

CHAPTER 43
CASINO LICENSEES

Authority

N.J.S.A. 5:12-63c, 69a, 70a, 70b, 70h, 70i, 70o, 80 through 88, 96, 98, 102, and 130.1 through 130.11.

Source and Effective Date

R.2007 d.209, effective June 7, 2007.
See: 39 N.J.R. 1246(a), 39 N.J.R. 2545(b).

Chapter Expiration Date

Chapter 43, Casino Licensees, expires on June 7, 2012.

Chapter Historical Note

Chapter 43, Casino Service Industries, was adopted as R.1978 d.50, effective February 16, 1978. See: 10 N.J.R. 4(b), 10 N.J.R. 128(c).

Chapter 43, Casino Service Industries, was recodified as Chapter 51, Casino Service Industries, by R.1992 d.500. As part of R.1992 d.500, Chapter 43, Casino Licensees, was adopted as new rules, effective December 21, 1992. See: 24 N.J.R. 3225(a), 24 N.J.R. 4563(a). See, also, Chapter 51, Casino Service Industries, Historical Note for rule-making history. As part of R.1992 d.500, Subchapter 6, Casino Hotel Facility Requirements, was recodified from N.J.A.C. 19:41-2; Subchapter 13, Conservatorship, was recodified from N.J.A.C. 19:41-1.13; Subchapter 14, Advertising, was recodified from N.J.A.C. 19:51-1; and Subchapter 15, Entertainment, was recodified from N.J.A.C. 19:52-1.

Subchapter 5, Application Requirements, and Subchapter 11, Renewal of Casino License, were adopted as new rules by R.1994 d.341, effective July 5, 1994. See: 26 N.J.R. 1615(a), 26 N.J.R. 2798(e).

Subchapter 7, Operation Certificate, was adopted as new rules by R.1994 d.265, effective June 6, 1994. See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).

Subchapter 16, Underage Gaming, was adopted as new rules by R.1995 d.495, effective September 5, 1995. See: 27 N.J.R. 2567(a), 27 N.J.R. 3393(a).

Pursuant to Executive Order No. 66(1978), Chapter 43, Casino Licensees, was readopted as R.1998 d.52, effective December 18, 1997. See: 29 N.J.R. 4669(a), 30 N.J.R. 382(a).

Chapter 43, Casino Licensees, was readopted as R.2002 d.137, effective April 15, 2002. See: 34 N.J.R. 379(a), 34 N.J.R. 1734(a).

Chapter 43, Casino Licensees, was readopted as R.2007 d.209, effective June 7, 2007. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

19:43-1.1 Applicability of rules to noncorporate entities

For purposes of this chapter, noncorporate entities shall, to the extent possible, comply with all relevant requirements applicable to corporate entities.

SUBCHAPTER 2. PERSONS REQUIRED TO BE LICENSED OR QUALIFIED

19:43-2.1 Persons required to be licensed

No person shall own or operate a casino unless a casino license shall have first been issued to every person eligible and required to apply for a casino license pursuant to the provisions of N.J.S.A. 5:12-82.

Case Notes

Provider of travel industry services exempt from casino licensing if engaged in routine transactions covered by standard rate schedule filed by casino and approved by Commission, and licensed or approved by the Interstate Commerce Commission (based on Casino Control Commission Staff Memorandum). *Holland Industries, Inc. v. Adamar of New Jersey, Inc.*, 550 F.Supp. 646 (S.D.N.Y.1982).

Electronic fund transfer companies subject to licensure; credit card money advance via electronic transfer prohibited. *Div. of Gaming Enforcement v. Comdata Network, Inc.*, 6 N.J.A.R. 188 (1980).

19:43-2.2 Persons required to be qualified

(a) Except as otherwise provided in N.J.A.C. 19:43-2.7, no casino license shall be issued or renewed by the Commission unless the individual qualifications of every person required by the Act and the Commission to qualify as part of the application for the issuance or renewal of the casino license shall have first been established in accordance with all relevant standards set forth in the Act and the rules of the Commission.

