

# POKER

## **1. Definitions**

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

*All-in--* means a player who has no funds remaining on the poker table to continue betting in a round of play but who still retains the right to contend for that portion of the pot in which the player has already placed a bet.

*Ante--* means a predetermined wager which each player is required to make in some poker games prior to any cards being dealt in order to participate in the round of play.

*Bad beat--* means one or more pre-designated high value poker hands which, when held by a player as a losing hand in a round of play, shall result in a bad beat payout if the gaming licensee has elected to offer a bad beat payout at that poker table.

*Bad beat payout--* means one or more awards that are payable to a player in accordance with the procedures set forth in Section 19 upon the occurrence of a bad beat.

*Bet--* means an action by which a player places gaming chips or gaming plaques into the pot on any betting round.

*Betting round--* means a complete wagering cycle in a hand of poker after all players have called, folded or gone all-in.

*Blind bet--* means a mandatory wager in some poker games which only players sitting in specific betting positions at the poker table shall be required to place prior to looking at any cards.

*Burn card--* means a card taken from the top of a deck which is discarded face down, which is not in play and the identity of which remains unknown.

*Button--* means an object which is moved clockwise around the table to denote an imaginary dealer and thereby determine the betting and dealing sequence.

*Call--* means a wager made in an amount equal to the immediately preceding wager.

*Check--* means that a player waives the right to initiate the betting in a betting round but retains the right to act if another player initiates the betting.

*Common card--* means, in any game of stud poker, a card which is dealt face upward if there are insufficient cards left in the deck to deal each player a card individually and which can be used by all players at the showdown.

*Community card--* means any card which is dealt face upward and which can be used by all players to form their best hand.

*Cover card*-- means a yellow or green plastic card used during the cut process and then to conceal the bottom card of the deck.

*Draw*-- means, in any game of draw poker, an exchange by a player of cards held in his or her hand, after the initial round of betting, for an equal number of new cards from the deck.

*Fold*-- means the withdrawal of a player from a round of play by discarding his or her hand of cards during a betting round and refusing to equal a wager.

*Forced bet*-- means a wager which is required to start the wagering on the first betting round.

*Fouled hand*-- means a hand that either has an improper number of cards or has come into contact with other cards in such a way as to render it impossible to determine accurately which cards are contained in the hand.

*Half-kill*-- means in the game of omaha high-low split eight or better poker when one player wins an entire qualifying pot, the betting limits are increased by one-half the posted table wagering limits for the next hand and remain in effect until a pot is split between one player winning the high hand and another player winning the low hand or until a pot does not qualify in amount.

*High*-- means a game of poker in which the highest ranking hand in accordance with Section 3 wins the pot.

*High-low split*-- means a form of poker in which there is a winner for both the highest and lowest ranking hands.

*Hole card*-- means any card dealt to a player face down.

*Kill*-- means in the game of omaha high-low split eight or better poker when one player wins an entire qualifying pot, the betting limits are twice the posted table wagering limits for the next hand and remain in effect until a pot is split between one player winning the high hand and another player winning the low hand or until a pot does not qualify in amount.

*Low*-- means a game of poker in which the highest ranking low hand in accordance with Section 3 wins the pot.

*Opening bet*-- means the first bet in a round of play.

*Pot*-- means the amount which is awarded to the winning player or players at the conclusion of a round of play and is equal to the total amount anted or bet by the players during the round of play, less any rake extracted pursuant to Section 14 and, if applicable, any amount contributed to a bad beat payout fund pursuant to Section 19.

*Protected hand*-- means a hand of cards which the player is physically holding or has placed under one or more gaming chips.

*Raise*-- means a bet in an amount greater than the immediately preceding bet in that betting round.

*Rake*-- means the amount of gaming chips, gaming plaques or coin collected by the dealer as poker revenue in accordance with this section.

*Round of play*-- means, for any game of poker, the process by which cards are dealt, bets are placed and the winner of the pot is determined and paid in accordance with the rules of this section.

*Showdown*-- means the action of revealing the hands of each player in order to determine who shall win the pot.

*Side pot*-- means a separate pot formed when one or more players are all-in.

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

*Suit*-- means one of the four categories of cards, that is, diamond, spade, club or heart.

*Table stakes*-- means the currency, gaming chips and gaming plaques on the table is in play and a player may not subtract from his or her currency, gaming chips or gaming plaques at any time during ongoing play.

*Up-card*-- means, in a game of stud poker, any card dealt to a player face up.

## **2. Cards; number of decks**

- (a) Poker shall be played with one deck of cards with backs of the same color and design and one additional cover card. The 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 Commission. Two decks of cards shall be maintained for use at each poker table at all times. Each deck maintained at the poker table shall be visually distinguishable in some manner from the other deck. While one deck is in use, the other deck shall be stored in a designated area pursuant to 205 CMR 146.24, unless an automated card shuffling device is being used.
- (b) Each deck of cards maintained at the poker table may be rotated in and out of play; provided, however, that no deck of cards shall be used at the table for more than three hours without the dealer or floorperson placing the 52 cards into suit and sequence. All decks opened for use on a poker table shall be changed at least every six hours.
- (c) Each gaming day, decks of cards with distinguishable card backings as required by 205 CMR 146.48 shall be distributed among all open poker tables in a manner determined by the poker shift supervisor or supervisor thereof. The distribution of decks among tables shall consider, at a minimum, the table limits, the location of the table and the type of poker available at

each table and shall be intended to ensure the integrity of gaming at poker.

- (d) If an automated card shuffling device is being used, a gaming licensee shall use both decks of cards, and:
  - (1) The backs of the cards in the two decks shall be of different colors;
  - (2) One deck shall be shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game; and
  - (3) Both decks shall be continuously alternated in and out of play, with each deck being used for every other round of play.

