



**MASSACHUSETTS GAMING COMMISSION  
PUBLIC MEETING# 345**

May 26, 2021  
10:00 a.m.

**VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 122 1716**



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA  
May 26, 2021**

**PLEASE NOTE:** Given the unprecedented circumstances resulting from the global Coronavirus pandemic, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of individuals interested in attending public meetings. In keeping with the guidance provided, the Commission will conduct a public meeting utilizing remote collaboration technology. If there is any technical problem with our remote connection, an alternative conference line will be noticed immediately on our website: [MassGaming.com](http://MassGaming.com).

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

**Wednesday, May 26, 2021  
10:00 a.m.**

**Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
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All documents and presentations related to this agenda will be available for your review on the morning of May 26, 2021 by [clicking here](#).

**PUBLIC MEETING - #345**

1. Call to order
2. Investigations and Enforcement Bureau – Loretta Lillios, Director of Investigations and Enforcement Bureau, Captain Brian Connors, Massachusetts State Police, Bruce Band, Assistant Director of Investigations and Enforcement Bureau

Review of Massachusetts Gaming Commission COVID-19 related orders for gaming establishments in light of the Governor’s May 17<sup>th</sup> announcement lifting all industry related restrictions effective May 29<sup>th</sup>, and the Updated Mask Requirements issued by the Department of Public Health also effective May 29<sup>th</sup> and consistent with the CDC’s updated guidance.

- a. MGC COVID Order dated 6/23/2020: *Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments* – Jacqui Krum, Senior VP and General Counsel, Encore Boston Harbor; Seth Stratton, VP and Daniel Miller,



Massachusetts Gaming Commission

Compliance Director, MGM Springfield; North Grounsell, General Manager, Plainridge Park Casino **VOTE**

- b. MGC COVID Order dated 10/8/2020: *Minimum Requirements for the Reintroduction of Roulette at the Category 1 Gaming Establishments* – Jacqui Krum, Senior VP and General Counsel, Encore Boston Harbor; Seth Stratton, VP and General Counsel and Daniel Miller, Compliance Director, MGM Springfield. **VOTE**
- c. MGC COVID Order dated 3/11/2021: *Minimum Requirements for (1) Expanding Blackjack-Style Tables to Include a 4<sup>th</sup> Player Position and (2) the Reintroduction of Craps at the Category 1 Gaming Establishments* – Jacqui Krum, Senior VP and General Counsel, Encore Boston Harbor; Seth Stratton, VP and General Counsel and Daniel Miller, Compliance Director MGM Springfield **VOTE**

3. Racing Division – Dr. Alex Lightbown, Director of Racing

- a. Review of Massachusetts Gaming Commission approved COVID-19 plans for horseracing and simulcasting facilities in light of the Governor’s order and CDC guidance – Steve O’Toole, Director of Racing, Plainridge Park Casino; George Carney, Owner/General Manager and Sue Rodrigues, Assistant General Manager, Raynham Park; David Lanzilli, Controller, Suffolk Downs **VOTE**

4. Legal Division and Legislative Affairs – Todd Grossman, General Counsel and Jill Griffin, Director of Diversity and Legislative Affairs

- a. Report on the status of the Governor’s order providing limited relief from certain provisions of the Open Meeting Law – Todd Grossman, General Counsel
- b. Review of letter prepared for submission to the Legislature in support of continued use of remote collaboration technology at public meetings – Jill Griffin, Director of Diversity and Legislative Affairs **VOTE**

5. Racing Division and Legislative Affairs – Dr. Alex Lightbown, Director of Racing and Jill Griffin, Director of Diversity and Legislative Affairs

- a. Review of letter prepared for submission to the Legislature in support of the extension of the horseracing and simulcasting authorization. **VOTE**

6. Commissioner Updates

7. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us).



