

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2551 Session of  
2024

INTRODUCED BY WAXMAN AND HILL-EVANS, SEPTEMBER 6, 2024

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, SEPTEMBER 6, 2024

AN ACT

1 Amending the act of December 19, 1988 (P.L.1262, No.156),  
2 entitled "An act providing for the licensing of eligible  
3 organizations to conduct games of chance, for the licensing  
4 of persons to distribute games of chance, for the  
5 registration of manufacturers of games of chance, and for  
6 suspensions and revocations of licenses and permits;  
7 requiring records; providing for local referendum by  
8 electorate; and prescribing penalties," providing for  
9 nonbanking poker games; imposing duties on the Pennsylvania  
10 Gaming Control Board and the Department of Drug and Alcohol  
11 Programs; and imposing penalties.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The act of December 19, 1988 (P.L.1262, No.156),  
15 known as the Local Option Small Games of Chance Act, is amended  
16 by adding a chapter to read:

17 CHAPTER 11

18 NONBANKING POKER GAMES

19 Subchapter

20 A. Preliminary Provisions

21 B. General Procedures

22 C. Authorization

23 D. Operations

1 E. Fees and Taxes

2 F. Miscellaneous Provisions

3 SUBCHAPTER A

4 PRELIMINARY PROVISIONS

5 Sec.

6 1101. Scope of chapter.

7 1102. Definitions.

8 § 1101. Scope of chapter.

9 This chapter relates to nonbanking poker games.

10 § 1102. Definitions.

11 The following words and phrases when used in this chapter  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Associated equipment." As follows:

15 (1) Equipment or a mechanical, electromechanical or  
16 electronic contrivance, component or machine used in  
17 connection with nonbanking poker games.

18 (2) The term includes:

19 (i) Equipment that affects the proper reporting and  
20 counting of gross nonbanking poker game revenue.

21 (ii) Computerized systems for controlling and  
22 monitoring nonbanking poker games.

23 (iii) Devices for weighing or counting money.

24 (3) The term does not include count room equipment.

25 "Board." The Pennsylvania Gaming Control Board.

26 "Bureau." The Bureau of Investigations and Enforcement of  
27 the board.

28 "Cash." United States currency and coin.

29 "Cash equivalent." An asset that is readily convertible to  
30 cash, including any of the following:

- 1           (1) Chips or tokens.
- 2           (2) Travelers checks.
- 3           (3) Foreign currency and coin.
- 4           (4) Certified checks, cashier's checks and money orders.
- 5           (5) Personal checks or drafts.
- 6           (6) Any other instrument or representation of value that  
7           the board deems a cash equivalent.

8           "Certificate holder." A licensed entity that holds a  
9           nonbanking poker game operation certificate awarded by the board  
10           in accordance with section 1122 (relating to standard for review  
11           of petitions).

12           "Chip." A representation of value, including a plaque,  
13           issued by a certificate holder for use in playing a nonbanking  
14           poker game at the certificate holder's licensed facility and  
15           redeemable with the issuing certificate holder for cash or cash  
16           equivalent.

17           "Count room." A secured room at a licensed facility  
18           designated for the counting, wrapping and recording of  
19           nonbanking poker game receipts.

20           "Department." The Department of Revenue of the Commonwealth.

21           "Gaming area." Any portion of a licensed facility where  
22           nonbanking poker games have been installed for use or play.

23           "Gross nonbanking poker game revenue." As follows:

24           (1) The total of the following:

25                   (i) Cash or cash equivalents received in the playing  
26                   of a nonbanking poker game minus the total of the  
27                   following:

28                           (A) Cash or cash equivalents paid to players as  
29                           a result of playing a nonbanking poker game.

30                           (B) Cash or cash equivalents paid to purchase

1           annuities to fund prizes payable to players over a  
2           period of time as a result of playing a nonbanking  
3           poker game.

4           (C) The actual cost paid by the certificate  
5           holder for any personal property distributed to a  
6           player as a result of playing a nonbanking poker  
7           game, but not including travel expenses, food,  
8           refreshments, lodging or services.

9           (ii) Contest or tournament fees or payments,  
10          including entry fees, buy-ins, re-buys and administrative  
11          fees, imposed by a certificate holder to participate in a  
12          nonbanking poker game contest or tournament, less cash  
13          paid or actual cost paid by a certificate holder for  
14          prizes awarded to the contest or tournament winners.

15          (iii) The total amount of the rake collected by a  
16          certificate holder.

17          (2) The term does not include:

18           (i) Counterfeit cash or chips.

19           (ii) Coins or currency of other countries received  
20           in the playing of a nonbanking poker game, except to the  
21           extent that the coins or currency are readily convertible  
22           to cash.

23           (iii) Cash taken in a fraudulent act perpetrated  
24           against a certificate holder for which the certificate  
25           holder is not reimbursed.

26          "Key employee." As follows:

27           (1) An individual who is:

28           (i) employed in a director or department head  
29           capacity; and

30           (ii) empowered to make discretionary decisions that

1 regulate nonbanking poker game operations in a licensed  
2 facility.

3 (2) Unless otherwise designated by the board, a gaming  
4 employee that does not meet the criteria under paragraph (1)  
5 shall be classified as a non-key employee.

6 "Licensed entity." An entity that has received a license  
7 under this act.

8 "Licensed facility." The physical land-based location at  
9 which a licensed entity is authorized to conduct small games of  
10 chance or tavern gaming under this act.

11 "Minor." An individual under 21 years of age.

12 "Nonbanking poker game." As follows:

13 (1) A table-based poker game in which:

14 (i) a player competes against another player; and

15 (ii) the certificate holder collects a rake.

16 (2) The term does not include a table-based poker game  
17 in which a player competes against the dealer.

18 "Nonbanking poker game device." Includes nonbanking poker  
19 game tables, cards, dice, chips, shufflers, tiles, wheels or any  
20 other device, apparatus, equipment or supplies approved by the  
21 board and used to conduct a nonbanking poker game.

22 "Nonbanking poker game operation certificate." A certificate  
23 awarded by the board under section 1122 that authorizes a  
24 licensed entity to conduct nonbanking poker games in accordance  
25 with this chapter.

26 "Player." An individual wagering cash, a cash equivalent or  
27 other thing of value in the play of a nonbanking poker game,  
28 including during a tournament, which may deliver or entitle the  
29 individual playing the nonbanking poker game to receive cash, a  
30 cash equivalent or other thing of value from another player or a

1 certificate holder.

2 "Principal." Any of the following:

3 (1) An officer or director of a licensed entity.

4 (2) A person that directly holds a beneficial interest  
5 in or ownership of the securities of a licensed entity.

6 (3) A person that has:

7 (i) a controlling interest in a licensed entity; or

8 (ii) the ability to elect a majority of the board of  
9 directors of a licensed entity or otherwise control a  
10 licensed entity.

11 (4) A lender or other licensed financial institution of  
12 a licensed entity, other than a bank or lending institution  
13 that makes a loan or holds a mortgage or other lien acquired  
14 in the ordinary course of business.

