

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

13:69E-1.13Z 5 Card Hi-Lo table; physical characteristics

(a) 5 card hi-lo shall be played at a table having on one side places for the players and on the opposite side a place for the dealer.

b) The layout for a 5 card hi-lo table shall contain, at a minimum, the following:

1. Separate designated player positions, one for each of a maximum of seven players at the table;

2. For each player position:

i. An ante bet wagering area for the placement of an ante bet;

ii. A play bet wagering area for the placement of a play bet;

iii. A tie bet wagering area for the placement of a tie bet;

iv. A poker bonus bet wagering area for the placement of a poker bonus bet;

v. An area for the placement of the high hand; and

vi. An area for the placement of the low hand.

3. Payout odds for the tie bet, poker bonus bet, and the ante bonus; and

5. The name or trade name of the casino licensee offering the game.

(c) If the payout odds for the tie bet, poker bonus bet and the ante bonus are not inscribed on the layout as required in (b)3 above, the payout odds shall be posted on a sign at the 5 card hi-lo table. In addition, signage shall be posted at each 5 card hi-lo table setting forth the following:

1. The dealer always plays aces in the high hand;
2. A player shall win ante and play bets if the player's high hand has a higher point total than the point total of the dealer's high hand and the player's low hand has a lower point total than the point total of the dealer's low hand;

3. Winning ante and play bets are paid 1 to 1;
4. Ante and tie bets are forfeited if a player elects not to place a play bet; and

5. A qualifying ante bonus shall be paid regardless of the outcome of the player's ante and play bets.

(d) Each 5 card hi-lo table shall have a drop box and tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer, and in locations approved by the Division.

(a) (No change.)

(b) Cards used to game at authorized table games shall be dealt from a manual or automated dealing shoe which shall be secured to the gaming table when the table is open for gaming activity and secured in a locked compartment when the table is not open for gaming activity, except that cards used to game at baccarat shall be dealt from a dealing shoe which shall not be secured to the gaming table. Notwithstanding the foregoing, cards used to game at:

1. Pai gow poker, double down stud, caribbean stud poker, three card poker, colorado hold 'em poker, boston 5 stud poker, double cross poker, flop poker, four card poker, texas hold 'em bonus poker, ultimate texas hold 'em poker, asia poker, winner's pot poker, supreme pai gow, mississippi stud, [and] two card joker poker **and 5 card hi-lo** may be dealt from the dealer's hand in accordance with the rules for each game in N.J.A.C. 13:69F; and

2. (No change.)

(c) A device which automatically shuffles cards may be utilized at the game of blackjack, spanish 21, double attack blackjack, triple attack blackjack, pai gow poker, minibaccarat, red dog, poker, caribbean stud poker, let it ride poker, three card poker, fast action hold'em, colorado hold 'em poker, casino war, boston 5 stud poker, double cross poker, four card poker, texas hold 'em bonus poker, ultimate texas hold 'em poker, flop poker, two card joker poker, asia poker, winner's pot poker, supreme pai gow, mississippi stud, **5 card hi-lo** and double down stud in addition to a manual or automated dealing shoe, provided that:

1. - 2. (No change.)

(d) - (h) (No change.)

SUBCHAPTER 40. 5 CARD HI-LO

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13:69F-40.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Ante bonus" means the payout to which a player is entitled if the player's hand contains either three or four aces.

"Ante bet" means the initial wager placed prior to any cards being dealt in order to participate in the round of play.

"Fold" means the withdrawal of a player from a round of play by discarding his or her hand of cards after all cards have been dealt and prior to placing a play wager.

"Hand" means the five-card hand dealt to each player and the dealer.

"High hand" means the three-card hand that a player and the dealer form from the five cards dealt.

"Low hand" means the two-card hand that a player and the dealer form from the five cards dealt.

"Play bet" means an additional wager, in an amount equal to the player's ante bet, if a player opts to remain in a round of play after the cards are dealt.

