

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 138.00: GAMING DEVICES AND ELECTRONIC GAMING EQUIPMENT

Section

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138.01: Standards for gaming devices

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-11: Gaming Devices in Casinos, version 2.1, released Aug 25, 2011, subject to the following amendments:

- (a) Delete section 1.1.1.
- (b) Delete section 1.1.2.
- (c) Delete section 1.2.
- (d) Replace in section 3.4.1 “seventy-five percent (75%)” with “eighty percent (80%)”.
- (e) Add the following after the first paragraph of section 3.4.1: The calculation of minimum payout percentage excludes the cash equivalent value of any merchandise or other thing of value that cannot be converted into cash by the gaming establishment but may include the acquisition cost to the gaming licensee of the merchandise or other thing of value.
- (f) Replace in section 3.4.1(b) “75%” with “80%”.

(g) Replace in section 3.10.1(f) “seventy-five percent (75%)” with “eighty percent (80%)”

(2) For purposes of M.G.L. c.23K and 205 CMR the term slot machine as defined by M.G.L. c.23K, §2 shall not include automatic amusement devices as defined by G.L. c 140, § 177A(2).

(3) For purposes of M.G.L. c.23K and 205 CMR each gaming position, as defined by M.G.L. c.23K, §2, at a slot machine shall be considered a separate slot machine.

(4) A gaming licensee shall provide the commission with a real-time stream of data, other than personally identifiable information, in the communication format specified by the commission in 205 CMR 138.16 directly from each slot machine. Such data shall be provided for purposes of computing and reconciling daily tax obligations as provided in 205 CMR 135.XX, for purposes of investigating patron disputes filed in accordance with 205 CMR 134.19, and for purposes of maintaining general oversight of a gaming establishment. The commission is not obligated to monitor or review the data on an ongoing basis. If communications between the slot machine and the commission’s system fails, the slot machine shall continue to record all required data for the most recent seven days of operation and send the data directly to the commission as soon as the connection is reestablished. If the connection is not reestablished within 24 hours due to a problem stemming from the gaming establishment’s systems, then any slot machine affected shall cease operation until the connection is reestablished.

#### 138.02: Progressive Gaming Devices

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-12: Progressive Gaming Devices in Casinos, version 2.1, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.1.

(b) Delete section 1.2.

#### 138.03: On-Line Monitoring and Control Systems (MCS) and Validation System

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-13: On-Line Monitoring and Control Systems (MCS) and Validation Systems in Casinos, version 2.1, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.1.

(b) Delete section 1.3.

#### 138.04: Cashless Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-16: Cashless Systems in Casinos, version 2.1, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.2.

(2) No slot machine at a gaming establishment shall accept debit cards or credit cards, or government-issued electronic benefits transfer cards as a form of payment.

138.05: Bonusing Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-17: Bonusing Systems in Casinos, version 1.3, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.2.

138.06: Promotional Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-18: Promotional Systems in Casinos, version 2.1, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.2.

138.07: Kiosks

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-20: Kiosks, version 1.5, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.1.3.

138.08: Client-Server Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-21: Client-Server Systems, version 2.2, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.1.

(b) Delete section 1.2.

138.09: Electronic Table Game Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-24: Electronic Table Game Systems, version 1.3, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.1.

(2) An electronic table game shall be considered a slot machine in accordance with M.G.L. c. 23K, § 2 unless the simulation requires the intervention of a gaming employee prior to the final determination of winnings.

138.10: Dealer Controlled Electronic Table Games [RESERVED]

138.11: Wireless Gaming Systems [RESERVED]

138.12: Network Security

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-27: Network Security Best Practices, version 1.1, released Jan 21, 2013, subject to the following amendments:

(a) Delete section 1.1.

(b) Delete section 1.2.

138.13: Player User Interface Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-28: Player User Interface Systems, version 1.0, released Feb 14, 2011, subject to the following amendments:

(a) Delete section 1.1.

