



Legal Division

Notice of Public Hearing

Notice is hereby provided that in accordance with M.G.L. c. 30A § 2, the Massachusetts Gaming Commission (“Commission”) will convene a public hearing for purposes of gathering comments, ideas, and information relative to the proposed adoption of regulations. The regulations were promulgated pursuant to M.G.L. c. 23N § 4, as part of the Commission’s regulatory process, and concern the following regulations:

205 CMR 15.00: Racing Meeting Licensing. The proposed regulation would govern applications for racing meeting licenses under M.G.L. c. 128A. The regulations sections establish procedures for: the application’s requirements, the Commission’s evaluation of the application and its decision, the suitability of new and existing licensees and potential qualifiers, additional information and reporting requirements, and the withdrawal of an application. Additional sections have been reserved for future rulemaking.

205 CMR 152.00: Individuals Excluded from Gaming and Sports Wagering. This regulation has been amended by the Commission to include reference to court ordered exclusion from gaming establishments as established within M.G.L. c. 3K, § 45(i).

Scheduled hearing date and time:

Tuesday, January 9, 2024, at 9:30 AM EST

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission will conduct this hearing utilizing remote collaboration technology.

CONFERENCE CALL NUMBER: 1-646-741-5292

PARTICIPANT CODE: 111 735 1399

A complete copy of the draft regulations referenced above may be downloaded by visiting www.massgaming.com, clicking on ‘Regulations and Compliance’ and selecting the ‘[Proposed Rulemaking](#)’ Section. Anyone wishing to offer comments on these regulations can email Judith.Young@massgaming.gov and request the virtual hearing link to appear and speak. Alternatively, written comments may also be submitted to the same email address with ‘Regulation Comment’ in the subject line.

Comments must be received by 5:00 PM EST on January 8, 2024. Additionally, please find the accompanying Small Business Impact Statements in accordance with M.G.L. c. 30A, § 2 attached.



Massachusetts Gaming Commission

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SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with M.G.L. c. 30A, § 2, relative to the proposed adoption of **205 CMR 15.00: *RACING MEETING LICENSING***.

This regulation is being promulgated as part of the process of updating regulations governing live racing in the Commonwealth. It sets forth the application and suitability review process for racing meeting licenses.

The proposed 205 CMR 15.00 applies to prospective and current race track operators and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under M.G.L. c. 30A, § 2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

Small business are unlikely to be subject to this regulation.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation. This regulation governs prospective and current race track operators, none of which will be or are small businesses.

3. State the appropriateness of performance standards versus design standards:

The standards set forth are compliance requirements, akin to performance standards.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:



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This regulation, which clarifies the Commission's application review process for race track operators, will support the formation of small businesses supporting race track operations in the Commonwealth.

Massachusetts Gaming Commission
By:

/s/ Caitlin Monahan
Caitlin W. Monahan, Deputy General Counsel



Massachusetts Gaming Commission

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SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2, relative to the proposed amendment of **205 CMR 152.00: *INDIVIDUALS EXCLUDED FROM A GAMING ESTABLISHMENT.***

This regulation is being promulgated as part of the process of promulgating regulations governing gaming in the Commonwealth, and is primarily governed by G.L. c. 23K, §§ 4(28), 4(37), and 45. It provides for the establishment and maintenance of a list, and associated protocols and procedures, for exclusion of individuals from gaming, including court-ordered exclusion of individuals.

The proposed amendments to 205 CMR 152.00 apply to gaming licensees, district courts, and individuals involved. None of these entities or individuals are small businesses. Accordingly, this regulation is unlikely to have an impact on small businesses. Under M.G.L. c. 30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses because none of the impacted entities or individuals are small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

The proposed regulation is an amendment to an existing regulation that has already been implemented by the gaming licensees and is required by statute. Accordingly, this regulation amendment does not propose any new projected reporting, recordkeeping, or other administrative costs required to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

This is an amendment to an existing regulation that does not pose a burden on small businesses. This is a performance standard and it is appropriate in this case because we need to ensure uniformity of the process and that the Commission has all the information it needs to complete the process.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:



Massachusetts Gaming Commission

There are no conflicting regulations in 205 CMR and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

The underlying regulation amendment is based on a statutory requirement. It is unlikely to have any specific effect on the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission
By:

Ying Wang

Ying Wang, Associate General Counsel



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