

FSOR APPENDIX A: SUMMARY AND RESPONSE TO COMMENTS SUBMITTED DURING 45-DAY PERIOD

Response #	Summary of Comment	Response	Comment #(s)	Bates Label
Blackjack-Style Games ARTICLE 7. GAMES				
§ 2010. Definitions				
- § 2010(h)				
1.	The definition of “round of play” is unnecessary, inconsistent with Penal Code section 337j subdivision(f) and introduces confusion into both statutory and regulatory frameworks. By equating hand or round of play, the Department risks undermining existing fee collection mechanisms and creating conflicting standards. Without a clear explanation of necessity or purpose, the change fails to meet the APA’s requirements for clarity, necessity, and consistency.	This comment was considered but not incorporated. The term “play” is referenced in proposed sections 2073 and 2074. This term describes when a single play ends and begins and is necessary to explain the game rules of Blackjack, as prohibited by section 2073, and to explain permissible rule variations proposed in section 2074. The proposed definition is consistent with game rules that are currently approved. The term “round of play” is also used in proposed regulation 2076(a)(6), the subject of a parallel rulemaking. The definition does not conflict with the Penal Code, which does not define “round of play.”	1-14	BGJ-0036 – BGJ-0037
2.	The definition of “round of play” assumes it is legal for a TPPPS to occupy the player-dealer position. Thus, the regulations would allow a single player to be funded by a TPPPS against all other players, creating a fixed-risk wager with the possibility of recovering multiple wagers from others.	This comment was considered but not incorporated. The term “play” is referenced in proposed sections 2073 and 2074. This term describes when a single play ends and begins and is necessary in order to explain the game rules of Blackjack, as prohibited by section 2073, and to explain permissible rule variations proposed in section 2074. The proposed definition is consistent with game rules that are currently approved. The term is also used in proposed regulation 2076(a)(6), the subject of a parallel rulemaking. Additionally, Penal Code section 330.11 allows for the rotation of a player-dealer position and Business and Professions Code section 19984 allows for cardrooms to contract with TPPPS for these services. Commission regulations already govern TPPPS licensing requirements.	23-1	BGJ-0374
§ 2073. Blackjack Prohibited				

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3.	<p>The commenter recommends revisions to section 2073, subdivisions (a), (b) and (c), as detailed on the last page of this document.</p> <p>Proposed subdivision (a) would be removed “Any game of blackjack shall not be approved for play.” and replaced with the following language: <u>The game of twenty-one shall not be approved for play.</u></p> <p>Proposed subdivision (b) would be struck in its entirety and would instead define the game of twenty-one by describing its essential rules and structure:</p> <p>As used in and for the purposes of this Section, the game of twenty-one:</p> <ol style="list-style-type: none"> 1. Is played with one or more standard 52-card decks. 2. Numbered cards are assigned point values that correspond with their face value; face cards are assigned a value of 10 points; aces are assigned a value of 1 or 11 points. 3. Players and dealer each receive two face-down cards. 4. Players place wagers after receiving the first card. 5. Dealer checks first card; if a 10-value card or ace is present, wagers may be 	<p>This comment was considered but not incorporated because it too narrowly defines the prohibited game of twenty-one and fails to specifically describe permissible variations.</p> <p>Alternative subdivision (a): The proposed alternative does not accurately state the text of Penal Code section 330. Penal Code section 330 prohibits “any” game of twenty-one, and not only one iteration of the game.</p> <p>Alternative subdivision (b): The proposed alternative limits the remainder of the section to one variation of the game of twenty-one. Also, the proposed alternative does not contain language limiting the application of the definition of blackjack to solely game review purposes, and not for other purposes, e.g., criminal enforcement of Penal Code section 330. The proposed alternative limits the application of the definition of twenty-one to this section; however, the proposed text includes use of the term “blackjack” in sections 2074 and 2075, and so the proposed alternative is underinclusive.</p> <p>Alternative subdivision (b)(1): The proposed alternative includes language that is already included in proposed section 2010, subdivision (i) and section 2073, subdivision (a)(2) as an essential feature of twenty-one, and so the alternative is redundant.</p> <p>Alternative subdivision (b)(2): The proposed alternative includes language that is already included in section 2073, subdivision (a)(2) as an essential feature of twenty-one, and so the alternative is redundant.</p> <p>Alternative subdivision (b)(3): The proposed alternative is underinclusive in that it excludes blackjack games that deal cards</p>	1-26	BGJ-0050 – BGJ-0052

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	<p>doubled.</p> <p>6. If the dealer's first two cards total 21, they collect double wagers.</p> <p>7. Players may draw additional cards if the dealer does not have 21.</p> <p>8. Players do not see the dealer's cards.</p> <p>9. Players cannot buy insurance or surrender.</p> <p>10. Dealer or players may split pairs.</p> <p>11. If declared a double payout hand, a player with 21 wins double (even after hitting their hand to reach 21).</p> <p>12. Exceeding 21 requires the player to pay their wages.</p> <p>13. When it is the dealer's turn, they may take additional cards at their discretion.</p> <p>14. Dealer chooses whether to stand, hit or split.</p> <p>15. Dealer reaching 21 with additional cards collects double from players who do not tie on 21.</p> <p>16. If dealer busts, they pay wagers of the other players and pay double to any player with 21.</p> <p>17. Dealer achieving 21 on a split collects double or even four times the player wagers depending on outcomes (i.e. players lacking a 21 or not busting).</p> <p>18. For hands under 21, whoever is closer to 21 wins the opponent's wager.</p> <p>19. The dealer wins all ties.</p>	<p>face up to players and/or the dealer.</p> <p>Alternative subdivision (b)(4): The proposed alternative is underinclusive, in that it would exclude blackjack games that require the placement of wagers prior to the deal of any cards.</p> <p>Alternative subdivision (b)(5): The proposed alternative is underinclusive in that it excludes blackjack games that do not include the rule proposed by the alternative.</p> <p>Alternative subdivision (b)(6): The proposed alternative is underinclusive in that it excludes blackjack games that do not include the rule proposed by the alternative.</p> <p>Alternative subdivision (b)(7): The proposed alternative is underinclusive in that it excludes blackjack games that do not include the rule proposed by the alternative.</p> <p>Alternative subdivision (b)(8): The proposed alternative is underinclusive in that it excludes blackjack games that do not include the rule proposed by the alternative.</p> <p>Alternative subdivision (b)(9): The proposed alternative is underinclusive in that it excludes blackjack games that do not include the rule proposed by the alternative.</p> <p>Alternative subdivision (b)(10): The proposed alternative is underinclusive in that it excludes blackjack games that do not include the rule proposed by the alternative.</p> <p>Alternative subdivision (b)(11): The proposed alternative is underinclusive in that it excludes blackjack games that do not</p>		

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	<p>Proposed subdivision (c) would be struck in its entirety and would instead state that slight differences (such as using one or two fewer cards or immaterial differences in format, odds, or sequence (strategy)), do not distinguish a game from twenty-one.</p>	<p>include the rule proposed by the alternative. Payouts on winnings are determined by each individual game's rules, as set forth in section 2073, subdivision (a)(5).</p> <p>Alternative subdivision (b)(12): The proposed alternative includes language that is already included in section 2073, subdivision (a)(3)(A)(i), and so the alternative is redundant.</p> <p>Alternative subdivision (b)(13): The proposed alternative includes language that is already included in proposed section 2073, subdivision (a)(3), and so the alternative is redundant.</p> <p>Alternative subdivision (b)(14): The proposed alternative includes language that is already included in proposed section 2073, subdivision (a)(3), and so the alternative is redundant.</p> <p>Alternative subdivision (b)(15): The proposed alternative is underinclusive in that it excludes blackjack games that do not include the rule proposed by the alternative. Payouts on winnings are determined by each individual game's rules, as set forth in section 2073, subdivision (a)(5).</p> <p>Alternative subdivision (b)(16): The proposed alternative is underinclusive in that it excludes blackjack games that do not include the rule proposed by the alternative. Payouts on winnings are determined by each individual game's rules, as set forth in section 2073, subdivision (a)(5).</p> <p>Alternative subdivision (b)(17): The proposed alternative is underinclusive in that it excludes blackjack games that do not include the rule proposed by the alternative. Payouts on winnings are determined by each individual game's rules, as set forth in</p>		

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		<p>section 2073, subdivision (a)(5).</p> <p>Alternative subdivision (b)(18): The proposed alternative includes language that is already included in section 2073, subdivision (a)(4), and so the alternative is redundant.</p> <p>Alternative subdivision (b)(19): The proposed alternative is underinclusive in that it excludes blackjack games that do not include the rule proposed by the alternative.</p> <p>Alternative subdivision (c): The proposed alternative is underinclusive in that it excludes other changes to a game that are not included in section 2073, subdivision (b).</p>		
- § 2073(a)				
4.	<p>The Department is required to identify the version of twenty-one it is using as the basis for the blackjack regulations, including when that version of twenty-one was published.</p> <p>The proposed regulations omit a clear definition of the game of twenty-one as it was historically played in unregulated often rigged environments during the Gold Rush era.</p>	<p>This comment was considered but not incorporated. Source materials describing the rules of twenty-one/Blackjack underpinning the proposed regulation were referenced in the Notice of Proposed Action and the Initial Statement of Reasons, and the regulation has been drafted consistently with those sources. Proposed section 2073, subdivision (a), outlines rules of the prohibited form of Blackjack for purposes of game review and approval. Department-approved games styled after Blackjack have become indistinguishable from the prohibited game of twenty-one. Blackjack is played in a substantially similar manner both in New Jersey and Nevada, and in Class III tribal casinos.</p>	8-7, 17-2	BGJ-0329; BGJ-0347 - BGJ-0348
5.	<p>As drafted, the proposal is unduly complicated with too many potential ways around the restrictions. The proposal says a game that meets certain requirements is prohibited, notes that various modifications also are prohibited, but then says the game is allowed if other</p>	<p>This comment was considered but not incorporated. Source materials describing the rules of twenty-one/Blackjack underpinning the proposed regulation were referenced in the Notice of Proposed Action and the Initial Statement of Reasons, and the regulation has been drafted consistently with those sources. Department-approved games styled after Blackjack have become</p>	22-4, 26-4, 27-4, 28-4, 30-4	BGJ-0372; BGJ-0395; BGJ-0400; BGJ-0405; BGJ-0417

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	modifications are made. The regulations should clearly define the characteristics of permitted games and prohibit all modifications not expressly allowed in the regulations.	<p>indistinguishable from the prohibited game of twenty-one. Blackjack is played in a substantially similar manner both in New Jersey and Nevada, and in tribal casinos. The proposed regulations aim to provide clarity to the public, define acceptable alternative features that differentiate these permissible variations from traditional Blackjack.</p> <p>These regulations are reasonably clear. Subdivision (b) identifies and defines the rules of Blackjack that will not be approved for play and are not intended to prohibit any other game rules that are not identified in the regulation. Additionally, section 2074 clearly establishes a set of rules that will be required for Bureau approval of a blackjack-style game with permissible variations. This language is necessary to differentiate blackjack-style games from the prohibited form of Blackjack.</p> <p>The Department's role is to interpret and implement the statute, not to devise game variations for cardrooms.</p>		
6.	Subdivision (a) lists rules that correspond to the contemporary version of Blackjack. No mention is made of 19 th Century Twenty-One, the game that is actually prohibited by section 330 or its rules.	This comment was considered but not incorporated. The comment does not propose alternative language. The comment does not accurately state the text of Penal Code section 330. Penal Code section 330 prohibits "any game of ... twenty-one." Penal Code section 330's prohibition is not limited to one iteration of twenty-one; the comment's statement that Penal Code section 330's prohibition is limited to "19th Century Twenty-One" is incorrect.	1-15	BGJ-0037
7.	For the sake of clarity, section 2073's statement that "Any game of blackjack shall not be approved for play" should be revised to state " <u>No game of blackjack may be approved for play</u> "	This comment was considered but not incorporated. The comment's proposed language does not accurately track the text of Penal Code section 330, as reflected in section 2073. Penal Code section 330 prohibits "any game of ... twenty-one."	23-2	BGJ-0375

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8.	<p>The proposed language of Section 2073(a) could be abused to circumvent the intent of the rule. As written, the language in Proposed Section 2073(a) could be read to mean that a game with even a slight variation other than those listed, such as altering the timing of wagers or permitting side bets, would not be a prohibited game. The Blackjack definition is narrow and should be broadened to focus on the substance of the game, not just features.</p>	<p>This comment was considered but not incorporated. To the extent that the comment appears directed at Penal Code 330's prohibition on banked games, this is not the subject of these regulations. The proposed regulations are necessary to identify certain blackjack-style game variations used in currently approved games that do not materially change the game from the traditional rules of Blackjack described in section 2073, subdivision (a). The proposal will help prevent the employment of an artifice to attempt to distinguish a currently approved, new, or pending blackjack-style game from the prohibited form of Blackjack. Additionally, section 2074 clearly establishes a set of rules that will be required for Bureau approval of a blackjack-style game with permissible variations. This language is necessary to differentiate blackjack-style game from the prohibited form of Blackjack.</p> <p>With regards to the comment asserting that the Blackjack definition is too narrow, the commenter does not propose alternative language, particularly regarding what would constitute the "substance" of blackjack, other than the game rules in section 2073.</p>	22-2, 26-2, 27-2, 28-2, 30-2	BGJ-0372; BGJ-0394 - BGJ-0395; BGJ-0400; BGJ-0404; BGJ-0416 -BGJ-0417
- 2073(b)				
9.	<p>Section 2073(b) lists several types of game modifications that do not distinguish a game from "blackjack," as defined in subpart (a). No justification is offered for why any of these modifications alone or in combination are sufficient to distinguish a game from the prohibited version of "blackjack." Subpart (b) transgresses the well-settled rule that only slight variations on prohibited games fall within the ambit of section 330. Subpart (b)'s requirement violates the</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language. The comment does not accurately state the text of Penal Code section 330. Penal Code section 330 prohibits "any game of ... twenty-one." Penal Code section 330's prohibition is not limited to one iteration of twenty-one; the comment's statement that Penal Code section 330's prohibition is limited to "19th Century Twenty-One" is incorrect. This language is necessary to identify certain variations of the cards used in currently approved Blackjack games that do not materially change the game from the game rules described in section 2073, subdivision (a). Additionally, this language is necessary to prevent</p>	1-16	BGJ-0037 - BGJ-0039

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	<p>settled legal principle that whether a game violates section 330 is a fact-specific issue, which requires an individualized determination based on the game rules and evidence. Substantial changes, such as “no bust” rules, jokers, or shifting point counts, materially alter the odds, strategies, and structure of play. In practice, section 2073(b) will conflict with precedent by barring approval of games that have more than slight differences from Nineteenth Century Twenty-One. By removing these modifications from consideration, subpart (b) misinterprets <i>Gosset</i> and contradicts <i>Tibbetts</i>.</p>	<p>the employment of an artifice to attempt to distinguish a currently approved, new, or pending blackjack-style game from the prohibited form of Blackjack.</p> <p>The factual basis for the Bureau’s inclusion of the rules set forth in section 2073, subdivision (b) was set forth in the Notice of Proposed Action and Initial Statement of Reasons. Whether a game complies with the proposed regulations, and thus does not constitute a prohibited form of Blackjack, will be determined following implementation of these regulations, consistent with <i>Huntington Park Club Corp. V. County of Los Angeles</i> (1988) 206 Cal.App.3d 241.</p> <p>The proposed regulations do not contradict <i>Tibbetts v. Van De Kamp</i> (1990) 222 Cal.App.3d. 389, as that case dealt with distinct categories of poker games, “each having its own distinct format and strategy.” (<i>Tibbetts v. Van De Kamp, supra</i>, 222 Cal.App.3d at p. 395.) The proposed regulations address the rules <i>common</i> to all Blackjack games, which do not vary in format or strategy, as described in the Notice of Proposed Action and Initial Statement of Reasons. By the same token, the variations to the game rules employed in currently approved Blackjack games do not alter the format or strategy of the games. The statement in <i>People v. Gosset</i> (1892) 93 Cal. 641 that the play of a card game with “one or two cards less than the number usually employed” should be read not as a literal ceiling on what changes will remove a game from Penal Code section 330’s prohibition. Instead, <i>Gosset</i> should be understood to prohibit the play of a specifically named game where non-substantive changes to a game’s rules do not change the format or strategy of the play of that game according to its established rules. Otherwise, each minor change outside of the use of “one or two cards less than the number usually employed” would</p>		

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		theoretically be subject to a separate challenge. Such a result would contradict <i>Gosset</i> 's holding that "no statute against a particular game would be of any value." (<i>Gosset, supra</i> , 93 Cal. at p. 643.)		
- § 2073(c)				
10.	The prohibition is arbitrary, lacks proper review and favors tribal interests. The commenter questions why the Department prohibits blackjack-style variations from including the word "Blackjack" in their titles, yet the Department allows tribal casinos to market roulette variations as "California Roulette"? This raises the question of why standards are applied inconsistently.	This comment was considered but not incorporated. Penal Code section 330 prohibits the play of any game of twenty-one. Department-approved games styled after Blackjack have become indistinguishable from the prohibited game of twenty-one. Blackjack is played in a substantially similar manner both in New Jersey and Nevada, and in tribal casinos. The intent of the proposed regulations is to preclude Department approval of any game named after a prohibited game of twenty-one/Blackjack. Therefore, the proposed regulations aim to provide clarity to the public, define acceptable alternative features and naming conventions that differentiate these permissible variations from traditional Blackjack. Enforcement of any alleged violation of California law with respect to the games played in tribal casinos is not the subject of these regulations.	19-5	BGJ-0353 - BGJ-0354
11.	The prohibition on game names lacks authority, necessity, and consistency. First, the Bureau lacks authority to issue such regulations on its own because the GCA vests the Commission with the authority to regulate advertising. Second, the Department's proposal to prohibit certain game names is constitutionally flawed because the Bureau has not made the requisite showing to justify a regulation restraining commercial speech. The Department did not show that the proposed restriction directly and materially advances a substantial	This comment was considered but not incorporated. The Commission's rulemaking authority is outside the scope of the proposed regulations and does not affect the Department's authority to adopt the proposed regulations under Business and Professions Code section 19826. The Department has complied with Government Code sections 11346.2, subdivision (a)(2), by identifying in the published text of proposed regulations, the authorizing statute and the statutes being implemented, interpreted, or made specific. The Department has complied with Government Code section 11346.5, subdivision (a)(2), by referencing in the published Notice of Proposed Rulemaking, the authority under which the regulations are proposed and the code sections or other provisions of law that are being implemented, interpreted, or made specific. The Department believes that the rulemaking file, including the proposed regulations, meets the	1-23	BGJ-0043 - BGJ-0047

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	<p>government interest, did not provide evidence to show that it has a public interest in preventing consumer confusion or that the prohibition directly advances that interest, and did not show that the prohibition is narrowly tailored. Third, The Department's proposal is inconsistent with Penal Code 330 because it prohibits games based on their names, rather than their rules. Fourth, lacks clarity because it does not explain what constitutes a "variation of the number '21' or the word 'blackjack'" in violation of the Administrative Procedure Act and the First Amendment.</p>	<p>standards for approval by the Office of Administrative Law under Government Code section 11349.1. Also see Response Nos. 57, 58, 59, and 67. Subdivision (c) defines a prohibited game of Blackjack to include any game with the words, or variations of the words, "21" or "Blackjack." While the proposed regulations do not define variations of the words "21" or "Blackjack," the Department has determined that the most appropriate approach is to evaluate such variations on a case-by-case basis when reviewing written requests for a game or game modification pursuant to Section 2075, subdivision (a). This language will assist the Bureau review any game named after a prohibited game of twenty-one in order to protect the public from being confused or misled as to which games are offered by a gambling establishment, and determine which games are legally permissible.</p> <p>The Department currently lacks regulations governing the approval of black-style games and permissible variations. In the absence of clear regulatory standards, Bureau-approved games styled after Blackjack have become indistinguishable from the prohibited game of twenty-one.</p> <p>The California Supreme Court has held that variations in the play of a prohibited game do not, by virtue of those variations, take those games out of the prohibition when the game is otherwise played in the conventional manner. (60 Ops.Cal.Atty.Gen. 130, 132 (1977), citing <i>California Gasoline Retailers v. Regal Petroleum Corp.</i> (1958) 50 Cal.2d 844, 859; <i>People v. Shira</i> (1976) 62 Cal.App.3d 442, 461.) ("When a prohibited game is played in all other respects in the usual way, and according to its established rules, the purpose of the law cannot be thwarted by the simple devise of playing it with one or two cards less than the number usually employed. Otherwise no statute against a particular game would be of any value." (<i>People v.</i></p>		

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		<p><i>Gosset</i> (1892) 93 Cal. 641, 643.)</p> <p>Additionally, Penal Code section 330 prohibits “any game of ... twenty-one”. Penal Code section 330’s prohibition is not limited to one iteration of twenty-one; the comment’s statement that Penal Code section 330’s prohibition is limited to “19th Century Twenty-One” is incorrect. Commercial speech and advertising may be restricted where those communications are more likely to deceive the public than to inform it, or where the commercial speech is related to illegal activity. (<i>Central Hudson Gas & Electric Corp. v. Public Service Commission</i> (1980)). The advertising of illegal gambling activities is not subject to protection under the United States or California Constitutions. (<i>Cent. Hudson Gas & Elec. Corp. v. Public Serv. Comm’n</i> (1980) 447 U.S. 557, 563-564; <i>Vanacore & Associates, Inc. v. Rosenfeld</i> (2016) 246 Cal.App.4th 438, 453.)</p>		
§ 2074. Permissible Blackjack Variations; Required Rules.				
12.	This comment states the language in this section appears to favor only one previously approved blackjack variant, while targeting and undermining the state’s most popular variant, offered for over a decade.	This comment was considered but not incorporated. Penal Code section 330 prohibits the play of “any game of ... twenty-one.” The intent of the proposed regulations is to establish a procedure to review currently approved or pending blackjack-style games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. Where a game would otherwise be illegal to play, that prohibition cannot be avoided merely by implementing non-substantive changes that do not affect the base rules of that prohibited game. (“When a prohibited game is played in all other respects in the usual way, and according to its established rules, the purpose of the law cannot be thwarted by the simple devise of playing it with one or two cards less than the number usually employed. Otherwise no statute against a particular game would be of any value.” (<i>People v. Gosset</i> (1892) 93 Cal. 641, 643.)	16-3	BGJ-0345 - BGJ-0346