15 (5) An underwriter of a licensed entity.

16 (6) Another person or an employee of a licensed entity  
17 deemed to be a principal by the board.

18 "Rake." A set fee or percentage assessed by a certificate  
19 holder for providing the services of a dealer, nonbanking poker  
20 game table or location, to allow the play or operation of a  
21 nonbanking poker game.

22 "Security." As defined in section 102(t) of the act of  
23 December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania  
24 Securities Act of 1972.

25 "Tournament." An organized series of contests approved by  
26 the board in which an overall winner is ultimately determined.

27 "Underwriter." As defined in section 102(v) of the  
28 Pennsylvania Securities Act of 1972.

29 SUBCHAPTER B

30 GENERAL PROCEDURES

1 Sec.

2 1111. Authorization to conduct nonbanking poker games.

3 1112. Regulatory authority.

4 1113. Local option.

5 § 1111. Authorization to conduct nonbanking poker games.

6 (a) Authorization.--

7 (1) The board may authorize a licensed entity that  
8 operates in a municipality that has adopted a referendum to:

9 (i) Allow nonbanking poker games under section 1113  
10 (relating to local option) to conduct nonbanking poker  
11 games, including nonbanking poker game contests and  
12 tournaments.

13 (ii) Operate a system of wagering associated with  
14 the conduct of nonbanking poker games at the licensed  
15 facility.

16 (2) Authorization under paragraph (1) shall be  
17 contingent upon the licensed entity's agreement to ensure  
18 that nonbanking operations will be conducted in accordance  
19 with this chapter and any other conditions established by the  
20 board.

21 (3) Licensed entities permitted to conduct games of  
22 chance under section 301 (relating to games of chance  
23 permitted) may conduct nonbanking poker games for the purpose  
24 of raising money for public interest purposes.

25 (b) Number of authorized nonbanking poker game tables.--A  
26 licensed entity that is authorized under this chapter may  
27 operate up to five nonbanking poker game tables, with a maximum  
28 of 10 players at each table, at any one time on the premises of  
29 the licensed entity.

30 § 1112. Regulatory authority.

1 The board shall have the power and its duties shall be to:

2 (1) Establish standards and procedures for nonbanking  
3 poker games and nonbanking poker game devices or associated  
4 equipment. The standards and procedures shall provide for any  
5 new nonbanking poker game or nonbanking poker game table and  
6 any variation or composite of an approved nonbanking poker  
7 game or nonbanking poker game table, if the board determines  
8 that the new nonbanking poker game, nonbanking poker game  
9 table or variation or composite is suitable for use after a  
10 test or experimental period under the terms and conditions as  
11 the board deems appropriate.

12 (2) Establish standards and rules to govern the conduct  
13 of nonbanking poker games and the system of wagering  
14 associated with nonbanking poker games.

15 (3) Establish the methods for the following, following  
16 consultation with the department:

17 (i) Calculating gross nonbanking poker game revenue  
18 and standards for the daily counting and recording of  
19 cash and cash equivalents received in the conduct of  
20 nonbanking poker games.

21 (ii) Ensuring that internal controls are followed,  
22 including observation by employees of the board of the  
23 counting and recording process described in subparagraph  
24 (i), the maintenance of financial books and records and  
25 the conduct of audits.

26 (4) Establish notice requirements pertaining to minimum  
27 and maximum wagers on nonbanking poker games. Minimum and  
28 maximum wagers may be adjusted by the certificate holder in  
29 the normal course of conducting nonbanking poker games,  
30 except that changes in minimum wagers at a nonbanking poker



1 game table shall not apply to players already engaged in  
2 wagering at the nonbanking poker game table when the minimum  
3 wager is changed, unless 30 minutes' notice is provided at  
4 the nonbanking poker game table.

5 (5) Require each certificate holder to:

6 (i) Provide written information at each operational  
7 nonbanking poker game table about nonbanking poker game  
8 rules, payoffs or winning wagers and other information as  
9 the board may require.

10 (ii) Provide specifications approved by the board to  
11 integrate and update the licensed facility's surveillance  
12 system to cover all areas where nonbanking poker games  
13 are conducted. The specifications shall include  
14 provisions providing the board and other persons  
15 authorized by the board with onsite access to the system  
16 or its signal.

17 (iii) Designate one or more locations within the  
18 licensed facility to conduct nonbanking poker games.

19 (iv) Ensure that visibility in a licensed facility  
20 is not obstructed in any way that could interfere with  
21 the ability of the certificate holder, the board and  
22 other persons authorized under this chapter or the board  
23 to oversee the surveillance of the conduct of nonbanking  
24 poker games.

25 (v) Integrate the licensed facility's count room for  
26 nonbanking poker game operations to ensure maximum  
27 security of the counting and storage of cash and cash  
28 equivalents.

29 (vi) Equip each operational nonbanking poker game  
30 table with a sign indicating the permissible minimum and

1 maximum wagers at the nonbanking poker game table.

2 (vii) Adopt policies or procedures to prohibit  
3 nonbanking poker game devices or associated equipment  
4 from being possessed, maintained or exhibited by a person  
5 on the premises of a licensed facility, except in:

6 (A) the areas of a licensed facility where the  
7 conduct of nonbanking poker games is authorized;

8 (B) a restricted area designated to be used for  
9 the inspection, service, repair or storage of  
10 nonbanking poker game devices or associated equipment  
11 by the certificate holder; or

12 (C) an area used for employee training and  
13 instruction by the certificate holder.

14 (viii) Equip all drop boxes in which cash, cash  
15 equivalents, fill slips, credit slips or inventory slips  
16 are deposited at the nonbanking poker game tables, and  
17 all areas where drop boxes are kept while in use, with  
18 two locking devices or keys, of which one locking device  
19 or key shall be under the exclusive control of the board,  
20 and the second locking device or key shall be under the  
21 exclusive control of the certificate holder's designated  
22 employees. The drop boxes shall be brought into or  
23 removed from an area where nonbanking poker games are  
24 conducted or locked or unlocked in accordance with  
25 procedures established by the board.

26 (ix) Designate secure locations for the inspection  
27 and storage of nonbanking poker game devices and  
28 associated equipment as may be approved by the board.

29 (6) Establish the size and uniform color by denomination  
30 of all chips used in the conduct of nonbanking poker games,

1 including tournaments, and a policy for the use of  
2 promotional or commemorative chips used in the conduct of  
3 nonbanking poker games. All types of chips shall be approved  
4 by the board prior to being used for play at a nonbanking  
5 poker game at a licensed facility.

6 (7) Establish the procedure to be used by a certificate  
7 holder to determine and extract a rake for the purpose of  
8 generating gross nonbanking poker game revenue from  
9 nonbanking poker games. The rake may be calculated using a  
10 percentage or a flat fee methodology.