"Point value" means the value ascribed to a card as set forth in N.J.A.C. 13:69F-40.5(a).

"Point total" means the sum of all the point values of cards in either a high hand or a low hand.

"Poker bonus bet" means an optional, supplemental wager placed prior to any cards being dealt on whether the player's five cards comprise a hand type that qualifies for a posted payout pursuant to N.J.A.C. 13:69F-40.11(d).

"Push" means a tie, as defined in N.J.A.C. 13:69F-40.10(c)iii.

"Rank" or "ranking" means, for purposes of the five-card poker bonus wager, the relative position of a group of cards as set forth in N.J.A.C. 13:69F-40.5(d).

"Round of play" or "round" means one complete cycle of play during which all players then playing at the table have been dealt a hand, have folded or wagered upon it, and have had their wagers paid off or collected in accordance with the rules of this subchapter.

"Stub" means the remaining portion of the deck after all cards in the round of play have been dealt.

"Suit" means one of the four categories of cards: club, diamond, heart or spade, with no suit being higher in rank than another.

"Tie bet" means an optional, supplemental wager placed prior to any cards being dealt on whether the player's high hand or low hand is of equal point value to the corresponding hand(s) of the dealer or the player's entire five-card hand is of equal rank to the corresponding hand of the dealer.

13:69F-40.2 Cards; number of decks

(a) Except as provided in (b) below, 5 card hi-lo shall be played with one deck of cards with backs of the same color and design, one additional cutting card and one additional cover card to be used in accordance with the procedures set forth in N.J.A.C.

13:69F-38.4. The cutting card and cover card shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the Division. The deck of cards shall meet the requirements of N.J.A.C. 13:69E-1.17.

(b) If an automated card shuffling device is used, a casino licensee shall be permitted to use a second deck of cards to play the

game, provided that:

1. Each deck of cards complies with the requirements of (a) above;
2. The backs of the cards in the two decks are of different color;
3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from only one deck shall be placed in the discard rack at any given time.

13:69F-40.3 Opening of the table for gaming

(a) After receiving a deck of cards at the table in accordance with N.J.A.C. 13:69E-1.18, the dealer shall, as applicable, comply with the requirements of either N.J.A.C. 13:69E-1.18(e)1 and (b) through (d) below or the requirements of N.J.A.C. 13:69E-1.18(e)2 and (r).

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on

the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with N.J.A.C. 13:69F-40.4.

(d) If a casino licensee uses an automated card shuffling device to play the game and two decks of cards are received at the table pursuant to N.J.A.C. 13:69E-1.18 and 13:69F-40.2, each deck of cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above.

13:69F-40.4 Shuffle and cut of the cards

(a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to N.J.A.C. 13:69E-1.18(r), and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing herein shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

1. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in N.J.A.C. 13:69F-40.7, 40.8 or 40.9; or

2. If the cards were shuffled manually or were pre-shuffled pursuant to N.J.A.C. 13:69E-1.18(r), cut the cards in accordance with the procedures set forth in (c) below.

(c) If a cut of the cards is required, the dealer shall:

1. Cut the deck, using one hand, by:

i. Placing the cover card on the table in front of the deck of cards;

ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;

iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to section (c)lii above; and

iv. Removing the cover card and placing it in the discard rack; and

2. Deal the cards in accordance with the procedures set forth in N.J.A.C. 13:69F-40.7, 40.8 or 40.9.

(d) Notwithstanding (c) above, after the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(e) Whenever there is no gaming activity at a lunar poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the

cards, the procedures outlined in N.J.A.C. 13:69F-38.3(c) shall be completed.

13:69F-40.5 5 card hi-lo card values; rank of hands for poker bonus bet

(a) The point value of the cards contained in each deck shall be as follows:

1. Any card from two to 10 shall have its face value;
2. Any jack, queen or king shall have a value of 10;
3. An ace shall have a value of:
 - i. Eleven if used in a high hand; or
 - ii. One if used in a low hand.

