



REQUEST FOR PUBLIC COMMENT GAMING DEVICE REGULATIONS

The Massachusetts Gaming Commission is seeking to promulgate regulations relative to gaming devices under Chapter 23K. The Commission has created draft regulations and seeks public comment on the contents in preparation for discussion during the May 1, 2014 public meeting. Please note that this comment period is not part of the formal process for regulation promulgation. While public comment on all aspects of the draft regulation is requested, the following issues require further discussion:

1. **Multi-position Slot Machines.** *205 CMR 138.01(3)*. How does the Commission account for slot machines that have multiple positions for purposes of the 1,250 slot machine limit in G.L. c. 23K, § 2 and the \$600 annual license fee per a slot machine in G.L. c. 23K, § 56? What are the benefits and drawbacks of: treating each gaming device as a single slot machine regardless of the number of gaming positions, treating each gaming position at a device as a separate slot machine, or creating an intermediary structure?
2. **Slot Machine Communication Protocol.** *205 CMR 138.16(1)*. Should the Commission require the G2S protocol for all slot machines implemented? Can the Commission achieve the same level of remote monitoring and enforcement without requiring the G2S protocol? Does the “grandfathering” of devices prior to January 1, 2017 provide value to gaming establishments? Would requiring a G2S protocol, as opposed to requiring certain discrete functionality, prohibit gaming device manufacturers from selling their devices in the Commonwealth? Does any particular functionality of G2S, such as those listed in the draft regulations, prohibit gaming device manufacturers from selling their devices in the Commonwealth?
3. **Reliance on Prior Testing.** *205 CMR 139.04(5) and (6)*. To what extent should the Commission allow independent testing labs to rely on prior testing in making determination as to whether a device meets the requirements of 205 CMR 138? Is there a reliable model used in other jurisdictions that allows an independent testing laboratory to rely on testing conducted by a third party outside of the jurisdiction? Are there benefits for gaming device vendors or independent testing labs in allowing reliance on third party testing? Would the creation of a list of permissible jurisdictions be appropriate? Do time frames, such as reliance only on testing conducted in the past 6 years, create any additional guarantees of testing quality?
4. **Device Permitting.** *205 CMR 139.02(7),(8) and 139.05(1)*. What amount should the commission charge for permitting and registration of a new or modified gaming device? Should gaming device permits expire? Is it necessary to ensure that any gaming device sold comply with the most current regulatory requirements even if that device has been permitted by the Commission in the past?

5. **Testing Lab Certification Renewal.** *205 CMR 139.06(1)(g)*. What amount should the commission charge for the renewal of the independent testing lab certification in order to cover its costs in reviewing lab compliance? What level of audit and oversight of independent testing labs is appropriate after the labs have been initially certified?

Those who wish to submit written comments may do so by sending an email to mgccomments@state.ma.us with '**Gaming Device Regulations**' in the subject line. Please submit your comments no later than **April 28, 2014 at 5:00 pm**.