

Changes to the emergency regulations currently printed in the California Code of Regulations shown in ~~strikeout~~/underline.

Title 4, California Code of Regulations, Division 18
Chapter 7. Conditions of Operation for Gambling Establishments

~~5. Emergency Preparedness and Evacuation Plan~~

Article 2. Emergency Preparedness and Evacuation Plan

Section 12370.

Emergency Preparedness and Evacuation Plan: ~~General~~

(a) The definitions in Business and Professions Code section 19805 govern the construction of this section. As used in this section:

(1) “Critical Incident” means a crisis situation involving the threat of serious injury or death and includes not only natural disasters, but also human-caused events, such as terrorist acts.

(a)(2) “Plan” means an emergency preparedness and evacuation plan. Except as provided in subsection (b), the definitions in Business and Professions Code section 19805 shall govern the construction of this Chapter.

(b) For the purpose of ensuring the physical safety of patrons, employees, and any other person while in the gambling establishment, each gambling establishment licensed for five or fewer tables shall promptly develop and implement a plan for the gambling establishment which includes, but is not limited to, the following:

(1) Response plan for fire and other critical incidents.

(2) Location of a telephone available for placing a 911 emergency call.

(3) Procedure for securing or protecting the gambling establishment’s cash or equivalent assets and records.

(4) Facility evacuation routes and procedures.

(5) A diagram of the establishment showing the exits.

- (6) A description of how exits are marked.
- ~~(b) Except as provided in Section 12371, each gambling establishment shall prepare and submit for review a plan containing the elements specified in this section.~~
- ~~(e) As used in this Chapter:~~
- ~~(1) “Critical Incident” means: a crisis situation involving the threat of serious injury or death and includes not only natural disasters, but also human-caused events, such as terrorist acts.~~
- ~~(2) “Plan” means an emergency preparedness and evacuation plan.~~
- (dc) For the purpose of ensuring the physical safety of patrons, and employees, and any other person while in the gambling establishment, each gambling establishment licensed for more than five tables each owner licensee shall promptly develop and implement a Plan-plan which for the gambling establishment, to include, but not be limited to, the following: includes, but is not limited to, the following:
- (1) Clear, written policies listing the job titles of the personnel who are responsible for making decisions, monitoring emergency response actions, and securing or protecting the gambling establishment’s cash or equivalent assets and records;
- (2) Procedures addressing:
- (A) Fires,
 - (B) Earthquakes, Floods and other Natural Disasters,
 - (C) Bomb Threats,
 - (D) Hazardous Spills or Toxic Exposure,
 - (E) Criminal Incidents,
 - (F) Other Critical Incidents, and
 - (G) Provisions for first aid and for obtaining emergency medical assistance for patrons, employees, and other persons while in the gambling establishment;
- (3) Specific instructions for stopping business activities;
- (4) Facility evacuation procedures, including a designated meeting site outside the facility, a process to account for employees after an evacuation, and a process to ensure that all patrons have been

evacuated; and

(5) Specific training and practice schedules.

~~(1) Fires~~

~~(2) Earthquakes, Floods and other Natural Disasters~~

~~(3) Bomb Threats~~

~~(4) Hazardous Spills or Toxic Exposure~~

~~(5) Criminal Incidents~~

~~(6) Other Critical Incidents~~

~~(7) Provisions for first aid and for obtaining emergency medical assistance for patrons, employees, and other persons while in the gambling establishment.~~

(ed) Each ~~Plan plan~~ shall be consistent with ~~occupational safety and health standards and orders, adopted by the Occupational Safety and Health Standards Board pursuant to Labor Code section 142.3state and local requirements,~~ including but not limited to local ordinances referred to in ~~Business and Professions Code section 19860,~~ and shall include the following: Beginning November 1, 2004, each owner licensee shall submit a copy of its current plan as part of its annual renewal application. Beginning January 1, 2005, as part of its annual renewal application, each owner licensee shall submit a copy of its current plan, and:

(1) If the responsible local authority provides reviews, the owner licensee shall send documentation of the areas reviewed by the responsible local authority and whether or not the responsible local authority approved those areas of the plan under the responsible local authority's jurisdiction, pursuant to Health and Safety Code section 13143.5, subdivision (f). Reasonable fees to review and approve the plan may be charged by the responsible local authority to the gambling establishment.