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13.	The proposed regulation lacks clarity on key game rules and whether the Department will allow double downs, splits, surrender, or side bets with odds-based payouts. Omitting such information creates doubts about the rulemaking's integrity and intent.	This comment was considered but not incorporated. Proposed section 2074 sets forth the rules that are required to be included in a blackjack-style game. The additional optional game rules referred to in this comment are not addressed by section 2074 and will be considered on a case-by-case basis when the Department reviews a gaming activity application.	17-4	BGJ-0348
14.	The proposed regulation lacks clarity about what is considered a "win," and whether a bonus for achieving 21 is the same as a "win," and how promotions or house-funded jackpots will be handled.	This comment was considered but not incorporated. The comment does not propose alternative language. Section 2073, subdivision (a)(4) sets forth the rules with respect to determining when a player will win. The application of this definition in a gaming activity is not a subject of these regulations, and in any event would be determined on a case-by-case basis when the Department reviews a gaming activity application.	22-3, 26-3, 27-3, 28-3, 30-3	BGJ-0372; BGJ-0395; BGJ-0400; BGJ-0405; BGJ-0417
- § 2074(a)(1)				
15.	The proposed regulations still allow versions of blackjack where players gamble against a single player-dealer with an odds-based advantage. Subdivision (a)(1) does not eliminate the banked nature of the modified games or third-party proposition players (TPPPS) who pay the cardrooms to assume the player-dealer position and who take on the role of the house bank paying out all the wins and losses. Therefore, the regulations fail to prohibit cardrooms from operating blackjack-style banked games or contracting with TPPPS and must be strengthened to prevent exploitation of loopholes.	This comment was considered but was not incorporated. The comment does not propose alternative language. To the extent that the comment appears directed at Penal Code 330's prohibition on banked games, this is not the subject of these regulations. Additionally, Penal Code section 330.11 allows for the rotation of a player-dealer position and Business and Professions Code section 19984 allows for cardrooms to contract with TPPPS for these services. Commission regulations already govern TPPPS licensing requirements.	21-3, 23-3	BGJ-0368; BGJ-0375

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16.	<p>“Busting” (a rule that players automatically lose if they exceed a specific number) is a component of many games aside from 19th Century Twenty-One and Modern Blackjack. The proposed regulations fails to explain why a game that is similar to Modern Blackjack but uses a different bust number is not sufficiently different from the prohibited game, 19th Century Twenty-One, especially when the game rules are considered as a whole.</p>	<p>This comment was considered but not incorporated. As explained in the Initial Statement of Reasons, the bust rule is an essential rule of Blackjack. Penal Code section 330 prohibits “any game of ... twenty-one.” Penal Code section 330’s prohibition is not limited to one iteration of twenty-one; the comment’s statement that Penal Code section 330’s prohibition is limited to “19th Century Twenty-One” is incorrect. The purpose of this language is to differentiate a blackjack-style game from the prohibited game of Blackjack by prohibiting the bust feature in permissible blackjack-style games.</p>	1-17, 858-2	BGJ-0039; BGJ-017-TR
- § 2074(a)(2)				
17.	<p>There is no legal reason why a game is the same as Modern Blackjack or 19th century twenty-one if it differs from those games by its use of more than one target point count. If anything, the fact that both Modern Blackjack and 19th century twenty-one use a fixed target point count should mean that a game without a fixed target point count is dissimilar to those games. Such differences could have a material effect on the odds and strategy of the game.</p>	<p>This comment was considered but not incorporated. As explained in the Initial Statement of Reasons, the target point count of 21 is an essential characteristic of twenty-one and Blackjack. In many of the current Department-approved Blackjack games, specified cards are assigned a point value that is obtainable only on the initial deal, which coincides with a target point count greater than 20 and less than 22, and after the initial deal, are played with the same point value as twenty-one and Blackjack. This language is necessary to differentiate blackjack-style games from the prohibited form of Blackjack by prohibiting the use of 21 as a target point count in any deal of the game.</p>	1-18	BGJ-0039 - BGJ-0040
- § 2074(a)(3)				
18.	<p>The Department has not provided justification for why a game should be prohibited based on the ace or 10-point card feature alone, regardless of whether the game has other significant modifications.</p>	<p>This comment was considered but not incorporated. An ace and a 10-point card as an automatically winning hand is an essential characteristic of twenty-one and Blackjack, as explained in the ISOR and Notice of Proposed Action, and the source materials referenced therein. This language is necessary to differentiate blackjack-style games from the prohibited form of Blackjack.</p>	1-19	BGJ-0040

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- § 2074(a)(4)				
19.	The proposed regulation is not just arbitrary—it's punitive. No rational player would take the player-dealer position with a 20%+ disadvantage. Commenter recommended that the Department conduct a mathematical analysis and review the game theory behind the proposed regulations. Commenter also recommended that the Department should have a committee review the proposed regulations.	This comment was considered but not incorporated. As explained in the Initial Statement of Reasons, a tie resulting in a push (no win or loss) is an essential characteristic of twenty-one and Blackjack. The purpose of the proposed game rule is to differentiate blackjack-style games from the prohibited form of Blackjack. Even if this rule also has the added benefit of giving players a better advantage and more opportunities to win than in the prohibited form of Blackjack where the player-dealer has the built-in advantage of wagering against multiple players, the Department's role is to interpret and implement the statute, not to devise a game weighing the comparative advantage of each rule or combination of rules.	19-2, 858-3	BGJ-0352 - BGJ-0353; BGJ-017-TR
20.	Subdivision (a)(4) is impractical, illogical, and inconsistent with principles of game design such as fairness/strategy. The mathematical structure of the proposed game mirrors the outlawed "Player Buster 21", which made it nearly impossible for the player-dealer to win. As such, the proposed regulations potentially violate Penal Code section 330.	This comment was considered but not incorporated. As explained in the Initial Statement of Reasons, a tie resulting in a push (no win or loss) is an essential characteristic of twenty-one and Blackjack. The purpose of the proposed game rule is to differentiate blackjack-style games from the prohibited form of Blackjack. Even if this rule also has the added benefit of giving players a better advantage and more opportunities to win than in the prohibited form of Blackjack where the player-dealer has the built-in advantage of wagering against multiple players, the Department's role is to interpret and implement the statute, not devise a game weighing the comparative advantage of each rule or combination of rules.	17-1	BGJ-0347
21.	Subdivision (a)(4) requires that ties go to the player, instead of a push. This is flawed and unworkable. Players would have such a significant edge that nobody would want to take the player-dealer position. If the intent of subdivision (a)(4) is to adjust player-dealer balance, there are alternative methods (e.g. insurance bets) that would be more reasonable and	This comment was considered but not incorporated. As explained in the Initial Statement of Reasons, a tie resulting in a push (no win or loss) is an essential characteristic of twenty-one and Blackjack. The purpose of the proposed game rule is to differentiate blackjack-style games from the prohibited form of Blackjack. Even if this rule also has the added benefit of giving players a better advantage and more opportunities to win than in the prohibited form of Blackjack where the player-dealer has the built-in advantage of wagering against multiple players, the Department's role is to interpret the statute,	1-20, 18-1, 856-1	BGJ-0040 - BGJ-0041; BGJ-0349; BGJ-016-TR

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	consistent with existing game design.	not to devise a game weighing the comparative advantage of each rule or combination of rules.		
22.	The Department's justification for this change is legally and practically flawed: 1) Many existing blackjack-style games that count ties as a draw or push already distinguish themselves from Nineteenth Century Twenty-One where in most variants the dealer won ties; and 2) court precedent (e.g. <i>Oliver</i>) shows that the presence of push rules does not violate Penal Code section 330's prohibition on twenty-one.	This comment was considered but not incorporated. Commenter's reliance on <i>Oliver</i> is misplaced. When affirming the trial court's ruling that Newjack was an illegal form of twenty-one, the court in <i>Oliver</i> opined on the prohibition against banked games in Penal Code section 330 and did not separately analyze that section's prohibition on "any game of ... twenty-one." (<i>Oliver v. County of Los Angeles</i> (1998) 66 Cal. App. 4th 1397, 1408-09.) Penal Code section 330's prohibition is not limited to one iteration of twenty-one; the comment's statement that Penal Code section 330's prohibition is limited to "Nineteenth Century Twenty-One" is incorrect. As explained in the Initial Statement of Reasons, the "push" rule is an essential rule in twenty-one and blackjack. The purpose of the proposed regulation is to differentiate game rules that may be approved by the Department from those games that would not be approved. Even if this rule also has the added benefit of giving players a better advantage and more opportunities to win than in the prohibited form of Blackjack where the player-dealer has the built-in advantage of wagering against multiple players, the Department's role is to interpret the statute, not to devise a game weighing the comparative advantage of each rule or combination of rules.	1-20	BGJ-0040 - BGJ-0041
23.	The current cardroom practice requires rigorous review by Gaming Laboratories International (GLI) to ensure games cannot be exploited. The proposed game raises concerns about such safeguards	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. The rules proposed under section 2074, subdivision (a)(4) do not prohibit the inclusion of other rules that are consistent with this section. The Department's role is to interpret and implement the statute, not to devise game variations for cardrooms, weigh the	17-3	BGJ-0348

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	against attracting organized cheating operations.	comparative advantage of each rule or combination of rules, or test, certify and assess game protocols to prevent cheating.		
- § 2074(b)				
24.	This requirement is arbitrary, lacks proper review and favors tribal interest. Why does the Department prohibit blackjack-style variations from including the word “Blackjack” in their titles, yet the Department allows tribal casinos to market roulette variations as “California Roulette”? This raises the question of why standards are applied inconsistently.	This comment was considered but not incorporated. Department-approved games styled after Blackjack have become indistinguishable from the prohibited game of twenty-one. Blackjack is played in a substantially similar manner both in New Jersey and Nevada, and in tribal casinos. The intent of the proposed regulations is to preclude Department approval of any game named after a prohibited game of Twenty-One/Blackjack. Therefore, the proposed regulations aim to provide clarity to the public, define acceptable alternative features and naming conventions that differentiate these permissible variations from traditional Blackjack.	19-5	BGJ-0353 - BGJ-0354
25.	The prohibition on game names lacks authority, necessity, and consistency. First, the Bureau lacks authority to issue such regulations on its own because the GCA vests the Commission with the authority to regulate advertising. Second, the Department’s proposal to prohibit certain game names is constitutionally flawed because the Bureau has not made the requisite showing to justify a regulation restraining commercial speech. The Department did not show that the proposed restriction directly and materially advances a substantial government interest, did not provide evidence to show that it has a public interest in preventing consumer confusion or that the prohibition directly advances that interest, and did not show	This comment was considered but not incorporated. The Commission’s rulemaking authority is outside the scope of the proposed regulations and does not affect the Department’s authority to adopt the proposed regulations under Business and Professions Code section 19826. The Department has complied with Government Code sections 11346.2, subdivision (a)(2), by identifying in the published text of proposed regulations, the authorizing statute and the statutes being implemented, interpreted, or made specific. The Department has complied with Government Code section 11346.5, subdivision (a)(2), by referencing in the published Notice of Proposed Rulemaking, the authority under which the regulations are proposed and the code sections or other provisions of law that are being implemented, interpreted, or made specific. The Department believes that the rulemaking file, including the proposed regulations, meets the standards for approval by the Office of Administrative Law under Government Code section 11349.1. Also see Response Nos. 57, 58, 59, and 67. Subdivision (b) defines a prohibited game of Blackjack to include any game with the words, or variations of the words, “21”	1-23	BGJ-0043 - BGJ-0047

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	<p>that the prohibition is narrowly tailored. Third, The Department's proposal is inconsistent with Penal Code 330 because it prohibits games based on their names, rather than their rules. Fourth, lacks clarity because it does not explain what constitutes a "variation of the number '21' or the word 'blackjack'" in violation of the Administrative Procedures Act and the First Amendment.</p>	<p>or "Blackjack." While the proposed regulations do not define variations of the words "21" or "Blackjack," the Department has determined that the most appropriate approach is to evaluate such variations on a case-by-case basis when reviewing written requests for a game or game modification pursuant to Section 2075, Subdivision (a). This language will assist the Bureau review any game named after a prohibited game of twenty-one in order to protect the public from being confused or misled as to which games are offered by a gambling establishment, and determine which games are legally permissible.</p> <p>The Department currently lacks regulations governing the approval of black-style games and permissible variations. In the absence of clear regulatory standards, Bureau-approved games styled after Blackjack have become indistinguishable from the prohibited game of twenty-one.</p> <p>The California Supreme Court has held that variations in the play of a prohibited game do not, by virtue of those variations, take those games out of the prohibition when the game is otherwise played in the conventional manner. (60 Ops.Cal.Atty.Gen. 130, 132 (1977), citing <i>California Gasoline Retailers v. Regal Petroleum Corp.</i> (1958) 50 Cal.2d 844, 859; <i>People v. Shira</i> (1976) 62 Cal.App.3d 442, 461.) ("When a prohibited game is played in all other respects in the usual way, and according to its established rules, the purpose of the law cannot be thwarted by the simple devise of playing it with one or two cards less than the number usually employed. Otherwise no statute against a particular game would be of any value." (<i>People v. Gosset</i> (1892) 93 Cal. 641, 643.)</p> <p>Additionally, Penal Code section 330 prohibits "any game of ... twenty-one". Penal Code section 330's prohibition is not limited to</p>		

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		<p>one iteration of twenty-one. Commercial speech and advertising may be restricted where those communications are more likely to deceive the public than to inform it, or where the commercial speech is related to illegal activity. (<i>Central Hudson Gas & Electric Corp. v. Public Service Commission</i> (1980)). The advertising of illegal gambling activities is not subject to protection under the United States or California Constitutions. (<i>Cent. Hudson Gas & Elec. Corp. v. Public Serv. Comm'n</i> (1980) 447 U.S. 557, 563-564; <i>Vanacore & Associates, Inc. v. Rosenfeld</i> (2016) 246 Cal.App.4th 438, 453.)</p>		
§ 2075. Effect on Regulations on Previously Approved Games; Effect on Regulations on Pending Game Applications.				
26.	<p>This section suggests the Department may be seeking broad authority to eliminate blackjack-style games entirely, driven by tribal economic gain and political interest rather than alignment with Penal Code section 330. Under Government Code section 11346.2, subdivisions (b)(1) and (b)(4), the Department is charged with ensuring that any rule it adopts is (1) "reasonably necessary" to address a specific problem, and (2) tailored to minimize adverse effects on the California economy. The Department has failed to explain how the proposed regulations meet these requirements when the principal effect of adopting the regulations would be to drive business, taxes, and jobs away from California communities.</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. Penal Code section 330 prohibits the play of <i>any</i> game of twenty-one. The Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The Gambling Control Act gives the Department of Justice the responsibility to adopt regulations reasonably related to its functions and duties and includes the responsibility and discretion to approve games including modifying restrictions and limitations on how a game may be played. The authority to withdraw approval of previously approved games is implied by the Department's plenary authority to approve a game. The purpose of the regulations is to ensure California cardrooms do not offer games prohibited by Penal Code section 330. These proposed regulations provide specific guidance regarding: (1) Blackjack game rules that are prohibited, including specified variations that do not sufficiently differentiate a game from the prohibited form of Blackjack; (2) the specified rule variations that must be included in a blackjack-style game such that the game may be approved by the Department; and (3) the procedure for the Department to review a previously-approved blackjack-style game for compliance with the new restrictions, including the procedure for the Department to</p>	1-13, 17-5, 19-3, 864-2, 849-2	BGJ-0036; BGJ-0348; BGJ-0353; BGJ-020-TR; BGJ-013-TR

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		<p>disapprove a game that does not comply with the regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>		
- § 2075(a)				
27.	Subdivision (a) requires cardrooms offering blackjack-style games to submit applications to modify those games. However, cardrooms should instead be allowed to submit <i>substitute</i> games for expedited review rather than being forced to modify existing ones. A 60-day review period is considered too short,	This comment was considered but not incorporated. The Department could immediately withdraw approval of currently approved blackjack-style games that do not comply with these regulations. Instead, the regulations offer an opportunity for cardrooms to seek reapproval or modify the game without incurring new fees. The 60-day period for submitting an application is reasonable for cardrooms to determine whether they would like to submit requests for review of currently approved blackjack games.	1-21	BGJ-0042

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	and at least 120 days is recommended to allow sufficient time for applications. A longer time period would be necessary if the Department proceeds at the same time with both this rulemaking and the rulemaking concerning rotation of the player-dealer position, because cardrooms would need to address both sets of new rules at once.	The regulations do not prohibit cardrooms from proposing new games in the future under the existing game approval process.		
28.	Cardrooms should not be permitted to operate games that violate the regulations. This current section allows cardrooms to continue operating for certain periods of time even though the Department has deemed them unlawful.	This comment was considered but not incorporated. These games were previously approved by the Department, and after reevaluating the legality of the games, we believe that a phased-out approach is appropriate. The proposed regulations establish a procedure for the Department to review currently approved or pending blackjack-style games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. If a previously Department-approved game is not modified, but is now prohibited by the regulations, the Department will withdraw its previous approval. The purpose of this language is to provide notice to the regulated industry of the consequences of not submitting a request for review pursuant to proposed section 2075, subdivision (a). This language is necessary to discontinue non-compliant blackjack-style games once the regulations become effective.	23-4	BGJ-0375 - BGJ-0376
- § 2075(d)				
29.	The prohibition on game names lacks authority, necessity, and consistency. First, the Bureau lacks authority to issue such regulations on its own because the GCA vests the Commission with the authority to regulate advertising. Second, the Department's proposal to prohibit	This comment was considered but not incorporated. The Commission's rulemaking authority is outside the scope of the proposed regulations and does not affect the Department's authority to adopt the proposed regulations under Business and Professions Code section 19826. The Department has complied with Government Code sections 11346.2, subdivision (a)(2), by identifying in the published text of proposed regulations, the	1-23	BGJ-0043 - BGJ-0047

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	<p>certain game names is constitutionally flawed because the Bureau has not made the requisite showing to justify a regulation restraining commercial speech. The Department did not show that the proposed restriction directly and materially advances a substantial government interest, did not provide evidence to show that it has a public interest in preventing consumer confusion or that the prohibition directly advances that interest, and did not show that the prohibition is narrowly tailored. Third, The Department's proposal is inconsistent with Penal Code 330 because it prohibits games based on their names, rather than their rules. Fourth, lacks clarity because it does not explain what constitutes a "variation of the number '21' or the word 'blackjack'" in violation of the Administrative Procedures Act and the First Amendment.</p>	<p>authorizing statute and the statutes being implemented, interpreted, or made specific. The Department has complied with Government Code section 11346.5, subdivision (a)(2), by referencing in the published Notice of Proposed Rulemaking, the authority under which the regulations are proposed and the code sections or other provisions of law that are being implemented, interpreted, or made specific. The Department believes that the rulemaking file, including the proposed regulations, meets the standards for approval by the Office of Administrative Law under Government Code section 11349.1. Also see Response Nos. 57, 58, 59, and 67. Subdivision (d) defines a prohibited game of Blackjack to include any game with the words, or variations of the words, "21" or "Blackjack." While the proposed regulations do not define variations of the words "21" or "Blackjack", the Department has determined that the most appropriate approach is to evaluate such variations on a case-by-case basis when reviewing written requests for a game or game modification pursuant to Section 2075, Subdivision (a). This language will assist the Bureau review any game named after a prohibited game of twenty-one in order to protect the public from being confused or misled as to which games are offered by a gambling establishment, and determine which games are legally permissible. The Department currently lacks regulations governing the approval of black-style games and permissible variations. In the absence of clear regulatory standards, Bureau-approved games styled after Blackjack have become indistinguishable from the prohibited game of twenty-one.</p> <p>The California Supreme Court has held that variations in the play of a prohibited game do not, by virtue of those variations, take those games out of the prohibition when the game is otherwise played in the conventional manner. (60 Ops.Cal.Atty.Gen. 130, 132 (1977), citing <i>California Gasoline Retailers v. Regal Petroleum Corp.</i> (1958) 50 Cal.2d 844, 859; <i>People v. Shira</i> (1976) 62 Cal.App.3d 442, 461.)</p>		

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		<p>(“When a prohibited game is played in all other respects in the usual way, and according to its established rules, the purpose of the law cannot be thwarted by the simple devise of playing it with one or two cards less than the number usually employed. Otherwise no statute against a particular game would be of any value.” (<i>People v. Gosset</i> (1892) 93 Cal. 641, 643.</p> <p>Penal Code section 330 prohibits “any game of ... twenty-one”. Penal Code section 330’s prohibition is not limited to one iteration of twenty-one. Commercial speech and advertising may be restricted where those communications are more likely to deceive the public than to inform it, or where the commercial speech is related to illegal activity. (<i>Central Hudson Gas & Electric Corp. v. Public Service Commission</i> (1980)). The advertising of illegal gambling activities is not subject to protection under the United States or California Constitutions. (<i>Cent. Hudson Gas & Elec. Corp. v. Public Serv. Comm’n</i> (1980) 447 U.S. 557, 563-564; <i>Vanacore & Associates, Inc. v. Rosenfeld</i> (2016) 246 Cal.App.4th 438, 453.)</p> <p>Penal Code section 330 prohibits “any” game of twenty-one, and not only one iteration of the game. The advertising of illegal gambling activities is not subject to protection under the United States or California Constitutions. (<i>Cent. Hudson Gas & Elec. Corp. v. Public Serv. Comm’n</i> (1980) 447 U.S. 557, 563-564; <i>Vanacore & Associates, Inc. v. Rosenfeld</i> (2016) 246 Cal.App.4th 438, 453.)</p>		
30.	The proposed regulation is arbitrary, lacks proper review and favors tribal interest. Why does the Department prohibit blackjack-style variations from including the word “Blackjack” in their titles, yet the Department allows tribal casinos to market roulette variations as “California	This comment was considered but not incorporated. Penal Code section 330 prohibits the play of <i>any</i> game of twenty-one. Department-approved games styled after Blackjack have become indistinguishable from the prohibited game of twenty-one. Blackjack is played in a substantially similar manner both in New Jersey and Nevada, and in tribal casinos. The intent of the proposed regulations is to preclude Department approval of any game named after a prohibited game of twenty-one/Blackjack. Therefore, the proposed	19-5	BGJ-0353 - BGJ-0354

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	Roulette”? This raises the question of why standards are applied inconsistently.	regulations aim to provide clarity to the public, define acceptable alternative features and naming conventions that differentiate these permissible variations from traditional Blackjack. Enforcement of any alleged violation of California law with respect to the games played in tribal casinos is not the subject of these regulations.		
- 2075 (e)				
31.	The revocation of an existing game approval involves no hearing at all; unilateral notice from the Department is all that would be required to revoke an approval. Such summary action by executive fiat is clearly unconstitutional. The Department must specify why a game is being revoked or rejected, and there must be a hearing on that decision. The procedures outlined in the Gambling Control Act (Act), under which revocations proceed to a neutral hearing before the Commission, are not optional statutory paths.	This comment was considered but not incorporated. Subdivision (a) describes the process for a cardroom owner to request review of a currently approved game to ensure the game complies with the regulations. Subdivision (e) describes the consequence if the cardroom owner does not request review—the Department will withdraw its approval and, under existing section 2071, provide notice to the cardroom. The cardroom will then have 10 days to object and seek further review by the Department. This section is necessary to discontinue non-compliant blackjack-style games. Under Business and Professions Code section 19801(k), game approvals are a revocable privilege, and cardrooms do not acquire vested rights in such approvals.	1-22	BGJ-0042 - BGJ-0043
32.	The Department lacks authority to unilaterally revoke existing game approvals.	This comment was considered but not incorporated. Penal Code section 330 prohibits <i>any</i> game of twenty-one. The Department’s reasoning and legal authority to promulgate these regulations have been provided in the Initial Statement of Reasons and Notice of Proposed Action. The Gambling Control Act gives the Department the responsibility to adopt regulations reasonably related to its functions and duties and includes the responsibility and discretion to approve games and modify restrictions and limitations on how a game may be played. The authority to revoke previously approved games is implied by the Department’s plenary authority to approve a game. The proposed regulations establish a procedure to review currently approved or pending blackjack-style games, identifying	12-6	BGJ-0339

