

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 782 Session of 2017

INTRODUCED BY NESBIT, DAVIS, DUNBAR, MILLARD, IRVIN, ORTITAY, D. COSTA, PHILLIPS-HILL AND KORTZ, MARCH 9, 2017

AS REPORTED FROM COMMITTEE ON GAMING OVERSIGHT, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 25, 2017

AN ACT

1 Amending Title 4 (Amusements) of the Pennsylvania Consolidated
2 Statutes, in general provisions relating to gaming, further
3 providing for definitions; and, in licensees, further
4 providing for Category 3 slot machine license and providing
5 for nongaming service providers.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The definition of "gaming service provider" in
9 section 1103 of Title 4 of the Pennsylvania Consolidated
10 Statutes is amended and the section is amended by adding
11 definitions to read:

12 § 1103. Definitions.

13 The following words and phrases when used in this part shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 \* \* \*

17 "Gaming floor." Any portion of a licensed facility where
18 slot machines or table games have been installed for use or
19 play.

1 \* \* \*

2 "Gaming-related restricted area." An area of a licensed  
3 facility where access is limited and specifically designated by  
4 the board.

5 \* \* \*

6 "Gaming service provider." A person that is not a nongaming  
7 service provider or required to be licensed as a manufacturer,  
8 supplier, management company or gaming junket enterprise and[:

9 (1) provides goods or services to a slot machine  
10 licensee or an applicant for a slot machine license for use  
11 in the operation of a licensed facility; or

12 (2)] provides goods or services that require access to  
13 the gaming floor or gaming-related restricted area at a  
14 licensed facility.

15 \* \* \*

16 "Nongaming service provider." A person that is not a gaming  
17 service provider nor required to be licensed as a manufacturer,  
18 supplier, management company or gaming junket enterprise and  
19 provides goods and services:

20 (1) to a slot machine licensee or applicant for a slot  
21 machine license for use in the operation of a licensed  
22 facility; ~~or~~ AND <--

23 (2) that do not require access to the gaming floor or  
24 gaming-related restricted area at a licensed facility.

25 \* \* \*

26 Section 2. Section 1305(a)(1) of Title 4 is amended to read:  
27 § 1305. Category 3 slot machine license.

28 (a) Eligibility.--

29 (1) A person may be eligible to apply for a Category 3  
30 slot machine license if the applicant, its affiliate,

1 intermediary, subsidiary or holding company has not applied  
2 for or been approved or issued a Category 1 or Category 2  
3 slot machine license and the person is seeking to locate a  
4 Category 3 licensed facility in a well-established resort  
5 hotel having no fewer than 275 guest rooms under common  
6 ownership and having substantial year-round recreational  
7 guest amenities. The applicant for a Category 3 license shall  
8 be the owner or be a wholly owned subsidiary of the owner of  
9 the well-established resort hotel. A Category 3 license may  
10 only be granted upon the express condition that an individual  
11 may not enter a gaming area of the licensed facility if the  
12 individual is not any of the following:

13 (i) A registered overnight guest of the well-  
14 established resort hotel.

15 (ii) A patron of one or more of the amenities  
16 provided by the well-established resort hotel.

17 (iii) An authorized employee of the slot machine  
18 licensee, of a gaming service provider or nongaming  
19 service provider, of the board or of any regulatory,  
20 emergency response or law enforcement agency while  
21 engaged in the performance of the employee's duties.

22 (iv) An individual holding a valid membership  
23 approved in accordance with paragraph (1.1) or a guest of  
24 such individual.

25 \* \* \*

26 Section 3. Title 4 is amended by adding a section to read:

27 § 1317.3. Nongaming service provider.

28 (a) Notification required.--

29 (1) A slot machine licensee or applicant for a slot  
30 machine license that contracts or otherwise does business

1 with a nongaming service provider shall provide notification  
2 to the board prior to:

3 (i) the nongaming service provider's provision of  
4 goods and services at a licensed facility; or

5 (ii) the provision of goods and services for use in  
6 the operation of a licensed facility.

7 (2) Notification under this section shall be on a form  
8 and in a manner as the board requires. The board may require  
9 a fee, which may not exceed \$100, to accompany the  
10 notification.

11 (b) Contents of notification.--Notification under this  
12 section shall include:

13 (1) The name and business address of the nongaming  
14 service provider.

15 (2) A description of the goods and services to be  
16 provided.

17 (3) If the nature of the goods and services requires  
18 access to a licensed facility, a description of the areas of  
19 the licensed facility where employees or associated  
20 individuals or entities of the nongaming service provider  
21 will be located during the provision of goods and services.

22 (4) The length of time in which the slot machine  
23 licensee or applicant for a slot machine license will  
24 contract with or otherwise do business with the nongaming  
25 service provider.

26 (5) An affirmation from the slot machine licensee or  
27 applicant for a slot machine license certifying that the  
28 licensee or applicant has performed due diligence regarding  
29 the nongaming service provider and believes that the  
30 nongaming service provider and its employees or associated

1 individuals or entities will not adversely affect the public  
2 interest or integrity of gaming.

3 (6) Any other information that the board deems  
4 appropriate.

