, from his or her own funds, to the gambling enterprise for each hand or round of play. An authorized player as defined in Section 12200(b)(3) may use the funds of a registered or licensed TPPPS or a Gambling Business.

(i) If more than one fee is taken per table, the increase from rate to rate shall not increase by more than the amount of the lowest fee.

(C) For purposes of this section, collection rate or rate means the amount of the fee charged for playing in the controlled game.

- (3) A glossary of distinctive terms or phrases used in each **controlled game and** gaming activity;
- (4) A statement for **controlled game and** each gaming activity that explains why that **controlled game or** gaming activity is not prohibited or made unlawful by statute, local ordinance, regulation, or final judgment by a competent court of law; and,
- (5) Such other information the Bureau, in its discretion, requests. Unless a reported **controlled game or** gaming activity is specifically disapproved by the Bureau, all gaming activities identified in the required report shall be deemed authorized upon issuance of the initial license. It shall be an unsuitable method of operation to offer for play any **controlled game or** gaming activity that was not specifically identified in the required report, without first obtaining authorization from the Bureau to do so.

(b) At any time after initial licensure, a gambling establishment may request the Bureau to authorize a **controlled game or** gaming activity which has not been previously authorized by the Bureau, for use at that establishment. Within 30 days of a request for authorization of a **controlled game and** gaming activity, the Bureau shall review the request for completeness and notify the licensee of any deficiencies in the request, or that the request is complete. Within 90 days from the date a licensee is notified that the request is complete, the Bureau shall act on the request. The request shall include, but not be limited to, the following:

- (1) The name of each requested **controlled game and** gaming activity;
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(A) If a fee has not been waived pursuant to approved game rules, each player shall pay a fee from his or her own funds to the gambling enterprise.

(B) If a fee has not been waived pursuant to approved game rules, in games that feature a player-dealer position, the player-dealer and each player shall pay a fee, from his or her own funds, to the gambling enterprise for each hand or round of play. An authorized player as defined in Section 12200(b)(3) may use the funds of a registered or licensed TPPPS or a Gambling Business.

(i) If more than one fee is taken per table, the increase from rate to rate shall not increase by more than the amount of the lowest fee.

(c) The Bureau, in its sole discretion, may temporarily authorize the play of a controlled game or gaming activity during the pendency of the Bureau's review. The Bureau, in its sole discretion, may withdraw this temporary authorization at any time. Such temporary authorization does not create any presumption as to the suitability or lawfulness of the controlled game or gaming activity, nor does it create any right, of any nature whatsoever, to the continuing play of the temporarily authorized controlled game or gaming activity at the establishment.

(d) If upon subsequent review it is determined by the Bureau that a controlled game or gaming activity is prohibited or made unlawful by statute, local ordinance, regulation, or final judgment by a competent court of law, then the authorization for that controlled game or gaming activity shall be withdrawn.

(e) Within 10 days of service of notice from the Bureau either disapproving of, or withdrawing authorization for, a controlled game or gaming activity as provided in subdivisions (a), (b) and (d) above, an objection thereto may be filed with the Chief. The Chief, in his or her discretion, may then grant or deny the objection. Judicial review of the Chief's decision is subject to the limitation of Business and Professions Code Section 19804.

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 - (i) All players, including the player-dealer, shall be charged the same fee for the same level of wager; and
 - (ii) If more than one fee is taken per table, the increase from rate to rate shall not increase by more than the amount of the lowest fee.
 - (C) For purposes of this section, collection rate or rate means the fee charged for playing in the controlled game in combination with the criteria upon which it was determined.
- (3) A glossary of distinctive terms or phrases used in each controlled game and gaming activity;
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(d) If upon subsequent review it is determined by the Bureau that a controlled game or gaming activity is prohibited or made unlawful by statute, local ordinance, regulation, or final judgment by a competent court of law, then the authorization for that controlled game or gaming activity shall be withdrawn.

(e) Within 10 days of service of notice from the Bureau either disapproving of, or withdrawing authorization for, a controlled game or gaming activity as provided in subdivisions (a), (b) and (d) above, an objection thereto may be filed with the Chief. The Chief, in his or her discretion, may then grant or deny the objection. Judicial review of the Chief's decision is subject to the limitation of Business and Professions Code Section 19804.

Note: Authority cited: Sections 19826 and 19827, Business and Professions Code. Reference: Sections 19801, 19826, 19865, 19866, 19920, 19924 and 19932, Business and Professions Code.