138.14: Card Shufflers and Dealer Shoes [RESERVED]

138.15: Electronic Raffle Systems [RESERVED]

138.16: Communications Protocols

(1) A gaming licensee shall not operate any slot machine in a gaming establishment after January 1, 2017 unless that slot machine is compatible with the Gaming Standards Association G2S protocol. Provided however, any slot machine that is registered and operating in a gaming

establishment prior to January 1, 2017 is not required to comply with the G2S protocol. A gaming licensee shall not operate any slot machine in a gaming establishment unless the slot machine:

- (a) is able to bi-directionally communicate with the commission's central control system;
- (b) transmits, on a per bet basis, data relative to amounts wagered, amounts won, cash in, cash out, and similar financial information necessary for tax collection and auditing;
- (c) allows remote verification of gaming device software using a SHA-1 or similar hashing system;
- (d) allows remotely activating and disabling slot machines; and
- (e) transmits data relative to any restarts, shutdowns, resets, game changes, door open, and other maintenance events;

REGULATORY AUTHORITY

205 CMR 138: M.G.L. c. 23K, §§x

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 139.00: APPROVAL OF SLOT MACHINES AND ELECTRONIC GAMING  
EQUIPMENT AND TESTING LABORATORIES

Section

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139.02: Permitting of Gaming Device Prototypes

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139.04: Required Testing by Independent Testing Laboratories

139.05: Fees for Testing, Permitting, and Registration of Gaming Devices

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139.01: Required Permits and Registration

(1) No new or modified gaming device listed in 205 CMR 139.01(2) shall be:

(a) sold by a gaming vendor unless a prototype of the gaming device has received a permit from the commission in accordance with 205 CMR 139.02;

(b) operated by a gaming licensee in a gaming establishment unless the gaming device is registered with the commission in accordance with 205 CMR 139.03.

(2) The following gaming devices require permitting and registration by the commission:

(a) Slot machines;

(b) Electronic table games;

(c) Kiosks;

(d) Wireless wagering devices;

(e) Money counters;

(f) Chip sorters;

(g) Devices used in conjunction with table games such as gaming chips, dice, cards, Pai Gow tiles, card readers, dealer shoes, automated shuffling machines, dice shakers, and roulette wheels; and

(h) Tables for conducting table games such as roulette, blackjack, poker, craps, baccarat, big six, and Pai Gow.

(i) Slot machine games;

- (j) Multiplayer systems;
- (k) Server supported slot systems;
- (l) Slot machine bonus systems;
- (m) Table game bonus systems;
- (n) Progressive systems;
- (o) Account based wagering systems;
- (p) Slot monitoring systems and casino management systems;
- (q) Gaming voucher systems;
- (r) Devices used in conjunction with a slot monitoring system or casino management system, unless the devices provide read-only functionality;
- (s) Devices used in conjunction with gaming devices such as bill acceptors, printers, and coin acceptors that are not integrated into and tested as part of another gaming device;

139.02: Permitting of Gaming Device Prototypes

(1) In order to receive a permit for a gaming device, a gaming vendor, at its own expense, must submit the gaming device for scientific testing and technical evaluation in accordance with 205 CMR 139.04 by a commission certified independent testing laboratory certified pursuant to 205 CMR 139.06 to determine compliance with M.G.L. c. 23K and 205 CMR 138. The gaming vendor must provide the certified independent testing laboratory with all documentation and other materials necessary to conduct testing and evaluate compliance.

(2) Upon completion of testing by a certified independent testing laboratory, a gaming vendor may submit an application for permitting of the gaming device to the commission's gaming technology laboratory. The commission may reject any gaming device permit application that is deemed administratively incomplete. The application for a gaming device permit shall be in the form prescribed by the commission and contain:

- (a) the gaming vendor's name;
- (b) the gaming vendor's license number pursuant to 205 CMR 134;
- (c) a unique name and version number for the gaming device for which the registration is sought;
- (d) a copy of the commission certified independent testing laboratory report for the gaming device in accordance with 205 CMR 139.04;

(e) a list of all jurisdictions in which the gaming device has been granted or denied licensure, registration, or similar; and

(f) the application fee in accordance with 205 CMR 139.05.