(b) The following persons shall be required to qualify as part of the application for the issuance or renewal of a casino license:

1. All persons eligible and required to apply for a casino license pursuant to the provisions of N.J.S.A. 5:12-82;
2. All financial sources required to qualify pursuant to the provisions of N.J.S.A. 5:12-84b; and
3. All persons required to qualify pursuant to the provisions of N.J.S.A. 5:12-85c, d, e and f.

1. The expiration of the three-day period; or
2. Receipt of written Commission approval for the change.

(c) The casino licensee that submitted an application governed by (a) above shall notify the Commission in writing upon final completion of any proposed change set forth in the application or any amendment thereto and for which the casino licensee is prepared to seek approval pursuant to (d) below; provided, however, that a notice shall be filed upon final completion of all proposed changes. A floor plan that depicts the actual changes made shall accompany the notice and be filed in the manner prescribed by N.J.A.C. 19:43-7.3(c). Each such floor plan shall be in a format consistent with N.J.A.C. 19:43-7.3 and, in addition to depicting the change that is made to the applicable items enumerated in N.J.A.C. 19:43-7.3(b), shall include updates, based on the actual changes made, for each item required to be included in the application pursuant to (a) above and described in the notice; provided, however, that a floor plan of the entire casino or casino simulcasting facility that depicts all changes proposed in the application and any amendment thereto shall accompany the notice of final completion.

(d) Promptly after the filing of a notice pursuant to (c) above, the Commission shall inspect the physical changes actually made to the casino, casino simulcasting facility and any restricted area to ensure that those changes conform to the floor plan accompanying the notice and the description previously submitted to the Commission, as modified by any properly filed amendments thereto. Following such inspection, the Commission shall notify the casino licensee in writing as to which physical change is approved and which is rejected, whereupon:

1. The casino licensee, in the event any change is rejected, shall either:
 - i. Correct any rejected change to conform with the floor plan accompanying the notice and the description previously submitted to the Commission, as modified by any properly filed amendments thereto, which correction shall be completed and inspected pursuant to this section;
 - ii. Submit for approval, pursuant to (a) above, a new application for the proposed change; or
 - iii. Take such other action as the Commission may direct to ensure that the currently approved floor plan accurately depicts the physical layout of the casino, the casino simulcasting facility, if any, and any restricted area; and
2. The operation certificate shall be amended to conform to each inspected and approved physical change.

(e) For purposes of this subchapter, a "business day" shall be a calendar day other than:

- i. A Saturday or Sunday; or
- ii. Any day on which the Commission's main offices are closed because of Federal, State or local holiday, inclement weather, or like circumstance.

Amended by R.1996 d.122, effective March 4, 1996.

See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

Amended by R.1998 d.164, effective April 6, 1998.

See: 29 N.J.R. 2632(a), 30 N.J.R. 1304(a).

In (a), inserted a reference to applications to conduct keno in public areas in the introductory paragraph, inserted a reference to public keno areas in 1, and inserted a reference to public keno areas which include keno booths or satellite booths in the introduction of 2.

19:43-7.7 Operation certificate; temporary amendments for pit and slot zone reconfigurations or reconstitutions

(a) Except as otherwise provided in this section or in N.J.A.C. 19:43-7.4(f), each casino licensee shall configure the pits and slot zones in its casino or casino simulcasting facility, as to types, number and location of games, strictly in accordance with the floor plans approved by the Commission at the time the operation certificate originally was issued or as amended pursuant to N.J.A.C. 19:43-7.6.

(b) Each casino licensee may temporarily reconfigure one or more pits or slot zones by filing with the Commission, at the office of its principal inspector in the establishment, an application for a temporary operation certificate to permit a reconfiguration for each pit or slot zone specified in the application, which shall be filed at least three business days prior to implementing such alternate configuration. In addition, pursuant to the above application procedure, each casino licensee may also temporarily reconstitute one or more pits as a slot zone(s) or one or more slot zones or a portion thereof as a pit. Within that three-day period, the Commission shall notify the casino licensees whether the reconfiguration or reconstitution is approved or rejected.