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		which ones would not be approved, and allowing compliant games to be resubmitted for review.		
- General Policy Concerns				
33.	Commenters view the regulations as a good first step in clarifying legal boundaries of games offered in state licensed cardrooms but also expressed concern about consistent enforcement of the regulations and suggested adding meaningful penalties for violations. Frequent noncompliance and violations should have serious repercussions.	This comment was considered but not incorporated. The Department's enforcement methods and procedures are not a subject of these regulations.	22-1, 26-1, 27-1, 28-1, 30-1	BGJ-0370; BGJ-0392; BGJ-0397; BGJ-0402; BGJ-0414
34.	Tribal facilities operate under a strict regulatory system. No such system exists for cardrooms as the Department does not have the capacity to ensure its regulations are enforced. This issue is systemic and must be addressed by the Department.	This comment was considered but not incorporated. The general purpose of these regulations is to establish and clarify the restrictions and limitations on what games will be approved by the Department with respect to blackjack-style games and permissible alternatives to Blackjack. The regulations would define the traditional rules of play for Blackjack and would specify that any game with those rules shall not be approved by the Department. The regulations would also specify what rule changes would require Department approval. Under the regulations, a gambling establishment can seek review of a previously Department-approved game that would otherwise be prohibited as a game of Blackjack and can modify the game rules to comply with the regulations. If a previously Department-approved game is not modified, but is now prohibited by the regulations, the Department will withdraw its previous approval. The Department's enforcement methods and procedures are not a subject of these regulations.	23-5	BGJ-0376
35.	The regulations, as currently drafted, fall short of preventing activities deemed illegal under the California Constitution,	This comment was considered but not incorporated. Penal Code section 330.11 allows for the rotation of a player-dealer position and Business and Professions Code section 19984 allows for	23-6, 24-1, 25-1, 31-3, 845-1	BGJ-0376; BGJ-0377; BGJ-0384; BGJ-0421; BGJ-012-TR

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	state statutes, and judicial precedent. They fail to prohibit cardrooms from unlawfully operating banked card games or to protect the tribes' exclusive rights to operate those games pursuant to their class III gaming compacts.	cardrooms to contract with TPPPS for these services. Use of TPPPS in cardrooms is not a subject of these regulations.		
36.	The proposed regulations do not eliminate blackjack-style banked games, which is a banked game in violation of state law. The regulations should be revised to preclude the player-dealer, TPPPS, or other entity from operating a bank during a permissible Blackjack variation.	This comment was considered but not incorporated. Penal Code section 330.11 allows for the rotation of a player-dealer position and Business and Professions Code section 19984 allows for cardrooms to contract with TPPPS for these services. Use of TPPPS in cardrooms is not a subject of these regulations.	24-4, 25-4, 31-4	BGJ-0379 - BGJ-0380; BGJ-0387 - BGJ-0388; BGJ-0421
37.	The proposed regulations fail to provide for enforcement or impose meaningful penalties for violations, leaving violators free to resume unlawful gaming shortly after being caught. The proposal lacks financial or licensing consequences for repeated violations. Without meaningful penalties or strong enforcement mechanisms, illegal banking will continue unchecked.	This comment was considered but not incorporated. The Department's enforcement methods and procedures are not a subject of these regulations.	21-4	BGJ-0369
38.	The commenter urges the Department to withdraw the regulations and enforce the prohibition on banked games against cardrooms.	This comment was considered but not incorporated. The Department's enforcement methods and procedures are not a subject of these regulations. Penal Code section 330 prohibits "any" game of twenty-one, and not only one iteration of the game. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. The proposed regulations are necessary to identify blackjack-style game variations that do not materially change the game from the	24-2, 25-2	BGJ-0377; BGJ-0385

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		traditional Blackjack rules described in section 2073, subdivision (a). Additionally, the proposal will help prevent the employment of an artifice to attempt to distinguish a currently approved, new, or pending blackjack-style game from the prohibited form of Blackjack.		
39.	The commenter states that any regulations should not infringe upon the rights of tribal nations or established tribal gaming compacts.	No change has been made in response to this comment. The comment does not provide sufficient specificity or support for the Department to make any modifications to the text. The comment does not address the regulations and does not suggest any modifications be made to the regulation text. The operation of tribal casinos is not the subject of these proposed regulations.	28-5	BGJ-0405
40.	Commenters provide information and the legal history concerning Tribes having the exclusive right to operate banking card games in California under Federal and State Law.	No change has been made in response to these comments. The comment does not provide sufficient specificity or support for the Department to make any modifications to the text. The comments do not address the regulations and do not suggest any modifications be made to the regulation text. Use of TPPPS is not the subject of these regulations.	24-3, 25-3, 29-2, 31-2	BGJ-0378 - BGJ-0379; BGJ-0385 - BGJ-0387; BGJ-0411 - BGJ-0413; BGJ-0420
41.	Tribal governments request the inclusion of tribal perspectives in helping craft regulations.	In accordance with the Administrative Procedure Act, the Department provided all interested parties with an opportunity to participate in the rulemaking process, including a 45-day public comment period during which written feedback on the proposed regulations could be submitted. Additionally, the Department conducted duly noticed regulatory hearings to provide interested parties with an additional opportunity to present oral statements for the record. In 2023, the Department engaged in pre-rulemaking activity by proposing concept language and soliciting input from all interested stakeholders.	28-7	BGJ-0405 - BGJ-0406
42.	The commenter urges the Department to remove any possible gray areas in the regulations to minimize confusion or misinterpretation.	This comment was considered but not incorporated. The comment does not provide sufficient specificity or support for the Department to make any modifications to the text. The comment does not propose alternative language or identify the “gray areas” the comment refers to, and without further information from the commenter, the Department is unable to respond.	28-8	BGJ-0406

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43.	The commenter believes the proposed regulations can be circumvented due to a lack of proper enforcement and monitoring and instead suggests the Department adopt a "bright line" of no banked games whatsoever, including the prohibition of permissible variations of games.	This comment was considered but not incorporated. The Department's enforcement methods and procedures are not a subject of these regulations. Penal Code section 330 prohibits "any" game of twenty-one, and not only one iteration of the game. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. The proposed regulations are necessary to identify certain blackjack-style game variations used in currently approved games that do not materially change the game from the traditional rules of Blackjack described in section 2073, subdivision (a). Additionally, the proposal will help prevent the employment of an artifice to attempt to distinguish a currently approved, new, or pending blackjack-style game from the prohibited form of Blackjack.	31-6	BGJ-0422 - BGJ-0423
44.	Commenters support and adopt arguments made by Munger, Tolles & Olson LLP on behalf of the cardroom industry (California Gaming Association (CGA); Communities for California Cardrooms (CCC) and California Cardroom Alliance (CCA)).	This comment was considered but not incorporated. The Department has reviewed and given due consideration to each comment submitted and addressed specifically each comment from Munger, Tolles & Olson LLP. The Department's responses to those comments are set forth in this document.	6-1, 7-1, 8-2, 11-1, 12-1, 13-1, 14-1, 15-1, 20-1, 64-1, 813-1, 846-5, 870-2	BGJ-0321; BGJ-0322; BGJ-0324; BGJ-0337; BGJ-0338; BGJ-0340; BGJ-0341; BGJ-0343; BGJ-0358; BGJ-0475; BGJ-1275; BGJ-012-TR; BGJ-022-TR
45.	The commenter supports and adopts arguments made by California Cities Gaming Authority and its Declaration of the City Manager.	This comment was considered but not incorporated. The Department has reviewed and given due consideration to each comment submitted and addressed specifically each comment from California Cities Gaming Authority. The Department's responses to those comments are set forth in this document.	76-3, 77-5, 78-4	BGJ-0494; BGJ-0496; BGJ-0498
46.	The regulations are burdensome, unnecessary, and unsupported. The regulations exceed the Department's statutory authority. The industry has complied with the Department's long-standing interpretation that certain games were legal. Cardrooms relied on	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. After reevaluating the legality of various blackjack-style game variations, the Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. Games styled after the game of Blackjack, or twenty-one, have been played in California for many years. Currently approved	3-1, 4-1, 5-1, 8-3, 10-5, 12-2, 14-4, 16-2, 18-2, 19-1, 36-5, 39-5, 45-2, 46-2, 48-2,	BGJ-0284; BGJ-0304 – BGJ-0305; BGJ-0319; BGJ-0325 – BGJ-0327; BGJ-0336; BGJ-0338; BGJ-0341; BGJ-0345; BGJ-0349; BGJ-0352; BGJ-0431; BGJ-0437; BGJ-

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	<p>these interpretations when making the decision to invest in this industry and employ hundreds of people. These games have been played legally in California cardrooms for nearly 20 years. The Department approved each game through a thorough review process. BGC's new interpretation contradicts this history and creates uncertainty. CA law/case precedent has not changed but the Department now seeks to reverse its position and classify these games as illegal.</p>	<p>blackjack-style games are nearly indistinguishable from the way traditional Blackjack is played in traditional casinos in Nevada and New Jersey, and in Class III tribal casinos. To prevent this, the Department has proposed regulations that will clearly (1) identify prohibited elements of Blackjack, (2) define acceptable alternative features that differentiate a game from Blackjack, and (3) outline procedures for updating existing game rules to meet new standards. Also see Response No. 65.</p>	50-2, 51-2, 54-2, 56-2, 57-2, 58-2, 59-2, 60-2, 61-2, 66-2, 67-2, 68-2, 68-3, 69-2, 76-2, 77-4, 78-3, 79-2, 80-2, 81-2, 82-2, 83-2, 84-2, 85-2, 87-3, 88-4, 95-2, 96-2, 98-2, 99-2, 816-2, 817-1, 819-1; 825-2; 856-2; 862-1; 864-1; 867-1; 873-1	0446; BGJ-0448; BGJ-0451; BGJ-0454; BGJ-0456; BGJ-0460; BGJ-0463; BGJ-0464; BGJ-0465; BGJ-0467; BGJ-0469; BGJ-0471; BGJ-0478; BGJ-0480; BGJ-0482; BGJ-0483; BGJ-0494; BGJ-0496; BGJ-0498; BGJ-0499; BGJ-0500; BGJ-0501; BGJ-0502; BGJ-0503; BGJ-0504; BGJ-0505; BGJ-0508; BGJ-0509; BGJ-0520; BGJ-0522; BGJ-0525; BGJ-0527; BGJ-1280; BGJ-1282; BGJ-002-TR; BGJ-004-TR; BGJ-016-TR; BGJ-019-TR; BGJ-021-TR; BGJ-024-TR
47.	<p>For over two decades, the Attorney General has interpreted section 330 narrowly, applying it only to twenty-one and not blackjack-style games. The Legislature has never contradicted or overturned this interpretation, despite having multiple opportunities. By failing to ban blackjack despite knowing of its widespread play, the Legislature acquiesced and confirmed that such games are lawful. This demonstrates that the Department's new attempt to</p>	<p>This comment was considered but was not incorporated. The comment does not propose alternative language. After reevaluating the legality of various blackjack-style game variations, the Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The intent of the proposed regulations is to establish a procedure to review currently approved or pending blackjack-style games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. The proposed regulations will create consistent standards for Department review, improve transparency and enhance public safety. The Legislature's silence on a statute does not establish acquiescence or</p>	1-5, 3-8, 4-4	BGJ-0012 - BGJ-0013, BGJ-0028 – BGJ-0029, BGJ-0031 – BGJ-0033; BGJ-0289; BGJ-0314 - BGJ-0315

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	prohibit blackjack variations contradicts both judicial precedent and legislative intent.	confirmation. “Unpassed bills as evidence of legislative intent, have little value.” (<i>Carter v. California Dept. of Veterans Affairs</i> (2006) 38 Cal.4th 914, 927.) A court cannot “draw conclusions” about legislative intent based on the absence of legislative action. (<i>Mejia v. Reed</i> (2003) 31 Cal.4th 657, 668.)		
48.	The commenter states the Department is attempting to overturn historical precedent, which is a violation of the Administrative Procedure Act’s clarity requirement outlined in Government Code § 11349 (c).	This comment was considered but was not incorporated. The Department has authority and discretion to interpret, implement and enforce Penal Code section 330. The Department’s exercise of discretion must be reasonable. An administrative agency may change its interpretation of a statute, thereby rejecting an old construction and adopting a new one. (<i>DiCarlo v. County of Monterey</i> (2017) 12 Cal.App.5th 468, 487.) The clarity standard in the Administrative Procedure Act does not prohibit the Department from reevaluating its interpretation of a statute. It only requires that when doing so, the Department draft the regulation in plain, straightforward language, avoiding technical terms, and using a coherent and easily readable style. (Gov. Code, § 11346.2(a)(1).) “Clarity” means written or displayed so that the meaning of the regulations will be easily understood by those persons directly affected by them. (Gov. Code, § 11349(c).) The regulations meet this standard.	9-3	BGJ-0331
49.	The commenter states they provided input to the Department in 2023 during the informal rulemaking process, but it was ignored. They view the Department’s approach as inadequate, unfair, and especially harmful to traditionally marginalized communities. The Department’s SRIA is flawed.	This comment was considered but not incorporated. The comment does not propose alternative language. Before commencing rulemaking, the Department reviewed and considered all public comments submitted during the pre-rulemaking phase, which are included in the rulemaking file. The Department has determined that these regulations are necessary to interpret and implement a statute for the benefit of the public. Source materials describing the rules of twenty-one/Blackjack underpinning the proposed regulation were referenced in the Notice of Proposed Action and the Initial Statement of Reasons, and the regulation has been drafted consistently with those sources. Proposed section 2073,	89-1, 867-2	BGJ-0511; BGJ-021-TR

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		subdivision (a), outlines rules of the prohibited form of Blackjack for purposes of game review and approval. Department-approved games styled after Blackjack have become indistinguishable from the prohibited game of twenty-one. The intent of the proposed regulations is to establish a procedure to review currently approved or pending blackjack-style games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. The proposed regulations will create consistent standards for Department review, improve transparency and enhance public safety. Also see Response No. 134.		
50.	The commenter believes the proposed regulations have been weakened as compared to the Department's 2023 concept language.	This comment was considered but not incorporated. The comment does not provide sufficient specificity or support for the Department to make any modifications to the text. The comment does not propose alternative language. It is unclear in what respect the commenter believes the proposed regulations have been "weakened," and without further information from the commenter, the Department is unable to respond.	29-1	BGJ-0407
51.	The Department has disregarded previous stakeholder feedback provided during the informal rulemaking period. The Department has failed to address the viability of less restrictive alternatives to the proposed regulations that could address concerns without overreach or disruption.	This comment was considered but not incorporated. The comment does not propose alternative language. Before commencing rulemaking, the Department reviewed and considered all public comments submitted during the pre-rulemaking phase, which are included in the rulemaking file. The Department has made every effort to limit the burden of the regulations while implementing the statute. Alternatives to the proposed regulation that the Department itself considered are described in the SRIA and Initial Statement of Reasons. The Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. Source materials describing the rules of twenty-one/Blackjack underpinning the proposed regulation were referenced in the Notice of Proposed Action and the Initial Statement of Reasons, and the regulation has been drafted consistently with those sources. Proposed section 2073, subdivision	9-6, 12-3	BGJ-0331 - BGJ-0332; BGJ-0338 - BGJ-0339

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		(a), outlines rules of the prohibited form of Blackjack for purposes of game review and approval. Department-approved games styled after Blackjack have become indistinguishable from the prohibited game of twenty-one. The intent of the proposed regulations is to establish a procedure to review currently approved or pending blackjack-style games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. The proposed regulations will create consistent standards for Department review, improve transparency, and enhance public safety.		
52.	The Department failed to provide a description of reasonable alternatives to the regulation and its reasons for rejecting those alternatives.	This comment was considered but not incorporated. The Department identified alternatives to the regulations in the Initial Statement of Reasons and the Standardized Regulatory Impact Statement. For example, the Department considered requiring only one or two of the rule changes specified in section 2074 but rejected that alternative because it would still leave intact game rules that are essential to the prohibited form of Blackjack.	8-6	BGJ-0328 - BGJ-0329
53.	The proposal lacks necessity. The proposed regulations do not comply with the Government Code / Administrative Procedure Act. The Department has failed to meet the mandated requirements to adopt new regulations and has refused to provide persuasive legal authority and reasoning. The Department and Attorney General have failed to provide <i>actual reasons</i> and need for these new regulations. The proposed regulations contradict two decades of regulatory approvals, and the Department has not explained what has changed to warrant such “draconian” regulations now.	This comment was considered but not incorporated. The proposed rulemaking complies with the Administrative Procedure Act. The Department’s reasoning and legal authority for these regulations are set out in the Initial Statement of Reasons and Notice of Proposed Action. Briefly stated, previously approved blackjack-style game variations do not sufficiently differentiate the currently approved games from the traditional illegal game of Blackjack. The regulations are necessary to curtail the proliferation of games in California cardrooms that too closely resemble traditional Blackjack. Also see Response Nos. 32 and 46.	1-9, 3-7, 8-4, 9-5, 10-3, 14-5, 77-3, 78-2, 821-1, 821-2, 863-1, 870-4	BGJ-0033; BGJ-0289; BGJ-0327; BGJ-0331; BGJ-0334; BGJ-0341; BGJ-0496; BGJ-0498; BGJ-003-TR; BGJ-019-TR; BGJ-022-TR

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54.	The Department failed to adhere to the procedural requirements laid out in Government Code §§ 11346 through 11348. These include the preparation of a notice of proposed action, a statement of reasons, and meaningful opportunities for the public to review and comment. Agencies are further obligated to summarize and respond to public comments received.	The Department complied with the Administrative Procedure Act and implementing regulations. The Department published notice of the regulatory proposal in the California Regulatory Register, posted all required documents on its public website, and mailed required documents to stakeholders. The Department commenced an initial 45-day public comment period and, at the request of stakeholders, delayed the rulemaking for two months. The Department then commenced another 45-day public comment period and held a public hearing. Two years before commencing formal rulemaking, the Department engaged in pre-rulemaking activities by soliciting public input on concept language. Because the regulation qualifies as a major regulation, the Department also prepared and filed a Standardized Regulatory Impact Assessment within the timeframes dictated by Department of Finance regulations.	9-11	BGJ-0332
55.	The Initial Statement of Reasons prepared by the Department is deficient and does not provide a problem that needs to be addressed and remedied.	This comment was considered but not incorporated. The Department's reasoning and legal authority for these regulations are set out in the Initial Statement of Reasons and Notice of Proposed Action. Briefly stated, previously approved blackjack-style game variations do not sufficiently differentiate the currently approved games from the traditional illegal game of Blackjack. The regulations are necessary to curtail the proliferation of games in California cardrooms that too closely resemble traditional Blackjack. Also see Response No. 53.	821-1	BGJ-003-TR

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56.	<p>There is no clear evidence presented to support the benefits associated with the proposed regulations and how blackjack-style games endanger public safety and welfare differently than other lawful games. No local government or private citizens have raised such concerns. In fact, the proposed regulations risk undermining public trust by adopting arbitrary prohibitions that do not align with legislative intent or regulatory history.</p>	<p>This comment was considered but not incorporated. Under the Gambling Control Act (Act), the Department has the authority and responsibility to ensure that cardrooms do not violate California law. The Act provides that public trust requires comprehensive measures be enacted to ensure that permissible gambling will not endanger public health, safety, or welfare, is free from criminal and corruptive elements, and conducted honestly and competitively. (Bus. & Prof. Code, §§ 19801, subds. (g), (h); 19826, subd. (b).) The proposed benefits were described in the ISOR and Notice of Proposed Action. These benefits include, but are not limited to, providing guidance to the public and regulated industry on what game rules will be allowed, and ensuring that games offered in California gambling establishments are not played in a manner that is prohibited by California law.</p>	1-10, 77-3, 78-2	BGJ-0033 - BGJ-0035; BGJ-0496; BGJ-0498
57.	<p>The proposed regulations are not consistent with Penal Code section 330 and case law because modern Blackjack-style games are fundamentally different from the prohibited game of Twenty-One. Neither Penal Code section 330 nor any other statutes define the rules of the game or the characteristics that make it illegal. In 1885, the games were all played as banked games. Today, the games are played as designated player games without the house participating. Courts in multiple cases consistently distinguish player-dealer games from prohibited banked games because the house is not a participant. The role of the house is different. Additionally, the rules and</p>	<p>This comment was considered but not incorporated. The proposed regulations are consistent with the language, structure, and intent of the law. Penal Code section 330 prohibits <i>any</i> game of twenty-one. Twenty-one is, and historically has been, known by a variety of names. At the time that twenty-one was added to the list of games prohibited by Penal Code section 330, a number of variations of twenty-one had been recognized. Additionally, the game of "blackjack" has been referred to interchangeably with the game of "twenty-one" for decades in general parlance, in other jurisdictions, numerous California and federal judicial decisions, and under the federal Indian Gaming Regulatory Act. Currently approved Blackjack game rules are nearly indistinguishable from the way traditional Blackjack is played in casinos in Nevada and New Jersey, and in Class III tribal casinos. Where a game would otherwise be illegal to play, that prohibition cannot be avoided merely by implementing non-substantive changes that do not affect the base rules of that prohibited game. "When a prohibited game is played in all other respects in the usual way, and according to its established rules, the</p>	1-4, 4-3, 12-4, 830-3, 855, 863-2, 869, 870-3, 873-3, 886-1	BGJ-0011; BGJ-0307 - BGJ-0314; BGJ-0339; BGJ-006-TR; BGJ-016-TR; BGJ-019-TR; BGJ-022-TR; BGJ-023-TR; BGJ-024-TR; BGJ-028-TR