### **3. Poker rankings**

- (a) The rank of the cards used in all types of poker other than low poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three and two. All suits shall be considered equal in rank. Notwithstanding the foregoing, an ace may be used to complete a "straight flush" or a "straight" formed with, as applicable, a two and three (in a three card poker hand) or a two, three, four and five (in a five card poker hand).
- (b) The permissible high poker hands in poker games that result in a five card hand, in order of highest to lowest rank, shall be:
  - (1) "Royal flush" is a hand consisting of an ace, king queen, jack and ten of the same suit;
  - (2) "Straight flush" is a hand consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and nine being the highest ranking straight flush and ace, two, three, four and five being the lowest ranking straight flush;
  - (3) "Four-of-a-kind" is a hand consisting of four cards of the same rank regardless of suit, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;
  - (4) "Full house" is a hand consisting of "three-of-a-kind" and a "pair," with three aces and two kings being the highest ranking full house and three twos and two threes being the lowest ranking full house;
  - (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, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, two, three, four and five being the lowest ranking straight; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (e.g., queen, king, ace, two, three);
  - (7) "Three-of-a-kind" is a hand consisting of three cards of the same rank regardless of suit, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;
  - (8) "Two pairs" is a hand consisting of two "pairs," with two aces and two kings being the highest ranking two pair and two threes and two twos being the lowest ranking two pair; and
  - (9) "One pair" is a hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

- (c) The permissible high poker hands in poker games that result in a three card hand, in order of highest to lowest rank, shall be:
- (1) "Royal flush" is a hand consisting of an ace, king and queen of the same suit;
  - (2) "Straight flush" is a hand consisting of three cards of the same suit in consecutive ranking, with king, queen and jack being the highest ranking straight flush and a three, two and ace being the lowest ranking straight flush;
  - (3) "Three-of-a-kind" is a hand consisting of three cards of the same rank, regardless of suit, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;
  - (4) "Straight" is a hand consisting of three cards of consecutive rank, regardless of suit, with an ace, king and queen being the highest ranking straight and a three, two and ace being the lowest ranking straight; provided, however, that an ace may not be combined with a king and two for purposes of determining a winning hand;
  - (5) "Flush" is a hand consisting of three cards of the same suit; and
  - (6) "One pair" is a hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest ranking pair and two twos being the lowest ranking pair.
- (d) When comparing two hands which are of identical poker hand rank pursuant to the provisions of (b) or (c) above, as applicable, or which contain none of the poker hands authorized for that game, the hand which contains the highest ranking card as provided in (a) above or (e) below, whichever is applicable, which is not contained in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered tied and the pot shall be equally divided among the players with the tied hands.
- (e) The rank of the cards used in low poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, two, three, four, five, six, seven, eight, nine, 10, jack, queen and king. All suits shall be considered equal in rank.
- (f) The ranking of a low poker hand as determined by the holding of a five or three card hand shall be the inverse of the rankings for a high poker hand as set forth in (b) and (c) above; provided, however, that straights and flushes shall not be considered for purposes of determining a winning hand at low poker.
- (g) In all games of poker, a hand shall be ranked according to the cards actually contained therein and not by the player's opinion or statement of its value.

#### **4. Opening the table for gaming**

- (a) After receiving two decks of cards at the table, in accordance with 205 CMR 146.49 and Section 2, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146.49 and (b) through (c) below or the requirements of 205 CMR 146.49.
- (b) Following the inspection of the cards by the dealer and the verification by the floorperson or supervisor thereof, the cards shall be spread out face up on the table for visual inspection by the first two players to be seated at the table. The cards shall be spread out according to suit

and in sequence.

- (c) Immediately prior to the commencement of play and not before a minimum of two players are afforded an opportunity to visually inspect the cards from each deck at the table, each deck shall be separately turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked. Each deck of cards shall be shuffled in accordance with Section 5.
  - (1) If an automated shuffling device is not being used, one of the decks shall be cut in accordance with Section 5 and the other deck shall be maintained pursuant to 205 CMR 146.24 for subsequent use pursuant to Section 2. In the alternative, a gaming licensee may wash, shuffle and cut only the deck intended for immediate use and maintain the other deck pursuant to 205 CMR 146.24. Upon rotation pursuant to Section 2, the other deck shall be washed, shuffled and cut in accordance with the requirements herein and Section 5.
  - (2) If an automated shuffling device is being used, one of the decks shall be cut in accordance with Section 5 and the other deck shall be placed or left in the automated shuffler for the next round of play.

## **5. Shuffle and cut of the cards**

- (a) Immediately prior to commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146.50, and after the completion of each round of play, the dealer shall shuffle the entire deck of cards, either manually or by use of an automated card shuffling device, so that they are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.
- (b) After the cards have been shuffled, stacked, and placed on the table in front of the dealer, the dealer shall, using one hand, cut the deck by:
  - (1) Placing the cover card on the table in front of the deck of cards;
  - (2) Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card; and
  - (3) Then 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 (b)(2) above.
- (c) 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.
- (d) If there is no gaming activity at the poker table, each deck of cards at the table 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 at least two players have arrived at the table. After the first two players are afforded an opportunity to visually inspect both of the decks, the procedures required by Section 4(c) shall be completed.

## **6. Poker overview; general dealing procedures for all types of poker**

- (a) Poker shall be conducted in a separate and distinct area of the casino floor approved by the Commission.
- (b) Poker shall be played by a minimum of two players and a maximum of eleven players. Poker shall be dealt by a dealer at a poker table. For all types of poker set forth in Section 8, the dealer shall not participate in the playing or outcome of the game in any way except as otherwise authorized in this section.
- (c) A player shall wager on the cards that the player holds in his or her hand. All bets by a player shall be placed by the dealer in the designated area of the table known as the pot. A player may be required to ante or place a blind bet prior to the receipt of any cards. After each round of cards is dealt, a betting round shall be conducted. Each player shall decide whether to continue contending for the pot by calling or raising the bet of the other players.
- (d) The object of the game shall be for a player to win the pot either by making a bet that no other player elects to call, or by having the hand of highest rank at the showdown in accordance with the provisions of Section 3. If two or more players are still in contention for a pot after all cards have been dealt and the final betting round has been completed, there shall be a showdown among the players still in contention to determine which player has the hand of highest rank. Based on the type of poker being played, the winning player may be the player who holds the highest ranking high poker hand, the highest ranking low poker hand or both the highest ranking high and low poker hands.
- (e) The following procedures shall be utilized by the dealer when dealing the game of poker:
  - (1) The dealer shall choose the hand in which he or she will hold the cards. Once the dealer has chosen a hand, the dealer must use that hand whenever holding the cards. The cards held by the dealer shall, at all times, be held in front of the dealer, as level as possible and over the poker table. If during a round of play, the deck must be set down to handle a transaction, the dealer shall place a marker button on top of the deck until the transaction has been completed.
  - (2) Cards will be dealt so as not to expose the hole card or any other face down cards in a manner that cannot be readily observed by someone attempting to ascertain their value.
  - (3) The dealer shall verbalize or physically indicate the action which is occurring at the poker table with regard to the conduct of the game and instruct each player as to his or her various turns to act and options.
  - (4) All burn cards required by this section shall be kept separate from the pile of discarded cards.
  - (5) The dealer shall be required to count the entire deck of cards at least once every fifteen minutes in order to determine that 52 cards are present; provided, however, that the dealer may count the stub in the games of hold 'em poker and omaha poker. In the alternative, a gaming licensee may utilize an automated card shuffling device approved by the Commission that has the capability of counting the cards in a deck as it shuffles them. If a count reveals an incorrect number of cards, the deck shall be removed from the table in accordance with 205 CMR 146.49.
  - (6) At the completion of a round of play, the dealer shall award the pot to the winning player or players after a showdown or to the last remaining player if all other players have

folded. Prior to pushing the pot to the winner and collecting the winning hand, the dealer shall first collect the cards from all losing players.

