



GAMBLING CONTROL COMMISSION

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August 21, 2020

TO: ALL INTERESTED PARTIES

Re: Advisory Notice Concerning Emergency Regulations: Emergency Sanitation Plans (CGCC-CGA-2020-02-E)

Interested Parties:

On August 21, 2020, the Office of Administrative Law (OAL) approved emergency regulations, which require gambling enterprises, third-party providers of proposition player services (TPPPS), and gambling businesses to implement an emergency sanitation plan upon the reopening of gambling establishments to the public concerning their operations during a declared state of emergency associated with a virus (as specified). 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. In addition, the Commission consulted with the above entities in the development of the guidelines and specific requirements outlined in the emergency regulations. The Commission also made minor non-substantive edits to the structuring of the regulations following consultation with OAL. The approved regulations were filed with the Secretary of State on August 21, 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, 19824, 19840, and 19841 of the Business and Professions Code, and to implement, interpret, or make specific sections 19801, 19823, 19920, and 19984, 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.

General Notes

A general change has been made to replace the word "shall." Shall is a potentially ambiguous word. In most connotations, the term is used to convey an obligation. However, the word has been used in a variety of contexts to convey a range of ideas including "may," defining a term, meaning "should," etc.

In an effort to foreclose any such ambiguity, shall is replaced throughout the text with other words subject to less interpretation. These changes are non-substantive and clarifying in nature.

Third-party Provider of Proposition Player Services and Gambling Business Requirements

The Commission is proposing changes to the existing versions of the Level III Supplemental Information forms (BGC-APP-034A and BGC-APP-034B) referenced in Section 12200 of Chapter 2.1. The forms have been updated to require the primary owner of a TPPPS or gambling business to submit an emergency sanitation plan as part of the license application supplemental information package. This requirement is necessary to implement recommendations provided by the state, CDC, and OSHA for employers to develop a workplace-specific COVID-19 prevention plan that can help guide protective actions against COVID-19 and other similar types of viral pandemics that may occur in the future.

New Section 12292(a) requires the primary owner of a TPPPS or gambling business (Chapters 2.1 and 2.2 respectively) prepare and maintain an emergency sanitation plan. Additionally, the section requires that emergency sanitation plans must be activated if the primary owner participates in the play of any controlled game where the operating 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 includes an isolation, stay-at-home, telework, teleconferencing, or physical distancing order(s).

New Section 12292(a)(1)(A) requires that at a minimum, the emergency sanitation plan for a TPPPS or gambling business must identify the job title(s) (including contact information such as a phone number) of the person(s) responsible for:

- Maintaining the emergency sanitation plan;
- Implementing the emergency sanitation plan;
- Coordinating training and documenting all required training related to the emergency sanitation plan; and,
- Conducting regular evaluations of the primary owner's operations for compliance with the emergency sanitation plan while the plan is activated.

New Section 12292 (a)(1)(B) requires that at a minimum, the emergency sanitation plan for a TPPPS or gambling business must identify contact information for the local health department for the jurisdiction in which the gambling establishment is located.

New Section 12292 (a)(1)(C) requires that at a minimum, the emergency sanitation plan for a TPPPS or gambling business must identify all contact information necessary for communicating information related to any outbreak among employees.

As to New Sections 12292 (a)(1)(B) and 12292 (a)(1)(C), these sections provide specific contact information for reaching the assigned employee and the local health department is essential to ensure adequate coordination should an outbreak occur among employees. These requirements are consistent with state guidelines and existing Commission regulations for maintaining operational policies.

New Section 12292(a)(2) provides that at a minimum, the emergency sanitation plan for a TPPPS or gambling business contains the following minimum employee and public health requirements:

- Each employee must wear a face covering, in the manner prescribed by the manufacturer, while at the gambling establishment as well as all personal protective equipment in accordance with the emergency sanitation plan.
- Each employee must wash their hands, or use hand sanitizer if unable to access a sink or handwashing station, at least once every 60 minutes.
- All shared equipment must be sanitized prior to being used by a different employee. Upon return to a floor bank under the control of the TPPPS, as identified in subsection (c) of Section 12387, all chips must be sanitized or kept out of rotation for a time period sufficiently long to ensure that no viral threat remains (based upon the most current information available regarding for the virus for which the state of emergency or other order is associated was issued).
- Require the Bureau, all of the TPPPS' contracted gambling enterprises, and the local health department(s) with jurisdiction over the contracted gambling enterprises must be notified of any presence of the virus associated with the state of emergency or other order identified in connection with an employee or owner of the primary owner within 24 hours or a shorter time frame if required by a local entity with jurisdiction(s).