(3) Upon receipt of the gaming device permit application, the commission's gaming technology lab may require that the gaming vendor provide to the commission's gaming technology lab, at the gaming vendor's expense, a functioning prototype of the gaming device as well as all documentation and other materials necessary to conduct testing and evaluate compliance.

(4) The gaming vendor shall promptly notify the commission of any negative action taken in another jurisdiction or if it becomes aware of an issue that may negatively impact the reporting of revenue, game outcome, or the integrity of a device that has been submitted to the commission for permitting or has been permitted.

(5) Prior to issuing a permit and after completing a review of a proposed gaming device that has not been available for public use in other jurisdictions for at least 45 days, the commission may require a trial period of up to 45 days to test the gaming device in a gaming establishment. During the trial period, minor changes in the operation or design of the gaming device may be made with prior approval of the commission.

(6) Upon reviewing a gaming device permit application and conducting any additional testing or trials that the commission requires, the commission shall issue a gaming device permit if the device meets the requirements of 205 CMR 139.02(7). If a gaming device does not meet the requirements of 205 CMR 139.02(7), the commission may deny the permit or issue the permit subject to conditions necessary for the gaming device to meet the requirements of 205 CMR 139.02(7). If the commission denies or conditions the gaming device permit, the commission shall provide a written notification containing the reason for the denial or condition. The gaming device permit shall not expire, but shall be subject to any future conditions imposed in accordance with 205 CMR 139.02(8).

(7) Prior to permitting, a gaming device must:

(a) meet the applicable requirements of G.L. c. 23K and 205 CMR 138; and

(b) not endanger, compromise, or weaken the credibility or integrity of gaming in the Commonwealth.

(8) The commission, or its designee, may add, modify or remove conditions following the initial permitting of a gaming device as necessary to ensure the integrity of the gaming device or the effective administration of 205 CMR.

(9) A gaming vendor may appeal a permit denial, permit revocation, or imposition of any condition on a permit by filing a petition on a form prescribed by the commission. Upon receipt



of a petition, the gaming technology lab shall schedule a hearing to be conducted in accordance with 205 CMR 139.02(10) and provide the gaming vendor with reasonable notice containing the date, time, and location of the hearing.

(10) Hearings convened pursuant to 205 CMR 139.02(9) shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Given the sensitive nature of gaming device operations, the hearing will not be open to the public. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The gaming technology lab may question any witness and include any records kept by the commission as exhibits. The commission's executive director shall designate a hearing officer to preside over the hearing. The decision of the hearing officer will be final. Any person aggrieved by a decision of the hearings officer may appeal such decision in conformance with M.G.L. c. 30A, § 14.

### 139.03: Registration of Gaming Device Inventory

(1) In order to register a gaming device for use in a gaming establishment, a gaming licensee must submit a gaming device registration application with the commission's gaming technology laboratory. The commission may reject any gaming device registration application that is deemed administratively incomplete. The application for a gaming device registration shall be in the form prescribed by the commission and contain:

- (a) the gaming licensee's name;
- (b) the gaming device number issued by the commission for the permitted prototype on which the gaming device is based;
- (c) in the case of a physical gaming device, the unique serial number and the date of manufacture for each copy of the gaming device that the gaming licensee intends to use in the gaming establishment;
- (d) in the case of a software gaming device, the maximum number of instances of the software that the gaming licensee intends to use at any one time in the gaming establishment;

(2) Upon reviewing a gaming device registration application, the commission shall register the gaming device if the gaming device registration application is in compliance with the requirements and conditions of the gaming device permit on which the device is based. The gaming device registration shall not expire, but shall be subject to any future conditions imposed in accordance with 205 CMR 139.03(4).

(3) A registered gaming device must:

(a) be identical in all mechanical, electrical, electronic or other material aspects to the prototype permitted in accordance with 205 CMR 139.02 on which the gaming device is based;

(b) comply with any conditions of the permitted prototype on which the gaming device is based; and

(c) not endanger, compromise, or weaken the credibility or integrity of gaming in the Commonwealth.