Massachusetts Gaming Commission

May 24, 2021

*Cathy Judd-Stein*, Chair

**Date Posted to Website:** May 24, 2021 at 10:00 a.m.



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)



## **Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments**

### **Background:**

On March 14, 2020, the Massachusetts Gaming Commission (the “Commission” or the “MGC”) temporarily suspended operations of its three licensees due to the unprecedented public health risks associated with the Coronavirus pandemic (COVID-19) and Governor Charles D. Baker’s declaration of a State of Emergency and issuance of related orders and advisories. To guide the economic reopening of the Commonwealth, Governor Baker later convened a Reopening Advisory Board (the “Advisory Board”) and determined that industries would re-introduce their services over the course of four phases in accordance with certain industry sector specific standards. The Baker-Polito Administration set the reopening of casinos for Phase 3 and announced that Phase 3 will not begin before July 6, 2020 with the precise date to be dependent on public health data. In addition to any industry sector specific standards adopted by the Baker-Polito Administration, the gaming establishments must reopen in accordance with requirements of the CDC, state and local departments of public health, and protocols and guidance established by the Commission.

The Commission held three open meetings (on Thursday, June 11, 2020; Wednesday, June 17, 2020; and Tuesday, June 23, 2020) to discuss minimum requirements (“Minimum Requirements”) for the initial reopening of casinos. Each of these open meetings included extensive input from the executive staff, the Investigations and Enforcement Bureau (“IEB”), and the Commission’s three licensees. At the conclusion of the meeting on June 23, 2020, the Commission voted to adopt the Minimum Requirements reflected in this document.<sup>1</sup> The licensees have informed the Commission that they will need no less than 10 to 14 days in advance of reopening to prepare the gaming establishment for compliant operations and to adequately train employees.

Any Minimum Requirement as set forth in this document is subject to change based on public health data.

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<sup>1</sup> Any Minimum Requirement set by the Commission will be adjusted if a more restrictive requirement is set by the Baker-Polito Administration.

## **Minimum Requirements:**

### **1. Detailed Plan from Each Licensee**

- a. Each licensee is required to submit a detailed plan to the Commission at least 7 days in advance of reopening (the “Licensee’s Reopening Plan” or the “Plan”). The Plan shall identify steps and measures the licensee will take to achieve compliance with the guidance and protocols issued by the CDC, the Department of Public Health (“DPH”), the Board of Health in the host community, the Baker-Polito Administration, and the Guidelines adopted by the Commission.
- b. Each licensee shall work in conjunction with an individual with expert qualifications in the fields of public health and/or epidemiology to develop and approve its Plan. The credentials of these individuals shall accompany the submission of each Plan to the Commission.
- c. Each licensee’s Compliance Department shall be responsible for adherence to its Plan, and compliance shall be subject to all required reporting and audit requirements both internal and by the MGC. The Pandemic Safety Officer (referenced in section 12.o below) shall work in conjunction with the Compliance Department and provide the Compliance Department with a log of all material communications with public health agencies related to COVID-19 at the gaming establishment.

### **2. Pre-opening Cleaning**

- a. Before reopening, perform full cleaning and disinfecting of the gaming establishment in accordance with CDC Guidelines for Cleaning and Disinfecting Your Facility and any sector-specific protocols and best practices indicated by the Baker-Polito Administration.

### **3. Compliance with Public Health Guidance**

- a. Comply with all guidance and protocols issued by the CDC, DPH, local Board of Health in the host community, and the Baker-Polito Administration for dealing with COVID-19.