New Section 12292(a)(3) contains minimum sanitation standards that must be included in an emergency sanitation plan of a TPPPS or gambling business, which are as follows:

- All reusable face coverings or gloves must be properly cleaned, decontaminated, and maintained after and between uses.
- The sanitation of shared equipment must include the use of a disinfectant that is on the appropriate United States Environmental Protection Agency's list of registered disinfectants, a diluted household bleach solution at a ratio of five tablespoons (75 milliliters) of bleach per gallon (3.78 liters) of water, or an alcohol solution containing at least 70 percent alcohol that is appropriate for the surface being cleaned.
- For any shared equipment that requires sanitization but is not recorded by the gambling establishment's surveillance system, the primary owner must maintain a record of all sanitizations performed. This record must include the date and time of each sanitation and the name of the employee who performed it.

New Section 12292(a)(4)(A) contains minimum training standards concerning procedures for providing all new employees and existing employees with an orientation or reorientation training, as applicable, concerning the emergency sanitation plan. New Section 12292(a)(4)(B) requires that the sanitation plan training for a TPPPS or gambling business contain information concerning the following topics:

- When a state of emergency or other order is active, information related to the virus for which the current state of emergency or other order was issued, including how to prevent the virus from spreading and which underlying health conditions, as identified in any guidelines, requirements, or instructions provided by any federal agency (e.g., the Centers for Disease Control and Prevention or the Occupational Safety and Health Administration), any other state agency (e.g., the California Department of Public Health), or the local jurisdiction, may make certain individuals more susceptible to contracting the virus;
- When a state of emergency or other order is active, the importance of not coming to work if the employee or someone with whom the employee lives has been diagnosed with the virus for

- which the current state of emergency or other order was issued, or the employee is exhibiting symptoms of the virus for which the current state of emergency or other order was issued;
- When a state of emergency or other order is active, information on employer- or government-sponsored leave benefits that the employee may be entitled to receive related to the virus for which the current state of emergency or other order was issued;
 - How to self-screen at home, including temperature and/or symptom checks;
 - Information on proper hygiene and physical distancing practices and the importance thereof (as specified); and,
 - The purpose and proper use of face coverings including specified information and instructions.

New Section 12292(b) requires training for all new employees within 60 days of being issued a license or work permit, or the employee's start date (whichever is later). New employee orientation training may be conducted via an internal training program, an external training program, or by providing printed or electronic training materials. Upon activation of the emergency sanitation plan, each existing employee must receive a reorientation of the training following activation of the sanitation plan. Employees must receive reorientation training during their first work shift following activation of the emergency sanitation plan. Reorientation training must be presented in-person, via simultaneous video teleconference, or via previously video-recorded material. Employees who received orientation or reorientation training in-person, via simultaneous video teleconference, or via previously video-recorded material within the previous three months immediately prior to activation of the emergency sanitation plan are exempt from this requirement.

New Section 12292(c) establishes record keeping requirements for each employee that completes the training for tracking purposes. Consistent with existing Commission regulations, these requirements are necessary to ensure accountability for employee safety and that all employees are equipped with the most up-to-date knowledge and procedures needed to navigate a viral emergency.

New Section 12992(d) through (f) requires an applicant for registration to submit an emergency sanitation plan to the Bureau as part of the application for registration process. **Further, the regulations require a TPPPS or gambling business submit a copy of its emergency sanitation plan to the Bureau within 30 calendar days after the effective date of these regulations and within seven calendar days of revising the emergency sanitation plan.** These requirements ensure that a TPPPS or gambling business develops and submits an emergency sanitation plan when applying for a registration or, if already the holder of a valid registration, upon the regulations taking effect. Additionally, the requirements ensure the Bureau is notified and receives a copy anytime a primary owner revises its emergency sanitation plan to verify the plan remains compliant with the regulations. The requirements are consistent with the procedures required by existing Section 12370 for gambling enterprises, and are appropriate to apply to TPPPS and gambling businesses for the purpose of these regulations.

New Section 12992 (g) provides that compliance with the requirements of this section does not exempt the primary owner from any other federal, state, or local laws or other requirements imposed by entities with jurisdiction over the contracted gambling enterprise(s).