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	<p>strategies are legally distinct. The Bureau should define the banned version of twenty-one accurately, evaluate individual game submissions under existing rules, and provide a clear and accurate uniform standard of how submissions will be properly evaluated and what will and will not be approved. The restrictions in the proposed regulations appear as though the Bureau looked at every approved game and made sure that each aspect of the game was a prohibited form of play and then they thought, how can any new game be made as unappealing as possible and create an additional restriction, which far exceeds the scope of the Bureau's regulatory authority. Proposed regulations would push players toward unregulated gambling, hurt responsible operators, and damage local economies across the state. Withdraw the proposed regulations.</p>	<p>purpose of the law cannot be thwarted by the simple devise of playing it with one or two cards less than the number usually employed." (<i>People v. Gosset</i> (1892) 93 Cal. 641, 643.) As provided under Business and Professions Code section 19801, the purpose of the Gambling Control Act is not to expand opportunities for gambling, or to create any right to operate a gambling enterprise in the state, or to have a financial interest in any gambling enterprise, but rather to regulate businesses that offer otherwise lawful forms of gambling games. Business and Professions Code section 19826 allows the Department to adopt regulations reasonably related to its functions and duties under the Gambling Control Act and grants the Department the authority and discretion to approve the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played. The proposed regulations would address the proliferation of blackjack-style games in California gambling establishments, including Bureau-approved games, that too closely resemble traditional Blackjack by implementing new restrictions and limitations on what the rules of a blackjack-style game must omit or include to obtain Bureau approval going forward. Some of the benefits of the proposed regulations include a clear definition of what constitutes the prohibited game of blackjack or twenty-one and standards for the manner in which the Bureau will review and approve a permissible alternative to blackjack as opposed to a prohibited form of blackjack, for the benefit of both the regulated industry and the public. The potential economic impact of the proposed regulations is described in the Standardized Regulatory Impact Analysis.</p>		
58.	<p>The Initial Statement of Reasons fails to analyze how modern games differ from historical banked games and provide acceptable evidence of Legislative intent. The prohibition in Penal Code section 330</p>	<p>This comment was considered but not incorporated. Statutes are presumed to be constitutional. (<i>Copley Press, Inc. v. Superior Court</i> (2006) 39 Cal.4th 1272, 1302.) Challenges to statutes underlying a rulemaking are not addressed under the Administrative Procedure Act, and must be challenged separately, as an agency cannot make</p>	4-5	BGJ-0315 - BGJ-0318

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	against "twenty-one" is void for vagueness because there is no clear statutory definition and no acceptable evidence of Legislative intent. The proposed regulations should not be adopted.	<p>a finding as to whether or not a statute is constitutional; that power is reserved for the Judiciary. (See Cal. Const., Art. VI.) Penal Code section 330 prohibits <i>any</i> game of twenty-one. Twenty-one is, and historically has been, known by a variety of names. At the time that twenty-one was added to the list of games prohibited by Penal Code section 330, a number of variations of twenty-one had been recognized. Additionally, the game of "blackjack" has been referred to interchangeably with the game of "twenty-one" for decades in general parlance, in other jurisdictions, numerous California and federal judicial decisions, and under the federal Indian Gaming Regulatory Act. Currently approved blackjack game rules are nearly indistinguishable from the way traditional blackjack is played in casinos in Nevada and New Jersey, and in Class III tribal casinos. Where a game would otherwise be illegal to play, that prohibition cannot be avoided merely by implementing non-substantive changes that do not affect the base rules of that prohibited game. "When a prohibited game is played in all other respects in the usual way, and according to its established rules, the purpose of the law cannot be thwarted by the simple devise of playing it with one or two cards less than the number usually employed." (<i>People v. Gosset</i> (1892) 93 Cal. 641, 643.) As provided under Business and Professions Code section 19801 and in the Initial Statement of Reasons, the purpose of the Gambling Control Act is not to expand opportunities for gambling, or to create any right to operate a gambling enterprise in the state, or to have a financial interest in any gambling enterprise, but rather to regulate businesses that offer otherwise lawful forms of gambling games. Business and Professions Code section 19826 allows the Department to adopt regulations reasonably related to its functions and duties under the Gambling Control Act and grants the Department the authority and discretion to approve the play of any controlled game, including placing restrictions and limitations</p>		

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		<p>on how a controlled game may be played. The Department does not currently have regulations governing permissible variations of blackjack-style games. The Department has proposed regulations that will clearly (1) identify prohibited elements of Blackjack, (2) define acceptable alternative features that differentiate from Blackjack, and (3) outline procedures for updating existing game rules to meet new standards. The proposed regulations will create consistent standards for Department review, improve transparency and enhance public safety. The Initial Statement of Reasons explains more than a century of history of the rules for twenty-one or Blackjack, including the period when “twenty-one” was added to the list of prohibited games under Penal Code section 330. Source materials that provided the rules of twenty-one/Blackjack underpinning the proposed regulation were referenced in the Notice of Proposed Action and the Initial Statement of Reasons, and the proposed regulations have been drafted consistently with those sources.</p>		
59.	<p>Statistical and strategic differences confirm 19th century twenty-one and blackjack-style games are not the same game. The commenter states that the reports and studies (e.g. Schwartz Report) provide evidence that the Department’s attempt to equate blackjack-style games with 19th century twenty-one is factually and legally flawed. Court cases confirm that blackjack-style games cannot be equated to the 1885 game of twenty-one. The rules and strategies are legally distinct. The proposed regulations ignore precedent and therefore exceed the scope of the Bureau’s authority. For</p>	<p>This comment was considered but not incorporated. Source materials that provided the rules of twenty-one/Blackjack underpinning the proposed regulations were referenced in the Notice of Proposed Action and the Initial Statement of Reasons, and the regulations have been drafted consistently with those sources. The Initial Statement of Reasons also includes analyses of case law that support the proposed regulations. Penal Code section 330 prohibits <i>any</i> game of twenty-one. Twenty-one is, and historically has been, known by a variety of names. At the time that twenty-one was added to the list of games prohibited by Penal Code section 330, a number of variations of twenty-one had been recognized. Additionally, the game of “blackjack” has been referred to interchangeably with the game of “twenty-one” for decades in general parlance, in other jurisdictions, numerous California and</p>	1-7	BGJ-0014 - BGJ-0027

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	<p>decades, the Attorney General has interpreted section 330 narrowly, applying it only to twenty-one and not blackjack-style games. The proposed regulations enlarge the scope of Penal Code section 330 and give false meaning to the plain language of the statute.</p>	<p>federal judicial decisions, and under the federal Indian Gaming Regulatory Act. Currently approved Blackjack game rules are nearly indistinguishable from the way traditional Blackjack is played in casinos in Nevada and New Jersey, and in Class III tribal casinos. Where a game would otherwise be illegal to play, that prohibition cannot be avoided merely by implementing non-substantive changes that do not affect the base rules of that prohibited game. “When a prohibited game is played in all other respects in the usual way, and according to its established rules, the purpose of the law cannot be thwarted by the simple devise of playing it with one or two cards less than the number usually employed.” (<i>People v. Gosset</i> (1892) 93 Cal. 641, 643.) As provided under Business and Professions Code section 19801, the purpose of the Gambling Control Act is not to expand opportunities for gambling, or to create any right to operate a gambling enterprise in the state, or to have a financial interest in any gambling enterprise, but rather to regulate businesses that offer otherwise lawful forms of gambling games. Business and Professions Code section 19826 allows the Department to adopt regulations reasonably related to its functions and duties under the Gambling Control Act and grants the Department the authority and discretion to approve the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played. The Department does not currently have regulations governing permissible variation of blackjack-style games. The proposed regulations would address the proliferation of blackjack-style games in California gambling establishments, including Bureau-approved games, that too closely resemble traditional Blackjack by implementing new restrictions and limitations on what the rules of a blackjack-style game must omit or include to obtain Bureau approval going forward. The purpose of</p>		

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		the proposed regulations is to clearly (1) identify prohibited elements of Blackjack, (2) define acceptable alternative features that differentiate from Blackjack, and (3) outline procedures for updating existing game rules to meet new standards. The proposed regulations will create consistent standards for Department review, improve transparency and enhance public safety.		
60.	The Department fails to consider reasonable alternatives and instead relies on an overly broad interpretation equating modern card games with prohibited forms of twenty-one. The Department's proposal only considered very narrow adjustments and failed to evaluate less burdensome alternatives. The Bureau has an obligation to consider, on a case-by-case basis, whether a cardroom game has more than slight differences from a prohibited game. The alternatives would be far more defensible and less burdensome than the proposed regulations. Accepting for sake of argument that the Bureau is authorized to define the games prohibited by the Penal Code (which it is not), then a clarification of Penal Code section 330's bar on "twenty-one" should be accomplished by promulgating a definition of twenty-one that is consistent with the "established rules" of that	This comment was considered but not incorporated. The comment does not show how the alternative change to the proposed regulations would be more effective in carrying out the purpose and intent of the statutes, as effective and less burdensome to affected private persons than the proposed regulations, or more cost effective to affected private persons and equally effective in implementing the statutory policy. Penal Code section 330 prohibits the play of "any" game of twenty-one. Twenty-one is, and historically has been, known by a variety of names. At the time that twenty-one was added to the list of games prohibited by Penal Code section 330, a number of variations of twenty-one had been recognized. Additionally, the game of "blackjack" has been referred to interchangeably with the game of "twenty-one" for decades in general parlance, in other jurisdictions, numerous California and federal judicial decisions, and under the federal Indian Gaming Regulatory Act. Currently approved blackjack game rules are nearly indistinguishable from the way traditional blackjack is played in casinos in Nevada and New Jersey, and in Class III tribal casinos. Where a game would otherwise be illegal to play, that prohibition cannot be avoided merely by implementing non-substantive changes that do not affect the base rules of that prohibited game. "When a prohibited game is played in all other respects in the usual way, and according to its established rules, the purpose of the law cannot be thwarted by the simple devise of playing it with one or	1-24	BGJ-0047 - BGJ-0049

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	<p>historical game. The alternative would be consistent with case law and allow for much fairer evaluation of blackjack-style games than the proposed regulations. The commenter recommends revisions to proposed regulation section 2073, subdivisions (a), (b) and (c), as detailed on the last page of this document and Comment 1-26.</p>	<p>two cards less than the number usually employed." (<i>People v. Gosset</i> (1892) 93 Cal. 641, 643.) As provided under Business and Professions Code section 19801, the purpose of the Gambling Control Act is not to expand opportunities for gambling, or to create any right to operate a gambling enterprise in the state, or to have a financial interest in any gambling enterprise, but rather to regulate businesses that offer otherwise lawful forms of gambling games. Business and Professions Code section 19826 allows the Department to adopt regulations reasonably related to its functions and duties under the Gambling Control Act and grants the Department the authority and discretion to approve the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played. The Department does not currently have regulations governing permissible variation of blackjack-style games. The proposed regulations would address the proliferation of blackjack-style games in California gambling establishments, including Bureau-approved games, that too closely resemble traditional Blackjack by implementing new restrictions and limitations on what the rules of a blackjack-style game must omit or include to obtain Bureau approval going forward. The purpose of the proposed regulations is to clearly (1) identify prohibited elements of Blackjack, (2) define acceptable alternative features that differentiate from Blackjack, and (3) outline procedures for updating existing game rules to meet new standards. The proposed regulations will create consistent standards for Department review, improve transparency and enhance public safety. Please see related responses to Comment 1-26 (response # 3) for additional information.</p>		

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61.	<p>Reasonable alternatives to the proposed regulations were either ignored or dismissed as hypothetical, leaving no reasonable analysis or reasonable solutions. The alternative rules for proposed regulation section 2074, subdivision (a) and (a)(3), are indistinguishable from the proposed regulations. The Bureau does not list an authorizing statute or other law being implemented or made specific through its proposed regulations. The Bureau does not provide evidence of the nature and extent of the problem it seeks to correct, the need for and consequences of the regulations, and how the regulations would correct the problem. The Bureau does not provide a baseline for its intended purpose. Thus, there is no basis or standard by which to assess and compare the burdens and the effectiveness of the proposed regulations or alternative pertaining to their economic impact on the cardroom industry, which renders the alternative analysis meaningless. The proposed regulations use fixed rules rather than performance standards. The effect is that there is no discretion to permit blackjack-styled games that are permissible under Penal Code section 330.</p>	<p>This comment was considered but not incorporated. The Department identified alternatives to the proposed regulations in the Initial Statement of Reasons and the Standardized Regulatory Impact Analysis. For example, the Department considered requiring only one or two of the rule changes specified in proposed regulation section 2074 but rejected that alternative because it would still leave intact game rules that are essential to traditional Blackjack. The authorizing statute and implemented statutes are identified in the Notice of Proposed Rulemaking and the Initial Statement of Reasons (Authority: Business and Professions Code section 19826. Reference: Business and Professions Code sections 19801, 19826, 19866; Penal Code section 330; <i>People v. Gosset</i> (1892) 93 Cal. 641.) The need for and effects of the proposed regulations, the problem the proposed regulations would address, and the purpose of the proposed regulations are explained in the Initial Statement of Reasons. Permissible blackjack variations and the required rules for such controlled games are in proposed regulation section 2074.</p>	3-17	BGJ-0301 - BGJ-0303
62.	The commenter recommends utilizing	This comment was considered but not incorporated. Penal Code	1-25	BGJ-0049 - BGJ-0050

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	<p>existing regulations and enforcement tools to ensure blackjack-style games are not operated as banking or percentage games and focusing on whether a game designates a banker or takes a percentage of wagers, rather than banning categories of games outright. According to the courts, the “banking or percentage game” component of the statute achieves the ultimate purpose of Penal Code section 330, which has always been to prevent gambling establishments from taking a direct financial interest in the games that they offer, either by betting directly against the players (a banking game) or taking a percentage of the wagers (a percentage game). Prohibiting a game because it allows an ace card to count as 1 or 11, or because its name includes a certain word, does nothing to further that statutory goal. It does not advance the Bureau’s goals to ensure that permissible gambling will not endanger public health, safety, or welfare, is free from criminal and corruptive elements, and is conducted honestly and competitively. The Bureau should not approve any game with rules that are practically identical to the established rules of the 19th century</p>	<p>section 330 prohibits <i>any</i> game of twenty-one. Twenty-one is, and historically has been, known by a variety of names. At the time that twenty-one was added to the list of games prohibited by Penal Code section 330, a number of variations of twenty-one had been recognized. Additionally, the game of “blackjack” has been referred to interchangeably with the game of “twenty-one” for decades in general parlance, in other jurisdictions, numerous California and federal judicial decisions, and under the federal Indian Gaming Regulatory Act. Currently approved blackjack game rules are nearly indistinguishable from the way traditional blackjack is played in casinos in Nevada and New Jersey, and in Class III tribal casinos. Where a game would otherwise be illegal to play, that prohibition cannot be avoided merely by implementing non-substantive changes that do not affect the base rules of that prohibited game. “When a prohibited game is played in all other respects in the usual way, and according to its established rules, the purpose of the law cannot be thwarted by the simple devise of playing it with one or two cards less than the number usually employed.” (<i>People v. Gosset</i> (1892) 93 Cal. 641, 643.) As provided under Business and Professions Code section 19801, the purpose of the Gambling Control Act is not to expand opportunities for gambling, or to create any right to operate a gambling enterprise in the state, or to have a financial interest in any gambling enterprise, but rather to regulate businesses that offer otherwise lawful forms of gambling games. Business and Professions Code section 19826 allows the Department to adopt regulations reasonably related to its functions and duties under the Gambling Control Act and grants the Department the authority and discretion to approve the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played. The Department does not</p>		

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	<p>twenty-one game. But where the rules have more than slight differences, the Bureau's review of a game should focus on whether the rules designate one player as the bank or permit the cardroom to take a percentage of the wagers. The Bureau has already promulgated numerous regulations directed at these issues. And we have provided recommendations for potential improvements to those regulations in our comment regarding the Bureau's proposed rotation rule.</p>	<p>currently have regulations governing permissible variation of blackjack-style games. The proposed regulations would address the proliferation of blackjack-style games in California gambling establishments, including Bureau-approved games, that too closely resemble traditional Blackjack by implementing new restrictions and limitations on what the rules of a blackjack-style game must omit or include to obtain Bureau approval going forward. The purpose of the proposed regulations is to clearly (1) identify prohibited elements of Blackjack, (2) define acceptable alternative features that differentiate from Blackjack, and (3) outline procedures for updating existing game rules to meet new standards. The proposed regulations will create consistent standards for Department review, improve transparency and enhance public safety. The rotation of player-dealer position is a separate subject matter from the proposed regulations and it is addressed in proposed regulation sections 2076 and 2077. The Department's enforcement tools are also not a subject of the proposed regulations.</p>		
63.	<p>The game of twenty-one and blackjack are different games, and blackjack has never been listed as a game prohibited by Penal Code section 330. House-banked blackjack, where the house sets the odds and keeps the net win, is different from a player-dealer rotation model open to anyone at the table. The game of "twenty-one" that California prohibited in 1885 had substantially different rules from modern blackjack-style games.</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Penal Code section 330 prohibits the play of "any game of ... twenty-one." At the time that twenty-one was added to the list of games prohibited by Penal Code section 330 (See Stats. 1885, ch. 145, § 1), a number of name variations of twenty-one had been recognized, including "Vingt-Un," "Vingt-et-Un," "Van John," and "Blackjack." Additionally, the game of "Blackjack" has been referred to interchangeably with the game of "twenty-one" for decades in general parlance, in numerous California judicial decisions, under the Indian Gaming Regulatory Act, and in Nevada and New Jersey. Tribal casinos have likewise referred to Blackjack as twenty-one. The Department does not currently have regulations governing</p>	1-6, 10-2, 818-1, 865-1	BGJ-0013 - BGJ-0014; BGJ-0334; BGJ-1285; BGJ-020-TR

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		permissible variations of blackjack-style games. In the absence of regulations, Department-approved games styled after Blackjack have become indistinguishable from the prohibited game of twenty-one. Source materials that provide the rules of twenty-one/Blackjack underpinning the proposed regulation were referenced in the Notice of Proposed Action and the Initial Statement of Reasons, and the proposed regulations have been drafted consistently with those sources.		
64.	The Bureau makes no statement that it relies on any of the letters that commented on the regulations for evidence that supports its proposed major regulations. Thus, the Bureau has failed to comply with the mandate in Government Code Section 11340(a). The Bureau's many references to the rules of the play of the game of Blackjack that it is often called "21" do not justify how it can propose regulations that would prohibit the play of Blackjack in the absence of legislative authority to revise the prohibitions contained in Penal Code section 330.	This comment was considered but not incorporated. Government Code section 11340, subdivision (a), does not impose any mandate on the Department. To the extent the comment is meant to refer to Government Code section 11346.2, subdivision (b)(3), the Initial Statement of Reasons identifies each technical, theoretical, and empirical study, report, or similar document the Department relied upon to adopt the proposed regulations. Penal Code section 330 prohibits the play of "any game of ... twenty-one." At the time that twenty-one was added to the list of games prohibited by Penal Code section 330 (<i>See Stats. 1885, ch. 145, § 1</i>), a number of name variations of twenty-one had been recognized, including "Vingt-Un," "Vingt-et-Un," "Van John," and "Blackjack." Additionally, the game of "Blackjack" has been referred to interchangeably with the game of "twenty-one" for decades in general parlance, in numerous California judicial decisions, under the Indian Gaming Regulatory Act, and in Nevada and New Jersey. Tribal casinos have likewise referred to Blackjack as twenty-one. The Department does not currently have regulations governing permissible variations of blackjack-style games. In the absence of regulations, Department-approved games styled after Blackjack have become indistinguishable from the prohibited game of twenty-one. Additionally, the Gambling Control Act gives the Department of Justice the responsibility to adopt regulations reasonably related to	3-9	BGJ-0289 - BGJ-0290

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		its functions and duties and includes the responsibility and discretion to approve games and modify restrictions and limitations on how a game may be played. The proposed regulations establish a procedure to review currently approved or pending blackjack-style games, identifying which games would not be approved, and allowing compliant games to be resubmitted for review.		
65.	The proposed regulations exceed the Department's statutory authority and disregard precedent allowing cardrooms to operate legally. The Bureau only cites Business and Professions Code sections 19826 and 19943.5, but those statutes do not authorize the Bureau to adopt regulations on the play of any game. The authorizing statutes and case law cited in the proposed regulations do not support the proposed regulations, and the proposed regulations contradict existing statutes within the Gambling Control Act and regulations already enacted to implement the Act. The proposed regulations conflict with Legislative intent. Penal Code section 330 provides no basis for the expansive interpretation proposed by the Department. The proposed regulations unjustifiably stretch statutory language, misusing Business and Professions Code section 19826, subdivision (g), as a means to circumvent established law. There is no legal basis to prohibit the currently approved games and any effort to relate them to the	This comment was considered but not incorporated. The Department's reasoning and legal authority to promulgate these regulations have been provided in the Initial Statement of Reasons and Notice of Proposed Rulemaking. Penal Code section 330 prohibits the play of the game of twenty-one and its variations, including Blackjack. Additionally, the Gambling Control Act, a comprehensive scheme for statewide regulation of legal gambling, is administered by both the Department and the Commission and gives the Department the responsibility to adopt regulations reasonably related to its functions and duties and includes the responsibility and discretion to approve games and modify restrictions and limitations on how a game may be played. The proposed regulations establish a procedure to review currently approved or pending blackjack-style games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. The Commission's rulemaking authority is outside the scope of the proposed regulations and does not affect the Department's authority to adopt the proposed regulations under Business and Professions Code section 19826. The Department has complied with Government Code sections 11346.2, subdivision (a)(2), by identifying in the published text of proposed regulations, the authorizing statute and the statutes being implemented, interpreted, or made specific. The Department has complied with Government Code section 11346.5, subdivision	1-1, 3-4, 3-6, 4-2, 8-5, 9-1, 12-5, 14-2, 14-3, 32-3, 33-2, 34-2, 36-4, 38-4, 38-5, 40-4, 40-5, 41-4, 41-5, 42-4, 42-5, 45-3, 46-3, 48-3, 50-3, 51-3, 54-3, 56-3, 57-3, 58-3, 59-3, 60-3, 61-3, 65-1, 67-3, 70-2, 72-2, 73-2, 74-2, 75-2, 79-2, 80-2, 81-2, 82-2, 83-2, 84-2, 85-2, 86-2, 95-3, 96-3, 98-3, 99-3, 816-3, 821-2, 830-1, 846-3, 885-2	BGJ-0007 – BGJ-0008; BGJ-0286; BGJ-0287; BGJ-0305 – BGJ-0306; BGJ-0328; BGJ-0330; BGJ-0339; BGJ-0341; BGJ-0424; BGJ-0426; BGJ-0428; BGJ-0431; BGJ-0435; BGJ-0438; BGJ-0442; BGJ-0443; BGJ-0446; BGJ-0448; BGJ-0451; BGJ-0454; BGJ-0457; BGJ-0460; BGJ-0463; BGJ-0464; BGJ-0465; BGJ-0467; BGJ-0469; BGJ-0471; BGJ-0477; BGJ-0480; BGJ-0484; BGJ-0486; BGJ-0488; BGJ-0490; BGJ-0491; BGJ-0499; BGJ-0500; BGJ-0501; BGJ-0502; BGJ-0503; BGJ-0504; BGJ-0505; BGJ-0506; BGJ-0520; BGJ-0522; BGJ-0525; BGJ-0527; BGJ-1280; BGJ-003-TR; BGJ-006-TR; BGJ-012-