11 (8) Establish minimum standards related to the  
12 acceptance of tips or gratuities by dealers and croupiers at  
13 a nonbanking poker game, which shall include the right of the  
14 certificate holder to establish policies under which tips or  
15 gratuities accepted by dealers and croupiers at nonbanking  
16 poker games are not required to be pooled and may be retained  
17 by the dealers and croupiers. Nothing in this paragraph shall  
18 prohibit a certificate holder from adopting a formal policy  
19 related to acceptance of tips and gratuities, provided that  
20 the policy meets the minimum standards established by the  
21 board under this paragraph.

22 (9) Establish the minimal proficiency requirements for  
23 individuals to successfully complete a course of training at  
24 a gaming school. The requirements:

25 (i) Shall not prohibit a certificate holder from:

26 (A) Establishing a course of training for its  
27 employees or potential employees.

28 (B) Offering employment to an individual who has  
29 not attended or completed a course of instruction at  
30 a gaming school.

1           (ii) Shall require a certificate holder that elects  
2           to train its gaming employees or potential nonbanking  
3           poker game employees to submit a detailed summary of the  
4           training program to the board and demonstrate the  
5           adequacy of the training.

6           (iii) Shall prohibit a certificate holder from  
7           charging its employees or potential employees a fee to  
8           complete a course of training.

9           (10) Establish the practices and procedures governing  
10          the conduct of tournaments under this chapter.

11          (11) Establish minimum standards related to the  
12          extension of credit to a player by a certificate holder.  
13          Prior to extending credit, the certificate holder shall  
14          consider the player's financial fitness, including annual  
15          income, debt-to-income ratio, prior credit history, average  
16          monthly bank balance or level of play.

17          (12) Establish mandatory age-verification training and  
18          procedures for certificate holders and their employees to  
19          ensure that persons under 21 years of age do not play or  
20          participate in nonbanking poker games.

21          (13) Review and approve all cash and cash equivalent  
22          handling policies and procedures employed by certificate  
23          holders.

24          (14) Deny, deny the renewal of, revoke, condition or  
25          suspend a certificate provided for in this chapter if the  
26          board finds, in its sole discretion, that both of the  
27          following apply:

28                (i) A certificate holder under this chapter or the  
29                officers or employees of the certificate holder have:

30                    (A) furnished false or misleading information to

1           the board; or

2           (B) failed to comply with the provisions of this  
3           chapter or the rules and regulations of the board.

4           (ii) It would be in the public interest to deny,  
5           deny the renewal of, revoke, condition or suspend the  
6           certificate.

7           (15) Restrict access to confidential information in the  
8           possession of the board which has been obtained under this  
9           chapter and ensure that the confidentiality of information is  
10           maintained and protected. Records shall be retained by the  
11           board for seven years.

12           (16) Prescribe and require periodic financial reporting  
13           and internal control requirements for all certificate  
14           holders.

15           (17) Prescribe the procedures to be followed by  
16           certificate holders for any financial event that occurs in  
17           the operation and play of nonbanking poker games.

18           (18) Consult with members of the Pennsylvania State  
19           Police, the Office of Attorney General, the department and  
20           other persons that the board deems necessary for advice  
21           regarding the various aspects of the powers and duties  
22           imposed on the board under this chapter and its jurisdiction  
23           over the authorization, operation and play of nonbanking  
24           poker games and licensed facilities.

25           (19) Establish mandatory problem gambling training to be  
26           completed by all employees of certificate holders under this  
27           chapter.

28           (20) Ensure that nonbanking poker games are conducted in  
29           areas that are properly segregated from minors.

30           (21) Adopt or promulgate rules or regulations necessary

1 for the implementation, administration and enforcement of  
2 this chapter.

3 § 1113. Local option.

4 (a) Election to be held.--In a municipality, an election may  
5 be held on the date of the primary election immediately  
6 preceding a municipal election, but not more than once in four  
7 years, to determine the will of the electors with respect to the  
8 issuance of nonbanking poker game certificates within the limits  
9 of the municipality under the provisions of this chapter. The  
10 following apply:

11 (1) If an election is held at the primary election  
12 preceding a municipal election in a given year, another  
13 election may be held under the provisions of this chapter at  
14 the primary election occurring the fourth year after the  
15 prior election.

16 (2) A county board of elections shall cause a question  
17 to be placed on the ballot or on the voting machine board and  
18 submitted at the primary election immediately preceding the  
19 municipal election if:

20 (i) electors equal to at least 25% of the highest  
21 vote cast for an office in the municipality at the last  
22 preceding general election file a petition with the  
23 county board of elections of the county; or

24 (ii) the governing body of the municipality adopts,  
25 by a majority vote, a resolution to place the question on  
26 the ballot and a copy of the resolution is filed with the  
27 board of elections of the county for a referendum on the  
28 question of issuing certificates.

29 (3) The question under paragraph (2) shall be in the  
30 following form:



1 1123. Nonbanking poker game operation certificate.

2 1124. Approval or denial of petitions.

3 § 1121. Petitions.

4 (a) Petition required.--A licensee may seek approval to  
5 conduct nonbanking poker games by filing a petition with the  
6 board.

7 (b) Petition contents.--A petition seeking authorization to  
8 conduct nonbanking poker games shall include the following:

9 (1) The name, business address and contact information  
10 of the petitioner.

11 (2) The name and business address, title and a  
12 photograph of each principal and key employee of the  
13 petitioner who will be involved in the conduct of nonbanking  
14 poker games and who is not currently licensed by the board,  
15 if known, as well as additional financial information  
16 required by the board.

17 (3) An itemized list of the number of nonbanking poker  
18 game tables and types of nonbanking poker games for which  
19 authorization is being sought.

20 (4) The estimated number of full-time and part-time  
21 employment positions that will be created at the licensed  
22 facility if nonbanking poker games are authorized or how  
23 proceeds from nonbanking poker games will be used to  
24 positively benefit public interest purposes.

25 (5) The details of any financing obtained or that will  
26 be obtained to fund an expansion or modification of the  
27 licensed facility to accommodate nonbanking poker games and  
28 to otherwise fund the cost of commencing nonbanking poker  
29 games.

30 (6) Information and documentation, as the board may



1 require, concerning financial background and resources to  
2 establish by clear and convincing evidence the financial  
3 stability, integrity and responsibility of the petitioner.

4 (7) Information and documentation, as the board may  
5 require, to establish by clear and convincing evidence that  
6 the petitioner has sufficient business ability and experience  
7 to create and maintain a successful nonbanking poker game  
8 operation.

9 (8) Detailed site plans identifying the petitioner's  
10 proposed nonbanking poker game area within the licensed  
11 facility.

12 (9) The consent to conduct a background investigation by  
13 the board, the scope of which investigation shall be  
14 determined by the bureau in its discretion consistent with  
15 the provisions of this chapter, and a release signed by all  
16 persons subject to the investigation of all information  
17 required to complete the investigation.

18 (10) Any other information determined to be appropriate  
19 by the board.