(b) A player has the option of playing, at most, one ace in the player's low hand. The dealer shall always play an ace or multiple aces in the dealer's high hand, except when the dealer is dealt four aces in which case the dealer shall play one ace in the dealer's low hand.

(c) The suit of a card (hearts, clubs, spades or diamonds) shall have no bearing on the card's value.

(d) For purposes of the poker bonus bet, the rank of cards in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, and 2. Notwithstanding the foregoing, an ace may be used to complete a "straight flush" or "straight" formed

with a 2, 3, 4 and 5. The hands recognized for payout in accordance with N.J.A.C. 13:69F-40.11(d), in order of highest to lowest rank, shall be:

1. "Royal flush" is a hand consisting of an ace, king, queen, jack and 10 of the same suit;
2. "Straight flush" is a hand consisting of five cards of the same suit in consecutive ranking other than a royal flush;
3. "Four-of-a-kind" is a hand consisting of four cards of the same rank;
4. "Full house" is a hand consisting of "three-of-a-kind" and a "pair;"
5. "Flush" is a hand consisting of five cards of the same suit;
6. "Straight" is a hand consisting of five cards of consecutive rank, regardless of suit; provided, however, that an ace may not be combined with a king and a two;
7. "Three-of-a-kind" is a hand consisting of three cards of the same rank;
8. "Two pairs" is a hand containing two "pairs;" and
9. "One Pair" is a hand containing two cards of the same rank.

13:69F-40.6 Wagers

(a) All wagers at 5 card hi-lo shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the

appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.

(b) All ante bets, tie bets and poker bonus bets shall be placed prior to the dealer announcing "No more bets" in accordance with the dealing procedure in N.J.A.C. 13:69F-40.7, 40.8 or 40.9. Except as provided in N.J.A.C. 13:69F-40.7 and 40.10, no wager shall be made, increased, or withdrawn after the dealer has announced "No more bets."

(c) An play bet shall be made in accordance with N.J.A.C. 13:69F-40.10.

(d) No player may view the cards of any other player at a 5 card hi-lo table. No player may communicate the contents of such player's hand to any other player at a 5 card hi-lo table.

(g) A player may play more than one hand per round of play, provided that the following rules shall be observed:

1. The ante bet for all hands played must be in equal amount;

2. The player may not touch and view the cards played in any hand other than the player's first hand until the player has either placed:

- i. A play bet on or folded the player's first hand; and
- ii. A play bet on each additional hand.

(h) Only players who are seated at a 5 card hi-lo table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play.

13:69F-40.7 Procedure for dealing the cards from a manual dealing shoe

(a) If a casino licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of N.J.A.C. 13:69E-1.19 and shall be located on the table in a location as approved by the Division. Once the procedures required by N.J.A.C. 13:69F-40.4 have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automatic shuffling device.

(b) Prior to dealing the cards and once all ante bets and, if elected by players, tie bets and poker bonus bets have been placed, the dealer shall then announce "No more bets."

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. One card face down to each player;
2. One card face down to an area directly in front of the table inventory container designated for the dealer's hand;
3. A second card face down to each player directly on top of that player's first card;
4. A second card face down to the dealer directly on top of the dealer's first card; and

5. A third, fourth and fifth card, in succession, face down to each player and the dealer directly on top of the preceding card dealt face down.

(e) After five cards have been dealt to each player and the area designated for the hand of the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (f) below, place the stub in the discard rack without exposing the cards.

(f) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

1. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

2. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the area designed for the placement of the dealer's hand has more or less than five cards) but 52 cards remain in the deck, all hands shall be void pursuant to N.J.A.C. 13:69F-40.12. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table pursuant to N.J.A.C. 13:69E-1.18.

