

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, 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 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 proposed regulations have been developed utilizing the guidelines issued by the California Department of Public Health (CDPH), Department of Industrial Relations (DIR), 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 proposed emergency regulations.

SECTION 48 COMPLIANCE STATEMENT

Notice was provided pursuant to Section 48 that 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 December 16, 2020.

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

The readoption of this package was not due until February of 2021, however in the interim period, on December 15, 2020, the Commission's licensing package was adopted. Said regulations impacted the definitions used in the existing text and regulations (updated terminology), and adjusted some section numbers and subsection numbers. As such, a readoption was necessary to conform to the new Licensing package adoption that occurred on December 15, 2020 and effective January 1, 2021. The Commission anticipates having the regular adoption package before the Commission for approval or modification and subsequent notice to the OAL in late February of 2021.

Presently the Commission is working to consolidate both 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

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plans. shortly after emergency adoption, to notice a meeting for the Commission to consider submittal of a regular rulemaking package to the office of administrative law.

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 were the cause for the initial adoption are the same, if not more compelling today.

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 NOT APPLICABLE.

An updated finding of emergency is not applicable as the circumstances have not changed, the State still continues with the same State of Emergency declared March 4, 2020.

INCORPORATION BY REFERENCE FOR READOPTION,

Pursuant to 1 California Code of Regulations 50 (c) and 1 California Code of Regulations 52 (c) the Commission requests approval for re adoption of an emergency regulation and incorporates by reference the rulemaking record, as specified on the agencies Form 400 for re adoption, for the initial adoption of the emergency regulation.