

TITLE 4.
CALIFORNIA GAMBLING CONTROL COMMISSION
CGCC-GCA-2020-03-E

FIRST SUPPLEMENT TO THE FINDING OF EMERGENCY
REGULATIONS FOR
EMERGENCY-BASED REMOTE COUNTS FOR GAMBLING ESTABLISHMENTS

The California Gambling Control Commission (Commission) finds the adoption of regulations on an emergency basis allowing 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 for the immediate preservation of the public health, safety, and general welfare and hereby submits this (first) supplement to the Finding of Emergency.

EMERGENCY FACTS -SUPPLEMENT

The California Gambling Control Commission is a regulatory agency that has rulemaking authority over California gambling enterprises subject to this regulation. The Commission has conducted an evaluation of whether the proposed regulations are inconsistent or incompatible with existing state regulations. The evaluation concluded that the proposed regulations are not inconsistent or incompatible with existing state regulations.

The allowance of 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 for the immediate preservation of the public health, safety, and general welfare. Benefits of this proposed regulation include mitigated risk to the exposure and mitigated risk of spread of a virus that is associated with a state of emergency or other order and requires physical distancing.

POLICY STATEMENT OVERVIEW

To clarify, as discussed in the Commission’s original Finding on Emergency, as of July 13, 2020, all gambling establishments in California were ordered to close indoor operations to the public until further notice. However, gambling establishments are allowed to conduct gambling operations that are open to the public outdoors provided they operate in a manner consistent with State and local laws. Nonetheless, some requirements necessary for the operation of a gambling enterprise are conducted by designated individuals (employees and/or agents of the gambling establishment) indoors, which include the conducting of counts within count rooms. The allowance of 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 for the immediate preservation of the public health, safety, and general welfare

The policy of the State requires that all gambling establishments in this state be operated in a manner suitable to protect the public health, safety, and general welfare of the residents of the State. The Commission’s jurisdiction over the operation and concentration, and supervision over

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gambling establishments and over all persons or things having to do with the operations of gambling establishments, make it necessary for the Commission to adopt emergency regulations to avoid serious harm to employees and customers and for the immediate preservation of the public health, safety, and general welfare. (See Authority and Reference and Authority and Reference –Supplement sections for further detail.)

AUTHORITY AND REFERENCE -SUPPLEMENT

Statutes of Authority

Business and Professions Code section 19924 provides that each owner licensee shall maintain security controls over the gambling premises and all operations therein related to gambling, and those security controls are subject to the approval of the commission.

Reference Statutes

Business and Professions Code section 19841 requires the Commission to adopt regulations that do the following:

- Restrict, limit, or otherwise regulate any activity that is related to the conduct of controlled gambling (subdivision (o)).
- Define and limit the area, games, equipment permitted, or the method of operation of games and equipment, if the Commission, upon the recommendation of, or in consultation with, the Bureau, determines that local regulation of these subjects is insufficient to protect the health, safety, or welfare of residents in geographical areas proximate to a gambling establishment (subdivision (p)).

Business and Professions Code section 19922 provides that no owner licensee shall operate a gambling enterprise in violation of any provision of this chapter (Chapter 5 of Division 8) or any regulation adopted pursuant to this chapter (Chapter 5 of Division 8).

Business and Professions Code section 19924 provides that each owner licensee shall maintain security controls over the gambling premises and all operations therein related to gambling, and those security controls are subject to the approval of the commission.