13:69F-40.8 Procedures for dealing the cards from the hand

(a) Notwithstanding any other provisions of N.J.A.C. 13:69E or this chapter, a casino licensee may, in its discretion, permit a dealer to deal the cards used to play lunar poker from his or her hand.

(b) If a casino licensee chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed.

1. The casino licensee shall use an automated shuffling device to shuffle the cards.

2. Once the procedures required by N.J.A.C. 13:69F-40.4 have been completed, the dealer shall place the stacked deck of cards in either hand.

i. Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.

ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.

3. Prior to dealing the cards and once all ante bets and, if elected by players, tie bets and poker bonus bets have been placed, the dealer shall then announce "No more bets."

4. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(c) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. One card face down to each player;
2. One card face down to an area directly in front of the table inventory container designated for the dealer's hand;
3. A second card face down to each player directly on top of that player's first card;
4. A second card face down to the dealer directly on top of the dealer's first card; and
5. A third, fourth and fifth card face down to each player and the dealer, in succession, directly on top of the preceding card dealt face down.

(d) After five cards have been dealt to each player and the area designated for the placement of the dealer's hand, the dealer shall, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still present in the deck. The dealer shall count the stub in accordance with the provisions of N.J.A.C. 13:69F-40.7.

13:69F-40.9 Procedures for dealing the cards from an automated dealing shoe

(a) Notwithstanding any other provision of N.J.A.C. 13:69E or this chapter, a casino licensee may, in its discretion, choose to have the cards used to play 5 card hi-lo dealt from an automated dealing shoe which dispenses cards in stacks of five cards, provided

that the shoe, its location and the procedures for its use are approved by the Division.

(b) If a casino licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed.

1. Once the procedures required by N.J.A.C. 13:69F-40.4 have been completed, the cards shall be placed in the automated dealing shoe.

2. Prior to dealing the stacks of cards and once all ante bets and, if elected by players, tie bets and poker bonus bets have been placed, the dealer shall then announce "No more bets."

(c) The dealer shall deliver the first stack dispensed by the automated dealing shoe face down to the player farthest to his or her left who has placed a wager in accordance with N.J.A.C. 13:69F-40.6. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with N.J.A.C. 13:69F-40.6. The dealer shall then deliver a stack of five cards face down to the area designated for the dealer's hand.

(d) After each stack of five cards has been dispensed and delivered in accordance with this subsection, the dealer shall remove the stub from the automated dealing shoe and, except as provided in (e) below, place the cards in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least

once every five rounds of play in order to determine that the correct number of cards are still present in the deck. The dealer shall count the stub in accordance with the provisions of N.J.A.C. 13:69F-40.7.

(f) Notwithstanding the provisions of (e) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of N.J.A.C. 13:69E-1.18.

13:69F-40.10 Procedure for completion of each round of play;
collection and payment of wagers

(a) After the dealing procedures required by N.J.A.C. 13:69F-40.7, 40.8 or 40.9 have been, each player shall, after examining his or her cards, elect one of the following:

1. Fold the hand and thereby forfeit the player's ante
bet

and, if applicable, any tie bet, which shall be collected by the dealer and placed in the table inventory container; or

2. Place a play bet in the designated area on the layout in an amount equal to the player's ante bet and set a high hand (three cards) and a low hand (two cards), placing the high hand and the low hand face down on the respective designated areas of the layout at the player's position.

(b) Unless a player who has folded his or her hand has placed a poker bonus bet, a folded hand shall be immediately collected by the dealer and placed in the discard rack. If a player who has folded has also placed a poker bonus bet, the dealer shall place the cards of the player's hand face down underneath the poker bonus wager pending the resolution of such wager.

(c) After each player's election in (a) above, the dealer shall then turn over and expose the dealer's hand and set the dealer's high hand and low hand in accordance with house rules.