(4) The gaming licensee must ensure that the registered gaming device is and remains in compliance with 205 CMR 139.03(3) at all times. The commission may at any time inspect any registered gaming device and revoke or condition the registration if that device fails to comply with section 205 CMR 139.03(3). Prior to revoking or conditioning the registration of a gaming device currently in use in a gaming establishment, the commission shall allow the gaming licensee a reasonable amount of time to bring the device into compliance.

(5) A gaming licensee may appeal a registration denial, registration revocation, or imposition of any condition on registration by filing a petition on a form prescribed by the commission. Upon receipt of a petition, the gaming technology lab shall schedule a hearing to be conducted in accordance with 205 CMR 139.03(6) and provide the gaming licensee with reasonable notice containing the date, time, and location of the hearing.

(6) Hearings convened pursuant to 205 CMR 139.03(5) shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Given the sensitive nature of gaming device operations, the hearing will not be open to the public. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The gaming technology lab may question any witness and include any records kept by the commission as exhibits. The commission's executive director shall designate a hearing officer to preside over the hearing. The decision of the hearing officer will be final. Any person aggrieved by a decision of the hearings officer may appeal such decision in conformance with M.G.L. c. 30A, § 14.

(7) A gaming licensee shall inform the commission's gaming technology laboratory of any registered gaming device that the gaming licensee no longer possesses no later than the second Monday of the month following termination of possession.

#### 139.04: Required Testing by Independent Testing Laboratories

(1) Any testing by a commission certified independent testing laboratory for the purposes of permitting a gaming device shall be conducted in compliance with M.G.L. c. 23K and 205 CMR 138 and 139.

(2) The independent testing laboratory shall issue a report of the testing results to the gaming vendor. Such report shall contain:

- (a) the part and version numbers of the gaming device tested;
- (b) attachments containing documents sufficient to describe the functionality and operation of all material components of the gaming device;
- (c) a description of all tests conducted and the results of such tests;
- (d) a statement as to whether each of the components within the gaming device, each interaction between components, and the device as a whole is compliant with the latest version of M.G.L. c. 23K and 205 CMR 138 as of the start date of testing;
- (e) an attachment listing all known methods of breaching the security of the gaming device;
- (f) the date the gaming device was submitted for testing;
- (g) the start and end dates of the gaming device testing;
- (h) the location of the facility used to perform the testing; and
- (i) a statement, signed under penalty of perjury, that all information provided in the report is accurate and complete.

(3) The independent testing laboratory's report shall not contain any information in its body that if publically released may harm the integrity of the gaming device, but such information may be disclosed in an attachment.

(4) The independent testing laboratory may communicate with the applicant to request additional documentation or to discuss potentially non-compliant components. The independent testing laboratory shall log any communication between itself and the applicant and be able to provide to the commission copies of all documents transmitted to or from the applicant for at least seven years following the issuance of the report.

(5) The independent testing laboratory may only rely on testing conducted and data collected from a third party or from its own testing for another jurisdiction if the testing was performed during the past six years by an independent party with no apparent interest in the result. An independent testing laboratory relying on such external testing or data must clearly identify in its report all such reliance and independently verify the validity of such data or testing by:

- (a) finding that the methods described in the earlier test are reliable and there is no indication that the data are incorrect; or

(b) showing that the gaming device has been implemented for public use for at least 6 months in other jurisdictions and has performed in conformance with the data;

(6) An independent testing laboratory may rely on any data or results of testing conducted by a commission certified independent testing laboratory during the past six years when such testing was conducted for purposes of permitting a gaming device in the Commonwealth. Any reliance pursuant to 205 CMR 139.04(5) or (6) must be clearly identified in the report.

#### 139.05: Fees for Testing, Permitting, and Registration of Gaming Devices

(1) A gaming vendor seeking a gaming device permit shall remit appropriate fees to the commission along with the gaming device permit application. The application fee for submitting a new gaming device for permitting or for modification of a currently permitted gaming device is \$500.

(2) A gaming vendor seeking a gaming device permit or update to a gaming device permit shall, in addition to the application fee, pay to the commission all costs incurred by the commission in the testing process.