### **4. Entry/Screening of Guests**

- a. The licensee shall develop a communications plan to inform guests of its expectations regarding COVID-19. The licensee’s communications plan, website, and signage at points of entry shall list COVID-19 symptoms and direct guests not to visit/enter if “YES” to any symptoms. The communications plan, website, and signage also shall direct guests not to visit/enter if they have traveled to any CDC Level 3 Warning country in the past 14 days (list countries) or come into close contact with a confirmed case of COVID-19 in the past 14 days.
- b. Provide hand sanitizer at points of entry, along with signage and casino staff to encourage guests to use it before entering. All hand sanitizer throughout property shall comport with CDC Guidelines (minimum 60% ethanol or 70% isopropanol).
- c. Licensees shall consider performing non-touch temperature checks and prohibiting entry to any guest registering 100.4 degrees or above on two consecutive tests. Licensees, in

conjunction with their experts, shall continue to monitor new information with respect to the efficacy of temperature checks as a method of determining infection and contagion.

- d. At all significant points of entry and exit, separate ingress from egress in order to avoid two-way flow of guest traffic.
- e. At points of entry, casino staff to provide guests with masks (if guest needs one) that cover the nose and mouth. Require guests to wear masks that cover the nose and mouth upon entry and while in the gaming area.
- f. Guests should be discouraged from wearing hats and will be required to remove hat and briefly lower mask for identity check.
- g. Casino staff shall be present at entry points to ensure compliance with these Minimum Requirements and the licensee's Plan.

**5. Cleaning & Sanitization – Slots**

- a. Casino staff to sanitize operating slot machines and chairs as frequently as possible between player turnover and at regular intervals, at a minimum of every 4 hours.
- b. Licensees shall make sanitizing wipes (if available through licensees' best procurement efforts) readily and conspicuously available for guests wishing to wipe down the slot machine and chair before using, or shall provide conspicuous signage informing guests that they may ask for casino staff to do so.
- c. Sanitizing solutions and sanitizing wipes to comply with CDC Guidelines for COVID-19.
- d. A log using slot zone and shift schedule shall be maintained to track slot cleaning.
- e. Provide guests with the option of receiving jackpot payouts via TITO ticket or cash in an enclosed envelope and provide in that manner upon guest's election.

**6. Cleaning & Sanitization – Table Games**

- a. Guests shall be encouraged to use hand sanitizer prior to start of play.
- b. Develop protocol for chip sanitization such that all chips coming from the cage have been sanitized.
- c. Develop protocol to replace cards based on volume and frequency of play.
- d. Increase the frequency of cleaning and sanitization of all gaming equipment and devices with a focus on high touch areas.
- e. Increase the frequency of cleaning and sanitization of chairs and table rails.
- f. Make hand sanitizer available to guests in each gaming pit.
- g. Make sanitizing wipes available (if available through licensees' best procurement efforts) with corresponding signage to guests in each gaming pit.
- h. Limit the touching of cards and chips by players to the extent possible.

7. **Cage**

- a. Install protective plexiglass<sup>2</sup> partitions at cage locations between guests and cage employees.
- b. Close alternating cage windows or install protective plexiglass between cage windows for 6' social distancing.
- c. Provide guests with option to receive cash in enclosed envelopes and provide in that manner upon guest's election.
- d. Disinfect counters and touch screens frequently, at least hourly.
- e. Make hand sanitizer available near cage area.
- f. Implement protocols to maintain 6' social distancing for queuing and interactions in cage area, with conspicuous explanatory signage and spacing marked on the floor.

8. **Food and Beverage Service**

- a. Licensees shall limit food service and consumption to designated areas which shall be operated in accordance with the Governor's guidelines for Restaurants.
- b. Bars will remain closed under the Governor's guidelines and until further Commission guidance.
- c. Beverage service is allowed in the gaming area and shall be limited to guests who are seated and actively engaged in gambling as defined in G.L. c. 23K, § 2, and who lower their masks for drinking only. Guests shall not be allowed to carry or drink beverages while moving about the gaming area. Licensees shall make reasonable efforts to ensure that guests do not violate this rule.

9. **Social Distancing – Slots (Plainridge Park Casino, MGM Springfield and Encore Boston Harbor)**

- a. Licensees shall promote social distancing of slots play by either maintaining a minimum of 6' distance between operating slot positions or by installing plexiglass dividers not less than 6' high between operating slot positions.
- b. There shall be a minimum of 4' between slot machines separated by plexiglass dividers (measured from the center of each chair).<sup>3</sup>
- c. Chairs shall be removed from disabled slot machines.

