

Entertainment Within The Casino Room and Casino Simulcasting Facility
Casino Licensees

Proposed Amendments: N.J.A.C. 19:43-15.2

Authority: N.J.S.A. 5:12-63, 69, 70, 99 and 100

Calendar Reference: See Summary below for explanation of exception to
calendar requirement.

Submit written comments by February 5, 2010 to:

Seth H. Brilliant, Senior Counsel
Casino Control Commission
Arcade Building
Tennessee Avenue and the Boardwalk
Atlantic City, N.J. 08401

The agency proposal follows:

Summary

In a recent ruling involving the Trump Taj Mahal Hotel-Casino, the Commission interpreted and clarified N.J.A.C. 19:43-15.2, its regulation concerning entertainment on the casino floor and simulcasting facility.

In its ruling, the Commission noted that the above regulation had not been formally revisited since 1993, and that it required updating in light of other intervening amendments to the Casino Control Act that broadened the definition of a "casino" or "casino room" in Section 6 of the Act. N.J.S.A. 5:12-6 now defines a "casino" as "[o]ne or more locations or rooms in a casino hotel facility."

The Commission also noted that the plain and obvious purpose of the regulation is to prevent entertainment from impairing the security and integrity of casino gaming - either by disrupting or interfering with casino operations, or by unduly distracting the attention of patrons or casino and security personnel. Thus, the Commission ruled that when N.J.A.C. 19:43-15.2 speaks of "entertainment *being offered within* the casino room," that language should be broadly interpreted to include not only activities which are actually physically located on the casino floor,

but also any entertainment that is “significantly visible or audible from or on the casino floor,” even if it emanates from an area that is not on the casino floor.

The proposed amendments to N.J.A.C. 19:43-15.2 would codify the above ruling, and would also make several minor technical changes for clarity.

This notice of proposal is not required to be referenced in a rulemaking calendar since a public comment period of 60 days is being provided. See N.J.A.C. 1:30-3.3(a)5.

Full text of the proposal follows (additions are indicated in boldface **thus**; deletions are indicated in brackets [thus]):

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], **or shall be significantly visible or audible from or in the casino or simulcasting facility**, 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. - 6. (No change.)

(b) (No change.)

(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 **security or** integrity of gaming operations.

(d) In reviewing the **initial or continued** suitability of an entertainment proposal, the Commission shall consider the extent to which the entertainment proposal **may unduly disrupt or interfere with:**

1. [May unduly interfere with efficient] **Efficient** casino operations;
2. [May unduly interfere with the] **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] **Surveillance** operations[.]; **or**
4. **The security or integrity of gaming operations or any authorized game.**