20 (c) Character requirements.--A petition for a certificate  
21 under this section shall contain information, documentation and  
22 assurances, as the board may require, to establish, by clear and  
23 convincing evidence, the petitioner's suitability, including  
24 good character, honesty and integrity, including, without  
25 limitation, information pertaining to family habits, character,  
26 reputation, criminal history background, business activities,  
27 financial affairs and businesses and professional and personal  
28 associates, covering at least the 10-year period immediately  
29 preceding the filing date of the petition.

30 (d) Civil judgments.--A petitioner shall notify the board of

1 any civil judgment obtained against the petitioner pertaining to  
2 Federal or State law or the law of another state, jurisdiction,  
3 province or country.

4 (e) Confidentiality.--Information submitted to the board  
5 under subsection (b) (5), (6), (8), (9) and (10) may be  
6 considered confidential by the board if the information would be  
7 confidential under 4 Pa.C.S. § 1206(f) (relating to board  
8 minutes and records).

9 (f) Revocable privilege.--The issuance or renewal of a  
10 certificate or other authorization under this section shall be a  
11 revocable privilege.

12 (g) Criminal history record check.--The board may conduct a  
13 criminal history record check on a petitioner seeking  
14 authorization from the board.  
15 § 1122. Standard for review of petitions.

16 (a) Review.--The board shall award a petition under section  
17 1121 (relating to petitions) if the petitioner establishes, by  
18 clear and convincing evidence, all of the following:

19 (1) The petitioner's license is in good standing with  
20 the licensing authority.

21 (2) The conduct of nonbanking poker games at the  
22 petitioner's licensed facility will have a positive economic  
23 impact on the Commonwealth and the municipalities and  
24 residents of this Commonwealth through increased revenues,  
25 employment opportunities and public service initiatives.

26 (3) The petitioner possesses adequate money or has  
27 secured adequate financing to:

28 (i) Fund any necessary expansion or modification of  
29 the petitioner's licensed facility to accommodate the  
30 conduct of nonbanking poker games.

1           (ii) Pay the authorization fee in accordance with  
2           section 1151 (relating to authorization fee and renewal  
3           fee).

4           (iii) Commence nonbanking poker game operations at  
5           the petitioner's licensed facility.

6           (4) The petitioner has the financial stability,  
7           integrity and responsibility to conduct nonbanking poker  
8           games.

9           (5) The petitioner has sufficient business ability and  
10           experience to create and maintain a successful nonbanking  
11           poker game operation.

12           (6) The petitioner's proposed internal and external  
13           security and proposed surveillance measures within the area  
14           of the licensed facility where the petitioner seeks to  
15           conduct nonbanking poker games are adequate.

16           (b) Approval.--Upon being satisfied that the requirements of  
17           subsection (a) have been met, the board may approve the petition  
18           and issue the petitioner a nonbanking poker game operation  
19           certificate upon payment of any fee required under section 1151,  
20           consistent with all of the following:

21           (1) The certificate shall be valid for a period of five  
22           years. Nothing in this paragraph shall be construed to  
23           relieve a certificate holder of the affirmative duty to  
24           notify the board of any changes related to the status of the  
25           certificate or any information contained in the petition  
26           materials on file with the board.

27           (2) The certificate shall be nontransferable.

28           (3) Any other condition established by the board.

29           (c) Renewal.--

30           (1) At least six months prior to expiration of a

1 certificate, the certificate holder seeking renewal of the  
2 certificate shall submit a renewal application to the board.

3 (2) If the renewal application satisfies the  
4 requirements of subsection (a), the board may renew the  
5 certificate holder's certificate upon the payment of any  
6 renewal fee required under section 1151.

7 (3) If the board receives a complete renewal application  
8 but fails to act upon the renewal application prior to the  
9 expiration of the certificate, the certificate shall continue  
10 in effect until acted upon by the board.

11 § 1123. Nonbanking poker game operation certificate.

12 (a) When certificate in effect.--A nonbanking poker game  
13 operation certificate shall be in effect unless:

14 (1) The certificate is suspended or revoked by the board  
15 consistent with the requirements of this chapter.

16 (2) The license held by the certificate holder is  
17 suspended, revoked or not renewed by the licensing authority  
18 consistent with the requirements of this chapter.

19 (3) The certificate holder relinquishes or does not seek  
20 renewal of the certificate or license.

21 (4) A majority of voters vote to withdraw the  
22 authorization of nonbanking poker game operations within the  
23 voters' municipality, consistent with the requirements of  
24 section 1113 (relating to local option).

25 (b) Types of nonbanking poker games and game tables.--

26 (1) A nonbanking poker game operation certificate shall  
27 include an itemized list by type of nonbanking poker games  
28 and the number of nonbanking poker game tables approved by  
29 the board and permitted in the certificate holder's licensed  
30 facility.



1 1136. Books, records and documents.

2 1137. Accounting controls and audit protocols.

3 1138. Cash equivalents.

4 1139. Separate license or permit not required.

5 1140. Investigation and enforcement.

6 1141. Responsibility and authority of department.

7 1142. Testing and certification standards.

8 § 1131. Authorized locations for operations.

9 A certificate holder shall only be permitted to operate  
10 nonbanking poker games on the licensed premises of the  
11 certificate holder.

12 § 1132. Commencement of operations.

13 (a) Conditions.--A certificate holder may not operate or  
14 offer nonbanking poker games for play at a licensed facility  
15 until the board determines that all of the following conditions  
16 have been satisfied:

17 (1) The certificate holder is in compliance with the  
18 requirements of this chapter.

19 (2) The certificate holder's internal controls and audit  
20 protocols are sufficient to meet the requirements of section  
21 1137 (relating to accounting controls and audit protocols).

22 (3) The certificate holder's nonbanking poker game  
23 employees are licensed, permitted or otherwise authorized by  
24 the board to perform their respective duties, as applicable.

25 (4) The certificate holder is prepared in all respects  
26 to offer nonbanking poker game-play to the public at the  
27 licensed facility of the certificate holder.

28 (5) The certificate holder has implemented necessary  
29 internal and management controls and security arrangements  
30 and surveillance systems for the conduct of nonbanking poker

1 games.

2 (6) The certificate holder is in compliance with or has  
3 complied with section 1151 (relating to authorization fee and  
4 renewal fee).

5 (b) Limitations.--A certificate holder may offer nonbanking  
6 poker games for play within the licensed premises of the  
7 certificate holder, subject to the following:

8 (1) No more than five nonbanking poker game tables may  
9 be placed on the gaming area of the certificate holder.

10 (2) A gaming area may not be located in an area that is  
11 not properly segregated from minors.

12 (3) A gaming area shall, at all times, be secure and  
13 visible by employees of the certificate holder.

14 (4) A gaming area shall, at all times, be monitored by a  
15 trained employee of the certificate holder, either directly  
16 or through live monitoring of video surveillance. The  
17 employee monitor must be at least 21 years of age.

