



MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #309

June 23, 2020
10:00 a.m.

VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 112 515 5953



Massachusetts Gaming Commission



NOTICE OF MEETING and AGENDA
June 23, 2020 – 10:00 a.m.

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.

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:

Tuesday, June 23, 2020
10:00 a.m.

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All documents and presentations related to this agenda will be available for your review on the morning of June 23, 2020 by [clicking here](#).

PUBLIC MEETING - #309

1. Call to order
2. Administrative Update – Karen Wells, Interim Executive Director/Director of IEB
 - a. Adoption of Licensee Reopening Minimum Standards - Karen Wells, Interim Executive Director/Director of IEB; Todd Grossman, Interim General Counsel; Derek Lennon, Chief of Finance and Administration; Loretta Lillios, Chief Enforcement Counsel/Deputy Director; Bruce Band, Assistant Director, Gaming Agents Division Chief; Burke Cain, Field Manager of Gaming Operations/Deputy Gaming Agent Division Chief; Trupti Banda, Human Resource Manager; Jacqui Krum, Sen. Vice President and General Counsel, Encore Boston Harbor; Seth Stratton Vice President and General Counsel, MGM Springfield; Lance George, General Manager, Plainridge Park Casino **VOTE**
3. 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 and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.



Massachusetts Gaming Commission

June 19, 2020

Cathy Judd-Stein, Chair

Date Posted to Website: June 19, 2020 at 10:00 a.m.



Massachusetts Gaming Commission

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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 will set the date for Phase 3 reopenings based 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.¹

The Commission reached an informal consensus on a number of minimum requirements (“Minimum Requirements”) as set forth in items 1 through 7 and items 11 through 14 (below) at an open meeting held on Thursday, June 11, 2020 which included extensive input from the executive staff, the Investigations and Enforcement Bureau (“IEB”), and the Commission’s three licensees. Outstanding issues appear in items 8 through 11 (below), which are shaded in this document for the Commission’s convenience. The licensees have advised the Commission that they will need no less than 10-14 days in advance of reopening to prepare the gaming establishment for compliant operations and to adequately train employees.

¹ Any Minimum Standard set by the Commission will be adjusted if a more restrictive standard is set by the Baker-Polito Administration.

Minimum Standards:

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 Baker-Polito Administration, including the Executive Office of Health and Human Services and the Department of Public Health (“DPH”), the Board of Health in the host community, 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.

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 w/ Public Health Guidance

- a. Comply with all guidance and protocols issued by the CDC, the Baker-Polito Administration, DPH, and local Board of Health in the host community 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 Standards 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 plexiglass² 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.

² Plexiglass dividers shall be clear to enable adequate camera coverage.

- 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 engaged in gaming at a slot machine or table game and lower and raise their masks for drinking only. Guests are not to be allowed to move about the gaming area with beverages.

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. At a minimum, every other slot machine shall be disabled, with chairs removed from disabled machines.³

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

- a. For Blackjack-style tables, install plexiglass dividers not less than 6' 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.

11. Occupancy Levels

- a. The IEB recommends that the Commission continue to consider the charts attached as Appendices A, B, and C depicting the 3 groups of options previously discussed by the Commission at its 6/11/2020 open meeting. The IEB also recommends that the Commission consider the chart attached as Appendix D which sets forth further detail on occupancy numbers, including employee levels at each gaming establishment.

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

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 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. Each licensee's Plan shall detail procedures for dealing with guests who are noncompliant with the required COVID-19 related health and safety protocols.
- j. 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.
- k. 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
- l. 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).
- m. 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.
- n. 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.

- o. Each licensee to obtain and follow legal advice to ensure appropriate safeguards put in place for any HIPAA-protected material.
- p. 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, the Baker-Polito Administration (including any sector-specific protocols and best practices), DPH, the local board of health for the host community, and these Minimum Standards 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.

Appendix A (Social Distancing – Slot Machines)

GROUP A	GROUP B	GROUP C
<p>Social Distancing - Slots</p> <ul style="list-style-type: none"> • Promote social distancing of slots play by implementing 1 or more of the following: <ul style="list-style-type: none"> ○ Install plexiglass between machines ○ Remove chairs from certain machines ○ Disable certain machines ○ Reconfigure slots floor ○ Other measures as approved by the Executive Director ○ Masks are required 	<ul style="list-style-type: none"> • <u>Slot gaming positions at PPC</u> are calculated at approx. 660 (out of 1,320), which allows for every other machine to be disabled • <u>Slot gaming positions at MGM</u> are calculated at approx. 884 (out of 1,768), which allows for every other machine to be disabled • <u>Slot gaming positions at EBH</u> are calculated at approx. 1,402 (out of 2,804), which allows for every other machine to be disabled • Slot machines required to be non-operating shall be disabled • Masks are required 	<ul style="list-style-type: none"> • <u>Slot gaming positions at PPC</u> are calculated at approx. 440 (out of 1,320), which allows for two disabled machines between each operating machine. A six foot minimum distancing between slot machines allows for a total of approx. 385 slot positions • <u>Slot gaming positions at MGM</u> are calculated at approx. 589 (out of 1,768), which allows for two disabled machines between each operating machine • <u>Slot gaming positions at EBH</u> are calculated at approx. 935 (out of 2,804), which allows for two disabled machines between each operating machine • Slot machines required to be non-operating shall be disabled and their chairs shall be removed • Masks are required