Gambling Enterprise Requirements

The Commission made changes to the existing versions of the following forms: (1) Gambling Establishment Supplemental Information for a State Gambling License form (BGC-APP-015C) referenced in Section 12342 of Chapter 6, and (2) Notice of Relocation form (CGCC-050) referenced in Section 12364 of Chapter 7. These forms are required to be submitted to the Bureau with an application for a state gambling license or when an owner licensee plans to relocate the gambling establishment to a new location. The forms are updated to require the submission of an emergency sanitation plan for the gambling establishment as part of the application and relocation planning processes. Additionally, the regulations conform changes to Section 12364(b)(1)(C) concerning the planned relocation of a gambling establishment to a new location that is more than 1,000 feet from any boundary line of its governing local jurisdiction.

The Commission is proposing minor, nonsubstantive changes to Section 12370(a). The terms “gambling enterprise” and “gambling establishment” are inconsistently used throughout the Act. For consistency in the regulations, gambling enterprise has been used in other regulatory packages adopted by the Commission to refer to the person or entity that conducts a gambling operation; whereas a gambling establishment is the physical room or building where the controlled gambling or activity occurs. As such, this practice has been carried forward in this section and throughout the regulations for clarity, as appropriate.

New Section 12371(a) requires gambling enterprises to prepare and maintain an emergency sanitation plan. The emergency sanitation plan must be activated if the operating 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 includes an isolation, stay-at-home, telework, teleconferencing, or physical distancing order(s).

New Section 12371(a)(1)(A) requires that at a minimum, the emergency sanitation plan for a gambling enterprise must:

- Identify the job title(s) (including contact information such as a phone number) of the person(s) responsible for:
- Maintaining the emergency sanitation plan;
- Implementing the emergency sanitation plan;
- Coordinating training and documenting all required training related to the emergency sanitation plan; and,
- Conducting regular evaluations of the gambling establishment for compliance with the emergency sanitation plan while the emergency sanitation plan is activated.

These requirements are necessary to ensure there is at least one employee assigned to and responsible for maintaining, implementing, and providing training on the emergency sanitation plan.

New Section 12371(a)(1)(B) requires that at a minimum the emergency sanitation plan for a gambling enterprise must identify contact information for the local health department for the jurisdiction in which the gambling establishment is located.

New Section 12371(a)(1)(C) requires that at a minimum the emergency sanitation plan for a gambling enterprise must identify all contact information necessary for communicating information related to any outbreak among employees.

As to New Sections 12371 (a)(1)(A) through 12271(a)(1)(C), providing specific contact information for reaching the assigned employee and the local health department is essential to ensure adequate coordination should an outbreak occur among employees.

New Section 12371(a)(1)(D) requires the emergency sanitation plan provide procedures for when the gambling establishment is required by the state and/or public health officials to close. The closing procedures in the plan must require that the Chief of the Bureau and Executive Director of the Commission be notified by email within 24 hours of closing. Further, the procedures must require the gambling enterprise to conduct an outstanding gaming chip liability count, which must be conducted within 24 hours of closure, and include a notification to the Bureau of the results within 24 hours of the count being completed.

New Section 12371(a)(2) provides minimum employee and public health requirements the gambling enterprise must include in their emergency sanitation plan, which are described below.

Subparagraph (A) requires the gambling enterprise provide an entering process to ensure that no person is allowed to stay in the gambling establishment if they are displaying a temperature of 100.4 degrees Fahrenheit or greater. This requirement does not apply to employees unless employer screening has been identified in any guidelines, requirements, or instructions provided by any federal or state agency or by the local jurisdiction.

Subparagraphs (B) through (M) provide, as part of the minimum requirements of an emergency sanitation plan, the gambling enterprise must:

- Provide a process to ensure that every member of the public, upon entry, is directed to practice a physical distancing standard consistent with applicable physical distancing guidelines provided by any federal agency, any other state agency, or the local jurisdiction, to not touch their face, to frequently wash their hands with soap for at least 20 seconds, and how to properly use, handle and dispose of face coverings and gloves.
- Clearly designate separated entrance(s) and exit(s) to help maintain physical distancing, wherever possible.
- Ensure that employees and members of the public have sufficient accessibility to hand sanitizer dispensers - touchless whenever possible - at all entrances and at high contact areas such as reception areas, lobbies, gaming tables, restaurant entrances, meeting and convention spaces, elevator lobbies, employee break rooms, employee time clock locations, cages (both interior and exterior), count rooms, locations where floor banks are maintained, and ATMs.
- Ensure that all sanitary facilities remain operational and stocked at all times. Ensure that all persons (dealers and players) use hand sanitizer prior to beginning play at each card table.
- Whenever practical and possible, install and encourage the use of hands-free devices including motion-sensor lights, contactless payment systems, automatic soap and paper towel dispensers, and touchless timecard systems.