18 (5) A minor may not be permitted to play a nonbanking  
19 poker game or enter a gaming area.

20 (6) A visibly intoxicated individual may not be  
21 permitted to play a nonbanking poker game.

22 § 1133. Tournaments.

23 (a) Authorization.--A certificate holder may conduct  
24 tournaments at the licensed facility of the certificate holder.

25 (b) Submittal of schedule.--The following apply to a  
26 proposed schedule of tournaments to be conducted at the licensed  
27 facility of a certificate holder:

28 (1) The certificate holder that elects to conduct  
29 tournaments shall submit the proposed schedule to the  
30 executive director of the board, or a designee of the

1 executive director of the board, for approval.

2 (2) The proposed schedule may be a weekly, monthly or  
3 annual schedule and shall include information identifying all  
4 of the following:

5 (i) The type of each nonbanking poker game to be  
6 played at each tournament.

7 (ii) The proposed date and time of each tournament.

8 (iii) The proposed entry fee and any other fees  
9 associated with the tournament.

10 (iv) The maximum number of participants in the  
11 tournament.

12 (v) Any other information as the board may require.

13 (3) Submission of the proposed schedule shall not  
14 require the certificate holder to conduct all tournaments  
15 contained in the proposed schedule.

16 (4) The certificate holder may not conduct a tournament  
17 at a date or time not contained in the proposed schedule.

18 (5) The certificate holder may seek to amend or modify  
19 the proposed schedule at any time by filing a written request  
20 with the executive director of the board or a designee of the  
21 executive director of the board.

22 (c) Exemptions and additional tables.--The executive  
23 director of the board may authorize a licensed facility to  
24 operate up to 10 additional nonbanking poker game tables for use  
25 in tournaments. The following apply:

26 (1) The additional nonbanking poker game tables:

27 (i) Shall be exempt from section 1111 (relating to  
28 authorization to conduct nonbanking poker games).

29 (ii) Shall not be used in calculating the total  
30 number of nonbanking poker game tables authorized in the



1 nonbanking poker game authorization certificate.

2 (2) The executive director of the board may grant the  
3 use of additional nonbanking poker game tables on the dates  
4 and times listed in the proposed schedule in accordance with  
5 subsection (b).

6 (d) Seating.--A nonbanking poker game table used in  
7 tournament play shall seat a maximum of ten players.

8 § 1134. Training of employees and potential employees.

9 (a) Authorization.--Notwithstanding any other provision of  
10 this chapter, the executive director of the board may authorize  
11 a certificate holder to conduct nonbanking poker game training  
12 and instruction for the employees and potential employees of the  
13 certificate holder.

14 (b) Adequacy.--A certificate holder that elects to offer  
15 nonbanking poker game training to the employees or potential  
16 employees of the certificate holder shall submit to the board a  
17 detailed summary of the training program demonstrating the  
18 adequacy of the training.

19 (c) Effect.--Authorization granted under this section shall  
20 do all of the following:

21 (1) Permit a certificate holder to conduct training at a  
22 location within the licensed facility of the certificate  
23 holder or at another location.

24 (2) Require any training authorized on a gaming area to  
25 be conducted in a specified area of the gaming area that is  
26 clearly identified as a training area and not accessible to  
27 the public.

28 (3) Designate a secure area at the location where the  
29 training will take place for the storage of nonbanking poker  
30 game devices and associated equipment used for training.

1           (4) Limit the number of nonbanking poker game devices  
2 and associated equipment to that necessary to conduct the  
3 training.

4           (5) Prohibit the payment of cash, a cash equivalent or  
5 another prize to an individual as a result of play conducted  
6 during training or play conducted utilizing nonbanking poker  
7 game devices or associated equipment obtained in accordance  
8 with subsection (f).

9           (6) Prohibit a certificate holder from charging the  
10 employees or potential employees of the certificate holder a  
11 fee to participate in the training.

12       (d) Rescission or revocation.--The board, through the  
13 executive director of the board or otherwise, may rescind or  
14 revoke an authorization under this section without cause. The  
15 certificate holder shall be given notice that the authorization  
16 has been rescinded or revoked and shall be afforded a reasonable  
17 time to take all necessary actions required by the board or  
18 executive director of the board.

19       (e) Fees prohibited.--The board may not charge a fee as a  
20 condition of receiving authorization under this section.

21       (f) Training equipment.--

22           (1) For a one-year period following the effective date  
23 of this paragraph, a certificate holder may purchase, lease  
24 or otherwise obtain nonbanking poker game devices or  
25 associated equipment that will be used for the sole purpose  
26 of conducting training authorized under this section from a  
27 manufacturer or supplier, whether or not licensed or  
28 otherwise approved by the board under 4 Pa.C.S. (relating to  
29 amusements) or from an affiliate of the certificate holder or  
30 a gaming facility in another jurisdiction.

1           (2) Nonbanking poker game devices or associated  
2 equipment obtained by a certificate holder in accordance with  
3 paragraph (1) shall:

4           (i) Have an identification number, which shall be  
5 kept on file with the board.

6           (ii) Be clearly identified as being used for  
7 training purposes only.

8           (3) Nonbanking poker game devices and associated  
9 equipment obtained in accordance with this subsection may not  
10 be used on the gaming area unless being used for training  
11 purposes in accordance with subsection (c)(2).

12           (4) The payment of cash, a cash equivalent or another  
13 prize to an individual from the play of a nonbanking poker  
14 game or nonbanking poker game device or associated equipment  
15 obtained in accordance with this subsection is prohibited.

16 § 1135. Compulsive and problem gambling assistance.

17           (a) Handouts and other materials.--

18           (1) The board, in consultation with the Department of  
19 Drug and Alcohol Programs, shall develop a Statewide handout,  
20 in addition to any other materials deemed appropriate by the  
21 board, regarding assistance for compulsive and problem  
22 gambling.

23           (2) A certificate holder shall conspicuously display,  
24 within the gaming area of the certificate holder's licensed  
25 facility at which nonbanking poker games are conducted, the  
26 handouts and other materials described in paragraph (1),  
27 which shall also be made available upon request.

28           (b) Signs.--

29           (1) Subject to paragraphs (1) and (2), a certificate  
30 holder shall conspicuously post signs containing a statement

1 in substantially the following form:

2 If you or someone you know has a gambling problem,  
3 help is available. Call (Toll-free telephone number)  
4 or Text (Toll-free telephone number).

5 (2) At least one sign described in paragraph (1) shall  
6 be posted within the gaming area of the certificate holder's  
7 licensed facility at which nonbanking poker games are  
8 conducted.

9 (3) The toll-free telephone number required to be posted  
10 under paragraph (1) shall be the same number maintained by  
11 the Department of Drug and Alcohol Programs.

12 (c) Mandatory training program.--

13 (1) The board's Office of Compulsive and Problem  
14 Gambling, in consultation with the Department of Drug and  
15 Alcohol Programs, shall develop a mandatory training program  
16 for employees and management of a certificate holder to  
17 address responsible gaming and other compulsive and problem  
18 gambling issues related to nonbanking poker games.