(3) A gaming vendor requesting that a commission certified independent testing laboratory conduct testing shall pay all costs of the testing directly to the independent testing laboratory.

(4) There is no fee for registering a gaming device based on a permitted prototype of the same device.

#### 139.06: Independent Testing Laboratory Certification and Auditing

(1) Certification Process. In order to provide testing services of gaming devices in Massachusetts, a person must be certified as an independent testing laboratory in accordance with 205 CMR 139.06. The certification process will take place as follows:

(a) The commission may issue yearly a request for applications from applicants interested in being certified as independent testing laboratories.

(b) Upon receipt of an application in the form prescribed in 205 CMR 139.06(5) the gaming technology laboratory and the bureau shall conduct any investigation they deem reasonable, including any visit, review or inspection of each independent testing laboratory seeking certification to evaluate the laboratory's qualifications and capabilities pursuant to 205 CMR 139.06(3).

(c) The applicant is required to pay any and all costs associated with the investigation, including site visits, inspections, and background investigations, of the applicant during the certification evaluation period.

(d) Upon the conclusion of evaluation and upon full payment of any costs associated with the certification process, the gaming technology laboratory, with the input of the bureau, shall issue a written report to the commission and to the applicant. The commission shall determine whether to initiate a process for a public hearing or adjudicatory proceeding. The commission may utilize the public hearing process if the bureau has not raised any complex concerns relative to suitability in the report.

(e) If the commission determines that an adjudicatory proceeding will be held, the commission shall conduct an adjudicatory proceeding in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A on the gaming technology laboratory's report under 205 CMR 139.06(1)(d) concerning the applicant. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The commission will issue a public notice in advance of the adjudicatory proceeding stating the date, time and place of the hearing. The commission shall issue a final decision granting or denying the certification within 30 days of the hearing.

(f) If the commission determines that a public hearing should be held, the commission shall review the gaming technology laboratory's report and make a final decision granting or denying the certification at a public hearing. The commission will issue a notice in advance of the public hearing stating the date, time and place of the hearing.

(g) Certification as an independent testing lab shall be valid for one year and shall automatically renew annually thereafter upon payment of a renewal and audit fee of \$2,000. The commission may audit the compliance of the certified independent testing laboratory with commission requirements annually or more often if needed. The commission may revoke the registration of a certified independent testing laboratory if the testing laboratory no longer meets the requirements of G.L. c. 23K and 205 CMR.

(h) The commission shall maintain a list of certified independent testing laboratories along with the categories of gaming device that each independent testing laboratory may test.

(2) Categories of Certification. Each independent testing laboratory must be certified for each category of testing for which the laboratory seeks to provide results. The categories of testing include:

- (a) Games and game variations;
- (b) Gaming devices and gaming device modifications;
- (c) Gaming associated equipment and gaming associated equipment modifications;

- (d) Cashless wagering systems and cashless wagering system modifications;
- (e) Inter-casino linked systems and inter-casino linked system modifications;
- (f) Mobile gaming systems and mobile gaming system modifications;
- (g) Interactive gaming systems and interactive gaming system modifications; and
- (h) Any other category of testing that the commission may deem appropriate.

(3) Standards for Certification. To qualify for certification, the independent testing laboratory, must:

- (a) Be independent pursuant to 205 CMR 139.06(4)
- (b) Be accredited in accordance with ISO/IEC 17025 by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement, unless the independent testing laboratory is only seeking certification for the testing of games and game variations;
- (c) Demonstrate suitability in accordance with G.L. c. 23K, §§ 12 and 16 by clear and convincing evidence after considering reciprocity from other jurisdictions;
- (d) Demonstrate that it is technically competent in testing the category of game, device, or system in which it is seeking certification; and
- (e) Demonstrate that it is technically competent to test compliance with the applicable Massachusetts statutes, regulations, standards and policies.

(4) Independence. An independent testing laboratory must be independent at all times while certified by the commission.