(c) In accordance with the specific terms of any temporary operation certificate issued by the Commission, the casino licensee to which the temporary operation certificate is issued shall implement the reconfiguration or reconstitution for a period of no more than 60 consecutive days. Notwithstanding the foregoing, the Commission may approve the implementation of a reconfiguration of a pit in conjunction with the test of a new table game or table game wager pursuant to N.J.A.C. 19:47-8.4 for a period up to 270 days from the day such test commences. Each such reconfigured pit shall not:

1. Exceed the dimensions approved for the pit that existed immediately prior to the reconfiguration; nor
2. Include any change requiring the approval of any Federal, State or local government building code official without having first obtained that approval and the approval of the Commission in accordance with N.J.A.C. 19:43-7.6.

(d) Each casino licensee shall obtain approval for any changes, other than those permitted by this section, to the configuration of the pits or slot zones in its casino and casino simulcasting facility, if any, in accordance with N.J.A.C. 19:43-7.6.

(e) Each pit operating under an approved configuration shall have an electrical system, approved by the Commission, which enables a pit clerk or a pit supervisor to transmit a signal that is

audibly and visually reproduced in each of the following locations whenever there is an emergency in the pit:

1. The monitoring rooms required by N.J.A.C. 19:45-1.10; and
2. The casino security department.

Amended by R.1996 d.122, effective March 4, 1996.

See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

Amended by R.2004 d.383, effective October 4, 2004.

See: 36 N.J.R. 3001(a), 36 N.J.R. 4488(b).

In (c), rewrote the introductory paragraph.

Amended by R.2005 d.353, effective October 17, 2005.

See: 37 N.J.R. 2158(a), 37 N.J.R. 4039(b).

In rule heading, deleted "alternate" and "configurations" and added "and slot zone reconfigurations or reconstitutions"; added "and slot zones" in (a); rewrote (b) and introductory paragraph of (c); added "or slot zones" in (d).

19:43-7.8 Access to public and restricted areas

(a) No casino licensee shall permit any person to have access to any restricted area in its establishment unless such access is permitted in accordance with the casino licensee's internal controls.

(b) Each casino licensee may deny or limit access to any public areas in order to preserve the policies of the Act, including, but not limited to, the following:

1. Persons excluded or excludable under N.J.S.A. 5:12-71 and N.J.A.C. 19:48, or 5:12-71.1;
2. Employees of casino licensees prohibited from wagering at any game or on casino simulcasting under N.J.S.A. 5:12-100n and N.J.A.C. 19:55-2.8;
3. Underage persons prohibited from gaming and simulcast wagering under N.J.S.A. 5:12-119a and N.J.A.C. 19:42-5.9;
4. Persons seeking to play the game of blackjack to whom the provisions of N.J.A.C. 19:47-2.3(j) apply; and
5. Players required by a casino licensee to leave the game of poker under N.J.A.C. 19:47-14.16.

(c) Nothing in this section shall limit the authority of Commission members or employees and Division employees or agents from obtaining access to restricted areas during the performance of their respective duties and responsibilities in accordance with the Act and the rules of the Commission.

Amended by R.1996 d.69, effective February 5, 1996.

See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).

Amended by R.1999 d.72, effective March 1, 1999.

See: 30 N.J.R. 1396(a), 31 N.J.R. 672(a).

In (b), deleted a former 6.

SUBCHAPTER 8. CONTINUING OBLIGATIONS OF CASINO LICENSEES AND QUALIFIERS

19:43-8.1 Minutes of meetings of boards and committees

Each casino licensee or applicant or holding company thereof shall file with the Commission and Division copies of the minutes of all meetings of its board of directors or partnership executive

committee, as applicable, and of all committee meetings including, without limitation, the audit committee, within seven days of their formal adoption.

19:43-8.2 Governing documents

(a) Each casino licensee or applicant or holding company thereof shall file with the Commission and Division copies of any amendments to, restatements of, or superseding versions of the governing documents of the business entity, within seven days of their formal adoption.

(b) The governing documents described in (a) above include, but are not limited to:

1. If a corporation:
 - i. Articles of incorporation;
 - ii. Charter; and
 - iii. By-laws.
2. If a partnership:
 - i. Partnership agreements; and
 - ii. Certificates of limited partnership, if applicable.
3. If a limited liability company:
 - i. Certificates of formation, amendment, and cancellation; and
 - ii. Operating agreements.

New Rule, R.2002 d.283, effective September 3, 2002.