19 (2) The board shall establish a fee to cover the costs  
20 of the mandatory training program under paragraph (1).

21 (d) Penalty.--If a certificate holder fails to comply with  
22 the requirements of this section, the certificate holder shall  
23 be subject to:

24 (1) An administrative penalty assessed by the board in  
25 an amount established by the board.

26 (2) The suspension of the certificate holder's  
27 nonbanking poker game operation certificate, depending on the  
28 severity and length of noncompliance.

29 § 1136. Books, records and documents.

30 As a condition of continued operation, a certificate holder

1 shall agree to maintain all books, records and documents related  
2 to the operation of the nonbanking poker games of the  
3 certificate holder in a manner and location within this  
4 Commonwealth as approved by the board. The books, records and  
5 documents shall be:

6 (1) Segregated by separate accounts within the books,  
7 records and documents of the certificate holder.

8 (2) Immediately available for inspection upon request of  
9 the board, bureau, department, Pennsylvania State Police or  
10 the Office of Attorney General, or any authorized agent  
11 thereof, during all hours of operation of the licensed  
12 facility in accordance with regulations promulgated by the  
13 board.

14 (3) Maintained for a period as the board requires by  
15 regulation.

16 § 1137. Accounting controls and audit protocols.

17 (a) Approval required.--Prior to the commencement of  
18 nonbanking poker game operations, a certificate holder shall  
19 submit to the board for approval all proposed site plans,  
20 internal control systems and audit protocols for the certificate  
21 holder's nonbanking poker game operations.

22 (b) Minimum requirements.--The internal controls and audit  
23 protocols of a certificate holder shall:

24 (1) Safeguard the assets and revenues of the certificate  
25 holder, including the recording of cash, cash equivalents and  
26 evidences of indebtedness related to nonbanking poker games.

27 (2) Provide for reliable records, accounts and reports  
28 of any financial event that occurs in the conduct of  
29 nonbanking poker games, including reports to the board  
30 related to nonbanking poker games.

- 1           (3) Provide for accurate and reliable financial records  
2 related to nonbanking poker games.
- 3           (4) Establish procedures for all of the following:
- 4               (i) The receipt, storage and disbursal of chips,  
5 cash and cash equivalents used in nonbanking poker games.
- 6               (ii) The conversion of cash equivalents to cash.
- 7               (iii) The redemption of chips and other  
8 representations of value used in nonbanking poker games  
9 and the payment of winnings and prizes.
- 10           (iv) The recording of financial transactions  
11 pertaining to nonbanking poker games.
- 12           (5) Establish procedures for the collection and security  
13 of cash and cash equivalents at the nonbanking poker game  
14 tables.
- 15           (6) Establish procedures for the recording of and  
16 transfer of chips and cash equivalents between the nonbanking  
17 poker game tables and the cashier's cage.
- 18           (7) Establish procedures for the transfer of drop boxes  
19 from the nonbanking poker game tables to the count room.
- 20           (8) Establish procedures and security for the counting  
21 and recording of gross nonbanking poker game revenue.
- 22           (9) Establish procedures for the security, storage and  
23 recording of cash and cash equivalents utilized in nonbanking  
24 poker games.
- 25           (10) Establish procedures and security standards for the  
26 handling and storage of nonbanking poker game devices and  
27 associated equipment used in connection with nonbanking poker  
28 games.
- 29           (11) Establish procedures and rules governing the  
30 conduct of each nonbanking poker game and the responsibility

1 of employees related to nonbanking poker games.

2 (12) Establish procedures for the collection and  
3 recording of revenue from nonbanking poker games, including  
4 the type of rake utilized and the methodology for calculating  
5 the amount of permissible rake.

6 (13) Ensure that any wagering permitted in the play of a  
7 nonbanking poker game is implemented only in accordance with  
8 the certificate holder's general or specific authorization,  
9 as approved by the board.

10 (14) Ensure the proper and timely accounting of gross  
11 nonbanking poker game revenue and the calculation of gross  
12 nonbanking poker game revenue, fees, taxes and assessments  
13 based on the gross nonbanking poker game revenue.

14 (15) Maintain accountability for assets, ensure that  
15 recorded accountability for assets is compared with actual  
16 assets at reasonable intervals and ensure that appropriate  
17 action is taken with respect to any discrepancies.

18 (16) Ensure that all functions, duties and  
19 responsibilities related to nonbanking poker game operations  
20 are appropriately segregated and performed in accordance with  
21 sound financial practices by qualified employees.

22 (17) Permit use of the licensed facility by the board,  
23 bureau and other persons authorized under this chapter or by  
24 the board to facilitate the ability to perform regulatory and  
25 oversight functions under this chapter.

26 (c) System of internal controls.--The submittal required  
27 under subsection (a) shall include a detailed description of the  
28 certificate holder's administrative and accounting procedures  
29 related to nonbanking poker games, including a written system of  
30 internal controls that includes:

1           (1) An organizational chart depicting appropriate  
2 functions and responsibilities of employees involved in  
3 nonbanking poker game operations.

4           (2) A description of the duties and responsibilities of  
5 each position shown on the organizational chart.

6           (3) The record retention policy of the certificate  
7 holder.

8           (4) The procedure to be utilized to ensure that assets  
9 are safeguarded, including mandatory count procedures.

10           (5) A detailed narrative description of the  
11 administrative and accounting procedures in place to ensure  
12 compliance with the requirements of section 1138 (relating to  
13 cash equivalents).

14           (6) A statement signed by the certificate holder's chief  
15 financial officer or other competent person attesting that  
16 the signatory believes, in good faith, that the system  
17 satisfies the requirements of this section.

18           (d) Review.--Prior to authorizing a certificate holder to  
19 conduct nonbanking poker games, the board shall review the  
20 system of internal controls submitted under subsection (c) to  
21 determine whether the system:

22           (1) Conforms to the requirements of this chapter.

23           (2) Provides adequate and effective controls for the  
24 conduct of nonbanking poker games.

25 § 1138. Cash equivalents.

26           (a) Checks.--

27           (1) A certificate holder may accept a check from a  
28 patron in exchange for cash or chips. The following apply:

29           (i) Within 10 days of receipt of the check, the  
30 certificate holder shall present the check for payment to



1 the financial institution upon which the check is drawn.

2 (ii) A third-party check shall not be permitted.

3 (2) Notwithstanding any other provision of law:

4 (i) A check that is cashed in conformity with the  
5 requirements of this section or 13 Pa.C.S. Div. 3  
6 (relating to negotiable instruments) shall be a valid  
7 instrument, enforceable at law in the courts of this  
8 Commonwealth.

9 (ii) A check that is cashed, transferred, conveyed,  
10 given or accepted in violation of this section shall be  
11 invalid and unenforceable for the purposes of collection  
12 by a certificate holder but shall be included in the  
13 calculation of gross nonbanking poker game revenue.