(d) After the dealer has set the dealer's high hand and low hand, the dealer shall, starting with the player farthest to his or her right, turn over the player's cards and settle the player's ante and play bets as follows:

i. A player's ante and play bets shall win if the player's high hand has a higher point total than the point total of the dealer's high hand and the player's low hand has a lower point total than point total of the dealer's low hand;

ii. A player's ante and play wagers shall lose if the player's high hand has a point total lower than or equal to the point total of the dealer's high hand and the player's low hand has a point total higher than or equal to the point total of the dealer's low hand;

iii. A player's ante and play wagers shall be deemed a push if the player's high hand has a higher point total than the point total of the dealer's high hand and the player's low hand has a point total higher than or equal to the point total of dealer's low

hand, or if the player's low hand has a lower point total than the point total of the dealer's low hand and the player's high hand has a point total lower than or equal to the point total of the dealer's high hand.

(e) In addition to settling each player's ante and play bets, the dealer shall settle, as applicable, each player's tie bet and poker bonus bet.

(f) Notwithstanding the outcome of the player's ante and play bets in (d) above, a player shall be awarded an ante bonus payout in accordance with N.J.A.C. 13:69F-40.11(e) on the player's ante bet if the player's hand (all five cards) contains three or four aces.

(g) Upon settling all wagers of a player, the cards of the player shall be collected by the dealer in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct the player's high hand and low hand in the event of a question or dispute.

13:69F-40.11 Payout odds; payout limitation

(a) The payout odds for winning wagers at 5 card hi-lo printed on any layout or in any brochure or other publication distributed by a casino licensee shall be stated through the use of the word "to" or "win," and no odds shall be stated through the use of the word "for."

(b) A casino licensee shall pay winning ante bets and play bets at payout odds of 1 to 1.

(c) A casino licensee shall pay winning tie bets at the game of 5 card hi-lo for each of the following tie hands:

| <u>Tie Hand</u> | <u>Payout Odds</u> |
|-----------------------------|--------------------|
| Two-card Low Hand | 4 to 1 |
| Three-card High Hand | 4 to 1 |
| Both Low Hand and High Hand | 20 to 1 |

(d) A casino licensee shall pay each winning poker bonus bet at

the game of 5 card hi-lo for the highest rank hand in accordance with one of the following pay tables pre-selected by the casino licensee:

| <u>Hand</u> | <u>Pay Table 1</u> | <u>Pay Table 2</u> |
|-----------------------------|--------------------|--------------------|
| Royal Flush | 250 to 1 | 500 to 1 |
| Straight Flush | 50 to 1 | 100 to 1 |
| Four-of-a-kind | 25 to 1 | 40 to 1 |
| Full House | 15 to 1 | 15 to 1 |
| Flush | 10 to 1 | 8 to 1 |
| Straight | 8 to 1 | 6 to 1 |
| Three-of-a-kind | 5 to 1 | 4 to 1 |
| Two Pair | 3 to 1 | 3 to 1 |
| Pair of Sevens or better | 1 to 1 | Not Applicable |
| Pair of Sixes or better | Not Applicable | 1 to 1 |

(e) A casino licensee shall award an ante bonus payout to each player with the following hands at no less than the following odds:

| <u>Hand</u> | <u>Payout Odds</u> |
|------------------------|--------------------|
| Four Aces and a Two | 100 to 1 |
| Four Aces and any card | 50 to 1 |

other than a Two

Three Aces

5 to 1

(f) Notwithstanding the payout odds set forth in (b) through (e) above, the aggregate payout limit for a player on any hand shall be \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

13:69F-40.12 Irregularities

(a) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void and the cards shall be reshuffled.

(c) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(d) If any player is dealt an incorrect number of cards, that player's hand shall be void. If the dealer is dealt four cards of the five card hand, the dealer shall deal an additional card to complete the hand. Any other misdeal to the dealer shall result in all hands being void and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void and the cards shall be

removed from the device and reshuffled with any cards already dealt.

(g) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.