- Provide that each employee must wear a face covering, in the manner prescribed by the manufacturer, while at the gambling establishment as well as all personal protective equipment in accordance with the emergency sanitation plan.
- Provide that employees whose job duties involve contact with bodily fluids must wear appropriate protective gloves.
- Provide that each employee must wash their hands, or use hand sanitizer if unable to access a sink or handwashing station, at least once every 60 minutes.
- Provide a list of areas and equipment to be sanitized. At a minimum, the following must be included on the list: Identify all common contact areas, with the frequency of sanitation at least once per hour; all shared equipment must be sanitized prior to use by a different employee; player spaces at gaming tables, including but is not limited to the immediate surface of the gaming table, the player's chair, and any immediately adjacent barrier's surface(s), must be sanitized before another player is allowed to occupy the space.
- Implement measures to ensure appropriate physical distancing between all persons within the gambling establishment; including but not limited to:
 - Clearly marking areas where employees or members of the public should stand when waiting in a line.
 - Other measures such as the use of non-permeable polymethyl methacrylate barriers for areas where appropriate physical distancing practices cannot be accomplished
- Provide a list of common areas where signage will be prominently posted. Additionally, ensure that signage is prominently posted on the gambling establishment's website(s) and at all entrances to the gambling establishment. Signage must indicate the following:
 - Individuals who are showing signs of illness are directed to leave the establishment;
 - Information that is provided to the public pursuant to paragraph subsection (a)(2)(B); and,
- Information regarding proper appropriate physical distancing.
- Inspect deliveries and take all necessary and feasible disinfection measures when receiving goods.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in offices and other spaces, whenever practical and possible.
- Notify the Bureau, all contracted primary owners, and the local health department(s) with jurisdiction must be notified of any presence of the virus associated with designated by the state of emergency or other order identified in connection with an employee or owner, pursuant to Business and Professions Code section 19851, subdivision (b), of the gambling enterprise within 24 hours, or a shorter time frame if required by a local entity with jurisdiction(s).
- Provide that upon return to a cage, all chips must be sanitized or kept out of rotation for a time period sufficiently long to ensure that no viral threat remains (based upon the most current information available regarding the virus for which the state of emergency or other order was issued is associated).

New Section 12371(a)(3)(A) through (E) provides the following minimum requirements for the operation of gaming tables in a gambling establishment while an emergency sanitation plan is in effect:

- No gaming table is allowed to operate unless:

- The gaming table is operating with no more than half of the number of players allowed in the Bureau-approved game rules, with remaining spaces for players distributed on the table to ensure maximum physical separation. Any play space that is to remain unused must be removed or covered in such a way as to prohibit its use by a player; or,
- The gaming table includes, between each available space designated for a player, a clear, non-tinted, non-permeable barrier, such as polymethyl methacrylate, that is sufficiently sized to prevent two players from coming into direct physical contact during the play of any controlled game.
- Participation in or observation of a controlled game by a member of the public will not be allowed unless that person has a space designated for a player at the table or is at another designated space that is positioned to allow for appropriate physical distancing and the gaming table includes a vacant player space that has been designated for participants to approach the table one at a time.
- If, after the reduction of spaces for players, the gaming table does not allow for appropriate physical distancing, each all players must wear appropriate face coverings in the manner prescribed by the manufacturer of its intended use. If players must wear face coverings, no activity may be conducted at the table that would require the removal of face coverings, except during the actual consumption of a beverage.
- The gambling enterprise must provide frequent breaks in play in games where items are passed back and forth for an extended period, to allow employees and players to wash their hands or use hand sanitizer.
- Cards must be replaced as follows:
 - If the game rules allow a player to touch the cards, all cards that have been dealt must be replaced at least every four hours.
 - If the game rules do not allow a player to touch the cards, all cards that have been dealt must be replaced at least every twelve hours.
 - Any card removed from the table must be disposed of, sanitized, or kept out of rotation for seven days.