- (7) All side pots shall be awarded before the dealer awards the pot in the center of the poker table.
- (8) All discarded hands shall be counted by the dealer to determine that the proper number of cards has been returned.
- (9) The dealer shall collect the rake in accordance with Section 14.
- (10) The dealer shall collect, if applicable, any amount required to be contributed to a bad beat payout fund in accordance with Section 19.

## **7. Wagers**

- (a) Only players who are seated at the poker table may be permitted to receive cards and participate in each betting round.
- (b) Depending upon the particular type of poker game being dealt, a player may be required to:
  - (1) Place an ante prior to receiving any cards;
  - (2) Place a predetermined blind bet prior to receiving any cards; or
  - (3) Place a forced bet to initiate a betting round based on that player's up-card.
- (c) A player may only participate in the wagering during a round of play with the gaming chips, gaming plaques or currency which were already on the poker table in front of the player when the round of play commenced. In addition, a player may use coin for the purpose of placing an ante in an amount less than \$1.00 and in denominations of \$.25 or \$.50.
  - (1) A player may only add to his or her gaming chips, gaming plaques or currency between rounds of play and, except as provided in 5. below, may not remove any of his or her gaming chips, gaming plaques or currency from the poker table at any time during ongoing play.
  - (2) Currency which is available for use by a player pursuant to the requirements of this section may be utilized to initiate, call or raise a bet if such currency is expeditiously converted into gaming chips or gaming plaques by the dealer in accordance with the regulations governing the acceptance and conversion of such instruments. Coin which is available for use by a player pursuant to this subsection may be utilized to place an ante in an amount less than \$1.00, and any such coin shall be expeditiously converted into a \$1.00 gaming chip by the dealer upon the pot accumulating an equivalent aggregate value in coin.
  - (3) In order to participate in a round of play, a player shall be required to have an amount of gaming chips, gaming plaques or currency available on the poker table prior to the start of the round of play which is sufficient to make any bet required by (b) above and at least one bet at the posted table minimum.
  - (4) A player who satisfies the requirements of (c)(3) above but who depletes his or her funds on the poker table prior to the completion of a round of play shall be deemed to be "all-in."
    - (i) An "all-in" player shall retain financial interest in the outcome of the round of play, but shall only be eligible to win the amount of the pot to which he or she contributed;



- (ii) An "all-in" player shall continue to receive any cards to which he or she would normally be entitled; and
  - (iii) Betting shall continue unimpeded among the other players by generating a separate secondary pot which only those players shall be eligible to win.
- (5) Whenever a player indicates an intent to temporarily leave a poker table without relinquishing his or her seat at the table, the poker shift supervisor shall either:
  - (i) Account for the amount of the player's table stakes prior to the player's departure from the table in possession of his or her table stakes and upon the player's return to the table; or
  - (ii) Maintain the player's table stakes on the table surface using a non-transparent cover until the player's return.
- (d) A verbal statement of "fold," "check," "call," "raise," or an announcement of a specific size wager by a player, assuming it is within the rules of the poker game being played and the minimum and maximum wager limits for the poker table, shall be binding on the player if it is that player's turn to act.
- (e) A player who announces a bet or raise of a certain amount but places a different amount of gaming chips or gaming plaques in the pot shall be required to correct his or her bet or raise to the announced amount in accordance with the instructions of the dealer.
- (f) A player shall be considered to have placed a bet if the player:
  - (1) Pushes gaming chips or gaming plaques forward to indicate the intent of placing a bet;
  - (2) Releases gaming chips or gaming plaques into the pot; or
  - (3) Releases gaming chips or gaming plaques at a sufficient distance from the player and towards the pot to make it obvious that it is intended as a bet.
- (g) A player shall not be permitted to make a bet and thereafter attempt to increase the amount of that bet.
  - (1) If the player wishes to add additional gaming chips or gaming plaques to the bet, the player must indicate at the time the bet is being made that the bet is not yet complete.
  - (2) A player who puts the proper amount of gaming chips or gaming plaques into the pot to call a bet, without indicating his or her intention to raise, may not thereafter raise the previous bet.
  - (3) Subject to the posted table wagering limits, a player who announces "raise" may continue to bet gaming chips or gaming plaques until both of his or her hands come to rest in front of the pot.
- (h) It shall be the dealer's responsibility to ensure that no player touches any of the gaming chips or gaming plaques once placed into the pot.
- (i) Unless a raise has been verbally announced by that player, a player who puts into the pot a single gaming chip that is larger than required is assumed to have only called the preceding bet and to be awaiting change from the dealer.

- (j) Unless specifically posted to the contrary, a player shall be permitted to raise after he or she has previously checked in a betting round.

## **8. Types of permissible poker games**

- (a) A gaming licensee may offer the following types of poker games:
  - (1) Seven-card stud (high, high-low split and high-low split eight or better);
  - (2) Hold 'Em (high);
  - (3) Omaha (high, high-low split eight or better);
  - (4) Five-card draw (high and low);
  - (5) Five-card stud (high); and
  - (6) Mambo stud (high-low split six or better).
- (b) No gaming licensee shall offer or permit the playing of any poker game in its casino room which is not authorized by this section.

## **9. Seven-card stud poker; procedures for dealing of cards; completion of each round of play**

- (a) Each gaming licensee shall be required to observe the procedures set forth in this section for each game of seven-card stud high, seven-card stud high-low split or seven-card stud high-low split eight or better poker offered in its poker room.
- (b) Each poker table shall be restricted to a maximum of nine players as determined by the gaming licensee. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table in accordance with 205 CMR 147.03.
- (c) Starting with the first player to the left of the dealer and continuing in a clockwise rotation around the poker table, the dealer shall deal two rounds of cards face down and one round of cards face up to each player. Cards will be dealt so as not to expose the hole card or any other face down cards in a manner that cannot be readily observed by someone attempting to ascertain their value.
- (d) Once each player has received three cards in accordance with (c) above, the first betting round shall commence by comparing the up-card of each player. For the purposes of this subsection only, in the event that two or more up-cards are of the same rank, the up-cards shall then be ranked by suit, with the highest to lowest ranked suits in order as follows: spades, hearts, diamonds, clubs. Betting shall be commenced by:
  - (1) For high poker, the player with the lowest ranked up-card;
  - (2) For high-low split poker, the player with the highest ranked up-card. For this purpose, an ace shall be considered ranked below a two; and
  - (3) For high-low split eight or better poker, the player with the lowest ranked up-card. For this purpose, an ace shall be considered the highest ranking card.
- (e) Following the placement of the forced bet required by (d) above, each subsequent player may, proceeding in a clockwise rotation from the player who placed the forced bet, fold, call

or raise the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.

