

# **Initial Statement of Reasons--Regulations Concerning: Emergency Preparedness and Evacuation Plan**

**CGCC-GCA-2004-R-1**

## **Introduction**

Development and implementation of effective emergency evacuation and preparedness plans in the event of a natural disaster, critical incident, or other emergency are absolutely essential for ensuring the physical safety of cardroom patrons and employees in California. Recent calamities—such as those at a Southern California casino, and in Laughlin, Nevada; Chicago; and Rhode Island--have underscored the need for emergency planning for casinos and swift action to deal with threats to life and limb. In California, there have been recent and repeated experiences with life-threatening earthquakes, floods and other natural and civil disasters.

While state and local laws contain some requirements concerning emergency preparedness and evacuation, this proposed regulation would fill in the gaps and provide an additional measure of public safety. For example, a state law requires that a plan provide for evacuation of employees; this regulation in addition requires that provision be made for evacuation of patrons. Local requirements vary considerably from place to place. Finally, experience has shown that gambling establishments are in special need of carefully prepared and implemented evacuation plans because gamblers are typically reluctant to leave in the middle of a game.

In response to suggestions from members of the regulated public, amendments were made to the emergency regulations to permit the smallest cardrooms to submit simpler plans, appropriate for the size of these establishments and the number of patrons and employees. These changes are continued in the text proposed for permanent adoption.

## **Title 4, California Code of Regulations, Section 12370 “Emergency Preparedness and Evacuation Plan: General”**

In the interests of clarity, this section provides that the definitions section of the Gambling Control Act (Business and Professions Code section 19805) applies to the chapter in which sections 12370 and 127371 are located. A definition is also provided for the terms “critical incident” and “plan,” terms not defined in the Act. The definition of “critical incident” is needed to make clear what plans must cover.

Section 12371 requires that each cardroom (“gambling establishment”) must prepare and submit for review an emergency plan containing specified elements. Areas of primary concern, based on common experience, are listed in Subsection 12371(d). To protect against injury and death, licensees must indicate plans made for first aid and emergency medical assistance.

Subsection 12371(g): plans must not only conform to existing state and local requirements, but must also include specified elements, all of which are intended to ensure that each cardroom has a written plan and that employee training and practice occur. Attempting to implement a plan through practice exercises often reveals problems with the plan, which can then be cured before a real emergency happens.

Subsection 12371(f): provides deadlines for submission of plans to the Commission. This subsection also specifies the date on which cardrooms must begin to include plans in annual license renewal applications. This date is set far enough in the future so that licensees will have time to prepare for this change in procedure.

Subsection 12371(h) authorizes the Commission to require changes to deficient plan; subsection 12371(i) provides that failure of a licensee to have a plan that complies with this chapter constitutes an “unsuitable method of operation” within the meaning of the Gambling Control Act, and can result in denial, suspension, or revocation.

In order to provide more flexibility in dealing with failures to comply, Subsection 12371(j) authorizes assessment of civil penalties.

**Section 12371.**

**“Emergency Preparedness and Evacuation Plan: Smaller Establishments**

Recognizing that many cardrooms are small-scale operations that do not require lengthy or detailed plans, this section permits cardrooms with five or fewer tables to file simpler plans.

**Other Statements**

The Commission is not aware of any reasonable alternatives to the regulation as proposed.

H: initial stmt of reasons—cardroom emergency plans