

Title 4, California Code of Regulations, Division 18
Chapter 7. Conditions of Operation for Gambling Establishments
Article 1. General Provisions

Section 12360. Chapter Definitions

The definitions in Business and Professions Code section 19805 govern the construction of this chapter. As used in this chapter:

- (a) “Licensee” means “owner licensee” as defined in Business and Professions Code section 19805, subdivision (y).

Authority: Section 19840, Business and Professions Code

Reference: Section 19805, Business and Professions Code

Article 2. Emergency Preparedness and Evacuation Plan

Section 12370. Emergency Preparedness and Evacuation Plan

(a) As used in this section:

- (1) “Critical Incident” means a crisis situation involving the threat of serious injury or death and includes not only natural disasters, but also human-caused events, such as terrorist acts.

(2) “Plan” means an emergency preparedness and evacuation plan.

(b) For the purpose of ensuring the physical safety of patrons, employees, and any other person while in the gambling establishment, each gambling establishment licensed for five or fewer tables shall promptly develop and implement a plan for the gambling establishment which includes, but is not limited to, the following:

- (1) Response plan for fire and other critical incidents.
- (2) Location of a telephone available for placing a 911 emergency call.
- (3) Procedure for securing or protecting the gambling establishment’s cash or equivalent assets and records.
- (4) Facility evacuation routes and procedures.
- (5) A diagram of the establishment showing the exits.
- (6) A description of how exits are marked.

(c) For the purpose of ensuring the physical safety of patrons, employees, and any other person while in the gambling establishment, each gambling establishment licensed for more than five tables shall promptly develop and

implement a plan which includes, but is not limited to, the following:

- (1) Clear, written policies listing the job titles of the personnel who are responsible for making decisions, monitoring emergency response actions, and securing or protecting the gambling establishment's cash or equivalent assets and records;
 - (2) Procedures addressing:
 - (A) Fires,
 - (B) Earthquakes, Floods and other Natural Disasters,
 - (C) Bomb Threats,
 - (D) Hazardous Spills or Toxic Exposure,
 - (E) Criminal Incidents,
 - (F) Other Critical Incidents, and
 - (G) Provisions for first aid and for obtaining emergency medical assistance for patrons, employees, and other persons while in the gambling establishment;
 - (3) Specific instructions for stopping business activities;
 - (4) Facility evacuation procedures, including a designated meeting site outside the facility, a process to account for employees after an evacuation, and a process to ensure that all patrons have been evacuated; and
 - (5) Specific training and practice schedules.
- (d) Each plan shall be consistent with state and local requirements. Beginning November 1, 2004, each licensee shall submit a copy of its current plan as part of its annual renewal application. Beginning January 1, 2005, as part of its annual renewal application, each licensee shall submit two copies of its current plan, and:
- (1) If the responsible local authority provides reviews, the licensee shall send documentation of the areas reviewed by the responsible local authority and whether or not the responsible local authority approved those areas of the plan under the responsible local authority's jurisdiction, pursuant to Health and Safety Code section 13143.5, subdivision (f). Health and Safety Code section 13143.5, subdivision (f)(2) provides that any fee charged pursuant to the enforcement authority of subdivision (f) shall not exceed the estimated reasonable cost of providing the service for which the fee is charged. The

Commission may send one copy of the plan to the Division to review those areas of the plan not under the responsible local authority's jurisdiction.

- (2) If the responsible local authority does not provide reviews, the licensee shall send the plan to the State Fire Marshall, and shall send the Commission documentation of whether or not the State Fire Marshall has approved the plan's fire and panic safety provisions. The Commission shall send one copy of the plan to the Division to review either subsection (b)(3) or subsections (c)(1), (c)(2)(E) and (c)(3), depending on the number of tables for which the gambling establishment is licensed.
- (e) Each licensee shall, at least annually, provide for the review of the requirements of the plan with employees, ensuring that each employee has a general understanding of the provisions of the plan applicable to his or her position and understands his or her specific duties under the plan and the appropriate exit or exits to be used, where applicable. This annual review shall be documented, including signatures by the employee and the licensee or key employee who provided the review, as part of the licensee's application for renewal. When a new employee begins work, a licensee or key employee shall review the requirements of the plan with the new employee, ensuring that each new employee has a general understanding of the provisions of the plan applicable to his or her position and understands his or her specific duties under the plan and the appropriate exit or exits to be used, where applicable.
- (f) If the Commission determines that the licensee's plan does not address the elements set forth in this regulation, then the Commission may issue a determination identifying the deficiencies and specifying a time certain within which those deficiencies shall be cured.
- (g) Failure by a licensee to develop and implement a plan, or to cure a deficiency identified pursuant to subsection (f), constitutes an unsuitable method of operation and also may result in denial of an application for license renewal or in suspension or revocation of its existing license.
- (h) In addition to any other remedy under this section, the Commission may assess a civil penalty of at least \$500 but no more than \$5000 for each violation of this section.

Authority: Sections 19811, 19824, 19840, Business and Professions Code

Reference: Sections 19801, 19823, 19841, 19860, 19920, 19924, Business and Professions Code

Section 12371. Emergency Preparedness and Evacuation Plan; Smaller Establishments

Authority: Sections 19811, 19823, 19824, 19840, 19920, Business and Professions Code

Reference: Sections 19801, 19920, Business and Professions Code