

205 CMR 138.00: UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND INTERNAL CONTROLS

138.69: Entertainment, Filming or Photography within the Gaming Area

(1) ~~No~~ The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a plan under which a gaming licensee may permit entertainment, filming or photography ~~shall be if it is~~ offered or conducted within the gaming area, or ~~shall be~~ is significantly visible or audible from or in the gaming area. Entertainment, filming or photography may be permitted by the gaming licensee to advertise, market or promote the gaming establishment, for general entertainment purposes, or for the reporting of news stories. Filming or photography may also be permitted in the event of an emergency in which filming or photography is necessary to memorialize the emergency event for the purpose of maintaining the facility or gaming equipment.

(2) The gaming licensee may permit employees or vendors licensed or registered pursuant to 205 CMR 134.00 or news media, including television, radio, newspaper, internet or other similar outlets, to engage in entertainment, filming or photography under the plan submitted pursuant to 205 CMR 138.69(1). ~~, unless~~ ~~†~~The gaming licensee shall file a written notice with the IEB, at least 24 hours prior to the commencement of such entertainment, filming or photography that meets the requirements of 205 CMR 138.69(6). In the event of an emergency as described in 205 CMR 138.69(1), the gaming licensee shall file a written notice with the IEB within 24 hours of the emergency which includes a description of the emergency and any related filming or photography.

(3) The gaming licensee may permit patrons to engage in filming or photography under the plan submitted by the gaming licensee pursuant to 205 CMR 138.69(1) upon the patron's written request. If the gaming licensee proposes to allow the patron's request, the gaming licensee shall comply with the following:

- (a) File a written notice with the IEB at least five (5) days prior to such filming or photography which meets the requirements of 138.69(6); and
- (b) Provide information to the patron about any applicable statutes or regulations, including but not limited to 205 CMR 138.69 and those referenced therein.

(4) Any entertainment, filming or photography offered or permitted by the gaming licensee shall be subject to the following limitations:

- (a) The gaming licensee shall not permit entertainment, filming or photography that infringes upon the privacy of others or which adversely affects the security or integrity of gaming operations. To the extent possible, only the individuals whose participation is outlined in the notice submitted to the IEB should be captured on film or in photographs;
- (b) The gaming licensee shall not permit table games in operation to be involved in entertainment or shown on film or in photographs. This includes the table, equipment, chips, cards, dice, dealer actions, or patron activities;
- (c) The gaming licensee shall not permit the real-time or near real-time transmission of audio or visual content (ie. live streaming) via television, internet platforms, social media,

or other digital or electronic methods;

(d) The gaming licensee shall not permit filming or photography that utilizes panoramic or wide-angle shots which encompass a broad view of the gaming floor;

(e) The gaming licensee shall not permit news media or patrons to film or photograph or be permitted in secure or restricted areas, including the cashier's cage, the surveillance or operations center, count rooms, back of house area, surveillance camera configurations, and any other location where sensitive security or operational equipment is contained;

(f) The gaming licensee shall not permit the placing of a wager on behalf of another individual, whether present at the gaming establishment or remote, at the individual's direction or using the individual's funds to be involved in entertainment or captured on film or in photographs;

(g) The gaming licensee shall not permit individuals who appear intoxicated or are otherwise under the influence of alcohol or drugs to participate in or be shown in any entertainment, film or photography; and

(h) The gaming licensee shall designate one or more employees to accompany and supervise any filming or photography by news media or patrons.

(5) The gaming licensee may request a waiver of the limitations outlined in 205 CMR 138.69(4)(a) – (e). Such waiver request must be submitted in writing to the IEB along with the notice required by 205 CMR 138.69(6). The IEB shall review any waiver request in accordance with the provisions of 205 CMR 102.03(4)(a).