10. **Social Distancing – Table Games (MGM Springfield and Encore Boston Harbor)**

- a. For Blackjack-style tables, install plexiglass dividers not less than 5'10" tall separating dealer from player positions and between player positions.
- b. No more than 3 player positions at each Blackjack-style table, with chairs for unavailable positions removed.
- c. No craps or roulette until further notice.
- d. No poker until further notice.

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<sup>2</sup> Plexiglass dividers shall be clear to enable adequate camera coverage.

<sup>3</sup> Disabling every other slot machine results in a distance of approximately 4.5 feet between players.



## 11. Occupancy Limits

- a. The occupancy limit for each licensee shall be set by the following formula: Number of gaming positions available x 3 + gaming area employees of the licensee and MGC + capacity of amenities utilizing the occupancy limits set by the Governor's guidelines for each amenity.<sup>4</sup>

## 12. Additional Measures for the Gaming Area

- a. Sanitization and disinfecting products as well as hand sanitizer (touchless where possible) to be made available at each point of entry and exit and throughout the gaming area for usage by guests at their discretion.
- b. Enhanced cleaning and sanitization throughout the gaming area with staff deployed regularly to clean and disinfect restrooms and high touch point locations.
- c. Signage at each point of entry and at prominent locations throughout the gaming area to remind guests of safe practices including frequent hand washing, use of hand sanitizer, proper wearing of masks, and to go home if sick.
- d. In areas where lines normally form or are expected to form (inside or outside), signage combined with floor markings and other methods, including an appropriate level of staffing, to remind guests to remain 6' apart.
- e. Casino staff (or other staff, e.g., hotel staff, security staff, etc.) to implement and monitor procedures for elevators, escalators, and stairs to ensure social distancing.
- f. Provide appropriate receptacles for disposal of PPE.
- g. No promotions or activities outside of normal operations to be held that challenge the ability to maintain 6' social distancing.
- h. No valet service until further notice (unless necessary due to physical or geographic constraints in order to accommodate individual guests with disabling conditions).
- i. No coat check services until further notice.
- j. Each licensee's Plan shall detail procedures for dealing with guests who are noncompliant with the required COVID-19 related health and safety protocols.
- k. Each licensee's Plan to outline measures to ensure air quality, including possible filtration upgrade to increase fresh air, and ongoing inspections and maintenance of HVAC systems.
- l. Each licensee's Plan to identify anticipated supplies needed to stop furthering the spread of COVID-19 and measures to ensure the availability of supplies
- m. Each licensee's Plan to detail procedures for managing guests with fevers above 100.4 degrees and/or who exhibit other symptoms of COVID-19 (maintain supply of non-touch thermometers for this purpose).
- n. Each licensee's communications plan and website information shall inform the public of COVID-19 related measures they should expect to encounter and adhere to at each property.

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<sup>4</sup> The occupancy limit for PPC shall also include racing employees of the licensee and MGC plus the capacity of the simulcasting area utilizing the occupancy limit set by the Governor's guidelines.

- o. Each licensee to designate (and identify for the MGC) a Key-level employee to act as liaison to federal, state, and local public health agencies. This liaison – the Pandemic Safety Officer for the licensee - shall be responsible for notifying the local Board of Health, as well as the MGC, if the licensee is alerted to a COVID-19 positive case on the premises of the gaming establishment, and to assist with data sharing and identification of individuals for contact tracing purposes. Accountability for these duties shall remain with the Pandemic Safety Officer who may designate one or more other staff to ensure responsiveness to the requests of public health authorities on a 24/7 basis. The Pandemic Safety Officer shall work in conjunction with the Compliance Department and provide the Compliance Department with a log of all material communications with public health agencies related to COVID-19 at the gaming establishment.
- p. Each licensee to obtain and follow legal advice to ensure appropriate safeguards put in place for any HIPAA-protected material.
- q. Each licensee’s Plan to include protocols to be implemented if the licensee is alerted to a COVID-19 positive case on the premises of the GE, including a deep cleaning of affected areas.