- (f) Upon completion of the first betting round, the dealer shall burn the top card of the deck and then, starting with the first remaining player to his or her left, deal a fourth card face up to each player who made or called the last wager. The next betting round shall commence as follows:
  - (1) The player with the highest ranking poker hand showing shall be required to bet or check;  
or
  - (2) If the highest ranking poker hand showing is held by two or more players, the player closest to the left of the dealer shall be required to bet or check.
- (g) Following the initial bet or check required by (f) above, each subsequent player, proceeding in a clockwise rotation, may fold, call, raise or, if the preceding players have not made a bet, check. Each player may check until a bet has been made. Once a bet has been made, the next player in a clockwise rotation may fold, call or raise. After the last player has responded to the most recent bet, the betting round shall be considered complete.
- (h) The dealer shall then deal two additional rounds of cards face up and one round of cards face down to each player who made or called the last wager. Prior to each round of cards being dealt, the dealer shall burn the top card of the deck. Notwithstanding the foregoing, if insufficient cards remain in the deck to give each remaining player either a sixth or seventh card, the top card of the deck shall be burned and a common card shall be dealt face up in the center of the table. If there is either one or no card remaining in the deck when a common card is to be dealt, the dealer shall shuffle the burn cards, burn a card and then deal the common card. The dealing of each round of cards or, if applicable, each common card pursuant to this subsection shall be followed by a betting round conducted in accordance with the provisions of (f) and (g) above.
- (i) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form a five card poker hand from the seven cards which he or she was dealt. This five card hand shall constitute the poker hand of that player at the showdown. The winner of the pot shall be:
  - (1) In high poker, the player with the highest ranking five card high hand;
  - (2) In high-low split poker or high-low split eight or better poker, the player with the highest ranking five card high hand and the player with the highest ranking five card low poker hand, subject to the provisions of (j) below, who shall divide the pot equally.
    - (i) If a pot cannot be divided equally, the excess amount, which shall not exceed \$1.00, shall be given to the player with the highest ranking high hand.
    - (ii) If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed \$1.00, shall be given to the player with the highest ranking high poker card by suit.

- (iii) If a tie exists between two or more players for the highest ranking low hand, the low hand share of the pot shall be divided equally among the tied players. If the low hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed \$1.00, shall be given to the player with the lowest ranking low poker card by suit.
- (iv) For purposes of this subsection, the cards shall be ranked by suit with the highest to lowest ranked suit in order as follows: spades, hearts, diamonds and clubs.
- (j) In seven-card stud high-low split eight or better poker, a winning low hand may not contain any pairs or a nine, 10, jack, queen or king. This defines the qualifying clause known as "eight or better." In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest ranking high hand.
- (k) In seven-card stud high-low split poker and seven card stud high-low split eight or better poker, the player may form two different hands of five cards each out of the player's seven available cards, enabling that player to contend for both the high hand and low hand share of the pot. A player may use the same five card grouping to make a high poker hand and a low poker hand. For example:
  - (1) A hand consisting of a two, three, four, five and six would qualify as a straight for purposes of the high hand and as a high ranking low hand; or
  - (2) A hand consisting of five cards of the same suit, none higher than an eight, would qualify as a flush for purposes of the high hand and as a high ranking low hand.
- (l) In seven-card stud high-low split poker and seven-card stud high-low split eight or better poker, an ace may be used concurrently as a low card to satisfy a low hand and as a high card to satisfy a high hand.

#### **10. Hold'em poker; procedures for dealing of cards; completion of each round of play**

- (a) Each gaming licensee shall be required to observe the procedures set forth in this section for each game of hold'em high poker offered in its casino room. Hold'em poker shall be played to determine a winning high hand only.
- (b) Each poker table shall be restricted to a maximum of eleven players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table in accordance with 205 CMR 147.03.
- (c) The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined as follows:
  - (1) A flat disk called the "button" shall be used to indicate an imaginary dealer;
  - (2) At the commencement of play, the button shall be placed in front of
    - (i) The first player to the right of the dealer; or
    - (ii) The player randomly determined by rank of a single card dealt; and
  - (3) Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

- (d) Cards will be dealt so as not to expose the hole card or any other face down cards in a manner that cannot be readily observed by someone attempting to ascertain their value.
- (e) The player to the immediate left of the button shall be required to initiate the first betting round by placing a blind bet in accordance with the posted table requirements. A gaming licensee may require additional blind bets to be made immediately subsequent to the initial blind bet. The amount and number of all blind bets required by the gaming licensee shall be posted on a sign in accordance with 205 CMR 147.03.
- (f) Starting with the player to the immediate left of the button and continuing in a clockwise rotation around the poker table, the dealer shall deal two rounds of cards face down to each player, with the player with the button being the last player to receive a card each time.
- (g) Following the placement of the blind bet(s), each player shall in turn, in a clockwise rotation around the poker table, either fold, call or raise the bet. The option to raise shall also apply to the player who made the blind bet(s). After the last player has responded to the most recent bet, the betting round shall be considered complete.
- (h) The dealer shall then burn the top card of the deck and proceed to deal three community cards face up in the center of the table. The next betting round shall commence with the option to bet or check belonging to the first player to the left of the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The betting round shall be considered complete when each player has either folded or called in response to the most recent bet.
- (i) Upon completion of the betting round required by (g) above, the dealer shall again burn the top card of the deck and then deal a fourth community card face up in the center of the table. The next betting round shall be commenced and completed in accordance with the requirements of (g) above.
- (j) Upon completion of the betting round required by (h) above, the dealer shall again burn the top card of the deck and then deal a fifth and final community card face up in the center of the table. The final betting round shall be commenced and completed in accordance with the requirements of (g) above.
- (k) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form his or her highest ranking five card high poker hand by using, in any combination, his or her own two cards and the five community cards available on the table. The winner of the pot shall be the player with the highest ranking five card high poker hand. If the highest ranking five card high poker hand that each of the remaining players can form is comprised of the five community cards, all players remaining in the round of play shall share equally in the pot.

