

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 143.00: GAMING DEVICES AND ELECTRONIC GAMING EQUIPMENT

143.01: 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~~ 3.0, released ~~August 25, 2011~~ September 21, 2016, subject to the following amendments:

- (a) Delete section 1.1.1 and replace with the following: “The following sets forth the technical standards for electronic gaming devices as identified in 205 CMR 144.01(2).
- (b) Delete section 1.1.2.
- (c) Delete section 1.2.
- (d) ~~Delete section 1.4.~~ Delete section 1.3.3 and replace with: “This GLI technical standard is adopted in whole subject to the modifications described in 205 CMR 143.01. The standard and modifications should at all times be read in conjunction with 205 CMR and the standards referenced in section 1.4.1 so as to create a harmonious regulatory framework.”
- (e) Add the following after section 2.3.2: “2.3.3 Game integrity. The gaming licensee shall develop and submit to the IEB and the commission’s gaming lab for approval a preventive maintenance program for the care and upkeep of any such mechanical pieces or any physical moving parts and/or any physical parts of any slot machine, or player interaction devices, that may affect the outcome of any game to ensure the integrity of the outcomes. The IEB may require any such part to be replaced.”
- (f) Delete the last sentence of section 3.6.1 and replace with: “If a cryptographic RNG is used, it shall comply with section 3.6.2.”
- (g) Delete section 4.6.6.
- (h) ~~(e)~~ Replace in section ~~3.4.1~~ 4.8.1 “seventy-five percent (75%)” with “eighty percent (80%)”.
- (i) ~~(f)~~ Add the following after the first paragraph of section ~~3.4.1~~ 4.8.1: “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 licensee, but may include the acquisition cost to the gaming licensee of the merchandise or other thing of value. The calculation shall include the value of promotional gaming credit (i.e.- “free play”).”
- (j) Add the following after the first sentence in section 4.8.1(a): “If necessary to ensure the fairness of the game to patrons, the Commission may require a gaming vendor to submit a device for testing to determine whether it meets the requirements of section 4.8.1 when using average or counter-optimal methods of play in addition to, or in lieu of, an optimal method of play.”

- (k) ~~(g)~~ Replace in section ~~3.4.1~~ 4.8.1(b) “75%” with “80%”.
- (l) Add the following after section 4.8.1(b): “(c) Games of pure skill and/or games that do not utilize an RNG are not required to achieve a minimum theoretical payout percentage.”
- (m) ~~(h)~~ Replace in section 3.10.1(f) “seventy five percent (75%)” with “eighty percent (80%)”.
- (n) Delete section 4.16.1 and replace with the following: “For games of chance, the gaming device shall cease play, display an appropriate message, and require attendant intervention to resolve player payment for the payment of winnings of \$1200 or more from a single *game cycle*. For a *game with skill*, the gaming device shall cease play, display an appropriate message, and require attendant intervention to resolve player payment for the payment of winnings of \$1200 or more from a single *gaming session*. In determining whether winnings equal or exceed the \$1,200 threshold, the amount of winnings shall not be reduced by the amount wagered. It is permissible to provide a mechanism to accrue taxable winnings to a separate meter, however, this meter must not support any direct wagers. See also M.G.L. c.62B, §2, 26 CFR §1.6041-10, and GLI-13, section 2.4.2.”
- (o) Add the following after the first paragraph of section 4.20.1: “For purposes of independent testing in accordance with 205 CMR 144.00, the gaming device manufacturer shall determine in the first instance, subject to the acceptance of the independent test laboratory, whether a gaming device qualifies as a *game with skill*, a game of pure chance, or a game of pure skill. Such determination shall be subject to review and reclassification by the commission.”
- (p) Replace in section 4.20.3 “75%” with “80%”.
- (q) Add the following to section 5.4.1(k): “provided, however, no slot machine intended for use at a gaming establishment in Massachusetts may accept debit cards, credit cards, or government-issued electronic benefits transfer cards for purposes of purchasing any form of gaming value;”
- (r) Add the following in Glossary of Key Terms in the definition of *Player Interaction Device* after the term “camera systems”: “smartphones, keypads, gamepads, audio sensors, motion sensors, image sensors, image displays, infrared emitters and detectors, accelerometers;”.
- (s) Delete section 4.4.1(v) and replace with the following: “Signage indicating that a “malfunction voids all pays” or some equivalent verbiage shall be clearly displayed and permanently affixed to the exterior of the slot machine and not be readily removable. For purposes of 205 CMR, a malfunction shall be an event in which a slot machine:
 - (1) In some way performs contrary to a rule or other language describing the performance or payout of the game exhibited on the exterior display of the slot machine or contained in the rules section of the slot machine; or

- (2) In some way performs contrary to the manufacturer design or operational specifications; or
- (3) In some way performs contrary to the requirements of 205 CMR including the specifications contained in the certification for the slot machine issued in accordance with 205 CMR 144.00.”

(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 M.G.L. c. 140, § 177A(2). For clarification, as a general matter, the distinction between a slot machine and an automatic amusement device is that unlike an automatic amusement device a slot machine is capable of paying out a cash prize, and/or the value of the merchandise being offered is, over \$1000.

(3) For purposes of M.G.L. c. 23K and 205 CMR a slot machine that has multiple gaming positions, as defined by M.G.L. c. 23K, § 2, shall be considered a single slot machine. Provided, however, a Category 2 licensee shall not have more than 1,500 gaming positions available for play at any one time.

(4) All slot machines and other electronic gaming devices shall be capable of providing the commission with a near real-time stream of data, other than personally identifiable information, in the communication format specified by the commission in 205 CMR 143.16(1) directly from each slot machine or electronic gaming device. Such data shall be provided for purposes of computing and reconciling daily tax obligations as provided in 205 CMR, for purposes of investigating patron disputes filed in accordance with 205 CMR 134.19: *Disciplinary Action*, 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 central monitoring system fails, the slot machine shall not continue to operate unless it records all required data from the applicable communication protocol since losing the connection, up to seven days, 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.