See: 34 N.J.R. 1371(a), 34 N.J.R. 3127(a).

19:43-8.3 Profit sharing agreements

(a) Agreements between a casino licensee and its employees which provide for casino employee or casino key employee profit sharing shall be lawful if the agreement is in writing and filed with the Commission prior to its effective date. A casino licensee shall simultaneously send to the Division of Gaming Enforcement a copy of any profit sharing agreement filed with the Commission in accordance with N.J.S.A. 5:12-104a(3).

(b) Payments by a casino licensee under a profit sharing agreement shall only be made to properly licensed casino employees or casino key employees.

(c) Concurrent with the filing of a profit sharing agreement, casino licensees shall submit the following information to the Commission and Division:

1. A list of participants in the profit sharing agreement, their position, and license number; and
2. Projected payments under the profit sharing agreement for the next two calendar years.

(d) Changes or amendments to previously filed profit sharing agreements will be effective in filing such changes or amendments with the Commission, provided that the following information is submitted to the Commission and Division:

1. A narrative description of the changes to the profit sharing agreement;
2. An updated list of participants in the profit sharing agreement, their position, and license number; and
3. Any change to the projected payments under the profit sharing agreement.

(e) On an annual basis, each casino licensee shall submit the following information regarding profit sharing agreements to the Commission and Division no later than March 31:

1. The total amount paid to each employee for the prior calendar year, including each employee's position and license number;
2. The total amount paid under each profit sharing agreement for the prior calendar year, with a grand total for all profit sharing agreements; and
3. Projected payments under each profit sharing agreement for the upcoming calendar year, with the projected liability for all profit sharing agreements.

(f) The cancellation of any profit sharing agreement shall be reported to the Commission and Division within five days of termination.

New Rule, R.2003 d.93, effective March 3, 2003.
See: 34 N.J.R. 3942(a), 35 N.J.R. 1273(a).

SUBCHAPTER 9. EMPLOYMENT REQUIREMENTS

19:43-9.1 Employee internal controls submission

(a) Each applicant for a casino license shall, pursuant to N.J.S.A. 5:12-99, submit an original and three copies to the Commission of a description of its internal procedures and administrative and accounting controls concerning employee licensing requirements. Unless otherwise directed by the Commission, an initial submission shall be made at least 30 days prior to the projected date of issuance of a certificate of operation. Each such submission shall be prepared and maintained in a format provided by the Commission; shall contain narrative and, where appropriate, diagrammatic representations of the internal control system to be utilized by the applicant, and shall address, without limitation, the following employee licensing requirements:

1. Procedures used to prepare and maintain a jobs compendium;
2. Procedures used to process and submit applications for casino key employee licenses, casino employee licenses and casino service employee registrations;

3. Procedures used to prepare and submit petitions for temporary employee licenses;

4. Procedures for assuring that only properly licensed or registered persons are employed in each position for which a license or registration is required;

5. Procedures for assuring that no person whose license, registration, qualification or approval has been denied or revoked or whose license or registration has been suspended is employed in any position which does not require a license or registration, except as expressly authorized by the Commission pursuant to N.J.A.C. 19:41-8.9, 8.10 or 8.11;

6. Procedures for assuring that no unlicensed or unregistered person who has committed a disqualifying offense pursuant to N.J.S.A. 5:12-86c(1) is employed as CHAB employee, except as expressly authorized by the Commission pursuant to N.J.A.C. 19:41-8.9, 8.10 or 8.11;

7. Procedures for notice, verification and implementation of wage executions in accordance with N.J.A.C. 19:43-9.6; and

8. Procedures used to assure the timely renewal of employee licenses.

(b) The Commission shall review each submission required by (a) above to determine whether it conforms to the requirements of the Act and the rules of the Commission. If the Commission finds any insufficiencies, it shall specify same in writing to the applicant who shall make appropriate alterations. When the Commission determines a submission to be adequate in all respects, it shall notify the applicant accordingly. No applicant for a casino license shall commence gaming operations unless and until its employee licensing internal controls submission is approved by the Commission.

(c) Each casino licensee shall maintain on its premises a complete, updated copy of its employee internal controls submission, which shall be made available for review upon request of the Commission or the Division.

