

PROPOSED NEW REGULATION 5.195

PURPOSE: To set out when a gaming area meets the requirement that it be open to the public without any manner of access restrictions; to allow the Board Chair or designee to recognize other areas which meet the requirement of being open to the public without any manner of access restriction; to specify certain areas which do not meet the requirement of being open to the public without any manner of access restrictions; to specify certain areas which do meet the requirement of being open to the public without any manner of access restrictions; to allow the grandfathering of certain areas as meeting the requirements of being open to the public without any manner of access restrictions; to allow the temporary closure of a gaming area to the public if the games are closed and covered; to authorize the temporary closure of ingress or egress to a gaming area for public safety reasons; and to take such additional action as may be necessary and proper to effectuate these stated purposes.

REGULATION 5 OPERATION OF GAMING ESTABLISHMENTS

(Draft Date December 8, 2021)

New

~~[Deleted]~~

5.195 Gaming activities shall be open to the general public without any manner of access restrictions.

1. As used in this section, "Chair" means the Chair of the Nevada Gaming Control Board or the Chair's designee.

2. Except as otherwise provided by Nevada Revised Statute and as delineated by these regulations, all gaming establishments must be open to the general public and access of the general public to gaming activities must not be restricted in any manner.

3. Access to gaming activities are open to the general public and access is not restricted in any manner:

(a) When an area in which gaming is conducted is directly accessible from a main exterior entrance;

(b) When an area in which gaming is conducted is connected to an area directly accessible from a main exterior entrance in such a manner as to permit public notice, access, and view of the gaming area from the area accessible from the exterior entrance;

(c) When an area in which gaming is conducted is connected to or within an area containing restaurants, retail shopping, and/or a publicly accessible ballroom or convention space in such a manner as to permit public notice, access, and view of the gaming area from the area containing restaurants, retail shopping, and/or a publicly accessible ballroom or convention space; and

(d) In areas otherwise approved by the Chair, in the Chair's sole and absolute discretion, as being open to the general public without any manner of restrictions on access.

4. Areas specifically deemed to have restrictions on access or to not be open to the general public include, without limitation:

(a) Areas accessible through a corridor containing hotel rooms;

(b) Areas accessible by elevator, except as otherwise specified in subsection 3 of this section; and

(c) Areas in which the general public cannot obtain an unobstructed view of the games in the area within a reasonable distance from the games.

5. Areas specifically deemed to be open to the general public without restrictions on access include, without limitation:

(a) Games in a gaming area otherwise in compliance with subsection 3 which are offered to a private party as long as the same games and betting opportunities are available elsewhere in the gaming area. A licensee may create a reasonable separation between the general public and a game offered to a private party, however, the general public shall be allowed an unobstructed view of any game offered to a private party;

(b) Tournaments and contests held in a ballroom or convention space as long as the general public may observe the tournament or contest without paying an admission fee; and

(c) Areas otherwise in compliance with subsection 3 which require an admission fee or cover charge for entrance, including, without limitation, club venues and day pools, as long as the area displays a sign approved by the chair at the entrance to the area and at such other locations clearly visible from any queuing area for entrance into the area which indicates that any games in the area are available to the general public to play, that patrons are not required to pay a cover charge to engage in gaming in the area, and how a patron obtains access to the games without paying the admission fee or cover charge.

(d) Gaming areas which do not otherwise meet the requirements of this section if:

(1) They were in existence on January 1, 2022, and

(2) The licensee makes a request in writing to the Chair within 30 days of the adoption of this section to maintain the gaming area. Such a request shall include:

(I) A detailed diagram of the gaming area,

(II) Detailed diagrams of the location of the gaming area within the premises, and

(III) A detailed description of surveillance coverage.

↳The Chair may condition the continued existence of the gaming area with regard to enhanced public notification of the gaming area and with regard to surveillance requirements. If the licensee does not make a request as set out above, the licensee shall cease to operate the gaming area no later than 45 days after the adoption of this section.

6. This section does not limit gaming activities approved by Regulation promulgated pursuant to NRS 463.15995, including without limitation Regulation 5.210, or approved pursuant to NRS 463.408.

7. A licensee may temporarily close a gaming area to the public if the licensee closes and covers all of its licensed games in the gaming area.

8. A licensee may temporarily block ingress or egress at an entrance or entrances to a gaming area for public safety reasons if the licensee immediately notifies the Enforcement Division of the Nevada Gaming Control Board.