

PROPOSED AMENDMENTS TO REGULATION 3.010

PURPOSE: To add specific additional items of evidence which may be considered by the Board and Commission when determining the suitability of a location near a church, school, or playground; to define terms used in Regulation 3.010; to require an applicant to provide a statement or determination concerning the suitability of a location; to create a presumption of sufficient showing of suitability; and to take such additional action as may be necessary and proper to effectuate this stated purpose.

REGULATION 3 LICENSING: QUALIFICATIONS (Draft Date November 10, 2025)

New
~~{Deleted}~~

3.010 Unsuitable locations. The Board may recommend that an application for a state gaming license be denied~~{,}~~ if the Board deems that the place or location for which the license is sought is unsuitable for the conduct of gaming operations. The Commission may deny an application for a state gaming license if the Commission deems that the place or location for which the license is sought is unsuitable for the conduct of gaming operations.

Without limiting the generality of the foregoing, the following places or locations may be deemed unsuitable:

1. Premises located within the immediate vicinity of churches, schools and children's public playgrounds.

(a) As used in this subsection:

(1) "Church" means a building used for religious worship by an entity which is a tax exempt organization pursuant to 26 U.S.C. §501(c)(3).

(2) "Immediate vicinity" means within a 1,500 foot radius.

(3) "Playground" means an outdoor area with equipment provided for children to play.

(4) "School" means a school operated or approved by the State or a political subdivision thereof or a preschool or childcare facility operated or approved by the State or a political subdivision thereof. "School" does not include an institution in which the majority of students are age 18 or older.

(b) The Board may recommend and the Commission may determine that premises located in the immediate vicinity of churches, schools, and playgrounds are nevertheless suitable upon a sufficient showing of suitability by the applicant. In making their determinations, the Board and Commission may consider all relevant factors including but not limited to:

(1) ~~{w}~~ Whether the premises have been used previously for licensed gaming; ~~{or}~~

(2) Whether the premises are located in a commercial area; or

(3) Evidence that the premises have been deemed suitable for gaming by a local governing body.

(c) An applicant shall provide a written statement discussing relevant factors or provide a determination from a local governing body that the location is suitable for gaming. If the Board and Commission do not discuss such statement or determination

in considering the application, it shall be presumed that the applicant made a sufficient showing of suitability for the location.

2. No Change.
3. No Change.
4. No Change.
5. No Change.
6. No Change.
7. No Change.