(d) Unless otherwise directed by the Commission, an amendment to a previously approved employee licensing internal controls submission may be implemented by the casino licensee without the prior approval of the Commission, provided that the amendments are immediately recorded in the copy of the employee internal controls submission maintained by the licensee on its premises.

(e) The Commission may review any internal controls submission required to be maintained by this section and may require that a casino licensee amend its previously approved employee internal controls submission to include additional procedures in order to conform to the requirements of the Act and the rules of the Commission. Any amendment to the internal controls submission of a casino licensee shall be implemented in accordance with (d) above.

Amended by R.1994 d.265, effective June 6, 1994.
See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).
Amended by R.1995 d.591, effective November 20, 1995.
See: 27 N.J.R. 3146(a), 27 N.J.R. 4729(a).
Amended by R.1996 d.69, effective February 5, 1996.
See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).
Amended by R.1996 d.473, effective October 7, 1996.
See: 28 N.J.R. 2806(a), 28 N.J.R. 4515(a).
Amended by R.1997 d.78, effective February 18, 1997.

See: 28 N.J.R. 3519(a), 29 N.J.R. 591(b).

In (a), deleted references to casino licensees, amended time for submission of description, and deleted licensing requirement relating to recordation of hours worked by employees; in (b), deleted references to casino licensees; rewrote (c); and added (d) and (e).

Amended by R.1999 d.72, effective March 1, 1999.

See: 30 N.J.R. 1396(a), 31 N.J.R. 672(a).

In (a), deleted a former 9.

2. Any signs or other directional devices contained in a casino or casino simulcasting facility for the purpose of identifying the location of authorized games or the locations from which simulcast wagers may be made; and

3. The distribution of a prepared statement containing information or news of general interest to persons employed in the reporting of such information or news to the public, such as newspapers or periodicals, or radio or television stations.

Amended by R.1981 d.409, effective November 2, 1981.
See: 13 N.J.R. 542(a), 13 N.J.R. 780(d).

(a): "These regulations shall govern" and "in any way ... applicant or licensee" deleted. "is directly related ... by N.J.A.C. 19:51-1.2" added.

(b): text deleted and (c) renumbered as (b) with addition of "or agent thereof" and "is directly related to casino gaming or casino gaming activity."

Amended by R.1991 d.467, effective September 16, 1991.

See: 23 N.J.R. 2007(a), 23 N.J.R. 2870(a).

In (a): added text to clarify definition of advertising and applicant/licensee responsibilities.

Added new subsection (b).

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Simulcasting added.

Amended by R.1994 d.265, effective June 6, 1994.

See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).

19:43-14.2 Criteria governing advertising

(a) Advertising shall conform to the requirements of section 70(o) of the Act and this chapter.

(b) Any on-site advertising of casino or casino simulcasting facility operations shall contain the phrase "Bet With Your Head, Not Over It," or some comparable language approved by the Commission.

(c) All advertising which appears in print, or on a billboard or sign shall contain the words "If you or someone you know has a gambling problem and wants help, call 1-800-GAMBLER" or some comparable language approved by the Commission, which contains the words "gambling problem" and "call 1-800-GAMBLER" to appear legibly on all print.

(d) Advertising shall be based upon fact, and shall not be false, deceptive or misleading. Without limitation as to the generality of the foregoing requirement, no advertising shall:

1. Use any type, size, location, lighting, illustration, graphic depiction or color resulting in the obscuring of any material fact; or

2. Fail to specifically designate any material conditions or limiting factors.

(e) The following practices shall be prohibited with respect to all advertisements:

1. Advertising within a casino hotel complex which violates the obscenity statutes of this State or which includes:

i. The portrayal or depiction of acts or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

ii. The portrayal or depiction of touching, caressing or fondling of the breasts, buttocks, anus or genitals;

iii. The portrayal or depiction of the pubic hair, vulva, genitals, anus, female nipple or female areola; and

2. The failure to maintain any offer for the advertised period of availability or in a quantity sufficient to meet reasonably anticipated demand.

(f) In the event that the proponent of any advertising which is or may be subject to these regulations has a question as to the propriety hereunder or applicability hereto, or both, as the case may be, of such advertising, he may petition the commission in writing for an advisory opinion as to such propriety or applicability, or both, as the case may be.

