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**RULE ADOPTIONS**  
**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**LEGALIZED GAMES OF CHANCE CONTROL COMMISSION**  
**Bingos and Raffles; Casino Night Poker Games**

Adopted Amendments: N.J.A.C. 13:47-20.2 and 20.4

Adopted New Rules: N.J.A.C. 13:47-20.34 through 20.39

Proposed: April 17, 2006 at 38 N.J.R. 1642(a).

Adopted: August 9, 2006 by the Legalized Games of Chance Control Commission, Marilou Halvorsen, Chairperson

Filed: September 6, 2006 as R.2006 d.350, without change.

Authority: N.J.S.A. 5:8-51b.

Effective Date: October 2, 2006.

Expiration Date: July 12, 2007.

**Summary of Public Comment and Agency Response:**

The official comment period ended June 25, 2006. The Commission received no comments on the proposal.

**Federal Standards Statement**

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments and new rules.

Full text of the adoption follows:

**13:47-20.2 Definitions**

(a) The following words and terms, when used in this subchapter, 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.

"Bet" means an action by which a player places imitation money 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.

"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.

"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.

"High" means a game of poker in which the highest ranking hand wins the pot.

"Hole card" means any card dealt to a player face down.

"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 and bet by the players during the round of play, less any rake.

"Protected hand" means a hand of cards which the player is physically holding or has placed under imitation money.

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

"Rake" means the amount of imitation money collected by the dealer as poker revenue.

"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 subchapter.

"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.

"Table stakes" means the imitation money on the table in play from which a player may not subtract at any time during ongoing play.

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

### **13:47-20.4 Casino night; games authorized; license required**

It shall be lawful for a registered organization to conduct any of the following games at a lawfully operated casino night, if the games are properly licensed in accordance with the provisions of N.J.S.A. 5:8-50 et seq. and this subchapter: baccarat, beat the dealer, blackjack, caribbean stud poker, chuck-a-luck, craps, hold 'em poker, joker seven, let it ride, mini-baccarat, money wheel, multi action blackjack, red dog, roulette, seven-card stud poker, skill-stop reel, still-stop video, token pusher or under/over.

### **13:47-20.34 Poker; number of decks; rankings**

(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. 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 placed in the designated area on the table.

(b) The rank of the cards for the determination of winning poker 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).

(c) 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 10 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 five, four, three, two and ace being the lowest ranking straight flush; provided, however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, two, three);
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 (for example, 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.

(d) 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 rankings with king, queen and jack being the highest ranking straight flush and a three, two and ace being the lowest ranking straight flush; provided, however, that an ace may not be combined with a king and two for purposes of determining a winning hand;
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.

(e) When comparing two hands which are of identical poker hand rank pursuant to the provisions of (c) or (d) 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 (b) above, 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.

### **13:47-20.35 Method of play, seven-card stud poker; procedures for completion of each round of play**

(a) Each casino night holder shall be required to observe the procedures set forth in this section for each game of seven-card stud offered at its casino night.

(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.

(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.

(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 the player with the lowest ranked up-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 has not folded. 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 has not folded, with each such round followed by a betting round conducted in accordance with the provisions of (f) and (g) above. Prior to each round of cards being dealt, the dealer shall burn the top card of the deck. If insufficient cards remain in the deck to give each remaining player a seventh and final 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 one or less cards remaining in the deck, the dealer shall shuffle the burn cards, burn a card and then deal the common card.

(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. 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. The winner of the pot shall be:

1. The player with the highest ranking five card high hand; or
2. If a tie exists between two or more players for the highest ranking hand, the pot shall be divided equally among the tied players. If 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.

### **13:47-20.36 Method of play, hold 'em poker; procedures for completion of each round of play**

(a) Each casino night holder shall be required to observe the procedures set forth in this section for each game of hold 'em poker offered at its casino night. Hold 'em poker shall be played to determine a winning high hand only.

(b) Each poker table shall be restricted to a maximum of 11 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.

(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, in the alternative;
  - 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) 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 casino night holder 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 casino night holder shall be posted on a sign at the poker table.

(e) 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.

(f) 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.

(g) 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.

(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 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.

(i) 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.

(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 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.

### **13:47-20.37 Method of collecting poker revenue**

(a) The casino night holder shall derive its poker revenue at all poker tables by extracting commission known as the "rake." Each casino night holder shall post on a sign on the poker table which shall describe:

1. The types of rake utilized;
2. The methodology used for calculating the rake;
3. The amount of maximum permissible rake; and
4. Which one or more of the following procedures shall be used in determining and extracting the rake:

i. A straight percentage rake, pursuant to which:

- (1) 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;
- (2) 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 as play progresses; and
- (3) Upon completion of a round of play, the rake shall be immediately placed by the dealer into the table inventory container;

ii. A rake which shall be taken in incremental amounts, pursuant to which:

- (1) Assessments of predetermined amounts shall be extracted from the pot and any side pots as certain predetermined dollar levels have been achieved;
- (2) Upon collection, the amount to be raked shall be placed into the designated rake area; and
- (3) Upon completion of a round of play, the rake shall be immediately placed by the dealer into the table inventory container; and/or

iii. A rake based on time charges. pursuant to which:

- (1) 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;
- (2) Time charges shall be expressed as an hourly fee based on the particular minimum and maximum wagering limits at a game;
- (3) Time charges may be assessed fractionally every 20 or 30 minutes as determined by the casino night holder;

(4) Time charges once assessed shall be placed by the dealer into the designated rake area; and

(5) Upon verification by a Class "A" casino night operator of the time charges collected, the rake shall be immediately placed by the dealer into the table inventory container.

(b) An uncalled final bet shall not be considered part of the pot for purposes of calculating the amount of rake pursuant to methods (a)4i and ii above.

(c) Once the dealer has extracted the rake and the pot and any side pots have been collectively the winning player or players, no additional rake shall be taken by the casino night holder.

### **13:47-20.38 Rules for handling irregularities in the game of poker**

(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 Class "A" casino night operator 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 shall 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 casino night holder may require the disclosure of any discarded hands.

(e) If any player folds after making a forced bet or blind bet or on a round of checking, that player's position shall continue to receive a card until there is a subsequent wager at the table.

(f) 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 N.J.A.C. 13:47-20.19;

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.

(g) 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.

(h) 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 imitation money in the pot shall be returned to the appropriate player and the deck shall no longer be used, but shall be placed in a sealed envelope and given to the designated member of the casino night holder in charge of the conduct of the event. Another deck shall be placed upon the table pursuant to N.J.A.C. 13:47-20.34(a).

(i) 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.

(j) 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 imitation money 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.

(k) 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.

(l) 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.

(m) 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.

(n) If any of the face-down cards in the game of hold 'em are accidentally turned face-up in the dealing process, the dealer shall exchange the exposed card with a card from the top of the deck and place the exposed card with the pile of discarded cards.

(o) 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 by hand.

(p) Any automated card shuffling device shall be removed from the poker table before another method of shuffling may be utilized at that table.

### **13:47-20.39 Notice of minimum and maximum wagers when playing poker**

Each casino night holder shall provide notice of the minimum and maximum wagers in effect at each poker table, by posting the notice on a sign on the poker table. Such sign shall also include any restrictions with regard to the maximum number of raises that may be permitted for any round of betting.