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	<p>prohibited version of twenty-one fails at every level. Some commenters argue the Department cannot interpret the Penal Code section 330 through regulation because its role under the Act is limited to enforcement and investigation. The Bureau is only authorized to adopt regulations reasonably related to the Bureau's functions and duties under the Gambling Control Act. The Commission has broader authority under the Gambling Control Act to adopt regulations for the administration and enforcement of the Gambling Control Act. However, neither the Bureau nor the Commission can define the Penal Code's bar on twenty-one. Under the Gambling Control Act, the Commission lacks power to adopt regulations that prohibit the play of any game or restrict the manner in which any game is played and the Commission has not found that the use of the player-dealer position violates any law; and therefore, it follows that the Bureau also lacks power to adopt the proposed regulations. Only the Legislature can define crimes and penalties. The Legislature cannot delegate to an administrative agency the responsibility to determine what conduct is lawful because the California Constitution requires the Legislature to</p>	<p>(a)(2), by referencing in the published Notice of Proposed Rulemaking, the authority under which the regulations are proposed and the code sections or other provisions of law that are being implemented, interpreted, or made specific. The Department believes that the rulemaking file, including the proposed regulations, meets the standards for approval by the Office of Administrative Law under Government Code section 11349.1. Also see Response Nos. 57, 58, 59, and 67.</p>		TR; BGJ-028-TR

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	<p>make such fundamental policy decisions. In the absence of a statutory definition of twenty-one, the courts, not the Department, have the authority to either determine the correct interpretation of the prohibition or declare the statute void for vagueness. A commenter requests the Bureau to cease the adoption of the proposed regulations for failure to comply with Government Code sections 11346.2, subdivision (a)(2), 11346.5, subdivision (a)(2), and 11349.1.</p>			
66.	<p>The proposed regulations are unnecessary because the Bureau has ample authority to pursue other remedies to address violations of the statutes that prohibit banking games. For example, the Bureau may refuse to approve rules by which a twenty-one game is proposed for play under Business and Professions Code section 19826, subdivision (g). Ironically, the Bureau has approved all rules by which gambling establishments currently play “Blackjack” games. In addition, the Bureau is authorized to investigate any suspected violation of the laws pertaining to gaming. If satisfied with the existence of a violation of law, the Bureau may file an accusation to revoke the license of any gambling establishment that conducts prohibited games. The Bureau fails to</p>	<p>This comment was considered but not incorporated. Penal Code section 330 prohibits <i>any</i> game of twenty-one. Twenty-one is, and historically has been, known by a variety of names. At the time that twenty-one was added to the list of games prohibited by Penal Code section 330, a number of variations of twenty-one had been recognized. Additionally, the game of “blackjack” has been referred to interchangeably with the game of “twenty-one” for decades in general parlance, in other jurisdictions, numerous California and federal judicial decisions, and under the federal Indian Gaming Regulatory Act. Currently approved blackjack game rules are nearly indistinguishable from the way traditional blackjack is played in casinos in Nevada and New Jersey, and in Class III tribal casinos. Business and Professions Code section 19826 allows the Department to adopt regulations reasonably related to its functions and duties under the Gambling Control Act and grants the Department the authority and discretion to approve the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played. The Department does not currently have regulations governing permissible variation of</p>	3-2	BGJ-0284 – BGJ-0285, BGJ-0287

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	<p>explain why its authority to prohibit the play of games explicitly prohibited by Penal Code section 330 is not sufficient for it to remedy the problem. Under Business and Professions Code section 19826, subdivision (g), the Bureau may or may not “approve the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played.” Why is this authority insufficient to solve the problem?</p> <p>Clearly, the Bureau possesses all the clout it needs to prohibit the play of twenty-one games; and it does not need to adopt the proposed regulations. It appears the Bureau’s “Problem Statement” is illusory, as it fails to show a need for the regulatory intervention it proposes.</p>	<p>blackjack-style games. The proposed regulations would address the proliferation of blackjack-style games in California gambling establishments, including Bureau-approved games, that too closely resemble traditional Blackjack by implementing new restrictions and limitations on what the rules of a blackjack-style game must omit or include to obtain Bureau approval going forward. The purpose of the proposed regulations is to clearly (1) identify prohibited elements of Blackjack, (2) define acceptable alternative features that differentiate from Blackjack, and (3) outline procedures for updating existing game rules to meet new standards. The proposed regulations will create consistent standards for Department review, improve transparency and enhance public safety.</p>		
67.	<p>The Bureau cannot adopt the proposed regulations because blackjack games that are not twenty-one games are permitted by Penal Code section 330. The proposed regulations seek to impose new rules about gaming that prohibit the play of games permitted by law, and thus, constitute legislation by the Executive Branch, violating the separation of powers doctrine. The proposed regulations also seek to interpret statutes, which is within the exclusive</p>	<p>This comment was considered but not incorporated. Twenty-one is, and historically has been, known by a variety of names. At the time that twenty-one was added to the list of games prohibited by Penal Code section 330, a number of variations of twenty-one had been recognized. Additionally, the game of “blackjack” has been referred to interchangeably with the game of “twenty-one” for decades in general parlance, in other jurisdictions, numerous California and federal judicial decisions, and under the federal Indian Gaming Regulatory Act. Currently approved blackjack game rules are nearly indistinguishable from the way traditional blackjack is played in casinos in Nevada and New Jersey, and in Class III tribal casinos.</p>	3-5	BGJ-0287 - BGJ-0288

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	jurisdiction of the Judiciary, that authorize blackjack-style games.	Business and Professions Code section 19826 allows the Department to adopt regulations reasonably related to its functions and duties under the Gambling Control Act and grants the Department the authority and discretion to approve the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played. An administrative agency is authorized to “fill up the details” of the statutory scheme, including defining a term used in statute. (<i>Wendz v. State Dept. of Education</i> (2023) 93 Cal.App.5th 607, 622.) The absence of a specific statute regarding the regulation of an issue does not mean a regulation exceeds statutory authority, but only that the Legislature did not itself choose to determine the issue and instead deferred to and relied upon the agency’s expertise. (<i>Id.</i> at p. 624.) Under the Administrative Procedure Act (specifically, Government Code section 11342.600), regulations include any rule, regulation, order, or standard of general application adopted by any state agency to interpret a statute enforced or administered by it or to govern its procedure. The California Supreme Court recognizes that a state agency’s statutory interpretation is entitled to respect. (<i>Christensen v. Lightbourne</i> (2019) 7 Cal.5th 761, 771-772, 776.)		
68.	The Department’s powers are limited to the approval process for individual games, not revocation after approval.	This comment was considered but not incorporated. The Gambling Control Act gives the Department the responsibility to adopt regulations reasonably related to its functions and duties and includes the responsibility and discretion to approve games and modify restrictions and limitations on how a game may be played. The authority to withdraw approval of previously approved games is implied by the Department’s plenary authority to approve a game. The proposed regulations establish a procedure to review currently approved or pending blackjack-style games identifying which ones would not be approved and allowing compliant games to be resubmitted for review.	1-2, 3-3, 10-1	BGJ-0007 - BGJ-0009; BGJ-0285 - BGJ-0286; BGJ-0334

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69.	<p>Revocation of game approvals require formal proceedings before the Commission and due process protections (notice, hearing, and review). The Department's plan to revoke approvals without hearings violates constitutional and statutory due process requirements. Businesses are entitled to notice and a fair hearing before a neutral decision-maker prior to losing a government issued right or privilege. Automatic or unilateral revocation procedures (bypassing legislative directive) conflict with both state and federal constitutional protections and violate Government Code section 11425.10. Additionally, the revocation framework blends prosecutorial and adjudicatory functions, which the APA prohibits. Empowering the Department Director (who issued the rule) to also adjudicate objections is inherently biased and unlawful.</p>	<p>This comment was considered but not incorporated. Under the proposed regulations, a cardroom may request review of a currently approved game to ensure that it complies with the regulations. The regulations also describe the consequences, if a cardroom does not request review—the Department will withdraw its approval and, under the game approval process, provide notice to the cardroom. The cardroom will then have 10 days to object and seek further review by the Department. Under Business and Professions Code section 19801(k), game approvals are a revocable privilege, and cardrooms do not acquire vested rights in such approvals.</p>	1-3, 9-4, 859	BGJ-0009 - BGJ-0011; BGJ-0331; BGJ-018-TR
70.	<p>The proposed regulations raise concerns over potential political motivations. It appears that the proposed regulations are supported by unfounded complaints by cardrooms' competitors, tribes, which offer Nevada style-gaming and make far more money and seek to monopolize the industry.</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulation. The Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. No regulations currently govern permissible variations of blackjack-style games. The proposed regulations establish a procedure to review currently approved or pending blackjack-style games, identifying which ones would not be approved, and allowing</p>	14-6, 18-3, 19-4, 90	BGJ-0341; BGJ-0349 - BGJ-0350; BGJ-0353; BGJ-0515

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		compliant games to be resubmitted for review. The proposed regulations will create consistent standards for Department review, improve transparency and enhance public safety.		
71.	Commenters claim the Department of Justice is acting to appease wealthy tribal gaming interests, rather than protecting California's citizens or economy.	This comment was considered but not incorporated. As explained in the Initial Statement of Reasons, the Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The intent of the proposed regulations is to establish a procedure to review currently approved or pending blackjack-style games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. The proposed regulations will create consistent standards for Bureau review, improve transparency and enhance public safety.	5-4, 848-1, 849-3, 858-1, 871-2	BGJ-0319 - BGJ-0320; BGJ-013-TR; BGJ-017-TR; BGJ-023-TR
72.	The Department should focus on curbing the proliferation of illegal activities, rather than imposing unsupported punitive regulations on compliant cardrooms.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Department's enforcement activities are not the subject of these regulations.	6-2, 7-2, 11-2, 13-2, 15-2, 20-2, 64-4, 813-2, 818-4, 829-2, 865-4	BGJ-0321; BGJ-0322; BGJ-0337; BGJ-0340; BGJ-0343; BGJ-0358; BGJ-0475; BGJ-1275; BGJ-1285; BGJ-005-TR; BGJ-006-TR; BGJ-020-TR
73.	Disrupting legal cardrooms operations often leads to an increase in illegal gambling. Since the pandemic, cardrooms have seen a surge in illegal gambling operations, often associated with criminal activity. This abrupt shift in regulatory approach not only threatens the stability of the local cardrooms but also harms the local jurisdiction communities and essential services including emergency response.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Under the Gambling Control Act (Act), the Department has the authority and responsibility to ensure that cardrooms do not contravene California law. The Act provides that public trust requires comprehensive measures be enacted to ensure that permissible gambling will not endanger public health, safety, or welfare, is free from criminal and corruptive elements, and conducted honestly and competitively. (Bus. & Prof. Code, §§ 19801, subds. (g), (h); 19826, subd. (b).) The proposed benefits were provided in the Initial Statement of Reasons and Notice of Proposed Action. These benefits include, but are not limited to, providing guidance to the public and regulated industry on what game rules	1-30, 32-5, 33-3, 34-3, 71-3, 72-4, 73-4, 74-4, 75-4, 79-4, 80-4, 81-4, 82-4, 83-4, 84-4, 86-3, 87-4, 88-3, 89-6	BGJ-0056; BGJ-0425; BGJ-0426; BGJ-0428; BGJ-0485; BGJ-0486; BGJ-0489; BGJ-0490; BGJ-0492; BGJ-0499; BGJ-0500; BGJ-0501; BGJ-0502; BGJ-0503; BGJ-0504; BGJ-0506; BGJ-0508; BGJ-0509; BGJ-0513

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		will be allowed, and ensuring that games offered in California gambling establishments are not played in a manner that is prohibited by California law.		
74.	Expanding Penal Code section 330 to include blackjack creates vagueness, making it impossible for the public to know what conduct is prohibited. Criminal statutes must give clear notice; ambiguous laws must be interpreted in favor of the accused/in favor of defendants when ambiguity exists (rule of lenity.) By stretching the game of twenty-one to cover blackjack, the Department would violate both due process and constitutional separation of powers.	This comment was considered but not incorporated. The rule of lenity applies to the interpretation of ambiguous criminal statutes and is inapplicable to administrative law. (<i>Handyman Connection of Sacramento, Inc. v. Sands</i> (2004) 123 Cal.App.4th 867, 895-896.) The proposed regulations do not, and are not intended to be, used for purposes of the criminal enforcement of gambling laws, as stated in section 2073, subdivision (a). Instead, the proposed regulations govern the administrative approval process of blackjack-style games.	1-8	BGJ-0027 - BGJ-0031
75.	Penal Code section 330.11 explicitly exempts games featuring a systematically rotating player-dealer position from statutory prohibitions. The Legislature intentionally crafted this exemption to permit such player-dealer games. Judicial precedent affirms that prohibitions in Penal Code section 330 must be strictly interpreted, limiting their scope solely to explicitly prohibited games. California courts, including in cases such as <i>Tibbetts v. Van De Kamp</i> (1990) and <i>Oliver v. County of Los Angeles</i> (1998), have reaffirmed that only explicitly enumerated games fall within these prohibitions. The proposed regulations	<p>This comment was considered but not incorporated. The comment does not propose alternative language. To the extent that the comment appears directed at Penal Code 330's prohibition on banked games, this is not the subject of these regulations. Rather, it is the subject of the Rotation of the Player-Dealer Position rulemaking. The case law cited in the comment relate to the prohibition on banking games in Penal Code section 330 and did not analyze that section's prohibition on "any" game of twenty-one.</p> <p>Where a game would otherwise be illegal to play, that prohibition cannot be avoided merely by implementing non-substantive changes which do not affect the base rules of that prohibited game. "When a prohibited game is played in all other respects in the usual way, and according to its established rules, the purpose of the law cannot be thwarted by the simple devise of playing it with one or two cards less than the number usually employed." (<i>People v. Gosset</i> (1892) 93 Cal. 641, 643.) The Department does not currently</p>	9-2	BGJ-0331

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	conflict directly with this legislative and judicial consensus.	have regulations governing permissible variations of blackjack-style games. The proposed regulations establish a procedure to review currently approved or pending blackjack-style games for compliance with the statute.		
76.	California Constitution, article IV, section 19(e) prohibits the Legislature from enacting a law that would permit a banking game. Thus, Penal Code section 330.11 must be interpreted to prohibit a game that would be an unlawful banking game.	This comment was considered but not incorporated. The proposed regulations are consistent with the language, structure, and intent of the law. Penal Code section 330.11 allows for the rotation of a player-dealer position and Business and Professions Code section 19984 allows for cardrooms to contract with TPPPS for these services. Use of TPPPS is not the subject of these regulations. The proposed regulations specify minimum standards for rules of a controlled game featuring a rotating player-dealer position and how that position shall be rotated in order to prevent the maintenance or operation of a bank. The proposed regulations better enforce the prohibition on banking games by disallowing a person from acting as the player-dealer for an unlimited amount of time and prohibit other forms of wagering that would allow a person to maintain or operate a bank. Rather, it is the subject of the Rotation of the Player-Dealer Position rulemaking.	21-2	BGJ-0362 - BGJ-0368
77.	Commentors state that cardrooms are vital community partners by providing support for local government programs, local nonprofits, youth programs, education initiatives, and public safety efforts. If the regulations go into effect, they will have a negative impact on local communities.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, §	44-2, 45-1, 46-1, 47, 48-1, 49-1, 50-1, 51-1, 52-1, 53-1, 54-1, 56-1, 57-1, 58-1, 59-1, 60-1, 61-1, 62-1, 63-2, 64-3, 65-4, 66-1, 67-1, 68-1, 69-3, 87-2, 95-1, 96-1, 97-1, 98-1, 99-1, 816-1	BGJ-0445; BGJ-0446; BGJ-0448; BGJ-0450; BGJ-0451; BGJ-0453; BGJ-0454; BGJ-0456; BGJ-0458; BGJ-0459; BGJ-0460; BGJ-0463; BGJ-0464; BGJ-0465; BGJ-0467; BGJ-0469; BGJ-0471; BGJ-0473; BGJ-0474; BGJ-0475; BGJ-0477; BGJ-0478; BGJ-0480; BGJ-0482; BGJ-0483; BGJ-0507;

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
		19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even if cardrooms make charitable donations in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack-style games for compliance with the statute.		BGJ-0520; BGJ-0522; BGJ-0524; BGJ-0525; BGJ-0527; BGJ-1280
78.	Cardrooms are more than just a place to play—they are a vital social space that bring people together, support local jobs, and contribute to the city's Cardrooms provide a safe, well-regulated environment for responsible gambling. Many residents, including seniors and veterans, rely on it as a social outlet and gathering place. Commenters urge the Department to consider ways to address residents' concerns while preserving cardrooms' roles in their communities.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even if cardrooms offer community benefits. The proposed regulations establish a procedure to review currently approved or pending blackjack-style games for compliance with the statute.	93, 826	BGJ-0518; BGJ-004-TR

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79.	Seven Mile Casino has long been a committed and generous partner in Chula Vista, providing ongoing support to local nonprofits, youth programs, educational initiatives, and environmental efforts. The commenter commends Seven Mile Casino for YMCA with financial and in-kind support. The casino has enabled YMCA to expand their outreach and enhance services they offer to local youth and families. The commenter urges the Department to carefully weigh the potential ripple effects the proposed regulations may have on businesses and non-profit organizations, neighborhoods, and families that rely on the support of cardrooms such as Seven Mile Casino.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even if cardrooms make charitable donations in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack-style games for compliance with the statute.	52-2	BGJ-0458
80.	The commenter states the proposed regulations could significantly impact Seven Mile Casino and the broader Chula Vista community. New regulations from state and federal levels, while well-intentioned, end up harming communities. Local groups such as HOAs are already struggling with regulations like SB 326, and now, community partners like Seven Mile Casino might	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters	816-4	BGJ-1280 - BGJ-1281

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	<p>have to reduce their charitable contributions. This would affect vital programs such as bike helmet donations, scholarships, and honoring first responders. Seven Mile Casino has been a consistent, reliable supporter for 25 years, helping where others are not able to.</p>	<p>overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even if cardrooms make charitable donations in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack-style games for compliance with the statute.</p>		
81.	<p>The commenter commends Seven Mile Casino for its strong community partnership in addressing hunger and nutrition insecurity. The casino has provided free event space, sponsored legislative forums, and supported outreach efforts that expended the coalition's impact. The commenter urges consideration of Seven Mile Casino's positive contributions when evaluating the proposed regulations.</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even if cardrooms make charitable donations in their community. The proposed regulations establish a procedure to review currently</p>	44-1	BGJ-0445

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		approved or pending blackjack-style games for compliance with the statute.		
82.	The commenter commends Seven Mile Casino for its consistent support of the Latino legal community, thereby strengthening its ability to empower Latino students and professionals while advancing equity and representation within the legal community. The casino has hosted and funded San Diego La Raza Lawyers Association's (SDLRLA) annual Bar Stipend events, covering venue and meal costs, for over 100 guests and helping the association provide more than \$35,000 in scholarships to law students preparing for the California Bar Exam. The casino has also connected SDLRA with local leaders and media to promote community programs.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even if cardrooms make charitable donations in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	55	BGJ-0462
83.	The proposed regulations significantly disrupt the fair competitive balance between cardrooms and tribal gaming establishments, which remain unaffected by these new rules. This imbalance undermines fundamental fairness and competition, contrary to longstanding	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Department has determined that the regulations are necessary to interpret and implement a statute effectuating public policy as it relates to blackjack-style games in California. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. No	9-9	BGJ-0332

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	public policy principles promoting equitable treatment and regulatory parity among gaming entities within California.	regulations currently govern the permissible variations of blackjack-style games. The intent of the proposed regulations is to establish a procedure to review currently approved or pending blackjack-style games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. The proposed regulations will create consistent standards for Bureau review, improve transparency and enhance public safety.		
84.	The commenter states that tribal casinos are in violation of Proposition 26 (2022) by offering outlawed games and not authorized by Proposition 26.	No change has been made in response to this comment. The comment does not address the regulations and does not suggest any modifications be made to the regulation text. The operation of tribal casinos is not the subject of these proposed regulations. Proposition 26 was rejected by the voters and never became law.	818-2, 865-2	BGJ-1285; BGJ-020-TR
85.	The commenter states that it requested the Bureau to approve the same blackjack-style games already approved and played in other locations. However, more than three years have passed, and the Bureau has neither approved the requests nor provided a response.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. No regulations currently govern permissible variations of blackjack-style games. The intent of the proposed regulations is to establish a procedure to review currently approved or pending blackjack-style games, identifying which ones would not be approved, and allowing compliant games to be resubmitted for review. The proposed regulations will create consistent standards for Department review of pending applications, improve transparency and enhance public safety.	818-3, 865-3	BGJ-1285; BGJ-020-TR
- Regulatory Hearing				
86.	Commenters expressed concern about the manner in which the Department conducted its public hearing on the proposed blackjack-style games' regulations. The hearing was held	This comment was considered but not incorporated. The Department sought public input by holding a public hearing for the regulations. Under the APA, any "interested person" may request a public hearing on any regulatory proposal by submitting a written request to the agency no later than 15 days prior to the close of the	9-10, 100-1	BGJ-0332; BGJ-0529

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	exclusively via Zoom, without offering an in-person option. This disenfranchised stakeholders without reliable internet or familiarity with virtual platforms. In-person options are necessary for equitable participation. The commenters emphasized procedural concerns pursuant to public accessibility envisioned under Government code section 11346.8.	written comment period. (Gov. Code, §§ 11346.5(a)(17), 11346.8(a).) If no hearing is scheduled and nobody requests one, an APA public hearing is not required. However, agencies may schedule a public hearing as a matter of course even before it is requested. The Department scheduled a public hearing for these regulations before receiving a request from the public. To increase accessibility and participation by allowing any and all stakeholders to attend from anywhere without the need for travel, the Department scheduled a virtual Zoom meeting instead of holding an in-person meeting in Sacramento. Interested parties without reliable internet or computer access, or those unfamiliar with virtual platforms could attend and participate by telephone. The hearing was initially scheduled for April 4, 2025, and then postponed at the request of interested parties. After stakeholders sent a request for an extension, the Department rescheduled the hearing for May 29, 2025. A notice of the hearing was included in the Notice of Proposed Rulemaking that was published, posted, and emailed to stakeholders on April 11, 2025, 45 days before the hearing. During the 45-day public comment period, the Department did not receive a request for an in-person hearing.		
87.	No interpretation was provided for non-English speakers during the public hearing, thereby excluding a significant portion of the cardroom workforce.	This comment was considered but not incorporated. The Dymally-Alatorre Bilingual Services Act (Govt. Code 7290 et seq.) ensures that California residents appropriately receive government services from public agencies regardless of the person's English language skills. The Act generally requires public agencies to provide interpreter and written document translation services in a manner ensuring that individuals with limited English proficiency have equitable access to important government services like social services, healthcare, and quasi-judicial court proceedings. The Department is unaware of any state law requiring translation services for public meetings or for quasi-legislative rulemaking proceedings. Also, the Department did not receive a request for	14-10, 100-2	BGJ-0341 - BGJ-0342; BGJ-0529