~~(+)(6)~~ , which The written notice required by 205 CMR 138.69(2) and (3) shall include, at a minimum, the following information:

(a) The date and time of the scheduled entertainment, filming or photography;

(b) A detailed description of the type of entertainment, filming or photography to be offered, including the location, website or platform where any filming or photography will be broadcast or posted;

(c) The number and names of persons involved in the entertainment, filming or photography;

~~(e)(d)~~ A description of the relationship between the gaming licensee and the individuals involved in the entertainment, filming or photography, including but not limited to any compensation or thing of value received by said individuals in connection with the relationship;

~~(d)(e)~~ The exact location of the entertainment, filming or photography in the gaming area;

~~(e)(f)~~ A description of any additional security measures that will be implemented as a result of the entertainment, filming or photography; and

(g) A certification from the supervisors of the gaming licensee's security, gaming operations, and surveillance departments that the proposed entertainment, filming or photography will not adversely affect the security and integrity of gaming operations; and

(h) An attestation from the individuals involved in the entertainment, filming or photography that they will comply with the following:

1. All limitations, restrictions or prohibitions imposed by the gaming licensee, including but not limited to the limitations outlined in 205 CMR 138.69(4);

2. Prohibitions against firearm possession on the premises as required pursuant to 205 CMR 138.20;

3. Any filming or photography produced will contain no false or misleading claims, including but not limited to, claims that achieve the following:

- a. Encourage players to chase losses or reinvest winnings;
 - b. Suggest that gambling is a means of solving financial, personal or professional problems or a way to pay bills;
 - c. Guarantee winning or financial, social or personal success;
 - d. Imply that the chance of winning increases the longer one plays or the more one spends;
 - e. Suggest that skill can influence the outcome of a game in which skill is not a significant factor; and
 - f. Suggest that the odds of winning or losing any games offered by the gaming licensee is different from the actual odds; and
4. Any filming or photography produced will not be directed at individuals under the age of 21, such as by engaging in the following:
- a. Featuring anyone who is, or appears to be, under the age of 21;
 - b. Using imagery, language, symbols, themes, role models and/or celebrity endorsers that primarily appeal to those under the age of 21;
 - c. Suggesting that gambling is a rite of passage to adulthood; and
 - d. Broadcasting, placing or posting the final product before an audience which is reasonably known to be predominantly under the age of 21.

(7) Upon receipt and review of the notice described in 205 CMR 138.69, the IEB may deny the proposed entertainment, filming or photography, request additional information, or require modifications. In reviewing the suitability of proposed entertainment, filming or photography, the IEB shall consider the extent to which the proposed entertainment, filming or photography may unduly disrupt or interfere with:

- (a) Efficient gaming operations;
- (b) The security of the gaming establishment or any portion thereof;
- (c) Surveillance operations;
- (d) The security or integrity of gaming operations or any authorized game; or
- (e) Patron safety.

(8) The IEB may at any time require the gaming licensee to immediately cease any entertainment, filming or photography offered within the gaming area; if the entertainment, filming or photography provided deviates in any material is in any manner different from the description contained in the submission filed pursuant to 205 CMR 138.69(1) way from the gaming licensee's approved plan or notice submitted to the IEB or in any way compromises efficient gaming operations, the security of the gaming establishment or any portion thereof, surveillance operations, the security or integrity of gaming operations or any authorized game, or patron safety.

(9) Any entertainment, filming or photography offered pursuant to the gaming licensee's approved plan shall comply with all applicable regulations, including but not limited to, 205 CMR 133.00: *Voluntary Self-Exclusion*; 205 CMR 150.00: *Protection of Minors and Underage Youth*; and 205 CMR 256.00: *Sports Wagering Advertising*.

(2)(10) The gaming licensee shall post a notice in a conspicuous location at each entrance to the gaming establishment that notifies patrons that filming or photography may be taking place

on the gaming floor and that their continued presence on the gaming floor constitutes consent to being captured on film or in photographs.

~~(3) In reviewing the initial or continued suitability of an entertainment, filming or photography proposal, the IEB shall consider the extent to which the entertainment, filming or photography proposal may unduly disrupt or interfere with:~~

- ~~(a) Efficient gaming operations;~~
- ~~(b) The security of the gaming establishment or any portion thereof;~~
- ~~(c) Surveillance operations; or~~
- ~~(d) The security or integrity of gaming operations or any authorized game.~~