- (a) To be considered independent from a manufacturer, distributor, or operator pursuant to 205 CMR 139.06(3)(b), the independent testing laboratory, including its employees, management, directors, owners, compliance committee members and gaming regulatory advisors, with the exception of the independent testing laboratory's external accountants and attorneys:

1. Must not have a financial or other interest, direct or otherwise, in a manufacturer, distributor, or operator of any game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, regardless of whether or not the person or entity is licensed, registered, or otherwise does business in Massachusetts;

2. Must not participate, consult, or otherwise be involved in the design, development, programming, or manufacture of any game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto;

3. Must not have any other interest in or involvement with a manufacturer, distributor, or operator that could cause the independent testing laboratory to act in a manner that is not impartial; and

4. Such individuals shall not serve in any capacity with a manufacturer, distributor, or operator beyond the scope of the independent testing laboratory's engagement pursuant to these regulations.

(b) The restrictions in 205 CMR 139.06(4)(a) shall not be interpreted to limit an independent testing laboratory, or the above listed individuals, from providing consulting services to a manufacturer, distributor, or operator, provided that such services do not directly or indirectly indicate, suggest, or imply how to design, develop, program or manufacture a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any components thereof or modification thereto.

(c) The restrictions in 205 CMR 139.06(4)(a) shall not be interpreted to limit its ability to accept fees from a gaming device vendor in accordance with 205 CMR 139.05.

(5) Form of Application. An application for certification as an independent testing laboratory shall be in the form prescribed by the commission and contain:

(a) A completed business entity disclosure form as set forth in 205 CMR 134.07(6) for the applicant entity;

(b) Completed multi-jurisdictional personal history disclosure forms as set forth in 205 CMR 134.07(1) for each person who would be a gaming vendor qualifier pursuant to 205 CMR 134.04(4) if the applicant were a gaming vendor;

(c) Copies of all ISO/IEC 17025 certification and accreditation materials except if the independent testing laboratory is only seeking registration for the testing of games and game variations;

(d) All ISO required internal controls, policies and procedures, except if the independent laboratory is only seeking registration for the testing of games and game variations;

(e) Detailed description of the testing facilities;

(f) Detailed description of available testing staff and staff qualifications, including education, training, experience and skill levels;

(g) Detailed description of available testing equipment;

(h) Copies of documented policies, systems, programs, procedures and instructions to assure the quality of test results;

(i) Copies of all test scripts to be used for testing against the applicable Massachusetts statutes, regulations, standards, and policies.

(j) A statement subscribed by the applicant that:

1. The information being provided to the commission is accurate and complete;

2. The applicant agrees to cooperate with all requests, inquiries, or investigations of the commission;

3. The applicant acknowledges that the commission shall retain jurisdiction over the independent testing laboratory in any matter involving a gaming device;

4. The applicant acknowledges that it will comply with G.L. c. 23K, § 13(b) and (c) and update the commission in accordance with 205 CMR 139.06(6);

5. The applicant agrees to indemnify and hold harmless the Commonwealth of Massachusetts and the commission, and each of their members, agents, and employees in their individual and representative capacities against any and all claims, suits and actions, brought against the persons named in this section by reason of any inspections or certifications performed by the applicant as a certified independent testing laboratory, and all other matters relating thereto, and against any and all expenses, damages, charges and costs, including court costs and attorney fees, which may be sustained by the persons and entities named in this subsection as a result of said claims, suits and actions; and

(k) any additional information that the commission may require.

(6) Notification Requirements. Certified independent testing laboratories shall:

(a) notify the commission of any change in ownership of the certified independent testing laboratory, any change in directors, executives, or key management or employees of the independent testing laboratory, and any other material changes to the information included in its application for registration or the information submitted in conjunction with or subsequent to its application within 30 days of such change;



(b) no later than by the 15th day of each January, inform the commission in writing of any changes to the information that was contained on the registered independent testing laboratory's application for registration or submitted in conjunction with or subsequent to its application, or that no changes have occurred since the last reporting date;

(c) maintain copies of the results of any ISO/IEC 17025 audits or reviews and notify the commission in writing of the availability of the results within 15 days of when they become available to the registered independent testing laboratory and provide copies to the commission upon request.