Amended by R.1981 d.409, effective November 2, 1981.

See: 13 N.J.R. 542(a), 13 N.J.R. 780(d).

(a): deleted "and shall portray gaming as an activity conducted in an atmosphere of social graciousness". (c): added "No on-site ... city". (d)1-3 added.

Renumbered (d) and (e) as (e) and (f).

Amended by R.1991 d.467, effective September 16, 1991 (operative date for N.J.A.C. 19:51-1.2(c): January 16, 1992).

See: 23 N.J.R. 2007(a), 23 N.J.R. 2870(a).

Added new subsections (c)-(f), recodifying existing (d) as (g), in order to clarify criteria governing advertising, including prohibitions on advertising.

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Casino simulcasting added.

Amended by R.1994 d.281, effective June 6, 1994.

See: 26 N.J.R. 1209(a), 26 N.J.R. 2476(b).

Amended by R.2008 d.197, effective July 21, 2008.

See: 40 N.J.R. 1818(a), 40 N.J.R. 4345(b).

Deleted former (e)1 through (e)4; recodified former (e)5 and (e)6 as (e)1 and (e)2; deleted former (f); and recodified former (g) as (f).

19:43-14.3 Commission approval

(a) All advertising or in the case of standard or recurring advertising, a sample thereof, which is directly related to casino gaming or casino gaming activity, shall be maintained by the casino licensee or applicant, or the casino service industry licensee or applicant for a period of one year from the date of placement of such advertisement. Advertising which must be maintained shall include such advertising as may have been placed for or on behalf of the casino licensee or applicant or casino service industry licensee or applicant or the junket representative licensee or applicant or the junket enterprise licensee or applicant. Advertising required to be maintained by this section shall be maintained at the principal place of business of the licensee or applicant, and shall be made available or produced for inspection upon the request of the Commission or the Division.

(b) Each casino licensee or applicant shall maintain a file containing samples of the types and forms of advertising and promotional materials not directly related to casino gaming or

casino gaming activity for a period of six months from the date of placement of such advertisement or promotion. Such advertising shall be maintained at the principal place of business of the casino licensee or applicant, and shall be made available or produced for inspection upon the request of the Casino Control Commission or the Division of Gaming Enforcement.

(c) Standard or recurring advertisement for purposes of this section shall be deemed to be standard advertisements in standard formats which may be used more than once with minor changes to the copy and/or pictures in such advertisement.

Amended by R.1981 d.409, effective November 2, 1981.
See: 13 N.J.R. 542(a), 13 N.J.R. 780(d).

(a)-(c): text deleted and new text substituted therefor. (d) added.
Amended by R.1991 d.467, effective September 16, 1991.
See: 23 N.J.R. 2007(a), 23 N.J.R. 2870(a).

Section N.J.A.C. 19:51-1.3 was "Prohibited advertising of casino gaming or casino gaming activity," provisions of which are now found at N.J.A.C. 19:51-1.2. N.J.A.C. 19:51-1.4 is now recodified to N.J.A.C. 19:51-1.3.

Prior rulemaking under N.J.A.C. 19:51-1.3 is as follows:

Amended by R.1981 d.409, effective November 2, 1981.

See: 13 N.J.R. 542(a), 13 N.J.R. 780(d).

Catchline: added "of casino ... activity". (a): added "All advertising ... graciousness". (c): deleted text and (d) recodified to (c). (e) and (f): deleted.

19:43-14.4 (Reserved)

Amended by R.1991 d.467, effective September 16, 1991.
See: 23 N.J.R. 2007(a), 23 N.J.R. 2870(a).

N.J.A.C. 19:51-1.4 recodified to N.J.A.C. 19:51-1.3.

SUBCHAPTER 15. ENTERTAINMENT

19:43-15.1 Prohibited entertainment activities

(a) No motion picture shall be exhibited within any casino hotel complex either by direct projection or by closed circuit

television which would be classified as obscene material pursuant to the definition contained in N.J.S.A. 2C:34-2.