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		translation services before the May 29, 2025, Zoom meeting. After the public hearing, the Department worked with the Department's Bilingual Services Program to translate all non-English oral testimony and included the translated testimony in the hearing transcript for the rulemaking file, which is available to the public upon request.		
88.	The hearing was limited to audio-only, reducing transparency and accountability since participants could not see who was speaking.	This comment was considered but not incorporated. The Department sought public input by holding a public hearing for the regulations. Under the APA, any "interested person" may request a public hearing on any regulatory proposal by submitting a written request to the agency no later than 15 days prior to the close of the written comment period. (Gov. Code, §§ 11346.5(a)(17), 11346.8(a).) If no hearing is scheduled and nobody requests one, an APA public hearing is not required. However, agencies may schedule a public hearing as a matter of course even before it is requested. The Department scheduled a public hearing for these regulations before receiving a request from the public. To increase accessibility and participation by allowing any and all stakeholders to attend from anywhere without the need for travel, the Department scheduled a virtual Zoom meeting instead of holding an in-person meeting in Sacramento. Interested parties without reliable internet or computer access, or those unfamiliar with virtual platforms could attend and participate by telephone. The hearing was initially scheduled for April 4, 2025, and then postponed at the request of interested parties. After stakeholders sent a request for an extension, the Department rescheduled the hearing for May 29, 2025. A notice of the hearing was included in the Notice of Proposed Rulemaking that was published, posted, and emailed to stakeholders on April 11, 2025, 45 days before the hearing. During the 45-day public comment period, the Department did not receive a request for an in-person hearing. Consistent with other state open	14-9, 100-3	BGJ-0341; BGJ-0529

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		meetings laws, virtual meetings may be audio only or audio and video. (Gov. Code, § 11123(a)(2).)		
89.	The commenter states they were given limited time to speak on a complex topic with no clear need for the restriction.	This comment was considered but not incorporated. Similar to the Bagley-Keene Open Meeting Act (Gov. Code, § 11125.7, subd. (b)) and the Ralph M. Brown Act (Gov. Code § 54954.3, subd. (b)(1).), the APA permits an agency to impose reasonable limits on oral presentations. (Gov. Code, § 11346.8, subd. (a).) Whether a time limit is reasonable under open meeting laws depends on the circumstances of each meeting, including the time allocated to the meeting, the number and complexity of each agenda item, and the number of persons wishing to comment. (75 Ops.Cal.Atty.Gen. 89, 92 (1992).) During the course of the hearing, over 200 members of the public joined and attended the public hearing. An exact attendance number could not be confirmed because many members of the public attended the hearing in a meeting room provided by their employer using only one Zoom account. Exercising its discretion to set a reasonable time limit that would allow every member of the public in attendance who wished to speak to do so, and to complete the meeting within a reasonable period of time, the Department set a two-minute time limit. (See, e.g., <i>Chaffee v. San Francisco Public Library Com.</i> (2005) 134 Cal.App.4th 109, 115.) The time limit applied equally to all speakers regardless of content, including regulation supporters, regulation opponents, elected officials, lobbyists, attorneys, tribal representatives, cardroom owners, and cardroom employees.	14-8, 100-4	BGJ-0341; BGJ-0529 - BGJ-0530
90.	The hearing failed to meet obligations under the Administrative Procedure Act and other legal standards ensuring meaningful participation, language access, and substantive engagement.	This comment was considered but not incorporated. The Department sought public input by holding a public hearing for the regulations. Under the APA, any “interested person” may request a public hearing on any regulatory proposal by submitting a written request to the agency no later than 15 days prior to the close of the written comment period. (Gov. Code, §§ 11346.5(a)(17), 11346.8(a).) If no hearing is scheduled and nobody requests one, an	100-5	BGJ-0530

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		<p>APA public hearing is not required. However, agencies may schedule a public hearing as a matter of course even before it is requested. The Department scheduled a public hearing for these regulations before receiving a request from the public. To increase accessibility and participation by allowing any and all stakeholders to attend from anywhere without the need for travel, the Department scheduled a virtual Zoom meeting instead of holding an in-person meeting in Sacramento. Interested parties without reliable internet or computer access, or those unfamiliar with virtual platforms could attend and participate by telephone. A notice of the hearing was included in the Notice of Proposed Rulemaking that was published, posted, and emailed to stakeholders on April 11, 2025, 45 days before the hearing. During the 45-day public comment period, the Department did not receive a request for an in-person hearing. Additionally, the APA permits an agency to impose reasonable limits on oral presentations. (Gov. Code, 11346.8, subd. (a).) Whether a time limit is reasonable under open meeting laws depends on the circumstances of each meeting, including the time allocated to the meeting, the number and complexity of each agenda item, and the number of persons wishing to comment. (75 Ops.Cal.Atty.Gen. 89, 92 (1992).) During the course of the hearing, over 200 members of the public joined and attended the public hearing. An exact attendance number could not be confirmed because many members of the public attended the hearing in a meeting room provided by their employer using only one Zoom account. Exercising its discretion to set a reasonable time limit that would allow every member of the public in attendance who wished to speak to do so, and to complete the meeting within a reasonable period of time, the Department set a two-minute time limit. (See, e.g., <i>Chaffee v. San Francisco Public Library Com.</i> (2005) 134 Cal.App.4th 109, 115.) The time limit applied equally to all speakers regardless of content, including regulation supporters, regulation opponents, elected</p>		

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
		<p>officials, lobbyists, attorneys, tribal representatives, cardroom owners, and cardroom employees. The Dymally-Alatorre Bilingual Services Act (Govt. Code 7290 et seq.) ensures that California residents appropriately receive government services from public agencies regardless of the person's English language skills. The Act generally requires public agencies to provide interpreter and written document translation services in a manner ensuring that individuals with limited English proficiency have equitable access to important government services like social services, healthcare, and quasi-judicial court proceedings. The Department is unaware of any state law requiring translations services for public meetings or for quasi-legislative rulemaking proceedings. Also, the Department did not receive a request for translation services before the May 29, 2025, Zoom meeting. After the public hearing, the Department worked with the Department's Bilingual Services Program to translate all non-English oral testimony and included the translated testimony in the hearing transcript for the rulemaking file, which is available to the public upon request.</p>		
91.	<p>The commenter urges the Department to:</p> <ul style="list-style-type: none"> (1) hold an additional hybrid hearing with in-person and remote options; (2) provide interpretation services; (3) allow for extended comment periods for complex topics; and (4) make a full recording or transcript of the May 29th hearing publicly available. 	<p>This comment was considered but not incorporated. The comment does not propose alternative language and does not provide commentary that requires a Department response. The hearing transcripts are included in the rulemaking record and available upon request. Also see response to Nos. 86-90.</p>	100-6	BGJ-0530
- Economic Impact Concerns				
92.	<p>Cardrooms are major economic contributors in local jurisdictions, providing hundreds of living wage jobs and generating significant tax revenue annually (e.g. \$1M-\$30M), funding crucial</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning</p>	1-11, 5-2, 6-3, 7-3, 8-1, 9-7, 11-3, 13-3, 14-7, 15-3, 20-3, 32-2, 33-1, 34-1, 35-2, 36-2,	BGJ-0035 – BGJ-0036, BGJ-0056; BGJ-0319; BGJ-0321; BGJ-0322; BGJ-0324; BGJ-0332; BGJ-0337; BGJ-0340;

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	<p>public services such as police and fire protection. The potential loss of these revenues would jeopardize cardroom operations and result in cuts to essential public services and devastating job losses, adversely affecting local communities' safety and quality of life.</p>	<p>of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>	38-2, 39-2, 40-2, 41-2, 42-2, 43-3, 45-5, 46-5, 48-5, 49-2, 50-5, 51-5, 54-5, 56-5, 57-5, 58-5, 59-5, 60-5, 61-5, 62-2, 63-1, 64-2, 65-3, 66-4, 67-5, 69-1, 70-1, 71-2, 72-1, 73-1, 74-1, 75-1, 79-1, 80-1, 81-1, 82-1, 83-1, 84-1, 85-1, 86-1, 87-1, 88-1, 89-4, 91, 92, 95-5, 96-5, 97-2, 98-5, 99-5, 813-3, 816-6, 817-2, 819-2, 823	BGJ-0341; BGJ-0343; BGJ-0358; BGJ-0424; BGJ-0426; BGJ-0428; BGJ-0430; BGJ-0431; BGJ-0435; BGJ-0436; BGJ-0438; BGJ-0441; BGJ-0443; BGJ-0444; BGJ-0446; BGJ-0448; BGJ-0451; BGJ-0453; BGJ-0454; BGJ-0457; BGJ-0460; BGJ-0463; BGJ-0464; BGJ-0465; BGJ-0468; BGJ-0469; BGJ-0471; BGJ-0473; BGJ-0474; BGJ-0475; BGJ-0477; BGJ-0478; BGJ-0480; BGJ-0483; BGJ-0484; BGJ-0485; BGJ-0486; BGJ-0488; BGJ-0490; BGJ-0491; BGJ-0499; BGJ-0500; BGJ-0501; BGJ-0502; BGJ-0503; BGJ-0504; BGJ-0505; BGJ-0506; BGJ-0507; BGJ-0509; BGJ-0512; BGJ-0516; BGJ-0517; BGJ-0520; BGJ-0522; BGJ-0524; BGJ-0525; BGJ-0527; BGJ-1275; BGJ-1281; BGJ-1282 – BGJ-1283; BGJ-002-TR; BGJ-003-TR

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93.	Cardrooms are an essential source of income and employment for low-income / underserved communities. Some commenters argue that Latino, Asian Pacific Islander, and African American populations benefit particularly from cardroom jobs, which help individuals purchase homes, send children to college, and achieve financial stability.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	37-1, 88-2, 89-3	BGJ-0432 - BGJ-0433; BGJ-0509; BGJ-0512
94.	The commenters urge the Department to account for social and economic consequences the regulations would impose. The proposed regulations targeting cardrooms undermine economic opportunities for local communities. The regulations would	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes	35-1, 36-1, 38-1, 41-1, 42-1, 45-6, 46-6, 48-6, 49-3, 50-6, 51-6, 53-2, 54-6, 56-6, 57-6, 58-6, 59-6, 60-6, 61-6, 67-6, 95-6,	BGJ-0430; BGJ-0431; BGJ-0435; BGJ-0441; BGJ-0443; BGJ-0447; BGJ-0449; BGJ-0451; BGJ-0453; BGJ-0455; BGJ-0457; BGJ-0459; BGJ-0460; BGJ-0463;

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	exacerbate unemployment and social inequality.	some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	96-6, 98-6, 99-6, 816-7	BGJ-0464; BGJ-0465; BGJ-0468; BGJ-0469; BGJ-0471; BGJ-0480; BGJ-0521; BGJ-0522; BGJ-0525; BGJ-0527; BGJ-1281
95.	Commenters have requested a discussion to further address the proposed regulations, urging the importance of considering long-term impacts on the community, public safety, and economy.	This comment was considered but not incorporated. The comment does not provide sufficient specificity or support for the Department to make any modifications to the text.	19-6, 97-3, 866	BGJ-0354; BGJ-0524; BGJ-020-TR - BGJ-021-TR
96.	The commenter opposes the proposed regulations as they would devastate Gardena city's finances, workforce, and resident's quality of life. Gardena references support from the California Cities Gaming Authority (CCGA) and its Declaration of the City Manager. Gardena relies heavily on tax revenues from Hustler Casino and Larry Flynt's Lucky	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating	76-1, 815, 820-1	BGJ-0493 - BGJ-0494; BGJ-1277 - BGJ-1279; BGJ-002-TR

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	<p>Lady Casino. They are among the largest sources of tax revenue for the city. These cardrooms contributed 9.3 million (11% of the city's annual budget) in FY 23-24. The proposed regulations are expected to reduce gaming activity by 75%, meaning an approximate \$7 Million revenue loss. Without this revenue, the cardrooms could close entirely, risking the loss of all \$9.3 million in revenue. The city would be forced to make drastic cuts such as eliminating the public works department, the recreation and human services department, the community development and administrative services department, or 38% of the police officer workforce and reducing other essential services, such as public safety, senior programs, emergency response, and capital improvements. City residents will be deprived of various levels of social services they currently enjoy. The proposed regulations would limit blackjack-style games, thereby causing severe financial harm, potentially forcing layoffs, service reductions, or even a fiscal emergency for the City of Gardena. The proposed regulations are an existential threat to Gardena's financial stability and public well-being.</p>	<p>in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>		
97.	Cities such as Bell Gardens, Commerce, Compton, and Hawaiian Gardens rely	This comment was considered but incorporated. The comment does not propose alternative language for the proposed	89-2, 823, 828, 832	BGJ-0512; BGJ-003-TR - BGJ-004-TR; BGJ-005-TR;

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	heavily on cardroom revenue (ranging from 40%-70% of general fund revenues). Proposed changes to blackjack-style games threaten to devastate city finances.	regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.		BGJ-007-TR
98.	Public officials and employees of cities such as San Jose, Bell Gardens, Commerce, Citrus Heights, Clovis, Compton, Gardena, and Hawaiian Gardens note that their cities rely heavily on cardroom revenue for funding of essential public services. Proposed changes to blackjack-style games threaten to devastate city finances and	This comment was considered but incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating	820, 821-3, 822-1, 823, 825-1, 826, 827, 828, 829-1, 830-2, 831, 832, 833, 834, 835, 836, 837, 838, 839, 841, 842, 843, 844, 867-4, 873-2	BGJ-002-TR; BGJ-003-TR; BGJ-004-TR; BGJ-005-TR; BGJ-006-TR; BGJ-007-TR; BGJ-008-TR; BGJ-009-TR; BGJ-010-TR; BGJ-011-TR; BGJ-012-TR; BGJ-021-TR; BGJ-024-TR

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	disrupt public services.	in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.		
99.	The proposed regulations threaten to cause immediate and severe disruptions to Hollywood Park Casino operations in the City of Inglewood. The city of Inglewood anticipates a 45% reduction in card game play, which would result in a revenue shortfall of approximately \$2.3M annually. Should the casino cease operations, the city's budget would lose \$5.1M in revenue.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of	77-1, 77-2	BGJ-0495

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		gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.		
100.	The Town of Colma anticipates a 70% reduction in card game play and revenue. Colma operates on an annual budget of \$21M. In the 2023-24 fiscal year, Lucky Chances Casino contributed \$4.3, which is approximately 21% of its budgeted revenue. Proposed changes to blackjack-style games threaten to close Lucky Chances Casino, devastate city finances and deprive residents of various levels of social services they currently enjoy. The Town of Colma anticipates three potential scenarios to offset the annual revenue loss as a result of the proposed regulations: 1) Eliminate one third of the Town's Public Safety Department and services; 2) Eliminate the Public Works and Planning Departments in their entirety; 3) Eliminate the Town's general government including the City Council, City Manager, City Attorney, Finance Department and Human Resources Department.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to	78-1, 78-2, 78-3	BGJ-0497 - BGJ-0498

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		review currently approved or pending blackjack style games for compliance with the statute.		
101.	The loss of local tax revenue may devastate California cities. The Department's estimated economic impact would reduce funding for public services, infrastructure, directly impacting working families and cities that heavily depend on cardroom revenue (e.g. Hawaiian Gardens (62%), Bell Gardens (40%), Commerce (50%), San Jose and Fresno (85%), potentially facing closures, bankruptcy, or disincorporation).	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	39-4, 43-1, 77-2, 828, 829-1, 832, 847	BGJ-0436 - BGJ-0437; BGJ-0444; BGJ-0495; BGJ-005-TR; BGJ-007-TR; BGJ-013-TR
102.	The commenter believes the Department and the California Gaming Commission have failed the people of California by failing to regulate illegal gaming. Failure to address this problem sooner has	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. No regulations currently govern permissible variations of blackjack-	31-1	BGJ-0419

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	<p>resulted in the unjust cannibalization of legal banked games on tribal land. It is but one of many examples where illegal gaming runs rampant. Other examples include delaying an opinion letter regarding the legality of daily fantasy sports. This failure to regulate illegal banked games in California cardrooms has also deprived tribal and local treasuries of hundreds of millions of dollars annually.</p>	<p>style games. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute. The proposed regulations will create consistent standards for Department review, improve transparency and enhance public safety. The legality of daily fantasy sports is not a subject of these proposed regulations.</p>		
103.	<p>Commenters argue that the regulations could lead to widespread cardroom closures, resulting in an estimated \$500 million loss in statewide revenue / economic instability.</p>	<p>This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other</p>	<p>45-4, 46-4, 48-4, 50-4, 51-4, 54-4, 56-4, 57-4, 58-4, 59-4, 60-4, 61-4, 63-3, 65-2, 66-3, 67-4, 68-4, 95-4, 96-4, 98-4, 99-4, 816-5</p>	<p>BGJ-0446; BGJ-0448; BGJ-0451; BGJ-0454; BGJ-0457; BGJ-0460; BGJ-0463; BGJ-0464; BGJ-0465; BGJ-0467; BGJ-0469; BGJ-0471; BGJ-0474; BGJ-0477; BGJ-0478; BGJ-0480; BGJ-0483; BGJ-0520; BGJ-0522; BGJ-0525; BGJ-0527; BGJ-1281</p>

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		businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.		
104.	The commenter states that more than 40,000 people will lose their jobs.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	94	BGJ-0519
105.	The commenter argues that the regulations threaten over 5,000 jobs in Los Angeles County alone, nearly representing half of the cardroom force in the region.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of	40-1	BGJ-0438

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		<p>statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>		
106.	The commenter argues that the regulations threaten over 10,000 jobs in Los Angeles County alone.	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the</p>	89-5	BGJ-0512 - BGJ-0513

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		<p>Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>		
107.	Commenters note the positive economic impact tribal gaming has on the State of California and highlight how tribal gaming revenue funds essential programs and services within tribal communities.	<p>This comment was considered but not incorporated. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, except in tribal casinos.</p>	22-5, 26-5, 27-5, 28-6, 30-5, 845-2	BGJ-0372; BGJ-0395; BGJ-0400 - BGJ-0401; BGJ-0405; BGJ-0417; BGJ-012-TR
108.	Local residents and proprietors / employees of various cardrooms	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed	824, 846-1, 847, 848-3, 849-1,	BGJ-004-TR; BGJ-012-TR; BGJ-013-TR; BGJ-014-TR;

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	<p>expressed concern about the possible life-altering impacts the regulations may have, including job losses for cardroom employees and the loss of an additional space where members of the community can gather. Employees noted the positive impact working at cardrooms has had on their overall wellbeing and the stability these jobs bring to employees and their families. Employees also note the cardrooms' contributions to local economies and what the loss of cardrooms' tax revenue will mean to local communities.</p>	<p>regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>	850, 852, 853, 854, 857, 860, 861, 866, 868, 870-1, 871-1, 872, 874, 875, 876, 877, 878 879, 880-2, 881, 882, 883, 884, 885-1	BGJ-015-TR; BGJ-017-TR; BGJ-018-TR; BGJ-020-TR; BGJ-021-TR; BGJ-022-TR; BGJ-023-TR; BGJ-024-TR; BGJ-025-TR; BGJ-026-TR; BGJ-027-TR; BGJ-028-TR
109.	<p>This abrupt shift in regulatory approach not only threatens the stability of the local cardrooms but also harms the local jurisdiction communities including essential services and emergency response. The cardroom industry is already a highly regulated activity and these regulations further increase that regulatory burden. The Attorney General should honor previous game approvals.</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have</p>	37-2, 71-1, 817-3, 819-3	BGJ-0433; BGJ-0485; BGJ-1283; BGJ-002-TR

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		<p>prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>		
- Senate Bill 549 – Gaming: Tribal Nations Access to Justice Act.				
110.	<p>In 2024, the Legislature passed Senate Bill (SB) 549, which allows the courts to weigh in on certain tribal claims. Commenters do not believe this is the appropriate time to propose new regulations for games offered in cardrooms. That is especially true when these proposed regulations are expected to reduce jobs and revenues by up to 50%, according to the Standardized Regulatory Impact Assessment (SRIA).</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.)</p>	32-1	BGJ-0424
111.	<p>Commenters are the plaintiffs in the litigation to “determine whether certain controlled games operated by California card clubs are illegal banking card games or legal controlled games, thereby resolving a decade-long dispute between</p>	<p>This comment was considered but not incorporated. The comment does not propose alternative language. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal</p>	21-1	BGJ-0359 - BGJ-0362

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	California tribes and California card clubs[.]" 2024 Cal. Legis. Serv. Ch. 860 ((SB) 549). The proposed regulations are inadequate to prohibit CA cardrooms from unlawfully operating banked card games or to protect the tribes' exclusive rights to operate those games pursuant to their class III gaming compacts.	decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.) The general purpose of these regulations is to establish and clarify the restrictions and limitations on what games will be approved by the Department with respect to blackjack-style games and permissible alternatives to Blackjack. The regulations would define the traditional rules of play for Blackjack and would specify that any game with those rules shall not be approved by the Department. The regulations would also specify what rule changes would be required to obtain Department approval of a blackjack-style game.		
112.	CA cardrooms are currently spending time and resources preparing to defend against litigation filed by seven of the largest and wealthiest tribal casinos due to the passage of SB 549. The commenters ask the Department to reconsider the proposed regulations.	This comment was considered but not incorporated. The comment does not propose alternative language. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.)	6-4, 7-4, 11-4, 13-4, 15-4, 20-4, 88-5, 813-4	BGJ-0321; BGJ-0322; BGJ-0337; BGJ-0340; BGJ-0343; BGJ-0358; BGJ-0510; BGJ-1275
113.	Commenters question the timing of the proposed regulations since similar issues are already being addressed in the SB 549 litigation / court case. Implementing new regulations now could waste resources and result in regulations that may later be invalidated by the court. Commentator implores the Department to withdraw the proposed regulations and allow the legal process to proceed before taking action (wait for the SB 549 litigation to conclude, which will provide the Attorney General with guidance).	This comment was considered but not incorporated. The comment does not propose alternative language. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.)	5-3, 618-3, 851-2	BGJ-0319; BGJ-1067; BGJ-014-TR

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114.	Commenter argues that, alongside SB 549, the regulations could lead to widespread cardroom closures, resulting in an estimated \$500 million loss in statewide revenue / economic instability.	<p>This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.) The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>	39-3	BGJ-0436

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
115.	The proposed regulations and the impact of SB 549 could result in cardroom employees facing uncertainty, potential job loss and reduction in benefits.	<p>This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.) The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>	39-1	BGJ-0436

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
116.	SB 549 litigation will threaten the cardroom's existence. The proposed regulations will lead to cardrooms closing their doors and will also deprive low-income and disadvantaged communities of the essential services they depend.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Department commenced its pre-rulemaking activities before the passage of SB 549, which was recently struck down by a court as preempted by federal law. When opposing SB 549, cardrooms argued that the Attorney General is better suited than the courts to make legal decisions about cardroom games. (SB 549 Bill Analysis, Assembly Committee on Governmental Organization, July 2, 2024.) The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and relevant case law. These regulations interpret and implement the plain language of Penal Code section 330, its exceptions and relevant case law. Penal Code section 330 prohibits banked games in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations intend to clarify the role of the player-dealer position so that games will be played in compliance with the law.	B7-3	BGJ-0433
- Cardroom and TPPPS Employee Concerns				