(d) notify the commission immediately of any material issues concerning any gaming device that it tested for use in Massachusetts;

(e) notify the commission immediately of any attempts by a manufacturer, distributor, or operator to improperly influence the certified independent testing laboratory, or any of its employees, managers, or owners, in or in connection with any testing of gaming devices for use in Massachusetts; and

(f) timely provide the commission with such other information as the commission may request or require.

(7) Continued Obligations. Certified independent testing laboratories shall abide by the following requirements while certified:

(a) In the interest of preserving a competitive gaming industry, a certified independent testing laboratory shall not implement or maintain any procedure or policy or take any action that would inhibit or prevent a manufacturer, distributor or operator that has otherwise been deemed suitable for doing business in Massachusetts by the commission from submitting a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, for testing for use in Massachusetts, or that would call into question or tend to erode the independence of the certified independent laboratory from any clients that utilize its services.

(b) All testing shall be performed by a person directly employed by the certified independent testing laboratory. The certified independent testing laboratory shall not assign, delegate, subcontract, or otherwise engage any person not directly employed by the certified independent testing laboratory for any testing for which the laboratory has been certified. The certified independent testing laboratory shall provide the commission each month with a list and description of all amounts paid by or invoiced to licensed gaming vendors for costs of gaming device testing or otherwise.

(c) A certified independent testing laboratory shall implement and maintain a hiring and background check process that ensures, at a minimum, that no person is hired in a

position involving testing relating to Massachusetts, or in a position overseeing or managing an employee in such a position, who has:

1. failed to disclose or misstated information or otherwise attempted to mislead the commission with respect to any information the person has provided to the commission;
2. been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury;
3. committed prior acts which have not been prosecuted or in which the person was not convicted but form a pattern of misconduct that makes the person unsuitable;
4. Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;
5. Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority; or
6. Had any gaming license, registration or other like credential revoked or committed any act which is a ground for the revocation of a gaming license, registration or other professional credential held by the person or would have been a ground for the revocation of a gaming license, registration or other professional credential had the person held such license, registration, or credential.

(d) A certified independent testing laboratory shall handle all information and data prepared or obtained as part of the testing process as confidential.

(e) A certified independent testing laboratory shall implement and maintain security and access control systems designed to secure and protect the confidentiality of all equipment, software, and other information entrusted to it as part of the testing process.

(f) The commission may, as appropriate, periodically provide further guidance as to what is required of a certified independent testing laboratory through industry notices or other written communications.

(g) If a certified independent testing laboratory hires an individual who was previously employed by, or performed any work for, a manufacturer, distributor or operator within one year prior to the individual's date of employment with the independent testing laboratory, the certified independent testing laboratory shall not permit that person to test any gaming device for use in Massachusetts, for which the person had any involvement

with, whatsoever, while he or she was employed by the manufacturer, distributor or operator for a period of one year from the individual's date of employment with the independent testing laboratory.

REGULATORY AUTHORITY

205 CMR 139: M.G.L. c. 23K, §§x

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205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 140.00: POSSESSION OF SLOT MACHINES

Section

140.01: Possession of Slot Machines

140.02: Transportation of Slot Machines

140.01: Possession of Slot Machines

(1) The following persons and any employee or agent acting on their behalf may, subject to any terms and conditions imposed by the commission, possess slot machines in the commonwealth for the purposes provided herein, and such possession is not restricted by G.L. c. 271, § 5A, provided that the machines are kept only in such locations as may be specifically approved in writing by the commission and that any machines located outside of a gaming establishment not be used for gaming activity:

(a) A holder of:

1. A gaming license at the gaming establishment;
2. A gaming vendor license, for the purpose of distributing, repairing or servicing slot machines;

(b) An employee or agent of the commission, for the purpose of fulfilling official duties or responsibilities;

(c) A common carrier, for the purpose of transporting such slot machines;

(d) A trade school approved by the commission to possess slot machines for educational purposes; or

(e) Any other person the commission may approve after finding that possession of slot machines by such person in this state is necessary and appropriate to fulfill the goals and objectives of M.G.L. c. 23K and 205 CMR.

