13:69E-1.28Y Skill based gaming

(a) For purposes of this subsection the term “Identifier” means any specific and verifiable fact, used by a slot machine or skill based game, concerning a player or group of players which is based upon objective criteria relating to the player or group of players, including, without limitation:

1. The frequency, value or extent of predefined commercial activity;

2. The subscription to or enrollment in particular services;

3. The use of a particular technology concurrent with the play;

4. The skill of the player;

5. The skill of the player relative to the skill of any other player participating in the same game;

6. The degree of skill required by the game; or

7. Any combination of (1) to (6), inclusive.

(b) Skill based gaming means any Division approved casino game where game outcome is dependent in whole or in part upon the player’s physical dexterity and/or mental ability.

(c) All skill based games shall comply with N.J.S.A. 5:12-100(e) as follows:

1. Slot machine games with a skill based component shall be required to theoretically pay out a mathematically demonstrable percentage of all amounts wagered, which shall not be less than 83 percent for each wager available for play on the device; and

2. Games which rely entirely on skill or do not utilize an RNG are not required to achieve a minimum theoretical hold percentage.

(d) All skill based games shall display in a readily available, accurate and non-misleading manner:

1. The rules of play;

2. The amount required to wager on the game;

3. The amount to be paid on winning wagers;

4. Any rake or fee charged to play the game;

5. The total amount wagered by the player;

6. That the outcome of the game is affected by player skill; and

7. Such additional information sufficient for the player to reasonably understand the game.

(e) Except as otherwise disclosed to the player, once a game containing a skill based feature is initiated, no aspect or function of the gaming device may be altered during the play of the game based on the skill of the patron to make an event more or less likely to occur.

(f) Skill based games may contain a feature allowing patrons to gain an advantage over other patrons provided that all patrons are advised of that feature. Such features may include but are not limited to patron purchased enhancements, randomly awarded enhancements or other advantages.

(g) Skill based games offering a feature that allows patrons to gain an advantage over other patrons shall:

1. Clearly describe to all patrons that the feature is available and the benefit it gives to patrons;

2. Disclose the method for obtaining the feature; and

3. Provide patrons with sufficient information to make an informed decision, prior to game play, as to whether or not to compete against a patron who possesses such a feature.

(h) All possible game outcomes shall be available upon the initiation of each play of a game upon which a player commits a wager on a gaming device.

(i) Gaming devices that offer games of skill or hybrid games shall indicate prominently on the gaming device that the outcome of the game is affected by player skill.

(j) Skill based games may use an identifier to determine which games are presented to or available for selection by a player.

(k) Skill based games may offer patrons the opportunity to compete against a computerized or skilled house sponsored opponent provided that the licensee or electronic game:

1. Clearly and conspicuously discloses when a computerized or skilled house sponsored opponent is participating;

2. Provides the patron with the ability to elect whether or not to play against a computerized or house sponsored opponent; and

3. Prevents the computerized or house sponsored opponent from having access to information that is otherwise unavailable to a patron (i.e. the opponent’s hole cards or upcoming events).

(l) Peer to peer skill based gaming shall be monitored for collusion and money laundering activity using an automated feature or in accordance with the internal controls of the casino licensee.

(m) A skill based game or slot machine with a skill based component may provide an adaptive feature to increase the payback percentage in order to improve the actual RTP.