**13. Additional Measures Pertaining to GameSense Areas**

- a. Each licensee shall install protective plexiglass barriers of the GameSense counters with an opening at the bottom to enable items to be slid underneath.
- b. Each licensee shall place markings and/or queuing devices at appropriate locations to assist with maintaining social distancing at and around GameSense Centers.
- c. Each licensee shall educate casino staff, including security personnel, that the GameSense Centers are reserved for GameSense related activity (except in an emergency).
- d. GameSense Centers shall be cleaned at the same frequency as gaming area.

**14. Additional Employee-Related Measures**

- a. As businesses and employers in the Commonwealth, each licensee must follow all guidelines and protocols for businesses and employers issued by the CDC, DPH, the local board of health for the host community, the Baker-Polito Administration (including any sector-specific protocols and best practices), and these Minimum Requirements set by the Commission.
- b. Licensees must provide employees with COVID-19 training which provides an overview of COVID-19 mitigation protocols, including proper use and disposal of PPE and recognition of COVID-19 symptoms.
- c. Licensees shall identify the Pandemic Safety Officer to all employees. Licensees shall encourage any employee who has a COVID-19 related concern to report it to the Pandemic Safety Officer through a process implemented by the licensee.
- d. At each employee entrance, employees (including MGC employees) may be required to undergo a temperature check.
- e. At each employee entrance, the licensee shall place markings and/or queuing devices to maintain social distancing of employees reporting to work. At each employee entrance, the

licensee shall post signs setting forth a checklist of COVID-19 symptoms and instructing employees to remain at home if they experience any of the symptoms.

- f. Signage shall be placed in back-of-the house areas reminding employees to follow CDC and DPH guidelines for handwashing, using sanitizers, wearing masks, and staying home if sick.
- g. The licensee also shall establish protocols to maintain social distancing of employees in dining areas, uniform control areas, shared office spaces, and other high density employee areas.
- h. Rolling periodic announcements in back-of the house areas shall remind employees of COVID-19 protocols.
- i. Employees shall wear masks while performing their work duties. The licensee shall provide masks for all employees.
- j. Break schedules and shift times shall be staggered to the extent possible to avoid congregating in back-of-the-house areas.
- k. Employee meetings shall be accomplished in a manner to promote social distancing.



## **Minimum Requirements for the Reintroduction of Roulette at the Category 1 Gaming Establishments**

### **Background:**

On June 23, 2020, the Commission approved the “Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments” in the Commonwealth. Item 10.c. of those Minimum Requirements provides that no craps or roulette are to be allowed “until further notice.” The two Category 1 Gaming Licensees, Encore Boston Harbor and MGM Springfield, have renewed their requests to reintroduce roulette at their respective gaming establishments at this time.<sup>1</sup> If approved by the Commission, the reintroduction of roulette shall be accompanied by the health and safety measures set forth below. It is noted that the measures below correspond with those required by the Commission for blackjack style tables, which are currently in operation.