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
117.	Employees of various cardrooms expressed concern about the possible impacts the regulations may have, including job losses for cardroom employees and the loss of an additional space where members of the community can gather. Employees noted the positive impact working at cardrooms has had on their overall wellbeing and the stability these jobs bring to employees and their families. Employees also note the cardrooms' contributions to local economies and what the loss of cardrooms' tax revenue will mean to local communities.	<p>This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>	101-1, 102-1, 103-1, 104-5, 105, 106, 107, 108, 109, 333-1, 334-1, 335-1, 336-1, 337-1, 338-1, 339-1, 340, 341-1, 342-1, 343-1, 344-1, 345, 346, 347, 348-2, 349-1, 474, 475-1, 476-1, 477-1, 478-1, 479-1, 480-1, 481-1, 482-1, 483-1, 484-1, 485-1, 486-1, 487-1, 488-1, 489-1, 490-1, 491-1, 492-1, 493-1, 494-1, 495-1, 496-1, 497-1, 498-1, 499-1, 500-1, 501-1, 502-1, 503-1, 594, 595, 596-1, 597-1, 598-1, 599, 600, 601-1, 602, 603-1, 604-1, 605-1, 606, 607,	BGJ-0531; BGJ-0532; BGJ-0533; BGJ-0535; BGJ-0536; BGJ-0537; BGJ-0538; BGJ-0539; BGJ-0540; BGJ-0764; BGJ-0765; BGJ-0766; BGJ-0767; BGJ-0768; BGJ-0769; BGJ-0770 – BGJ-0771; BGJ-0773 – BGJ-0774; BGJ-0775; BGJ-0777; BGJ-0779; BGJ-0781; BGJ-0783; BGJ-0784; BGJ-0786; BGJ-0787; BGJ-0789; BGJ-0917; BGJ-0918; BGJ-0919; BGJ-0920; BGJ-0921; BGJ-0922; BGJ-0923; BGJ-0924; BGJ-0925; BGJ-0926; BGJ-0927; BGJ-0928; BGJ-0929; BGJ-0930; BGJ-0931; BGJ-0932; BGJ-0933; BGJ-0934; BGJ-0935; BGJ-0936; BGJ-0937; BGJ-0938; BGJ-0940; BGJ-0941; BGJ-0942; BGJ-0943; BGJ-0944; BGJ-0945; BGJ-0946; BGJ-0947; BGJ-1039; BGJ-1040; BGJ-1041; BGJ-1043; BGJ-1044; BGJ-1046;

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
			608, 609, 610-1, 611-1, 612-1, 613, 614-1, 615, 616, 617-1, 619, 620, 621, 622, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641-1, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 775, 814-1, 887-1, 888-1	BGJ-1047; BGJ-1048; BGJ-1049; BGJ-1050; BGJ-1051; BGJ-1052; BGJ-1054; BGJ-1055; BGJ-1056; BGJ-1057; BGJ-1059; BGJ-1060; BGJ-1061; BGJ-1062; BGJ-1063; BGJ-1064; BGJ-1065; BGJ-1066; BGJ-1068; BGJ-1069; BGJ-1070; BGJ-1071; BGJ-1073; BGJ-1074; BGJ-1075; BGJ-1076; BGJ-1077; BGJ-1078; BGJ-1079; BGJ-1080; BGJ-1081; BGJ-1082; BGJ-1083; BGJ-1084; BGJ-1085; BGJ-1086; BGJ-1087; BGJ-1088; BGJ-1089; BGJ-1090; BGJ-1091; BGJ-1092; BGJ-1093; BGJ-1094; BGJ-1095; BGJ-1096; BGJ-1097; BGJ-1098; BGJ-1099; BGJ-1100; BGJ-1101; BGJ-1234; BGJ-1276; BGJ-1286; BGJ-1288
118.	Employees of various cardrooms noted that cardrooms operate under stringent state and federal guidelines, and are part of a legal, regulated industry. If	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed	101-2, 102-2, 103-2, 104-1, 333-2, 334-2, 335-2, 336-2,	BGJ-0531; BGJ-0532; BGJ-0533; BGJ-0534; BGJ-0764; BGJ-0765; BGJ-0766; BGJ-0767;

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
	cardrooms are forced to shut down due to the regulations, current patrons will turn to illegal underground gambling activities. They also note that illegal, unregulated gambling operations lead to public safety issues.	restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330, which prohibits the play of twenty-one. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	337-2, 338-2, 339-2, 341-2, 342-2, 343-2, 344-2, 348-3, 371-2, 475-2, 476-2, 477-2, 478-2, 479-2, 480-2, 481-2, 482-2, 483-2, 484-2, 485-2, 486-2, 487-2, 488-2, 489-2, 490-2, 491-2, 492-2, 493-2, 494-2, 495-2, 496-2, 497-2, 498-2, 499-2, 500-2, 501-2, 502-2, 503-2, 596-2, 597-2, 601-2, 603-2, 604-2, 610-2, 611-2, 612-2, 614-2, 617-2, 814-2, 840, 848-2, 880-1, 887-2, 888-2	BGJ-0768; BGJ-0769; BGJ-0771; BGJ-0775; BGJ-0778; BGJ-0779; BGJ-0782; BGJ-0787; BGJ-0813; BGJ-0918; BGJ-0919; BGJ-0920; BGJ-0921; BGJ-0922; BGJ-0923; BGJ-0924; BGJ-0925; BGJ-0926; BGJ-0927; BGJ-0928; BGJ-0929; BGJ-0930; BGJ-0931; BGJ-0932; BGJ-0933; BGJ-0934; BGJ-0935; BGJ-0936; BGJ-0937; BGJ-0938; BGJ-0940; BGJ-0941; BGJ-0942; BGJ-0943; BGJ-0944; BGJ-0945; BGJ-0946; BGJ-0947; BGJ-1041; BGJ-1043; BGJ-1048; BGJ-1050; BGJ-1051; BGJ-1059; BGJ-1060; BGJ-1061; BGJ-1063; BGJ-1066; BGJ-1276; BGJ-010-TR; BGJ-013-TR; BGJ-026-TR; BGJ-1286 – BGJ-1287; BGJ-1288
119.	The commenters note the effectiveness of laws and regulations that have ensured the integrity of house-banked games.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed	104-3	BGJ-0534

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
		<p>restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>		
120.	Commenters state that while tribes claim injustice over banked games in cardrooms, tribal casinos are violating Proposition 1A (2000) by offering outlawed games, such as Craps and Roulette that are not authorized by Proposition 1A.	<p>No change has been made in response to this comment. The comment does not address the regulations and does not suggest any modifications be made to the regulation text. The operation of tribal casinos is not the subject of these proposed regulations. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>	104-4	BGJ-0534
121.	Employees of Artichoke Joe's Casino expressed concern about the possible effects the regulations may have, including job losses for cardroom employees and the loss of additional space where members of the community can gather. Employees noted the impact working at cardrooms has had on their	<p>This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs</p>	110-1, 111-1, 112-1, 113-1, 114-1, 115-1, 116-1, 117-1, 118-1, 119-1, 120-1, 121-1, 122-1, 123-1, 124-1, 125-1,	BGJ-0541 – BGJ-0763

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
	lives and the stability these jobs bring to them and their families. Employees also note the cardrooms' contributions to local economies.	<p>the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>	126-1, 127-1, 128-1, 129-1, 130-1, 131-1, 132-1, 133-1, 134-1, 135-1, 136-1, 137-1, 138-1, 139-1 140-1, 141-1, 142-1, 143-1, 144-1, 145-1, 146-1, 147-1, 148-1, 149-1, 150-1, 151-1, 152-1, 153-1, 154-1, 155-1, 156-1, 157-1, 158-1, 159-1, 160-1, 161-1, 162-1, 163-1, 164-1, 165-1, 166-1, 167-1, 168-1, 169-1, 170-1, 171-1, 172-1, 173-1, 174-1, 175-1, 176-1, 177-1, 178-1, 179-1, 180-1, 181-1, 182-2, 183-1, 184-1, 185-1, 186-1, 187-1, 188-1, 189-1,	

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			190-1, 191-1, 192-1, 193-1, 194-1, 195-1, 196-1, 197-1, 198-1, 199-1, 200-1, 201-1, 202-1, 203-1, 204-1, 205-1, 206-1, 207-1, 208-1, 209-1, 210-1, 211-1, 212-1, 213-1, 214-1, 215-1, 216-1, 217-1, 218-1, 219-1, 220-1, 221-1, 222-1, 223-1, 224-1, 225-1, 226-1, 227-1, 228-1, 229-1, 230-1, 231-1, 232-1, 233-1, 234-1, 235-1, 236-1, 237-1, 238-1, 239-1, 240-1, 241-1, 242-1, 243-1, 244-1, 245-1, 246-1, 247-1, 248-1, 249-1, 250-1, 251-1, 252-1, 253-1,	

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			254-1, 255-1, 256-1, 257-1, 258-1, 259-1, 260-1, 261-1, 262-1, 263-1, 264-1, 265-1, 266-1, 267-1, 268-1, 269-1, 270-1, 271-1, 272-1, 273-1, 274-1, 275-1, 276-1, 277-1, 278-1, 279-1, 280-1, 281-1, 282-1, 283-1, 284-1, 285-1, 286-1, 287-1, 288-1, 289-1, 290-1, 291-1, 292-1, 293-1, 294-1, 295-1, 296-1, 297-1, 298-1, 299-1, 300-1, 301-1, 302-1, 303-1, 304-1, 305-1, 306-1, 307-1, 308-1, 309-1, 310-1, 311-1, 312-1, 313-1, 314-1, 315-1, 316-1, 317-1,	

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
			318-1, 319-1, 320-1, 321-1, 322-1, 323-1, 324-1, 325-1, 326-1, 327-1, 328-1, 329-1, 330-1, 331-1, 332-1	
122.	Employees of Artichoke Joe's Casino noted that cardrooms already operate under stringent state and federal guidelines, and if cardrooms are forced to shut down due to the regulations, current patrons will turn to illegal underground gambling activities. They also note that illegal gambling operations lead to public safety issues in their community.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language and legislative intent of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	110-2, 111-2, 112-2, 113-2, 114-2, 115-2, 116-2, 117-2, 118-2, 119-2, 120-2, 121-2, 122-2, 123-2, 124-2, 125-2, 126-2, 127-2, 128-2, 129-2, 130-2, 131-2, 132-2, 133-2, 134-2, 135-2, 136-2, 137-2, 138-2, 139-2, 140-2, 141-2, 142-2, 143-2, 144-2, 145-2, 146-2, 147-2, 148-2, 149-2, 150-2, 151-2, 152-2, 153-2, 154-2, 155-2, 156-2, 157-2,	BGJ-0541 – BGJ-0763

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			158-2, 159-2, 160-2, 161-2, 162-2, 163-2, 164-2, 165-2, 166-2, 167-2, 168-2, 169-2, 170-2, 171-2, 172-2, 173-2, 174-2, 175-2, 176-2, 177-2, 178-2, 179-2, 180-2, 181-2, 182-2, 183-2, 184-2, 185-2, 186-2, 187-2, 188-2, 189-2, 190-2, 191-2, 192-2, 193-2, 194-2, 195-2, 196-2, 197-2, 198-2, 199-2, 200-2, 201-2, 202-2, 203-2, 204-2, 205-2, 206-2, 207-2, 208-2, 209-2, 210-2, 211-2, 212-2, 213-2, 214-2, 215-2, 216-2, 217-2, 218-2, 219-2, 220-2, 221-2,	

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
			222-2, 223-2, 224-2, 225-2, 226-2, 227-2, 228-2, 229-2, 230-2, 231-2, 232-2, 233-2, 234-2, 235-2, 236-2, 237-2, 238-2, 239-2, 240-2, 241-2, 242-2, 243-2, 244-2, 245-2, 246-2, 247-2, 248-2, 249-2, 250-2, 251-2, 252-2, 253-2, 254-2, 255-2, 256-2, 257-2, 258-2, 259-2, 260-2, 261-2, 262-2, 263-2, 264-2, 265-2, 266-2, 267-2, 268-2, 269-2, 270-2, 271-2, 272-2, 273-2, 274-2, 275-2, 276-2, 277-2, 278-2, 279-2, 280-2, 281-2, 282-2, 283-2, 284-2, 285-2,	

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
			286-2, 287-2, 288-2, 289-2, 290-2, 291-2, 292-2, 293-2, 294-2, 295-2, 296-2, 297-2 298-2, 299-2, 300-2, 301-2, 302-2, 303-2, 304-2, 305-2, 306-2, 307-2, 308-2, 309-2, 310-2, 311-2, 312-2, 313-2, 314-2, 315-2, 316-2, 317-2, 318-2, 319-2, 320-2, 321-2, 322-2, 323-2, 324-2, 325-2, 326-2, 327-2, 328-2, 329-2, 330-2, 331-2, 332-2	
123.	Employees of Hawaiian Gardens Casino expressed concern about the possibility of job losses due to the proposed regulations and note the impact these losses would have on local economies and communities.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs	350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366-1, 367, 368, 369, 370, 371-1, 372, 373, 374, 375, 376, 377	BGJ-0790; BGJ-0791; BGJ-0792; BGJ-0793; BGJ-0794; BGJ-0795; BGJ-0796; BGJ-0797; BGJ-0798; BGJ-0799; BGJ-0800; BGJ-0801; BGJ-0802; BGJ-0803; BGJ-0805; BGJ-0806;

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
		<p>the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>		BGJ-0808; BGJ-0809; BGJ-0810; BGJ-0811; BGJ-0812; BGJ-0813; BGJ-0815; BGJ-0816; BGJ-0817; BGJ-0818; BGJ-0819; BGJ-0820
124.	<p>Employees of Kings Card Club/Westlane Cardroom in Stockton, CA expressed concern about the possible effects the regulations may have, including job losses for cardroom employees and the loss of an additional space where members of the community can gather. Employees noted the impact working at cardrooms have had on their lives and the stability these jobs bring to them and their families. Employees also note the cardrooms' contributions to local economies.</p>	<p>This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.)</p>	<p>378-1, 379-1, 380-1, 381-1, 382-1, 383-1, 384-1, 385-1, 386-1, 387-1, 388-1, 389-1, 390-1, 391-1, 392-1, 393-1, 394-1, 395-1, 396-1, 397-1, 398-1, 399-1, 400-1, 401-1, 402-1, 403-1, 404-1, 405-1, 406-1, 407-1,</p>	BGJ-0821 – BGJ-0916

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
		<p>When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.</p>	408-1, 409-1, 410-1, 411-1, 412-1, 413-1, 414-1, 415-1, 416-1, 417-1, 418-1, 419-1, 420-1, 421-1, 422-1, 423-1, 424-1, 425-1, 426-1, 427-1, 428-1, 429-1, 430-1, 431-1, 432-1, 433-1, 434-1, 435-1, 436-1, 437-1, 438-1, 439-1, 440-1, 441-1, 442-1, 443-1, 444-1, 445-1, 446-1, 447-1, 448-1, 449-1, 450-1, 451-1, 452-1, 453-1, 454-1, 455-1, 456-1, 457-1, 458-1, 459-1, 460-1, 461-1, 462-1, 463-1, 464-1, 465-1, 466-1, 467-1, 468-1, 469-1, 470-1, 471-1,	

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
			472-1, 473-1	
125.	Employees of Kings Card Club/Westlane Cardroom in Stockton, CA noted that cardrooms already operate under stringent state and federal guidelines, and if cardrooms are forced to shut down due to the regulations, current patrons will turn to illegal underground gambling activities. They also note that illegal gambling operations lead to public safety issues in their community.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	378-2, 379-2, 380-2, 381-2, 382-2, 383-2, 384-2, 385-2, 386-2, 387-2, 388-2, 389-2, 390-2, 391-2, 392-2, 393-2, 394-2, 395-2, 396-2, 397-2, 398-2, 399-2, 400-2, 401-2, 402-2, 403-2, 404-2, 405-2, 406-2, 407-2, 408-2, 409-2, 410-2, 411-2, 412-2, 413-2, 414-2, 415-2, 416-2, 417-2, 418-2, 419-2, 420-2, 421-2, 422-2, 423-2, 424-2, 425-2, 426-2, 427-2, 428-2, 429-2, 430-2, 431-2, 432-2, 433-2, 434-2, 435-2, 436-2, 437-2, 438-2, 439-2,	BGJ-0821 – BGJ-0916

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
			440-2, 441-2, 442-2, 443-2, 444-2, 445-2, 446-2, 447-2, 448-2, 449-2, 450-2, 451-2, 452-2, 453-2, 454-2, 455-2, 456-2, 457-2, 458-2, 459-2, 460-2, 461-2, 462-2, 463-2, 464-2, 465-2, 466-2, 467-2, 468-2, 469-2, 470-2, 471-2, 472-2, 473-2	
126.	Employees of Ocean's Eleven Casino in Oceanside, CA expressed concern about the possible effects the regulations may have, including job losses for cardroom employees and the loss of an additional space where members of the community can gather. Employees noted the impact working at cardrooms have had on their lives and the stability these jobs bring to them and their families. Employees also note the cardrooms' contributions to local economies.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.)	504-1, 505-1, 506-1, 507-1, 508-1, 509-1, 510-1, 511-1, 512-1, 513-1, 514-1, 515-1, 516-1, 517-1, 518-1, 519-1, 520-1, 521-1, 522-1, 523-1, 524-1, 525-1, 526-1, 527-1, 528-1, 529-1, 530-1, 531-1, 532-1, 533-1,	BGJ-0948 – BGJ-1037

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
		When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	534-1, 535-1, 536-1, 537-1, 538-1, 539-1, 540-1, 541-1, 542-1, 543-1, 544-1, 545-1, 546-1, 547-1, 548-1, 549-1, 550-1, 551-1, 552-1, 553-1, 554-1, 555-1, 556-1, 557-1, 558-1, 559-1, 560-1, 561-1, 562-1, 563-1, 564-1, 565-1, 566-1, 567-1, 568-1, 569-1, 570-1, 571-1, 572-1, 573-1, 574-1, 575-1, 576-1, 577-1, 578-1, 579-1, 580-1, 581-1, 582-1, 583-1, 584-1, 585-1, 586-1, 587-1, 588-1, 589-1, 590-1, 591-1, 592-1, 593-1	
127.	Employees of Ocean's Eleven Casino in Oceanside, CA noted that cardrooms	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed	504-2, 505-2, 506-2, 507-2,	BGJ-0948 – BGJ-1037

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
	already operate under stringent state and federal guidelines, and if cardrooms are forced to shut down due to the regulations, current patrons will turn to illegal underground gambling activities. They also note that illegal gambling operations lead to public safety issues in their community.	regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	508-2, 509-2, 510-2, 511-2, 512-2, 513-2, 514-2, 515-2, 516-2, 517-2, 518-2, 519-2, 520-2, 521-2, 522-2, 523-2, 524-2, 525-2, 526-2, 527-2, 528-2, 529-2, 530-2, 531-2, 532-2, 533-2, 534-2, 535-2, 536-2, 537-2, 538-2, 539-2, 540-2, 541-2, 542-2, 543-2, 544-2, 545-2, 546-2, 547-2, 548-2, 549-2, 550-2, 551-2, 552-2, 553-2, 554-2, 555-2, 556-2, 557-2, 558-2, 559-2, 560-2, 561-2, 562-2, 563-2, 564-2, 565-2, 566-2, 567-2, 568-2, 569-2, 570-2, 571-2,	

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
			572-2, 573-2, 574-2, 575-2, 576-2, 577-2, 578-2, 579-2, 580-2, 581-2, 582-2, 583-2, 584-2, 585-2, 586-2, 587-2, 588-2, 589-2, 590-2, 591-2, 592-2, 593-2	
128.	Commenters believe the proposed regulations are being driven by political pressure from tribal casino interests in order to put cardrooms out of business. The proposed changes would benefit tribal casinos at the expense of cardrooms who operate transparently and in strict compliance with state law.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulation. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language and legislative intent of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, except in tribal casinos. The Department has	348-1, 349-2, 593-3, 598-2, 605-2, 641-2 822-2, 846-2 851-1, 862-2 871-3, 885-3, 886-2	BGJ-0787; BGJ-0789; BGJ-1037; BGJ-1044; BGJ-1052 – BGJ-1053; BGJ-1090; BGJ-003-TR; BGJ-012-TR; BGJ-014-TR; BGJ-019-TR; BGJ-023-TR; BGJ-028-TR

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
		determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The intent of the proposed regulations is to assist the regulated industry and the public to avoid engaging in unlawful gambling activities. No regulations currently govern the approval of blackjack-style games. The proposed regulations would establish a procedure to review currently approved or pending blackjack-style games for compliance with the statute. The proposed regulations will create consistent standards for Department review, improve transparency and enhance public safety.		
129.	Employees of cardrooms note that cardrooms strictly follow state law and offer legal alternatives to traditional games played in tribal casinos. Employees note that cardrooms offer an alternative unique gaming experience compared to tribal casinos.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, except in tribal casinos. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	104-2, 366-2, 598-3, 618-1	BGJ-0534; BGJ-0808; BGJ-1044; BGJ-1067

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
130.	The commenter states that there are two sets of rules in California, one for licensed cardrooms and one for tribal casinos, and these rules are not enforced equally. Violations by tribal casinos are often ignored under the justification of tribal sovereignty.	This comment was considered but was not incorporated. The comment does not propose alternative language for the proposed regulation. The Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The intent of the proposed regulations is to preclude Department approval of any game named after a prohibited game of twenty-one/Blackjack. Therefore, the proposed regulations aim to provide clarity to the public, define acceptable alternative features and naming conventions that differentiate these permissible variations from Blackjack from traditional Blackjack. Enforcement of any alleged violation of California law with respect to the games played in tribal casinos is not the subject of these regulations.	618-2	BGJ-1067
131.	Comment expresses general opposition to the regulations.	No change has been made in response to this comment. The comment lacks sufficient specificity for the Department to make any modifications to the text.	623	BGJ-1072
132.	Employees of Knighted Ventures LLC expressed concern about the possible life-altering effects the regulations may have, including job losses for cardroom employees and career growth limitations for remaining employees. Employees noted the positive impact working at cardrooms have had on their lives and the stability these jobs bring to them and their families.	This comment was considered but not incorporated. The comment does not propose alternative language for the proposed regulations. The Standardized Regulatory Impact Assessment estimates the economic impact of these regulations. Gambling is an extensively regulated activity in California. From the beginning of statehood, California has imposed restrictions on gambling. Article IV, Section 19 of the California Constitution authorizes some forms of gambling and prohibits others. It specifically directs the Legislature to prohibit casinos of the type currently operating in Nevada and New Jersey. Consistent with the Constitution, the Legislature and voters have prohibited some forms of gambling and allowed others. In 2022, California voters overwhelmingly rejected two ballot measure that would expand legalized gambling in California. In 2023, the Legislature imposed a statewide moratorium on new cardrooms. (Bus. & Prof. Code, § 19963.) When interpreting and implementing authorized forms of	653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716,	BGJ-1102; BGJ-1103; BGJ-1104; BGJ-1105; BGJ-1006; BGJ-1107; BGJ-1108; BGJ-1109; BGJ-1110; BGJ-1111; BGJ-1112 – BGJ-1113; BGJ-1114; BGJ-1115; BGJ-1117; BGJ-1118; BGJ-1119; BGJ-1120; BGJ-1121; BGJ-1122; BGJ-1123; BGJ-1124; BGJ-1125; BGJ-1126; BGJ-1127; BGJ-1128 – BGJ-1129; BGJ-1130; BGJ-1131; BGJ-1132; BGJ-1133; BGJ-1134;