**11. Omaha poker; procedures for dealing of cards; completion of each round of play**

- (a) Each gaming licensee shall be required to observe the procedures set forth in this section for each game of ohama high and omaha high-low split eight or better poker offered in its casino room.
- (b) Each poker table shall be restricted to a maximum of 10 players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, and the kill or half-kill option, if offered, shall be posted on a sign at each poker table in accordance with 205 CMR 147.03.
- (c) The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined in accordance with the procedures governing the use of a button as set forth in Section 10(c).
- (d) Starting with the player to the immediate left of the button and continuing in a clockwise rotation around the poker table, the dealer shall deal four rounds of cards face down to each player with the player with the button being the last player to receive a card each time. Cards will be dealt so as not to expose the hole card or any other face down cards in a manner that cannot be readily observed by someone attempting to ascertain their value.
- (e) After each player is dealt four cards face down, an initial blind bet and all subsequent dealing and betting rounds shall be completed in accordance with the provisions of Section 10(d) and (f) through (i).
- (f) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. Each player remaining in the game shall form a five card poker hand by using two of the four cards dealt to the player and three of the five community cards. This five card hand shall constitute the poker hand of the player at the showdown. The winner of the pot shall be:
  - (1) In high poker, the player with the highest ranking five card high poker hand; or
  - (2) In high-low split eight or better poker, the player with the highest ranking five card high poker hand and the player with the highest ranking five card low poker hand, subject to the provisions of (g) below, who shall divide the pot equally.
    - (i) If a pot cannot be divided equally, the excess amount, which shall not exceed \$1.00, shall be given to the player with the highest ranking high hand.
    - (ii) If a tie exists between two or more players for the highest ranking high hand, the high hand share of the pot shall be divided equally among the tied players. If the high hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed \$1.00, shall be given to the player with the highest ranking high poker card by suit.
    - (iii) If a tie exists between two or more players for the highest ranking low hand, the low hand share of the pot shall be divided equally among the tied players. If the low hand share of the pot cannot be divided equally among the tied players, the excess, which shall not exceed \$1.00, shall be given to the player with the lowest ranking low poker card by suit.
    - (iv) For purposes of this subsection, the cards shall be ranked by suit with the highest to lowest rank suit in order as follows: spades, hearts, diamonds and clubs.

- (g) In omaha high-low split eight or better poker, the eligibility requirements of Section 9(j) must be satisfied. In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest ranking high poker hand.
- (h) The following rules shall only apply in omaha high-low split eight or better poker:
  - (1) A player may form two different hands of five cards each, enabling that player to contend for both the high hand and low hand share of the pot; provided, however, that the distribution of cards contained in each hand shall comply with (f) above;
  - (2) A player may use the same five card grouping to make a high hand and a low hand; and
  - (3) An ace may be used concurrently as a low card to satisfy a low hand and as a high card to satisfy a high hand.
- (i) In omaha high-low split eight or better poker, an optional kill or half-kill may be offered. A kill button, indicating the kill or half-kill is in effect, shall be placed in front of the player who wins the entire pot in the hand, provided that the amount of the pot is an established dollar amount or multiple of the minimum permissible wager for the hand, as determined by the gaming licensee. In the succeeding hand, the player shall be required to place no more than one blind bet in the amount of the increased permissible minimum wager for the hand, notwithstanding that the player may be required to place a blind bet to initiate the first round of betting pursuant to (e) above and Section 10(d). Any other player required to place a blind bet to initiate the first round of betting shall be required to place a blind bet in accordance with the posted table requirements. If, in the succeeding hand, a qualifying pot is not split between one player winning the high hand and another player winning the low hand, the kill button shall be moved in front the player who wins the entire pot for that hand. The kill or half-kill shall remain in effect until a pot does not qualify in amount or a pot is split between a player winning the high hand and a player winning the low hand. Once a pot does not qualify in amount or is split between two players, the dealer shall collect the kill button.

**12. Five-card draw poker; procedures for dealing of cards; completion of each round of play**

- (a) Each gaming licensee shall be required to observe the procedures set forth in this section for each game of five-card draw high and five-card draw low poker offered in its casino room.
- (b) Each poker table shall be restricted to a maximum of eight players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table in accordance with 205 CMR 147.03.
- (c) The order in which the cards shall be dealt and the order in which players shall be required or have the option to bet shall be determined in accordance with the procedures governing the use of a button as set forth in Section 10(c).
- (d) Starting with the player to the immediate left of the button and continuing in a clockwise

rotation around the poker table, the dealer shall deal five rounds of cards face down to each player with the player with the button being the last player to receive a card each time. Cards will be dealt so as not to expose the hole card or any other face down cards in a manner that cannot be readily observed by someone attempting to ascertain their value.

- (e) After each player has been dealt five cards face down, an initial betting round shall be completed in accordance with the provisions of Section 10(d) and (f).
- (f) After completion of the initial betting round, each player remaining in the round of play, starting with the player to the immediate left of the button and continuing in a clockwise rotation around the poker table, shall have an opportunity to draw new cards. This process shall be accomplished one player at a time. Each player may keep his or her original hand or discard as many cards as he or she chooses. Each discarded card shall be replaced by the dealer with a new card dealt from the deck as follows:
  - (1) Prior to the first player receiving any new cards, the dealer shall burn the top card of the deck; and
  - (2) If insufficient cards remain in the deck for each player remaining in the round of play to draw new cards, the discard pile shall be reshuffled and used for this purpose; provided, however, that the cards to be discarded by a player who has not yet requested new cards shall not be included as part of the reshuffled cards.
- (g) The final betting round shall commence with the option to bet or check belonging to the first player to the left of the button who has not folded. Each subsequent player may, in clockwise rotation, fold, call, raise the bet or, if preceding players have not made a bet, make an opening bet or check. The final betting round shall be considered complete when the last player has responded to the most recent bet.
- (h) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. The winner of the pot shall be:
  - (1) In high poker, the player with the highest ranking five card high hand; and
  - (2) In low poker, the player with the highest ranking five card low hand.

### **13. Five-card stud poker; procedures for dealing of cards; completion of each round of play**

- (a) Each gaming licensee shall be required to observe the procedures set forth in this section for each game of five-card stud high poker offered in its casino room. Five-card stud shall be played to determine a winning high hand only.
- (b) Each poker table shall be restricted to a maximum of eight players. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table in accordance with 205 CMR 147.03.
- (c) Starting with the first player to the left of the dealer and continuing in a clockwise rotation around the poker table, the dealer shall deal one round of cards face down and one round of cards face up to each player. Cards will be dealt so as not to expose the hole card or any other



face down cards in a manner that cannot be readily observed by someone attempting to ascertain their value.