5 (c) Confirmation by board.--

6 (1) Upon receipt of the notification for a nongaming  
7 service provider under this section:

8 (i) The board shall determine whether the nongaming  
9 service provider appears on the list required by  
10 subsection (j). If the nongaming service provider appears  
11 on the list, the board may not issue confirmation to the  
12 slot machine licensee or applicant for a slot machine  
13 license. In such a case, the board shall inform the slot  
14 machine licensee or applicant for a slot machine license  
15 of the board's determination.

16 (ii) If subparagraph (i) does not apply, the board  
17 shall provide confirmation to the slot machine licensee  
18 or applicant for a slot machine license.

19 (2) Except as provided in subsection (i), the slot  
20 machine licensee or applicant for a slot machine license may  
21 not permit the nongaming service provider to provide goods  
22 and services until the licensee or applicant receives  
23 confirmation from the board.

24 (d) Duration of notification.--Notification for a nongaming  
25 service provider shall be valid from the date that the board  
26 issues the confirmation under subsection (c) until the earlier  
27 of the following:

28 (1) The final date on which the slot machine licensee or  
29 applicant for a slot machine license indicated that the  
30 nongaming service provider will be providing goods and

1 services in the notification under subsection (b) (4).

2 (2) Three years from the date on which the board issued  
3 the confirmation.

4 (e) Conditions.--A slot machine licensee or applicant for a  
5 slot machine license that contracts or otherwise does business  
6 with a nongaming service provider shall be subject to the  
7 following conditions, which the board shall enforce:

8 (1) The nongaming service provider and its employees or  
9 associated individuals or entities shall only provide the  
10 goods and services, in the stated areas and during the stated  
11 times, described in the notification under this section.

12 (2) The slot machine licensee or applicant for a slot  
13 machine license shall notify the board of any change in the  
14 information provided in the notification under this section.  
15 No fee shall be required for a subsequent change during the  
16 time for which the notification is valid under subsection  
17 (d).

18 (3) The slot machine licensee or applicant for a slot  
19 machine license shall ensure that its employees and  
20 associated individuals or entities of the nongaming service  
21 provider do not enter the gaming floor or a gaming-related  
22 restricted area of the licensed facility.

23 (4) The slot machine licensee or applicant for a slot  
24 machine license shall report to the board an employee or  
25 associated individual or entity of a nongaming service  
26 provider that:

27 (i) enters the gaming floor or a gaming-related  
28 restricted area of the licensed facility; or

29 (ii) commits an action that adversely affects the  
30 public interest or integrity of gaming.

1           (5) The board may prohibit at any time a nongaming  
2           service provider or any of its employees or associated  
3           individuals or entities from providing goods and services to  
4           a slot machine licensee or applicant for a slot machine  
5           license or at a licensed facility if the board determines the  
6           action is necessary to protect the public interest or  
7           integrity of gaming.

8           (f) Authority to exempt.--The board may exempt a person or  
9           type of business from the requirements of this section if the  
10          board determines that:

11           (1) the person or type of business is regulated by an  
12           agency of the Federal Government, an agency of the  
13           Commonwealth or the Pennsylvania Supreme Court; or

14           (2) the regulation of the person or type of business is  
15           not necessary to protect the public interest or integrity of  
16           gaming.

17           (g) Permit not required.--The board may not require an  
18           employee, individual or entity associated with a nongaming  
19           service provider to obtain a permit or other authorization from  
20           the board.

21           (h) Criminal history record information not required.--A  
22           nongaming service provider or an employee, individual or entity  
23           associated with the nongaming service provider may not be  
24           required to submit criminal history record information to the  
25           board as a condition of notification under this section.

26           (i) Emergency notification.--

27           (1) A slot machine licensee may use a nongaming service  
28           provider prior to the board receiving notification under this  
29           section when a threat to public health, welfare or safety  
30           exists or circumstances outside the control of the slot

1 machine licensee require immediate action to mitigate damage  
2 or loss to the licensee's licensed facility or to the  
3 Commonwealth.

4 (2) The slot machine licensee under this subsection  
5 shall:

6 (i) Contact the board immediately upon using the  
7 nongaming service provider for which the board has not  
8 previously received notification.

9 (ii) Provide notification as required in this  
10 section within a reasonable time under the circumstances,  
11 as the board establishes.

12 (j) Nongaming service provider list.--

13 (1) The board shall develop and maintain a list of  
14 prohibited nongaming service providers.

15 (2) A slot machine licensee or applicant for a slot  
16 machine license may not enter into an agreement or engage in  
17 business with a nongaming service provider appearing on the  
18 list under this subsection.

19 (k) Duties of nongaming service provider.--A nongaming  
20 service provider shall:

21 (1) Cooperate with the board regarding an investigation,  
22 hearing, enforcement action or disciplinary action.

23 (2) Comply with each condition, restriction,  
24 requirement, order or ruling of the board in accordance with  
25 this part.

26 (3) Report any change in circumstances to the slot  
27 machine licensee or applicant for a slot machine license that  
28 may render the nongaming service provider ineligible,  
29 unqualified or unsuitable for the provision of goods or  
30 services at a licensed facility or use in the operation of a



1     licensed facility.

2     Section 4.  This act shall take effect in 60 days.