14 (b) Notice of fees.--All fees charged for the conversion of  
15 cash equivalents shall be disclosed.

16 (c) Payment of cash equivalents.--

17 (1) Other than credit extended by a certificate holder,  
18 an instrument that constitutes a cash equivalent shall be  
19 made payable to the certificate holder, to the bearer or to  
20 cash.

21 (2) An instrument made payable to a third party shall  
22 not be considered a cash equivalent and shall be prohibited.

23 § 1139. Separate license or permit not required.

24 Nothing in this chapter shall be construed to require any  
25 individual who holds a principal license, a key employee license  
26 or gaming employee license under 4 Pa.C.S. Ch. 13 (relating to  
27 licensees) to obtain a separate license or permit to be employed  
28 in a certificate holder's nonbanking poker game operation  
29 authorized under this chapter.

30 § 1140. Investigation and enforcement.

1 (a) Board.--The board may, following notice and hearing,  
2 impose penalties or suspend or revoke a license or certificate  
3 under this chapter.

4 (b) Bureau.--The bureau shall:

5 (1) Enforce the provisions of this chapter.

6 (2) Investigate licensed entities and certificate  
7 holders for noncriminal violations of this chapter, including  
8 potential violations referred to the bureau by the board or  
9 another person.

10 (3) Monitor gaming operations to ensure all of the  
11 following:

12 (i) Compliance with this chapter, the act of April  
13 12, 1951 (P.L.90, No.21), known as the Liquor Code, and  
14 the other laws of this Commonwealth.

15 (ii) The implementation of adequate security  
16 measures by a certificate holder.

17 (4) Conduct reviews of a certificate holder as necessary  
18 to ensure compliance with this chapter. A review may include  
19 the review of accounting, administrative and financial  
20 records, procedures and other records utilized by a licensed  
21 entity.

22 (5) Refer possible criminal violations to the  
23 Pennsylvania State Police. The bureau shall not have the  
24 power of arrest.

25 (6) Cooperate in the investigation and prosecution of  
26 criminal violations related to this chapter.

27 (7) Act as a criminal justice agency, as defined in 18  
28 Pa.C.S. § 9102 (relating to definitions), in accordance with  
29 18 Pa.C.S. Ch. 91 (relating to criminal history record  
30 information).

1 (c) Department.--

2 (1) Notwithstanding any other provision of law, the  
3 department may report violations of this chapter to the  
4 board.

5 (2) The department shall at all times have the power of  
6 access to examine and audit equipment and records related to  
7 all aspects of the operation of nonbanking poker games under  
8 this chapter.

9 (3) Notwithstanding the provisions of section 353(f) of  
10 the act of March 4, 1971 (P.L.6, No.2), known as the Tax  
11 Reform Code of 1971, the department shall supply the board,  
12 bureau, Pennsylvania State Police and the Office of Attorney  
13 General with information concerning the status of delinquent  
14 taxes owned by a licensed entity or certificate holder.

15 (d) Pennsylvania State Police.--

16 (1) The Pennsylvania State Police shall:

17 (i) Initiate proceedings for criminal violations of  
18 this chapter.

19 (ii) Promptly conduct background investigations on  
20 persons as directed by the board under this chapter. The  
21 Pennsylvania State Police may contract with other law  
22 enforcement annuitants to assist in the conduct of  
23 investigations under this paragraph.

24 (iii) Provide the board with information necessary  
25 for actions under this chapter for proceedings involving  
26 criminal enforcement of this chapter or 18 Pa.C.S.  
27 (relating to crimes and offenses).

28 (iv) Inspect, when appropriate, a certificate  
29 holder's person and personal effects present in a  
30 licensed facility while the certificate holder is present

1 at the licensed facility.

2 (v) Enforce the criminal provisions of this chapter  
3 and all other criminal laws of the Commonwealth within a  
4 licensed facility.

5 (vi) Fingerprint petitioners.

6 (vii) Exchange fingerprint data with and receive  
7 national criminal history record information from the  
8 Federal Bureau of Investigation for use in background  
9 investigations performed by the bureau under this  
10 chapter.

11 (viii) Receive and take appropriate action on a  
12 referral from the board related to criminal conduct.

13 (ix) Conduct audits or verifications of information  
14 of nonbanking poker game operations at the times, under  
15 the circumstances and to the extent as the bureau  
16 determines. This paragraph includes reviews of  
17 accounting, administrative and financial records,  
18 procedures and records utilized by a certificate holder.

19 (2) A member of the Pennsylvania State Police assigned  
20 to duties of enforcement under this chapter shall not be  
21 counted toward the complement as described in section 205(b)  
22 of the act of April 9, 1929 (P.L.177, No.175), known as The  
23 Administrative Code of 1929.

24 (3) By March 1 of each year, the Commissioner of  
25 Pennsylvania State Police shall submit a report summarizing  
26 all law enforcement activities at each licensed facility  
27 during the previous calendar year. The following apply:

28 (i) Each report shall include all of the following:

29 (A) The number of arrests made and citations  
30 issued at each licensed facility and the name of the

1 law enforcement agency making the arrest or issuing  
2 the citation.

3 (B) A list of specific offenses charged for each  
4 arrest made or citation issued.

5 (C) The number of criminal prosecutions  
6 resulting from arrests made or citations issued.

7 (D) The number of convictions resulting from  
8 prosecutions reported under clause (C).

9 (E) The number of Pennsylvania State Police  
10 troopers assigned to each licensed facility and to  
11 the gaming unit at the Pennsylvania State Police  
12 headquarters.

13 (F) The number and the subject matter of  
14 complaints made against Pennsylvania State Police  
15 troopers in licensed facilities and the type of  
16 disciplinary actions taken by the Pennsylvania State  
17 Police, if any, against the Pennsylvania State Police  
18 troopers.

19 (G) The closest local police station,  
20 Pennsylvania State Police station and regional  
21 Pennsylvania State Police headquarters to each  
22 licensed facility.

23 (ii) Each report shall be submitted to:

24 (A) The Appropriations Committee of the Senate.

25 (B) The Appropriations Committee of the House of  
26 Representatives.

27 (C) The Community, Economic and Recreational  
28 Development Committee of the Senate.

29 (D) The Gaming Oversight Committee of the House  
30 of Representatives.

1 (e) Criminal action.--

2 (1) A district attorney may investigate and institute  
3 criminal proceedings for a violation of this chapter.

4 (2) In addition to the authority conferred upon the  
5 Attorney General under the act of October 15, 1980 (P.L.950,  
6 No.164), known as the Commonwealth Attorneys Act, the  
7 Attorney General may investigate and, following consultation  
8 with the appropriate district attorney, institute criminal  
9 proceedings for a violation of this chapter. A person charged  
10 with a violation of this chapter by the Attorney General  
11 shall not have standing to challenge the authority of the  
12 Attorney General to investigate or prosecute the case, and,  
13 if any such challenge is made, the challenge shall be  
14 dismissed and no relief shall be available in the courts of  
15 this Commonwealth to the person making the challenge.