(2) If the responsible local authority does not provide reviews, the owner licensee shall send the plan to the State Fire Marshall, and shall send the Commission documentation of whether or not the State Fire Marshall has approved the plan's fire and panic safety provisions. The owner licensee shall send one additional copy of the plan to the Division to review either subsection (b)(3) or subsections (c)(1), (c)(2)(E) and (c)(3), depending on the number of tables for which the gambling establishment is licensed.

~~(1) Clear, written policies listing the job titles of the personnel who are responsible for making decisions, monitoring emergency response~~

~~actions, and securing or protecting the gambling establishment's cash or equivalent assets and records.~~

~~(2) Procedures addressing each of the items in subsection (d)(1) to (7), inclusive.~~

~~(3) Specific instructions for stopping business activities.~~

~~(4) Facility evacuation procedures, including a designated meeting site outside the facility, a process to account for employees after an evacuation, and a process to ensure that all patrons have been evacuated.~~

~~(5) Specific training and practice schedules~~

~~(f) No later than March 1, 2004, each owner licensee shall submit a copy of a Plan to the Commission, and the Commission shall immediately forward a copy of the Plan to the Division. Beginning November 1, 2004, each owner licensee shall submit a copy of its current Plan as part of its annual renewal application.~~

(ge) Each licensed gambling establishment owner licensee shall, at least annually, provide for the review of the requirements of the plan with employees, ensuring that each employee has a general understanding of the provisions of the plan applicable to his or her position and understands his or her specific duties under the plan and the appropriate exit or exits to be used, where applicable. This annual review shall be documented as part of the owner licensee's application for renewal. When a new employee begins work, an owner licensee or key employee shall review the requirements of the plan with the new employee, ensuring that each new employee has a general understanding of the provisions of the plan applicable to his or her position and understands his or her specific duties under the plan and the appropriate exit or exits to be used, where applicable.

(hf) If the Commission determines that the licensee/owner licensee failed to document the annual review required in subsection (e) or, for renewals after January 1, 2005, failed to submit documentation from the responsible local authority or State Fire Marshall approving the plan as required in subsection (d). Plan does not address the elements set forth in subsections (d) and (e), inclusive, then the Commission may issue a determination identifying the deficiencies and specifying a time certain within which those deficiencies shall be cured.

*Alternative based on current language of emergency regulation:
If the Commission determines that the licensee's plan does not
address the elements set forth in this regulation, then the Commission
may issue a determination identifying the deficiencies and specifying
a time certain within which those deficiencies shall be cured.*

- (ig) Failure by ~~a licensed gambling establishment~~ an owner licensee to develop and implement a Plan, or to cure a deficiency identified pursuant to subsection (hf), constitutes an unsuitable method of operation and also may result in denial of an application for license renewal or in suspension or revocation of its existing license.
- (jh) In addition to any other remedy under this section, the Commission may assess a civil penalty of at least \$500 but no more than \$5000 for each violation of this section.
- (ki) This section shall become operative and its provisions shall apply on or after September 1, 2003.

Authority: Sections 19811, 19823, 19824, 19840, 19920, Business and Professions Code

Reference: Sections 19801, 19860, 19920, Business and Professions Code

Section 12371. Emergency Preparedness and Evacuation Plan; Smaller Establishments

- ~~(a) — Gambling establishments licensed for five or fewer tables shall promptly develop and implement a Plan for the gambling establishment, to include, but not be limited to, the following:
 - ~~(1) — Response plan for fire and other “critical incidents,” as that term is defined in Section 12370(b).~~
 - ~~(2) — Location of a telephone available for placing a 911 emergency call.~~
 - ~~(3) — Procedure for securing or protecting the gambling establishment's cash or equivalent assets and records.~~
 - ~~(4) — Facility evacuation routes and procedures.~~
 - ~~(5) — A diagram of the establishment showing the exits.~~~~

~~(6) A description of how exits are marked.~~

Authority: Sections 19811, 19823, 19824, 19840, 19920, Business and Professions Code

Reference: Sections 19801, 19920, Business and Professions Code