- (d) Once each player has received two cards in accordance with (c) above, the first betting round shall commence by comparing the up-card of each player. The player with the lowest ranked up-card, which shall be determined by suit in accordance with the provisions of Section 9(d) if two or more players have an up-card of the same rank, shall be required to make a forced bet.
- (e) Following the forced bet, each subsequent player may, proceeding in a clockwise rotation from the player who placed the forced bet, fold, call or raise the bet. After the last player has responded to the most recent bet, the betting round shall be considered complete.
- (f) Upon completion of the first betting round, the dealer shall burn the top card of the deck and then deal another round of cards face up to each player who made or called the last wager. The next betting round shall be commenced by the player with the highest ranking high poker hand showing. If two or more hands are of equal rank, the player closest to the left of the dealer shall be required to bet. The betting round shall be completed in accordance with the procedures in (e) above.
- (g) The dealer shall then deal two additional rounds of cards face up to each player who made or called the last wager, with each such round followed by a betting round conducted in accordance with the provisions of (f) above. Prior to each round of cards being dealt, the dealer shall burn the top card of the deck.
- (h) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot. The winner of the pot shall be the player with the highest ranking five card high poker hand.

**13a. Mambo stud poker; procedures for dealing the cards; completion of each round of play**

- (a) Each gaming licensee shall be required to observe the procedures set forth in this section for mambo stud high-low split six or better poker offered in its casino.
- (b) Each poker table shall be restricted to eleven players or such lesser number as may be determined by the gaming licensee. Each player who elects to participate in a round of play may be required to place an ante. The rule governing the placement of an ante and the amount of the ante, if any, shall be posted on a sign at each poker table in accordance with 205 CMR 147.03.
- (c) Starting with the first player to the left of the dealer and continuing in a clockwise rotation around the poker table, the dealer shall deal one round of cards face down and one round of cards face up to each player. Cards will be dealt so as not to expose the hole card or any other face down cards in a manner that cannot be readily observed by someone attempting to ascertain their value.
- (d) Once each player has received two cards in accordance with (c) above, the first round of

betting shall commence by comparing the up-card of each player. The player with the lowest ranked up-card shall be required to place a forced bet. The lowest ranked up-card shall be determined in accordance with the poker card rankings set forth at Section 3(a); provided, however, that if the lowest ranked up-card is held by two or more players, the lowest ranked up-card shall then be determined by suit. For the purposes of this subsection and (f) below, the rank of the suits, in order of highest to lowest rank, shall be: spades, hearts, diamonds and clubs.

- (e) Following the placement of the forced bet required by (d) above, each subsequent player may, proceeding in a clockwise rotation from the player who placed the forced bet, fold, call or raise the bet. After each player has either folded or called in response to the most recent bet, the betting round shall be considered complete.
- (f) Upon completion of the first betting round, the dealer shall burn the top card of the deck and then, starting with the first remaining player to his or her left, deal a third card face down to each player who made or called the last wager. The next betting round shall commence by comparing the up-card of each remaining player. The player with the highest ranked up-card shall be required to bet or check. The highest ranked up-card shall be determined in accordance with the poker card rankings set forth at Section 3(a); provided, however, that if the highest ranked up-card is held by two or more players, the highest ranked up-card shall then be determined by suit. For purposes of this subsection, the rank of suits is set forth in (d) above.
- (g) Following the initial bet or check required by (f) above, each subsequent player, proceeding in a clockwise rotation, shall fold, call, raise or, if none of the preceding players have made a bet, check. Each player may check until a bet has been made. If a bet is made, the next player in a clockwise rotation shall fold, call or raise. After each player has folded or called in response to the most recent bet or, if no bet has been made, each player has checked, the betting round shall be considered complete.
- (h) Upon completion of the betting round required by (g) above, the dealer shall again burn the top card of the deck and then deal a community card face up in the center of the table. The final betting round shall commence as follows:
  - (1) The player with the highest ranking “one pair” that can be formed with his or her up-card and the community card or, if no pair can be formed, the player who has the highest ranked up-card, shall be required to bet or check. The highest ranked “one pair” or up-card shall be determined in accordance with the high poker hand and card rankings set forth at Section 3(c) or (a), respectively.
  - (2) If the highest ranking “one pair” or up-card determined pursuant to (h)(1) above is held by two or more players, the player with such hand or card who is closest to the left of the dealer shall be required to bet or check.
- (i) Following the initial bet or check required by (h) above, the final betting round shall be completed in accordance with the betting procedures set forth in (g) above.
- (j) If more than one player remains in the round of play after the final betting round has been

completed, a showdown shall be used to determine the winners of the pot. Each player remaining in the game shall form a three card poker hand by using any combination of the player's three cards and the community card. The winners of the pot shall be the player with the highest ranking three card high poker hand and, subject to the provisions of (k) below, the player with the highest ranking three card low poker hand, who shall divide the pot equally.

(1) If a pot cannot be divided equally, the excess amount, which shall not exceed \$1.00, shall be given to the player with the highest ranking high poker hand.

(2) If a tie exists between two or more players for the highest ranking high poker hand, the high poker hand share of the pot shall be divided equally among the tied players. If the high poker hand share of the pot cannot be divided equally among tied players, the excess amount, which shall not exceed \$1.00, shall be given to the player with the highest ranking high poker card by suit.

(3) If a tie exists between two or more players for the highest ranking low poker hand, the low poker hand share of the pot shall be divided equally among the tied players. If the low poker hand share of the pot cannot be divided equally among the tied players, the excess amount, which shall not exceed \$1.00, shall be given to the player with the lowest ranking low poker card by suit.

(4) For the purposes of this subsection, the rank of the suits, in order of highest to lowest rank, shall be: spades, hearts, diamonds and clubs.

(k) A winning low poker hand may not contain any cards of equal rank or a seven, eight, nine, ten, jack, queen or king. This defines the qualifying clause known as "six or better." In the event that none of the hands of the remaining players satisfies this requirement, the entire pot shall be awarded to the player with the highest ranking high poker hand.

(l) Notwithstanding (j) above, a player may form two different hands of three cards using the player's three cards and the community card, enabling that player to contend for both the high poker hand and the low poker hand share of the pot. An ace may be used concurrently as a low card to satisfy a low poker hand and as a high card to satisfy a high poker hand. Alternatively, a player may use the same three card combination as both a high poker hand and a low poker hand. For example:

(1) A three card hand consisting of a two, three and four would qualify as a straight for purposes of the high poker hand and as a high ranking low poker hand; or

(2) A three card hand consisting of ace, four and five of the same suit would qualify as a flush for purposes of the high poker hand and as a high ranking low poker hand.