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
		gambling, the Department considers the plain language of the statute and legislative intent. These regulations interpret and implement the plain language of Penal Code section 330. Penal Code section 330 prohibits the play of twenty-one in California, even though cardrooms pay fair wages to its employees and contribute to the local tax base like other businesses in their community. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute.	717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812	BGJ-1135; BGJ-1136; BGJ-1137; BGJ-1138; BGJ-1139 – BGJ-1140; BGJ-1141; BGJ-1142; BGJ-1143; BGJ-1144 – BGJ-1145; BGJ-1146; BGJ-1147 – BGJ-1148; BGJ-1149; BGJ-1150; BGJ-1151; BGJ-1153 – BGJ-1154; BGJ-1155; BGJ-1156 – BGJ-1157; BGJ-1158; BGJ-1159; BGJ-1160; BGJ-1161; BGJ-1162; BGJ-1163; BGJ-1164; BGJ-1165; BGJ-1166; BGJ-1167; BGJ-1168; BGJ-1169; BGJ-1170; BGJ-1171; BGJ-1172; BGJ-1173; BGJ-1174; BGJ-1175; BGJ-1176; BGJ-1177; BGJ-1178; BGJ-1179; BGJ-1180; BGJ-1181; BGJ-1182; BGJ-1183; BGJ-1184; BGJ-1185; BGJ-1186; BGJ-1187; BGJ-1188; BGJ-1189; BGJ-1190; BGJ-1191 – BGJ-1192; BGJ-1193; BGJ-1194; BGJ-1195; BGJ-1196; BGJ-1197; BGJ-1198; BGJ-1199;

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
				BGJ-1200; BGJ-1201; BGJ-1202; BGJ-1203; BGJ-1204; BGJ-1205; BGJ-1206; BGJ-1207; BGJ-1208; BGJ-1209; BGJ-1210; BGJ-1211; BGJ-1212; BGJ-1213; BGJ-1214; BGJ-1215; BGJ-1216; BGJ-1217; BGJ-1218; BGJ-1219; BGJ-1220; BGJ-1221; BGJ-1222; BGJ-1223; BGJ-1224; BGJ-1225; BGJ-1226; BGJ-1227; BGJ-1228; BGJ-1229; BGJ-1230; BGJ-1231; BGJ-1232; BGJ-1233; BGJ-1235; BGJ-1236; BGJ-1237; BGJ-1238; BGJ-1239; BGJ-1240; BGJ-1241; BGJ-1242; BGJ-1243; BGJ-1244; BGJ-1245; BGJ-1246; BGJ-1247; BGJ-1248; BGJ-1249; BGJ-1250; BGJ-1251 - BGJ-1252; BGJ-1253; BGJ-1254; BGJ-1255; BGJ-1256; BGJ-1257; BGJ-1258; BGJ-1259; BGJ-1260; BGJ-1261; BGJ-1262; BGJ-1263; BGJ-1264 –

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Response #	Summary of Comment	Response	Comment #(s)	Bates Label
				BGJ-1265; BGJ-1266; BGJ-1267 – BGJ-1268; BGJ-1269; BGJ-1270; BGJ-1271; BGJ-1272; BGJ-1273; BGJ-1274; BGJ-
- Standardized Regulatory Impact Assessment (SRIA)				
133.	The Department asserts the regulations would reduce problem gambling but provides no data or analysis to support this. The SRIA admits the impact would be negligible. Cardrooms already participate in problem gambling prevention programs.	This comment was considered but not incorporated. As described in the SRIA, if the proposed regulations reduce gambling activity, then they could help mitigate problem gambling. Ultimately, the SRIA concludes the problem gambling mitigation effect is possible but negligible.	1-12	BGJ-0035 - BGJ-0036
134.	The Standardized Regulatory Impact Assessment (SRIA) analysis is described as incomplete, flawed, and non-inclusive. The commenter requests a new, comprehensive SRIA that includes an empirical and objective analysis identifying local impact, job losses, community level harm, and potential mitigations. The Department and the Attorney General should restart the process, re-engage stakeholders, and ensure the process is transparent, inclusive, and fair before adopting any final regulations.	This comment was considered but not incorporated. The purpose of the SRIA is to forecast costs for all business and governmental entities that the proposed regulations could reach. SRIA assessments must often rely on reasonable assumptions in place of detailed data. This comment does not provide new information. The SRIA has adequately disclosed that it relies on estimates to inform the regulations' impacts. No better data existed at the time the SRIA was drafted to inform the SRIA's estimates. The revised SRIA (Appendix D) includes fiscal and economic considerations that should be read in context of the SRIA's discussion of the creation or elimination of jobs (section 3.3.1), impact on local governments (section 4.2) and the economic impact of the regulatory alternatives (section 5). The revised SRIA includes a set of data on state and local license and fee collections, and these have been aggregated to protect confidentiality of both cardrooms and municipalities. Section 4.2 includes a table of estimates and supporting narrative has been added to describe local fiscal impacts.	89-7, 821-4, 846-4, 867-3	BGJ-0513 - BGJ-0514; BGJ-003-TR; BGJ-012-TR; BGJ-021-TR

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135.	The SRIA fails to determine whether the regulations are an efficient and effective means of implementing the policy decisions enacted in statute in the least burdensome manner because no statute is identified as the law being implemented by the regulations.	This comment was considered but not incorporated. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in consultation with the Department of Finance. Under the Gambling Control Act, the Department has the exclusive authority and responsibility to “[a]pprove the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played.” (Bus. & Prof. Code, §§ 19826, subd. (g) and 19943.5. The Department is directed to “adopt regulations reasonably related to its functions and duties as specified in [the Act].” (Id., § 19826 subd. (f).) The Department has determined that the regulations are necessary to interpret and implement Penal Code section 330 for the benefit of the public. The proposed regulations establish a procedure to review currently approved or pending blackjack style games for compliance with the statute. The proposed regulations will create consistent standards for Department review, improve transparency and enhance public safety.	3-10	BGJ-0290
136.	The SRIA provides an arbitrary and inconsistent analysis that substantially understates and incorrectly assesses the effects of the regulations. It fails to address impacts on TPPPS from the proposed regulations. It contains methodological errors, fails to explain its assumptions, and ignores adverse impacts on the cardroom industry. It fails to consider and/or quantify effects on jobs, investment, and broader economic activity (such as restaurants, hotels, retail, and local tax revenues). Some commenters assert that the	This comment was considered but not incorporated. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in consultation with the Department of Finance. SRIA assessments must often rely on reasonable assumptions in place of detailed data. The SRIA has adequately disclosed that it relies on estimates to inform the regulations’ impacts. No better data existed at the time the SRIA was drafted to inform the SRIA’s estimates. The purpose of the SRIA is to forecast costs for all business entities that the proposed regulation could reach. The revised SRIA (Appendix D) includes fiscal and economic considerations that should be read in context of the SRIA’s discussion of compliance costs (section 2.3), investment (section 3.3.4), and impact on local governments (section 4.2). Generally, the SRIA assessment	1-27, 10-4, 16-1, 846-4, 870-5	BGJ-0052 - BGJ-0055; BGJ-0335; BGJ-0345; BGJ-012-TR; BGJ-023-TR

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	regulations will eliminate 50 percent of TPPPS revenue but do not assume reduction in cardroom revenue. It asserts a 50 percent loss of patrons but does not consider the catastrophic effect of that loss.	standard applies to the overall macroeconomic impacts of a given regulation (section 3.3 Macroeconomic estimates, including tables 3.2 and 3.3.). It also assumes that representative compliant enterprises pass costs along their supply chains, and the published estimates take account of these indirect effects. The indirect and induced costs and benefits of the macro assessment do not track the cardroom industry. However, the SRIA reports detailed sectoral impacts including North American Industry Classification System (NAICS) 713 sector, which are outlined in Table 3.4 (Sector Impacts of the Combined Regulations).		
137.	The SRIA does not assess how the proposals would affect competition, such as driving players to illegal or out of state gaming venues. It also ignores the added burden on law enforcement due to the diversion of gaming activity in cardrooms to illegal operations.	This comment was considered but not incorporated. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in consultation with the Department of Finance. The purpose of the SRIA is to forecast costs for all business entities that the proposed regulations could reach. No data, however, is available to consider leakage of gaming revenue to Nevada or other neighboring jurisdictions. This could happen but is likely to be limited because of the travel distance involved. The Department has collected a relatively complete set of data on state and local license and fee collections, and these have been aggregated to protect confidentiality of both operators and municipalities. With this information, a dedicated table of estimates and supporting narrative have been added to describe local fiscal impacts. The Department typically does not include as an assumption in its economic and fiscal impact analysis that California residents will commit crimes as a result of a regulation.	1-29	BGJ-0056
138.	The SRIA fails to provide correct data on impact of local governments and tax revenue. This is crucial given that cardrooms are geographically concentrated and directly tied to city	This comment was considered but not incorporated. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in consultation with the Department of Finance. The purpose of the SRIA is to forecast costs for all business entities that the law could	1-11, 3-11	BGJ-0035 – BGJ-0036, BGJ-0056; BGJ-0290 - BGJ-0301

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	<p>finances. Table 4.1 in the SRIA lacks detail, explanation, or percentages. Additionally, the SRIA underestimates gaming city losses and does not provide quantitative estimates of any revenue changes at the local level. This omission is significant because gaming cities rely heavily on cardroom tax revenue that is not offset by statewide economic measures. Failure to correctly quantify local tax impacts is inexcusable and weakens the credibility of the SRIA.</p>	<p>reach. The revised SRIA (Appendix D) includes fiscal and economic considerations that should be read in context of the SRIA's discussion of the impact on local governments (section 4.1). The Department has collected a relatively complete set of data on state and local license and fee collections, and these have been aggregated to protect confidentiality of both operators and municipalities. With this information, a dedicated table (table 4.1) of estimates and supporting narrative have been added to describe local fiscal impacts. The Department lacks the spatial data needed to disaggregate the fiscal impact data. The SRIA notes that cardroom fee and income tax changes are negligible share of state revenue, But for localities with cardrooms, the lost fee revenue will be a significant challenge.</p>		
139.	<p>The SRIA failed to identify a regulatory baseline. Without a clear baseline, the Department's regulatory impact projections are unsupported. Assumptions of 50% revenue loss scenarios were made without supporting evidence (arbitrary). Revenue losses were attributed incorrectly, without understating actual impacts. The SRIA also fails to support its assessment that the proposed regulations would result in net increases in state and federal revenue, nor does it make logical sense.</p>	<p>No change has been made in response to this comment. Because of their preliminary nature, SRIA assessments must often rely on reasonable assumptions. The revised SRIA (Appendix D) includes an updated analysis of the regulatory baseline (section 1.2) to augment the impact on local governments and outline the direct costs of alternative regulatory scenarios. The SRIA has adequately disclosed the businesses that would be impacted (section 2). The fiscal considerations should be read in context of the SRIA's discussion of compliance costs (section 2.3). This information has been provided to project the regulations' impact upon the industry and identify the regulatory baseline. Additionally, the Department has taken into account the estimated direct costs of alternative regulatory scenarios to project assumptions, which are intended to be indicative of change in behavior as a result of the proposed regulations. Table 5.1 (section 5) and supporting narrative have been added to detail the direct costs and benefits of the proposed and alternative regulatory scenarios. Because of their preliminary nature, SRIA assessments must often rely on reasonable assumptions. Despite extensive research, the Department could</p>	1-28, 3-12	BGJ-0055 – BGJ-0056; BGJ-0290, BGJ-0296 – BGJ-0299

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		not find data on industry adjustments to game rule changes of the type being considered for the proposed regulations. In the absence of such evidence, the assumptions made were intended to be indicative. It is reasonable to expect that impacts will vary in a simple linear relationship to the actual percentage of revenue adjustments, and there is no reason to expect qualitative changes in the expected impacts. The projected net increases to state and federal revenue are estimated to be very small, which can happen as the result of shifting economic activity away from gaming toward more heavily taxed activities.		
140.	The SRIA fails to quantify benefits to the public and industry. Without quantification, there is no way to show benefits outweigh economic hardship to cardrooms or that regulations are necessary. This renders the Department's proposal non-compliant with Government Code requirements.	This comment was considered but not incorporated. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in consultation with the Department of Finance. As required by regulation, the SRIA included within its analysis the costs and benefit of the regulations on different groups if the impact will differ significantly among identifiable groups. For example, according to the SRIA, elimination of all Blackjack revenue from cardrooms, and assuming replacement of 50% of revenue from new games, could represent a \$68M cost to cardrooms and, assuming a shift in patronage of 25%, a \$34M benefit to tribal casinos. Unquantified benefits were also provided in the SRIA, ISOR and Notice of Proposed Action. These benefits include clear guidance to the public and regulated industry on what game rules are legal, and ensuring that a game prohibited by California law is not played in California gambling establishments.	3-13	BGJ-0290, BGJ-0295
141.	The SRIA is not gaming industry specific in that the analysis uses known statewide factors for the entertainment industry but not factors specific to California cardrooms. Thus, its conclusions are suspect.	This comment was considered but not incorporated. The purpose of the SRIA is to forecast costs for all business entities that the proposed regulations could reach. Information specific to the cardroom's sector was not available. The current estimates cover the enterprise sector across the state in its entirety. Generally, the SRIA assessment standard applies to the overall macroeconomic	3-14	BGJ-0290

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		impacts of a given regulation (section 3.3 Macroeconomic estimates, including tables 3.2. and 3.3). It also assumes that representative compliant enterprises pass costs along their supply chains, and the published estimates take account of these indirect effects. The indirect and induced costs and benefits of the macro assessment do not track the cardroom industry individually (that information is not available), but the SRIA reports detailed sectoral impacts including North American Industry Classification System (NAICS) 713 sector, which are outlined in Table 3.4 (Sector Impacts of the Combined Regulations).		
142.	The Department has disregarded the commenter's December 2024 feedback concerning the SRIA. The commenter's December 2024 letter states the SRIA is deficient because it fails to acknowledge that blackjack style games have already been approved by the Bureau and the California Gambling Commission, focuses solely on the impact of the California economy as a whole, but not on the cardroom industry or host cities, incredulously states that the regulations will not have a noticeable effect on the creation or elimination of jobs, relies on unsupported assumptions for its determination that the regulations will not have a noticeable effect on the creation or elimination of businesses in California, fails to identify viable regulatory alternatives, reveals no benefits from the regulations, and does not explain how the regulations are	This comment was considered but not incorporated. Before commencing rulemaking, the Department reviewed and considered all public comments submitted during the pre-rulemaking phase, which are included in the rulemaking file. The SRIA was prepared pursuant to the Administrative Procedure Act and implementing Department of Finance regulations and in consultation with the Department of Finance. The December 2024 comment letter did not suggest alternatives that would meet the Department's objectives in regulating the approval of blackjack-style games. The Department has determined that the regulations are necessary to interpret and implement a statute for the benefit of the public. The purpose of the SRIA is to forecast costs for all business entities that the proposed regulations could reach. SRIA assessments must often rely on reasonable assumptions in place of detailed data. The SRIA has adequately disclosed that it relies on estimates to inform the regulations' impacts. No better data existed at the time the SRIA was drafted to inform the SRIA's estimates. As revised, the SRIA (Appendix D) includes fiscal and economic considerations that should be read in context of the SRIA's discussion of the creation or elimination of jobs (section 3.3.1), impact on local governments (section 4.1) and the economic impact of the proposed and regulatory alternatives	3-15	BGJ-0292 - BGJ-0295

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	necessary. The commenter also highlights concerns regarding economic impacts on cardrooms and cardroom cities.	(section 5). The Department has determined that the regulations are necessary to interpret and implement Penal Code sections 330 for the benefit of the public as described in the ISOR and the revised SRIA.		
143.	The SRIA discusses revenue losses but failed to specify when they would occur or whether they were ongoing vs. one-time impacts. Absence of timing data prevents accurate assessment of long-term regulatory effects.	This comment was considered but not incorporated. The SRIA carefully details the timing and interaction of rule changes in the proposed and alternatives. In the impact assessment, all results are reported annually for a ten-year implementation period.	3-16	BGJ-0299 - BGJ-0300
144.	The proposed regulations are economically reckless and based on flawed assumptions in the SRIA, including the idea that displaced patrons will simply shift to tribal casinos. In reality, the industry risks driving gaming into illegal operations, exacerbating crime, and creating enforcement challenges for local jurisdictions.	This comment was considered but was not incorporated. The proposed regulations will clearly define what constitute prohibited forms of Blackjack or twenty-one. The intent of the proposed regulations is to assist the regulated industry, and the public avoid unlawful gambling activities. The proposed regulations will create consistent standards for Bureau review and improve transparency and enhance public safety. The Department's economic and fiscal impact analysis for regulatory proposals typically do not assume California residents will commit crimes as a result of a regulation.	9-8, 32-4, 35-3, 36-3, 38-3, 40-3, 41-3, 42-3, 43-2, 70-3, 72-3, 73-3, 74-3, 75-3, 79-3, 80-3, 81-3, 82-3, 83-3, 84-3, 86-4	BGJ-0332; BGJ-0424; BGJ-0430; BGJ-0431; BGJ-0435; BGJ-0438; BGJ-0441; BGJ-0443; BGJ-0444; BGJ-0484; BGJ-0486; BGJ-0488; BGJ-0490; BGJ-0491; BGJ-0499; BGJ-0500; BGJ-0501; BGJ-0502; BGJ-0503; BGJ-0504; BGJ-0506
145.	The commenter applauds the Department for acknowledging that games currently being operated by cardrooms are illegal; while also pointing out the SRIA confirms tribal government revenue has been affected significantly by illegal gaming in cardrooms.	This comment was considered but not incorporated. The comment does not propose alternative language and does not provide commentary that requires a Department response.	31-5	BGJ-0422
146.	The commenter questions assumptions in the SRIA, including the amount of revenue that will be recovered by	This comment was considered but not incorporated. The purpose of the SRIA is to forecast costs for all business entities that the proposed regulations could reach. SRIA assessments must often	31-7	BGJ-0423

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	California Tribes and that cardrooms will be able to recover revenue from the loss of Blackjack games by offering new variations, which must be non-banked games by law.	rely on reasonable assumptions in place of detailed data. The SRIA has adequately disclosed that it relies on estimates to inform the regulations' impacts. No better data existed at the time the SRIA was drafted to inform the SRIA's estimates. Despite extensive research, the Department could not find data on industry adjustments to game rule changes of the type being considered for the proposed regulations. In the absence of such evidence, the assumptions made were intended to be indicative. It is reasonable to expect that impacts will vary in a simple linear relationship to the actual percentage of revenue adjustments, and there is no reason to expect qualitative changes in the expected impact.		
147.	The commenter believes the cardrooms' arguments that the regulations will put thousands out of work are incorrect because those employees can move over to tribal casinos and continue to maintain their current positions.	This comment was considered but was not incorporated. SRIA estimates on job losses do not rely on assumptions that displace cardroom employees will seek employment at tribal casinos.	31-8	BGJ-0423
- Miscellaneous				
148.	Munger, Tolles & Olson, on behalf of the CGA, requested the Gardens Casino be included among the entities that join in the CGA's comments.	No change has been made in response to this comment. The comment lacks sufficient specificity for the Department to make any modifications to the text.	2	BGJ-0281

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- Suggestions

§ 2073. Blackjack Prohibited – Proposed Language from the California Gaming Association

Section 2073. Blackjack Prohibited. Game of Twenty-One Prohibited.

~~“Any game of blackjack shall not be approved for play.”~~ “(a) The game of twenty-one shall not be approved for play.”

~~(a) (b) As used in and for the purposes this Section, the game of twenty-one:~~

1. Is played with one or more standard decks with 52 cards composed of four suits of spades, hearts, diamonds, and clubs, with each suit containing 13 cards with one of each of the following: ace, 2, 3, 4, 5, 6, 7, 8, 9, 10, jack, queen, and king;
2. Numbered cards are assigned point values that correspond with their face value; jacks, queens, and kings are assigned a value of 10 points; and aces are assigned a value of one or 11 points at the discretion of the player in whose hand the ace is present; and,
3. Each player receives two cards. The first two cards to the players and dealer are dealt face down.
4. After receiving a first card, each player places their wager.
5. The dealer looks at his or her first card. If it has a 10-value card or ace, the dealer may declare all wagers doubled before he deals the second card to every player.
6. If the dealer’s second card completes a natural 21, the dealer collects double the original player wagers.
7. If the dealer does not have a 21 in the first two cards, then each player may take additional cards.
8. The players do not see any of the dealer’s cards.
9. There player has no option to take insurance or surrender.
10. The dealer or a player may split two cards of the same denomination (pairs).
11. Any player that has 21 collects double their wager if the dealer has declared the hand to be a double payout hand. This is true even if the player has hit their hand to reach 21.
12. If a player’s point total exceeds 21, the player has “overdrawn” and must pay their wager to the dealer.
13. When it is the dealer’s turn, they may take additional cards at their discretion.
14. The dealer has discretion whether to stand, hit or split.
15. If the dealer achieves a 21 with additional cards, they collect double the wager from any player who does not tie on 21 or has not yet overdrawn.
16. If the dealer overdraws, then the dealer pays the wagers of the other players and pays double to any player with a 21.
17. If the dealer achieves a twenty-one with any split, the dealer can collect double. If the dealer split results in two twenty-ones, the dealer collects 4 times the player wager from each player who lacks a twenty-one and who has not overdrawn.
18. For hands under 21, whoever is closer to 21, the dealer or the player, wins the opponent’s wager.
19. The dealer wins all ties.

(c) Game rules that use one or two cards less than the number usually employed, or other slight differences from the game rules in subpart (b) that are immaterial to the game’s format, mathematics, odds, strategies, betting opportunities or sequence do not distinguish the game from the game of twenty-one.

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(Reference: Penal Code section 330, People v. Gosset (1892) 93 Cal. 641; Tibbetts v. Van De Kamp (1990) 222 Cal.App.3d 389, rev. den., 1990 Cal. Lexis 4733.