



September 18, 2020

TO: ALL INTERESTED PARTIES

**Re: Advisory Notice Concerning Emergency Regulations: Emergency-Based Remote Counts**

Interested Parties:

On September 17, 2020, the Office of Administrative Law (OAL) approved emergency regulations, which allow gambling enterprises subject to a state of emergency or other order and that state of emergency or other order is associated with a virus and requires physical distancing, to reduce the number of employees required to be physically present in the count room is necessary. Given the current declared state of emergency in response to the COVID-19 global pandemic, the California Gambling Control Commission (Commission) has determined that the adoption of these regulations is necessary for the immediate preservation of the public peace, health, safety, and general welfare. As previously noticed, the regulations were developed utilizing the cardroom industry guidelines issued by the California Department of Public Health, Department of Industrial Relations, and the Governor's Office. The approved regulations were filed with the Secretary of State on September 17, 2020, and are effective immediately.

**Approved Regulations**

This regulatory action has made changes in Chapter 2.1 of Division 18 of Title 4 of the California Code of Regulations. Those changes are as follows:

Pursuant to the authority vested by sections 19811(b), 19824, 19840, 19841 and 19924 of the Business and Professions Code, and to implement, interpret, or make specific Sections 19801, 19823, 19841, 19920, 19922 and 19924 of the Business and Professions Code, the Commission is proposing to adopt the amendments to Chapters 2.1, 3, 6, and 7 of Division 18 of Title 4 of the California Code of Regulations, as described below.

New Section 12292(a) 12385 (g) provides that where the gambling establishment is subject to a state of emergency or other order and that state of emergency or other order is associated with a virus and requires physical distancing, a gambling enterprise may reduce the number of employees required to be physically present in the count room to conduct the count to allow for sufficient physical distancing and allow other individual(s) designated to perform the count within the gambling establishment but outside of the count room if the following requirements are met:

- Individuals designated to perform the count cannot maintain sufficient physical distancing within the count room(s) and other protective measures are not practical or possible to meet physical distancing requirements.
- The count is performed with live video surveillance of all of the designated individual(s) performing and/or participating in the count.
- The gambling enterprise maintains the surveillance recordings for at least 14 days. • Individuals designated to perform and/or participate in the count, but are located outside of the count room, are physically present in a secure and non-public location within the gambling establishment.
- The count is performed using communication devices that allow for synchronous communication.
- The gambling enterprise provides notification and a copy of the current procedures for designated individual(s) to perform counts at the gambling establishment but outside the count room to the Bureau at least 24 hours prior to the first count that includes an employee performing and/or participating in the count.
- If a gambling establishment's count procedure for designated individual(s) to perform counts at the gambling establishment but outside the count room is revised, the gambling enterprise must submit one copy of its revised procedures to the Bureau at least 24 hours prior to implementing the revised count procedures.

### **Regulation Text**

A copy of the recently approved regulations is attached. That document is also available on the Commission's Web site under "Regulations/Recently Approved Regulations" at [www.cgcc.ca.gov](http://www.cgcc.ca.gov)

### **Questions, Concerns, Suggestions**

For any questions or concerns regarding the adoption of this regulation, please contact Adrianna Alcalá-Beshara, Legislative and Regulatory Affairs Division Deputy Director, at (916) 263-1336, by email at [AAlcalaBeshara@cgcc.ca.gov](mailto:AAlcalaBeshara@cgcc.ca.gov).

Sincerely,



STACEY LUNA BAXTER  
Executive Director