#### **14. Poker revenue**

(a) The gaming licensee shall derive its poker revenue at all poker tables by extracting a commission known as the "rake". Each gaming licensee shall submit to the Commission in its Rules of the Games Submission:

(1) The types of rake utilized;

(2) The methodology used for calculating the rake; and

(3) The amount of maximum permissible rake.

(b) Each gaming licensee shall use one or more of the following procedures in determining and extracting the rake:

- (1) A straight percentage rake, pursuant to which:
    - (i) A fee, not to exceed 10 percent of all sums bet in the betting round, shall be extracted from a pot and any side pots;
    - (ii) The amount to be raked shall be calculated and extracted from the pot and any side pots after the conclusion of a betting round and placed into the designated rake area pursuant to 205 CMR 146.24 as play progresses; and
    - (iii) Upon completion of a round of play, the rake shall be immediately placed by the dealer into the table inventory container.
  - (2) A rake which shall be taken in incremental amounts, pursuant to which:
    - (i) Assessments of predetermined amounts shall be extracted from the pot and any side pots as certain predetermined dollar levels have been achieved;
    - (ii) Upon collection, the amount to be raked shall be placed into the designated rake area pursuant to 205 CMR 146.24; and
    - (iii) Upon completion of a round of play, the rake shall be immediately placed by the dealer into the table inventory container.
  - (3) A rake based on time charges, pursuant to which:
    - (i) Assessments may be imposed on a "per-player" basis or on a "per-table" basis. If taken on a "per-player" basis, inactive players seated at the table shall also be assessed;
    - (ii) Time charges shall be expressed as an hourly fee based on the particular minimum and maximum wagering limits at a game;
    - (iii) Time charges may be assessed fractionally every twenty or thirty minutes as determined by the gaming licensee;
    - (iv) Time charges once assessed shall be placed by the dealer into the designated rake area pursuant to 205 CMR 146.24; and
    - (v) Upon verification by a floorperson or supervisor thereof of the time charges collected, the rake shall be immediately placed by the dealer into the table inventory container.
- (c) A sign describing the type and amount of rake to be collected pursuant to (b) above shall be posted at each poker table in accordance with the requirements of 205 CMR 147.03.
- (d) An uncalled final bet shall not be considered part of the pot for purposes of calculating the amount of rake pursuant to methods (b)(1) and (2) above.
- (e) Once the dealer has extracted the rake and the pot and any side pots have been collected by the winning player or players, no additional rake shall be taken by the gaming licensee.

#### **15. General operating rules for all types of poker; handling of irregularities**

- (a) It shall be the responsibility of each player to ensure that his or her hand has lost to the other hands at the table before discarding the hand.
- (b) In all disputes in which a ruling, interpretation, clarification or intervention is required, the decision of the poker shift supervisor shall be final.
- (c) Each player shall be required to keep all cards dealt to the player in full view of the dealer at

all times. The dealer shall ensure compliance with this requirement.

- (d) At the showdown, a winning hand must be clearly displayed in its entirety and properly identified. The player initiating the final wager shall be the first player to show his or her hand at the showdown; all other players who have not folded shall then reveal their hands in a clockwise rotation. Any player holding a losing hand may concede his or her rights to the pot and discard the hand; provided, however, that the gaming licensee may require the disclosure of any discarded hands.
- (e) Misdeals shall cause all the cards to be returned to the dealer for a reshuffle. The following errors shall be cause for a misdeal:
  - (1) Failure to shuffle and cut the cards in accordance with Section 5;
  - (2) Dealing to an incorrect starting position if the error has been detected prior to two players voluntarily placing wagers into the pot;
  - (3) If more than one card is found face-up in the deck; and
  - (4) Failure to deal to an eligible seated player, if the error has been detected prior to two or more players voluntarily placing wagers into the pot.
- (f) If one or more cards are mistakenly dealt to an ineligible player, only those cards dealt to that player shall be discarded and the round of play shall be continued.
- (g) If at any time during a round of play, missing cards are discovered or additional cards are found, the round of play shall be called dead, all gaming chips and gaming plaques in the pot shall be returned to the appropriate player and the deck shall be replaced pursuant to the procedures outlined in 205 CMR 146.49.
- (h) A card found face upwards in the deck shall not be used in the game and shall be placed with the pile of discarded cards.
- (i) A player who fails to take reasonable means to protect his or her hand shall have no redress if his or her hand becomes a fouled hand or the dealer accidentally collects the hand.
  - (1) Hole cards in a game of stud poker shall be considered protected for purposes of fouling a hand.
  - (2) If a protected hand comes into contact with discarded cards, every effort shall be made to reconstruct the hand and complete the round of play.
  - (3) A player who has a protected hand collected by the dealer or fouled by discarded cards shall be entitled to a refund from the pot of all monies that he or she put in the pot if the player has been a victim of and not a contributor to the error.
  - (4) A player who leaves the table without comment and has an unprotected hand shall be assumed to have no interest in the pot, and his or her cards shall be collected and discarded.
- (j) Verbal statements which are clearly audible by and directed to the dealer shall always have precedence over actions and gestures and are considered binding on the player whose turn it is to act.

- (1) A player shall be deemed to have folded if, when faced with making or calling a wager, he or she:
    - (i) Discards his or her hand face-down towards the pile of discarded cards or the pot; or
    - (ii) Turns face-down his or her up-cards in a game of stud poker.
  - (2) If a player is obligated to place a wager by virtue of a verbal statement or forced betting situation, throwing away his or her cards does not relieve the player of that obligation.
- (k) In seven-card stud, if a player's first or second hole card is accidentally turned face-up in the dealing process, the third card shall be dealt face-down. If both hole cards are accidentally turned face-up, the dealer shall collect the two cards, call the player's hand dead and return the player's ante, if applicable. If a player's third hole card is accidentally turned face-up in the dealing process, the player shall be afforded the option to either:
- (1) End his or her obligation to make additional wagers and contend only for that part of the pot formed prior to any additional wagering; or
  - (2) Continue to contend for the entire pot.
- (l) In five-card stud, if a player's hole card is accidentally turned face-up in the dealing process, the second card shall be dealt face-down.
- (m) In mambo stud poker, if a player's first hole card is accidentally turned face-up in the dealing process, the second card shall be dealt face-down. If a player's second hole card (third card) is accidentally turned face-up in the dealing process, the player shall be afforded the option to either:
- (1) End his or her obligation to make additional wagers and contend only for that part of the pot formed prior to any additional wagering; or
  - (2) Continue to contend for the entire pot.
- (n) If a card is accidentally dealt off the table, it shall not be used in that round of play and shall be placed with the pile of discarded cards after a thorough examination by the dealer.
- (o) In the games of hold 'em and omaha, if any of the cards dealt face down to a player are accidentally dealt face up, the dealer shall exchange the exposed card with a card from the top of the deck and either:
- (1) Place the exposed card face down with the pile of discarded cards; or
  - (2) Use the exposed card as a face up burn card before the flop.
- (p) 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 in accordance with procedures approved by the Commission.
- (q) Any automated card shuffling device shall be removed from a gaming table before another method of shuffling may be utilized at that table.
- (r) Nothing herein shall preclude a gaming licensee from clarifying and supplementing the above irregularities through its internal control procedures, as submitted to the Commission for review and approval.

