



DIVISION OF GAMBLING CONTROL

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GAMBLING ESTABLISHMENT ADVISORY

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“GAME/GAMING ACTIVITY APPROVAL”

A gaming activity encompasses any controlled game or promotional scheme that is appended to, references or relies upon any controlled game. All gaming activities offered by a gambling establishment must be reported to and approved by the Division of Gambling Control in compliance with the Division’s regulation section 2071, Gaming Activity Authorization,¹ and the Gambling Control Act, section 19826, subdiv.(g)², and section 19841, subdiv.(b)³. It

shall be an unsuitable method of operation to engage in, or offer, any gaming activity without prior notification to, and written authorization from the Division⁴, as required by the Division’s regulation section 2071. Where formal policies have not been adopted by the Division regarding the manner of play, such as what constitutes the “systematic and continuous” rotation of the person or entity acting as the player-dealer, or any person or entity acting as a portion of the player-dealer position as the bank for that hand in any gaming activity, each gaming activity requires review by the Division on a case by case basis. The case by case review and approval process will remain in effect until Division regulations are in place addressing the play of the game. Only those gaming activities and associated rules approved by the Division are authorized to be offered for play by a gambling establishment.

Purely promotional activities or schemes that are not appended to, reference, or rely upon, any controlled game need not be reported to

¹ Such notification should include: (1) the name of each gaming activity; (2) the rules for each gaming activity; including, where applicable, a description of the event that determines the winner of the gaming activity, the wagering conventions, and the fee collection and assessment methods; (3) a glossary of distinctive terms or phrases used in each gaming activity; and (4) a statement for each gaming activity that explains why that gaming activity is not prohibited or made unlawful by statute or local ordinance. If necessary, the Division may require the submission of additional information

² The Division is responsible to approve the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played.

³ The regulations adopted by the commission shall include and provide for the approval of game rules and equipment by the division to ensure fairness to the public and compliance with state laws

⁴ The Division’s policy is to provide authorizations or denials of gaming activities in writing.

*For more information regarding this advisory, contact the California Department of Justice,
Division of Gambling Control, at (916) 263-3408.*

the Division prior to their implementation.⁵ However, it shall be an unsuitable method of operation, and subjects the licensee to possible criminal and disciplinary action, should such promotional schemes be prohibited or made unlawful by federal, state or local law. Further, if determined that such promotional schemes are in fact gaming activities that were implemented without the necessary prior notification to, or authorization from, the Division, then the licensee shall be subject to possible disciplinary action for failing to give such prior notice or obtain such prior approval, regardless of the lawfulness of the actual gaming activity.

⁵ However, this does not relieve the licensee of the necessity of providing this information to the Division upon request.

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