Appendix B (Social Distancing – Table Games)

GROUP A	GROUP B	GROUP C
<p>Social Distancing - TGs</p> <ul style="list-style-type: none"> • TGs shall be operated so as to maintain increased distance between players at each table • Staff shall monitor to ensure no congregating around the table in close proximity to the players • May install plexiglass between dealer and players • No poker until further notice 	<ul style="list-style-type: none"> • <u>Table game positions at MGMS</u> are calculated at approx. 264 (4 players maximum per table) • <u>Craps game positions at MGMS</u> are calculated at 15 (3 players maximum per dice game) • <u>Roulette game positions at MGMS</u> are calculated at 24 (3 players maximum per roulette table) • <u>Stadium game positions at MGMS</u> are calculated at 9 (3 players per row) • <u>Table game positions at EBH</u> are calculated at approx. 612 (4 players maximum per table) • <u>Dice game positions at EBH</u> are calculated at 21 (3 players maximum per dice game) • <u>Roulette game positions at EBH</u> are calculated at 42 (3 players maximum per roulette table) • <u>Electronic table game positions at EBH</u> are calculated at 20 (every other position disabled) • Install protective plexiglass between dealer and players • Install protective plexiglass between player positions where feasible 	<ul style="list-style-type: none"> • <u>Table game positions at MGMS</u> are calculated at approx. 198 (3 players maximum per table at table corners and center seat with other seats removed) • <u>Stadium game positions at MGMS</u> are calculated at 9 (3 players per row) • <u>Table game positions at EBH</u> are calculated at approx. 459 (3 players maximum per table at table corners and center seat with other seats removed) • <u>Electronic table game positions at EBH</u> are calculated at 13 (two positions disabled between each activated position) • Install protective plexiglass between dealer and players • Install protective plexiglass between player positions • No poker until further notice • No craps or roulette until further notice • Staff shall monitor to ensure no congregating around the table in close proximity to the players

	<ul style="list-style-type: none">• No poker until further notice• Staff shall monitor to ensure no congregating around the table in close proximity to the players	
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Appendix C (Occupancy Levels)

GROUP A	GROUP B	GROUP C
<p>Occupancy Levels</p> <ul style="list-style-type: none"> • Total occupancy of the gaming area shall be limited to 50% (or some other percentage) of the occupancy level of the gaming area as established by the Commonwealth's building code⁴ • The licensee's Plan shall detail how the licensee will accurately count guests and limit attendance per the occupancy limits and identify procedures to be implemented to prevent congregating and queue in a safe and orderly fashion while maintaining 6' distancing if gaming area reaches capacity⁵ • Occupancy counts includes employees 	<ul style="list-style-type: none"> • Total occupancy of the gaming area shall be limited to the number of available gaming positions (see sections below on Slots and Table Games) plus an additional 25% of gaming positions • The licensee's Plan shall detail how the licensee will accurately count guests and limit attendance per the occupancy limits and identify procedures to be implemented (including queuing systems and an optional reservation system) to prevent congregating and maintain 6' distancing if gaming area reaches capacity • Occupancy counts include employees 	<ul style="list-style-type: none"> • Total occupancy of the gaming area shall be limited to the number of available gaming positions (see sections below on Slots and Table Games) plus an additional 10% of gaming positions • The licensee shall implement a timed reservation system and require guests to reserve and schedule their entry in advance • The licensee's Plan shall detail how the licensee will accurately count guests and handle guests who arrive without reservations to prevent congregating and maintain 6' distancing • Occupancy counts include employees

⁴ The occupancy capacity for the gaming area at each gaming establishment is as follows: PPC - 5,783 (awaiting updated number to include food court); EBH – 16,991 (first and second floor gaming area); MGM – 7,480 (includes gaming floor and food market).

⁵ The 6' distancing requirement does not apply to groups traveling together. Note that under current guidelines from the Advisory Board for Phase II opening of restaurants, the size of a party seated together at a restaurant cannot exceed 6 people.

Appendix D (Detail on Occupancy Numbers)

PPC	PPC Total Occupancy = 5,783	PPC Total Slot Positions Group B = 660	PPC Total Slot Positions Group C = 440	PPC Personnel = 17
	50% = 2,892	Plus 50% = 990	Plus 50% = 660	
	40% = 2,313	Plus 25% = 825	Plus 25% = 550	
	35% = 2,024	Plus 10% = 726	Plus 10% = 484	
	30% = 1,735			
	25% = 1,446			
MGMS	MGMS Total Occupancy = 7,480	MGMS Total Gaming Positions Group B = 1,196	MGMS Total Gaming Positions Group C = 796	MGMS Personnel = 108
	50% = 3,740	Plus 50% = 1,784	Plus 50% = 1,194	
	40% = 2,992	Plus 25% = 1,495	Plus 25% = 995	
	35% = 2,618	Plus 10% = 1,316	Plus 10% = 876	
	30% = 2,244			
	25% = 1,870			
EBH	EBH Total Occupancy = 16,991	EBH Total Gaming Positions Group B = 2,097	EBH Total Gaming Positions Group C = 1,397	EBH Personnel = 272
	50% = 8,496	Plus 50% = 3,146	Plus 50% = 2,096	
	40% = 6,796	Plus 25% = 2,621	Plus 25% = 1,746	
	35% = 5,947	Plus 10% = 2,307	Plus 10% = 1,537	
	30% = 5,097			
	25% = 4,248			