## **16. Conduct of players**

- (a) Each player in a poker game shall play the game solely to improve his or her chance of winning and shall take no action to improve another player's chance of winning. No player may communicate any information to another player which could assist the other player in any manner respecting the outcome of a poker game.
- (b) A gaming licensee which has reasonable cause to believe that a player has acted or is acting in violation of (a) above shall require the player to leave the game and shall notify the IEB as expeditiously as possible.
- (c) Any gaming licensee which takes action under (b) above in good faith shall not be liable civilly to such person.

## **17. Minimum and maximum wagers**

Each gaming licensee shall provide notice in accordance with 205 CMR 147.03 of the minimum and maximum wagers in effect at each poker table, except that, if all patrons at a poker table agree to increase the minimum wager at the table, the provisions of 205 CMR 147.03(3) need not be followed. Such sign shall also include any restrictions with regard to the maximum number of raises that may be permitted for any round of betting.

## **18. Announcement of available games and seats**

A gaming licensee shall be permitted to announce in those areas of a casino where poker tables are located the particular types of poker games, the minimum/maximum wagers that are being offered and the availability of any vacant seats at particular poker tables.

## **19. Bad beat payouts; posting of rules; contributions; actual percentages of the contributions going directly to the jackpot posted conspicuously in the poker room; counting and displaying of payout amount; procedures for implementation**

- (a) A gaming licensee may elect, in its discretion, to offer a payout for one or more pre-designated high value poker hands when such a hand is held by a player as a losing hand in a round of play (a "bad beat"). A bad beat payout shall be made from a separate fund created from pot contributions required at tables where a bad beat payout is offered and shall be paid in accordance with the procedures established pursuant to this section.
- (b) A gaming licensee shall post at each poker table that offers a bad beat payout a notice advising patrons of eligibility for such payout. In addition to displaying the current amount of any bad beat payout, a gaming licensee that offers a bad beat payout shall post its bad beat payout rules in a conspicuous location within its poker room along with the actual percentage of the amount collected that goes into the jackpot which, at a minimum, shall address:
  - (1) The maximum amount that can be contributed from each pot and the method of calculation for any contributed amount;

- (2) The percentage the licensee is taking from the total drop of the bad beat jackpot daily and how the total/portion of the money held is returned to the players;
  - (3) The minimum pot amount required for a contribution to a bad beat payout; and
  - (4) Qualifying bad beat requirements and payouts.
- (c) A gaming licensee shall extract from each pot at a poker table designated for participation in a bad beat payout a prescribed contribution to the bad beat payout, which amount shall be collected in accordance with the gaming licensee's bad beat payout rules as set forth in its Games Submission. Prior to distributing the pot to a winning patron and after the dealer has extracted the rake, the amount from each pot to be contributed to a bad beat payout shall be determined, segregated from the pot, and deposited into the bad beat payout box. Notwithstanding the foregoing and subject to (i) below, a gaming licensee may, upon amending its bad beat payout rules, terminate collection of bad beat contributions at any time.
- (d) At least once each gaming day and upon notice to an IEB agent, a gaming licensee shall count the accumulated contents of each bad beat payout box and the contents shall be transferred to the cashiers' cage or a satellite cage. The counting shall occur at a closed poker table, the cashiers' cage or a satellite cage in accordance with approved internal controls.
- (1) If the counting of the contents of each bad beat payout box occurs at a closed poker table, the counting shall be performed by a poker dealer in the presence of a poker supervisor, and it shall be recorded by the surveillance department. Documentation of the count shall be prepared and signed by both the dealer and the supervisor. The contents of each bad beat payout box shall then be placed in a locked container along with documentation of the count and transported to the cashiers' cage or satellite cage by a representative of the casino security department.
  - (2) If the counting of the contents of each bad beat payout box occurs in the cashiers' cage or a satellite cage, a poker supervisor shall account for all locked bad beat payout boxes transported from the poker tables to the cage. A representative of the casino security department shall transport such boxes to the cashiers' cage or satellite cage for counting by casino cage cashiers.
- (e) Once each bad beat payout box or a container containing the contents of the bad beat payout boxes is delivered to the cashiers' cage or satellite cage, a cashier shall count the contents of each box or, if the contents of such boxes were previously counted by poker room personnel and combined in a locked container for transport, verify the aggregate count. The official record of the amount of daily contributions to the bad beat payouts shall be maintained by the casino accounting department.
- (f) Each bad beat poker hand shall be verified by a poker shift supervisor prior to awarding the bad beat payout. Upon verification, the poker shift supervisor shall:
- (1) Post a sign or otherwise provide visible notice that the applicable bad beat payout display amount is pending adjustment due to a bad beat payout; and
  - (2) Notify a representative from the casino security department or casino accounting department to deliver to the poker table the applicable amount of the bad beat payout.



- (g) The casino accounting department shall prepare a bad beat payout distribution in cash, a recognized cash equivalent or gaming chips in accordance with the gaming licensee's approved internal controls. Notwithstanding (f)(2) above, a gaming licensee may elect to pay a bad beat payout at the cashiers' cage.
- (h) No less than once a day and immediately upon notification of a bad beat verification by a poker shift supervisor, a casino accounting department representative shall:
  - (1) In the presence of a poker supervisor, adjust each bad beat payout amount displayed in the poker area to reflect the current bad beat payout amount; and
  - (2) Verify that the amount of any bad beat payout maintained by the casino accounting department corresponds to the amount being displayed to patrons.
- (i) No bad beat payout shall be offered at a poker table until a gaming licensee has submitted to the Commission and the Commission has approved procedures for discontinuing any bad beat payout and the notification of the amount withheld from immediate contribution into the 'bad beat' jackpot. Such procedures shall address the method by which pot contributions shall be terminated and/or for transferring bad beat payout amounts to other bad beat payouts, so as to ensure that all payout amounts are paid to poker patrons.
- (j) At any time the IEB can request weekly, monthly, and yearly totals of the amount of the 'bad beat' jackpot collected and how all the funds have been dispersed back to the player or held.