

TITLE 4.
CALIFORNIA GAMBLING CONTROL COMMISSION
CGCC-GCA-2020-02-E

Statement of Specific Facts

The California Gambling Control Commission (Commission) finds the readoption of regulations on an emergency basis requiring gambling enterprises and third-party providers of proposition player services (TPPPS) to implement an emergency sanitation plan upon the reopening of gambling establishments to the public and their operation during a declared state of emergency associated with a virus (as specified) is necessary for the immediate preservation of the public peace, health, safety, and general welfare.

The Commission has discussed the regulatory response to COVID-19 with the California Department of Public Health (CDPH) on multiple occasions. The Governor's Office has also indicated that some public health restrictions will be lifted for a June 15, 2021 reopening, if certain conditions are met, and the Commission, along with the Occupational Safety and Health Standards Board as discussed in their recent public meetings and materials, expects that CDPH will likely issue new and/or revised guidance between now and the end of June 2021. The Commission therefore believes that it is appropriate to delay the start of permanent rulemaking until after CDPH, the Department of Industrial Relations (DIR), and the Commission have had an opportunity to evaluate post-reopening pandemic conditions.

GOVERNMENT CODE 11346.1 (a)(2) AND TITLE 1 CCR SECTION 48 COMPLIANCE STATEMENT

Notice was provided pursuant to Title 1 CCR Section 48 and Government Code section 11346.1(a)(2) which provides that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provided a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. Said notice was provided on May 27, 2021.

STATEMENT OF SPECIFIC FACTS DEMONSTRATING SUBSTANTIAL EVIDENCE THE AGENCY HAS MADE SUBSTANTIAL PROGRESS AND PROCEEDED WITH DILIGENCE TO COMPLY WITH 11346.1 (E).

In accordance with emergency regulation re Adoption requirements, the Commission has made substantial progress and is proceeding with diligence to comply with Government Code section 11346.1(e). Advisory meetings were held with staff remotely on May 19, 20, and 21, 2021. The advisory meeting included representatives of gambling enterprises and TPPPS businesses. The Commission will also hold another meeting on June 3, 2021, which will be open to the public through online videoconference, and call-in, and members of the public and stakeholders are also allowed to submit additional comments in writing.

STATEMENT OF SPECIFIC FACTS
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The readoption of this package was not due until August 3, 2021, however in the interim period, Federal, State, and local agencies have issued updated and subsequent guidance and regulations regarding the prevention and mitigation of COVID-19 outbreaks. Said regulations impacted the existing text and finding of emergency.

Presently the Commission is working to consolidate all emergency regulation packages that were submitted to the Office of Administrative Law in August (Emergency Sanitation Plans) and September (Emergency Remote Counts) of 2020, respectively. The Commission has sought input of said regulations from industry representatives as well as findings about shortcomings and advantages to the regulatory text itself. The Commission has received said feedback and is in the process of preparing at least one more emergency regulations package. The Commission plans to notice a meeting for the Commission to consider submittal of a regular rulemaking package to the Office of Administrative Law shortly after emergency adoption.

THE EMERGENCY CIRCUMSTANCES ARE UNCHANGED SINCE THE INITIAL ADOPTION OR PRIOR READOPTION

The emergency regulations were enacted to address the Coronavirus Disease 2019 (COVID-19) global outbreak Governor Gavin Newsom declared a State of Emergency on March 4, 2020. Regrettably, the State of Emergency is still in effect with the numbers of those testing positive and deaths increasing each day. As such, the same underlying circumstances that were the cause for the initial adoption are just as, if not more, compelling today.

Additionally, the Commission and the Division of Occupational Safety and Health (Division) have discussed the regulatory response to COVID-19 with the California Department of Public Health (CDPH) on multiple occasions. The Governor's Office has indicated that some public health restrictions will be lifted for a June 15, 2021 reopening, if certain conditions are met, and the Commission expects that CDPH will likely issue new and/or revised guidance between now and the end of June 2021. The Commission therefore believes that it is appropriate to delay the start of permanent rulemaking until after CDPH, the Commission, and the Division have had an opportunity to evaluate post-reopening pandemic conditions.

AN UPDATED FINDING OF EMERGENCY REQUIRED BY GOVERNMENT CODE SECTION 11346.1(B) TO REFLECT CIRCUMSTANCES THAT HAVE CHANGED SINCE THE INITIAL ADOPTION OR PRIOR READOPTION IS INCLUDED.

An updated finding of emergency has been included in accordance with Title 1, California Code of Regulations (CCR), section 52(b) and Government Code section 11346.1(b), to address changed emergency circumstances.

INCORPORATION BY REFERENCE FOR READOPTION

Pursuant to Title 1, CCR, 50(c) and 52(c), the Commission requests approval for readoption of an emergency regulation and incorporates by reference the rulemaking record, as specified on the agency's Form 400 for readoption, for the second adoption of the emergency regulation.