(b) No live entertainment shall be permitted within a casino hotel complex which includes:

1. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
2. The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals; or
3. The actual or simulated display of the pubic hair, vulva, genitals, anus, female nipple or female areola.

19:43-15.2 Entertainment within the casino room and casino simulcasting facility

(a) No entertainment shall be offered within the casino room or the casino simulcasting facility itself, unless the casino licensee receives approval from the Commission to provide such entertainment. The casino licensee shall file a written submission with the Commission and the Division at least five days prior to the commencement of such entertainment, which submission shall include, at a minimum, the following information:

1. The date and time of the scheduled entertainment;
2. A detailed description of the type of entertainment to be offered;
3. The number of persons involved in the entertainment;

4. The exact location of the entertainment on the casino floor and casino simulcasting facility;

5. A description of any additional security measures that will be implemented as a result of the entertainment; and

6. A certification from the supervisors of the casino licensee's security and surveillance departments that the proposed entertainment will not adversely affect the security and integrity of gaming operations.

(b) The submission in (a) above shall be deemed approved by the Commission unless the casino licensee is notified in writing to the contrary within three days of filing.

(c) The Commission may at any time after the granting of approval require the licensee to immediately cease any entertainment offered within the casino room or casino simulcasting facility if the entertainment provided is in any material manner different from the description contained in the submission filed pursuant to (a) above, or in any way compromises the integrity of gaming operations.

(d) In reviewing the suitability of an entertainment proposal, the Commission shall consider the extent to which the entertainment proposal:

1. May unduly interfere with efficient casino operations;
2. May unduly interfere with the security of the casino room or casino simulcasting facility or any of the games therein or any restricted casino area; or
3. May unduly interfere with surveillance operations.

Amended by R.1993 d.37, effective January 19, 1993.
See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).
Simulcasting added.

SUBCHAPTER 16. UNDERAGE GAMING

19:43-16.1 Underage gaming—violations

(a) No casino licensee or agent or employee thereof, shall allow, permit or suffer any person under the age at which a person is authorized to purchase and consume alcoholic beverages in this State ("underage person") to:

1. Enter a casino or casino simulcasting facility, except to pass directly to another room, unless the underage person is licensed under the Act and is acting in the regular course of his or her licensed activities;
2. Remain in a casino or casino simulcasting facility, unless the underage person is licensed under the Act and

is acting in the regular course of his or her licensed activities;

3. Wager at any game or at casino simulcasting in a casino or casino simulcasting facility;
4. Be rated as a player;
5. Receive complimentary services or items as a result of, or in anticipation of, his or her gaming activity; or
6. Utilize credit.

(b) No casino licensee or agent or employee thereof, shall approve a credit limit for an underage person, pursuant to N.J.A.C. 19:45-1.27(b).

(c) Each violation of any of the provisions of (a) or (b) above as to a single underage person shall be considered a separate and distinct violation for purposes of N.J.S.A. 5:12-129.

(d) Each employee and agent of a casino licensee shall have an affirmative obligation to ensure that no underage persons engage in any of the activities listed in (a) above. Each employee or agent of a casino licensee who violates any provision of this section may be held jointly or severally liable for any such violation.

19:43-16.2 Underage gaming violations—affirmative defenses

(a) No casino licensee or employee or agent thereof shall be held liable for any violation of N.J.S.A. 5:12-119 and N.J.A.C. 19:43-16.1 if such person can establish the affirmative defense authorized by N.J.S.A. 5:12-119(b).

(b) For purposes of establishing an affirmative defense to a violation of N.J.S.A. 5:12-119 and N.J.A.C. 19:43-16.1, the term "writing" in N.J.S.A. 5:12-119(b) shall include the following:

1. A photographic driver's license;
2. A photographic identification card issued pursuant to N.J.S.A. 33:1-81.2, or a similar card issued pursuant to the laws of another state or the Federal government; or
3. A writing which is made and signed by the underage person, and which contains, at a minimum, the following information:
 - i. The name, address, age and date of birth of the person; and
 - ii. A statement that the representation of age is being made to induce the licensee to permit the person to enter, remain or wager at a game or at casino simulcasting in a casino or casino simulcasting facility, to be rated, receive complimentary, obtain approval of a credit limit, or to utilize credit.