16 (f) Regulatory action.--Nothing in subsection (c) shall be  
17 construed to limit the existing regulatory or investigative  
18 authority of an agency or the Commonwealth whose functions  
19 relate to persons or matters within the scope of this chapter.

20 (g) Inspection, seizure and warrants.--

21 (1) The bureau, department and Pennsylvania State Police  
22 may, without notice and without warrant, do any of the  
23 following in the performance of duties:

24 (i) Inspect and examine all premises where:

25 (A) Nonbanking poker game operations are  
26 conducted.

27 (B) Nonbanking poker game devices and associated  
28 equipment are manufactured, sold, distributed or  
29 serviced.

30 (C) Records of activities under clause (A) or

1 (B) are prepared or maintained.

2 (ii) Inspect all equipment and supplies in, about,  
3 upon or around premises referred to in subparagraph (i).

4 (iii) Seize, summarily remove and impound equipment  
5 and supplies from premises referred to in subparagraph  
6 (i) for the purposes of examination and inspection.

7 (iv) Inspect, examine and audit all books, records  
8 and documents pertaining to a certificate holder's  
9 operations.

10 (v) Seize, impound or assume physical control of any  
11 book, record, ledger, game, device, cash box, cash box  
12 contents, count room, count room equipment, associated  
13 equipment or nonbanking poker game operations.

14 (2) The provisions of paragraph (1) shall not be deemed  
15 to limit warrantless inspections except in accordance with  
16 constitutional requirements.

17 (3) To further effectuate the purposes of this chapter,  
18 the bureau and Pennsylvania State Police may obtain  
19 administrative warrants for the inspection and seizure of  
20 property possessed, controlled, bailed or otherwise held by a  
21 licensed entity or certificate holder.

22 (h) Information sharing and enforcement referral.--With  
23 respect to the administration, supervision and enforcement of  
24 this chapter, the bureau, department, Pennsylvania State Police  
25 or Office of Attorney General may obtain or provide pertinent  
26 information regarding applicants, licensees or permittees from  
27 or to law enforcement entities or gaming authorities of the  
28 Commonwealth and other domestic, foreign or federally approved  
29 jurisdictions, including the Federal Bureau of Investigation,  
30 and may transmit the information to each other electronically.

1 § 1141. Responsibility and authority of department.

2 (a) Taxes and interest.--The department is authorized to  
3 administer and collect taxes imposed under this chapter and  
4 interest imposed under section 806 of the act of April 9, 1929  
5 (P.L.343, No.176), known as The Fiscal Code, and promulgate and  
6 enforce rules and regulations to carry out prescribed duties in  
7 accordance with this chapter, including the collection of taxes,  
8 penalties and interest imposed by this chapter.

9 (b) Application of rules and regulations.--

10 (1) The department may prescribe the extent, if any, to  
11 which any rules and regulations shall be applied without  
12 retroactive effect.

13 (2) The department may prescribe the forms and the  
14 system of accounting and recordkeeping to be employed.

15 (3) The department, through an authorized representative  
16 of the department, shall at all times have power of access to  
17 and examination and audit of equipment and records related to  
18 all aspects of the operations under this chapter.

19 (c) Additional penalty.--A person that fails to timely remit  
20 to the department or State Treasurer amounts required under this  
21 chapter shall be liable, in addition to liability imposed  
22 elsewhere in this chapter, for a penalty of 5% per month up to a  
23 maximum of 25% of the amounts ultimately found to be due, to be  
24 recovered by the department.

25 § 1142. Testing and certification standards.

26 The board shall provide for the testing and certification of  
27 nonbanking poker games and associated equipment consistent with  
28 the standards under 4 Pa.C.S. § 13A41 (relating to table game  
29 device and associated equipment testing and certification  
30 standards).





1 based upon gross nonbanking poker game revenue derived during  
2 the previous month.

3 (2) All money owed to the Commonwealth under this  
4 section shall be held in trust for the Commonwealth by the  
5 certificate holder until the money is paid to the department.  
6 Unless otherwise agreed to by the board, a certificate holder  
7 shall establish a separate bank account into which gross  
8 nonbanking poker game revenue shall be deposited and  
9 maintained until the money is paid to the department under  
10 this section or paid into the State Gaming Fund under section  
11 13A63(a) (relating to local share assessment).

12 (3) The tax imposed under subsection (a) shall be  
13 deposited into the General Fund.

14 (c) Exception.--Certificate holders who conduct nonbanking  
15 poker games for the sole purpose of raising money for public  
16 interest purposes shall be exempt from the tax imposed under  
17 subsection (a).

18 SUBCHAPTER F

19 MISCELLANEOUS PROVISIONS

20 Sec.

21 1161. Rules and regulations.

22 § 1161. Rules and regulations.

23 (a) Authorization.--The board may promulgate or adopt rules  
24 and regulations as may be necessary and appropriate to carry out  
25 the provisions of this chapter.

26 (b) Temporary regulations.--

27 (1) Notwithstanding any other provision of law, to  
28 facilitate the prompt implementation of this chapter, the  
29 board may issue temporary regulations. The following apply:

30 (i) The board shall issue the temporary regulations

1 within 180 days of the effective date of this  
2 subparagraph. Regulations adopted after this 180-day  
3 period shall be promulgated as provided by statute.

4 (ii) Notice of the temporary regulations shall be  
5 transmitted to the Legislative Reference Bureau for  
6 publication in the next available issue of the  
7 Pennsylvania Bulletin.

8 (iii) The board shall post the temporary regulations  
9 on its publicly accessible Internet website.

10 (iv) The temporary regulations shall expire no later  
11 than two years following publication of the temporary  
12 regulations in the Pennsylvania Bulletin.

13 (2) The temporary regulations under paragraph (1) shall  
14 be exempt from the following:

15 (i) Section 612 of the act of April 9, 1929  
16 (P.L.177, No.175), known as The Administrative Code of  
17 1929.

18 (ii) Sections 201, 202, 203, 204 and 205 of the act  
19 of July 31, 1968 (P.L.769, No.240), referred to as the  
20 Commonwealth Documents Law.

21 (iii) Sections 204(b) and 301(10) of the act of  
22 October 15, 1980 (P.L.950, No.164), known as the  
23 Commonwealth Attorneys Act.

24 (iv) The act of June 25, 1982 (P.L.633, No.181),  
25 known as the Regulatory Review Act.

26 (c) Contents.--Rules and regulations under this section  
27 shall establish standards and procedures in accordance with this  
28 chapter.

29 (d) Permanent regulations.--Prior to the expiration of the  
30 temporary regulations, the board shall propose for approval

1 permanent regulations as provided by statute. The proposed

2 permanent regulations shall be:

3 (1) Consistent with subsection (c) and may be the same  
4 as the temporary regulations.

5 (2) Promulgated as provided by statute.

6 Section 2. This act shall take effect in 60 days.