New Section 12371(a)(4) contains minimum requirements for non-gambling areas within a gambling establishment. Non-gambling areas such as office spaces, cages, security rooms, break rooms, supply rooms, and meeting rooms, must be closed, have reduced capacity, be modified with the use of barriers, or be otherwise reconfigured, to ensure physical distancing between all persons, whenever possible. Additionally, self-service coffee, water, and snack areas must be closed unless those services are capable of dispensing without being physical contact. These requirements are necessary to mitigate risk to public health and safety and implement recommendations for basic infection prevention measures provided by CDC and OSHA based on the known facts of how COVID-19 and other infectious diseases spread as previously discussed.

New Section 12371(a)(5)(A) through (C) provides the following minimum sanitation standards for the gambling enterprise while an emergency sanitation plan is in effect:

- Any reusable face coverings or gloves must be properly cleaned, decontaminated, and maintained after and between uses. There must be a designated space to dispose of or collect used face coverings or gloves, including any that may be utilized by the public. Face coverings and protective gloves must never be shared between persons.

- The sanitation of common contact areas and shared equipment must include the use of a disinfectant that is on the appropriate United States Environmental Protection Agency's list of register disinfectants, or a diluted household bleach solution at a ratio of five tablespoons of bleach per gallon (3.78 liters) of water, or an alcohol solution with at least 70 percent alcohol that is appropriate for the surface being cleaned.
- The gambling enterprise must maintain a record of all sanitizations performed, for any common contact area or shared equipment that requires sanitization but is not recorded by the gambling establishment's surveillance system, the gambling enterprise must maintain a record of all sanitizations performed. This record must include the date and time of each sanitation and the name of the employee who performed

New Section 12371(a)(6)(A) contains minimum training standards concerning procedures for providing all new employees and existing employees with an orientation or reorientation training, as applicable, concerning the emergency sanitation plan.

New Section 12371(a)(6)(B) requires that the sanitation plan training for a gambling enterprise to contain information concerning the following topics:

- When a state of emergency or other order is active, information related to the virus for which the current state of emergency or other order was issued, including how to prevent the virus from spreading and which underlying health conditions, as identified in any guidelines, requirements, or instructions provided by any recognized federal, state or local governments, may make certain individuals more susceptible to contracting the virus;
- When a state of emergency or other order is active, the importance of not coming to work if the employee or someone they live with whom the employee lives has been diagnosed with a virus for which the current state of emergency or other order is issued, or the employee is exhibiting symptoms of the virus for which the current state of emergency or other order is issued;
- When a state of emergency or other order is active, information on employer- or government-sponsored leave benefits that the employee may be entitled to receive related to the virus for which the current state of emergency or other order is issued;
- How to self-screen at home, including temperature and/or symptom checks;
- The importance of proper hygiene, including frequent handwashing with soap and water, or using hand sanitizer containing at least 60 percent ethanol or 70 percent isopropanol when unable to access a sink or handwashing station;
- The importance of physical distancing, both at work and outside of work time; and,
- Information on the purpose and proper use of face coverings (as specified).

New Sections 12371(b) requires training for all new employees within 60 days of being issued a license or work permit, or the employee's start date (whichever is later). New employee orientation training may be conducted via an internal training program, an external training program, or by providing printed or electronic training materials. Upon activation of the emergency sanitation plan, each existing employee must receive a reorientation of the training following activation of the sanitation plan. Employees must receive reorientation training during their first work shift following activation of the emergency sanitation plan. Reorientation training must be presented in-person, via simultaneous video teleconference, or via previously video- recorded material. Employees who received orientation

or reorientation training in-person, via simultaneous video teleconference, or via previously video-recorded material within the previous three months immediately prior to activation of the emergency sanitation plan are exempt from this requirement.

New Sections 12371(c) establishes record keeping requirements for each employee that completes the training for tracking purposes. These requirements are necessary to ensure accountability for employee safety and that all employees are equipped with the most up-to-date knowledge and procedures needed to navigate a viral emergency.

New Section 12371(d) through (f) requires an applicant for an initial gambling enterprise owner license to submit an emergency sanitation plan to the Bureau as part of the initial license application process. Further, **the regulations require a gambling enterprise to submit a copy of its emergency sanitation plan to the Bureau within 30 calendar days after the effective date of these regulations and within seven calendar days of revising the emergency sanitation plan.**

Lastly, New Section 12371 (g) provides that compliance with the requirements of this section does not exempt the gambling enterprise from any other federal, state, or local laws or other requirements imposed by entities with jurisdiction over the gambling enterprise.

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.

Questions, Concerns, Suggestions

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

Sincerely,



STACEY LUNA BAXTER
Executive Director