(2) Each gaming licensee shall file, prior to the commencement of gaming and every thirty days thereafter with the commission a comprehensive lists of:

(a) The slot machines and bill validators and/or bill changers not integrated into a slot machine on its gaming floor (the "Slot Machine Master List");

(b) The slot machines possessed by the licensee in restricted areas off the gaming floor but on the premises of its gaming establishment;

(c) The slot machines possessed by the licensee at locations in this state but off the premises of its gaming establishment.

(3) At a minimum, each list of slot machines required by paragraph (2) of this rule shall contain the following information, as applicable, for each slot machine and any accompanying bill validator and/or bill changer on the "Slot Machine Master List," in consecutive order by location number:

(a) The date on which the list was prepared;

(b) A description of each slot machine by:

1. Slot machine model and serial number;
2. Computer program number;
3. Denomination;
4. Manufacturer and machine type; and
5. Whether the slot machine has an electronic funds transfer (EFT) feature.

(c) A cross reference for each slot machine by zone and serial number;

(d) The restricted area within the gaming establishment where the slot machine is located for each slot machine included on the list required by paragraph (2)(b) of this rule;

(e) The address of the slot machine storage facility where the slot machine is located for each slot machine included on the list required by paragraph (2)(c) of this rule; and

(f) Such other information as the commission may require.

(4) Any building located outside of a casino facility where slot machines will be kept shall meet, at a minimum, the following requirements:

(a) All access doors and windows must be locked and alarmed;

(b) Access is restricted to those individuals permitted to maintain slot machines pursuant to this regulation; and

(c) Any other requirements as deemed appropriate by the commission.

#### 140.02: Transportation of Slot Machines

(1) Pursuant to St. 2011, c. 194, §§ 101 and 102, any transportation of a slot machine in accordance with 205 CMR 140.02 shall be exempt from the provisions of chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171 to 1178.

(2) Prior to the transport or movement of any slot machine into the Commonwealth; from one authorized location to another authorized location within the Commonwealth unless both locations are operated and controlled by the same gaming licensee; or out of the Commonwealth, the person causing such slot machine to be transported or moved shall first notify the commission in writing giving the following information:

- (a) The full name and address of the person shipping or moving the machine;
- (b) The full name and address of the person who owns the machine, including the name of any new owner in the event ownership is being changed in conjunction with the shipment or movement;
- (c) The method of shipment or movement and the name of the carrier or carriers;
- (d) The full name and address of the person to whom the machine is being sent and the destination of the machine if different from such address;
- (e) The quantity of machines being shipped or moved and the manufacturer's serial number of each machine;
- (f) The expected date and time of delivery to or removal from any authorized location in the Commonwealth;
- (g) The port of entry, or exit, if any, of the machine if the origin or destination of the machine is outside the continental United States; and
- (h) The reason for transporting the machine.

(3) The person shipping or moving any slot machine shall provide to the shipper a document, at least one copy of which shall be kept with the slot machine at all times during the shipping process, that contains the following information, at a minimum:

- (a) The manufacturer's serial number of the slot machine being transported;
- (b) The full name and address of the person from whom the machine was obtained;
- (c) The full name and address of the person to whom the machine is being sent; and
- (d) The dates of shipment.

(4) Any person, company, or school receiving a slot machine shipment from outside of the Commonwealth shall, within three business days of receipt, provide the commission with the information enumerated in (b) above.

(5) All movements of slot machines shall be recorded in a log that shall be maintained in accordance with the record retention requirements contained in 205 CMR 135.XX and include the following:

- (a) The manufacturer's serial number;
- (b) The casino operator's equipment number, if applicable;
- (c) An indication as to whether the equipment is equipped for tokenization, and if so, the denomination;
- (d) The date and time of movement of the equipment;
- (e) The location from which the equipment was moved;
- (f) The location to which the equipment was moved; and
- (g) The printed name(s) and signature(s) of the person(s) involved in moving the equipment.

REGULATORY AUTHORITY  
205 CMR 140: M.G.L. c. 23K, §§x