### **Minimum Requirements for Roulette:**

- a. There shall be a maximum of 3 players per roulette table.
- b. Players are required to remain seated while gambling.
- c. No patrons are permitted to stand or congregate around roulette tables.
- d. Players shall be separated by plexiglass barriers not less than 6 feet high, with a minimum of 4 feet separating seats, measured from the center of each chair.
- e. The dealer at each roulette table shall be separated by a plexiglass barrier not less than 6 feet high, with a pass-through opening of approximately 8 to 10 inches at the bottom.
- f. The roulette tables shall be configured in a manner consistent with the guidelines for the blackjack style tables already in operation, including the installation of the plexiglass barriers and the distancing between seats.
- g. Chips shall be sanitized each time they go to the cage, at a minimum on a daily basis.
- h. Hand sanitizers shall be available at each table.
- i. No more than 16 roulette tables are permitted at Encore Boston Harbor (maximum of 48 players with 3 players per table). No more than 7 roulette tables are permitted at MGM Springfield (maximum of 21 players with 3 players per table).
- j. Compliance with layout requirements shall be approved by the IEB before becoming operational.
- k. No increase in overall permitted occupancy of the gaming establishment is allowed over the limit set by the Commission on June 23, 2020, despite the addition of the roulette gaming positions.

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<sup>1</sup> The Commission considered the licensees’ requests to reintroduce roulette at its open meeting on August 13, 2020, but declined to approve it at that time.

### **Temporary Change to Rules of the Game:**

*The reintroduction of roulette is accompanied by the following rule: As a temporary rule in conjunction with Covid-19-related health and safety measures, all bets must be placed prior to the spin and a sign shall be placed at the table stating that no bets are allowed once the ball is in motion. The dealer shall wave their hand over the roulette layout prior to the spin and say in a clear and concise voice, "No more bets." While the ball is still rotating in the track around the wheel, the dealer shall call "No More Bets."*



## **Minimum Requirements for (1) Expanding Blackjack-Style Tables to Include a 4<sup>th</sup> Player Position and (2) the Reintroduction of Craps at the Category 1 Gaming Establishments**

### **Background:**

On June 23, 2020, the Commission approved the “Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments” in the Commonwealth. Item 10.b of those Minimum Requirements provides that no more than 3 player positions at each blackjack-style table are allowed, with chairs for unavailable positions to be removed. Item 10.c. of those Minimum Requirements provides that no craps or roulette are to be allowed “until further notice.”<sup>1</sup> Now, the two Category 1 Gaming Licensees, Encore Boston Harbor and MGM Springfield, have requested to reintroduce a 4<sup>th</sup> player position at blackjack-style tables, and to reintroduce the game of craps at their respective gaming establishments. If approved by the Commission, the addition of the 4<sup>th</sup> player position at blackjack-style tables and the reintroduction of craps shall be accompanied by the health and safety measures set forth below.

### **1. Minimum Requirements for Expanding Blackjack-Style Tables to Include a 4<sup>th</sup> Player Position:**

- a. Player positions would continue to be separated by plexiglass dividers not less than 5’10” tall separating the dealer from players and between player positions.
- b. There shall be a minimum of approximately 3 feet between player positions, measured from center to center of seats, with chairs for unavailable positions removed.
- c. Overall capacity limits shall continue to be capped at approximately 40%, despite the increase in player positions.

### **2. Minimum Requirements for Craps:**

- a. There shall be a maximum of 6 players per craps table, 3 players maximum on each side of the table.
- b. Players are required to remain seated while gambling.
- c. No patrons are permitted to stand or congregate around craps tables.
- d. Players shall be separated from one another and from the table itself by plexiglass barriers not less than 6 feet high, with a distance of approximately 4 feet separating seats, measured from the center of each chair.

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<sup>1</sup> At its public meeting on October 8, 2020, the Commission determined to allow the re-opening of roulette, subject to certain Minimum Requirements.

- e. The 3 dealers at each craps table shall be separated from the players by a plexiglass barrier not less than 6 feet high.
- f. Dice shall be sanitized each between shooters.
- g. Compliance with layout requirements shall be approved by the IEB before becoming operational.
- h. Overall capacity limits shall continue to be capped at approximately 40%, despite the increase in player positions.
- i. The reintroduction of craps shall be accompanied by the following temporary change to the licensee internal controls to be applicable in conjunction with Covid-19-related health and safety measures: *All bets must be placed before the dice are sent out. Signage to the same effect is required on each craps table.*