

## CHAPTER 99-01.3-09 POKER

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### **99-01.3-09-01. Poker.**

An organization with a restricted event permit may conduct poker during one event per year. Poker may only be conducted by a licensed organization on two occasions per fiscal year, July first through June thirtieth. Each of the two poker occasions are limited to a seventy-two-hour period. Poker is a card game dealt by one dealer. For a tournament, an organization shall charge each player an entry fee. For each tournament conducted, the total fees may not exceed three hundred dollars per player, which includes the buy-in or entry fee, plus any rebuys, add-ons, and bounties. The total fees collected are considered gross proceeds. Each tournament also may have qualifying satellite tournaments at a site conducted in conjunction with the main tournament. Total fees of up to three hundred dollars per player also may be charged for qualifying satellite tournaments. This fee also is considered gross proceeds for the tournament. Total prizes awarded for any one tournament, including satellite tournaments, may not exceed ninety percent of the gross proceeds for that tournament. The organization must complete the poker recordkeeping as required by section 99-01.3-09-07 for each tournament conducted during a poker occasion. The recordkeeping may not be combined for multiple tournaments conducted during the seventy-two-hour poker occasion. A nontournament occasion and a side game are restricted to a twenty-four hour-period during the poker occasion. For nontournament activity, an organization shall charge each player a fee not to exceed two dollars per one-half hour of playing time, collected in advance. The maximum single bet is one dollar and not more than three raises, of not more than one dollar each, may be made among all the players in a betting round. An organization employee shall be present to manage and control all poker activity.

After players receive their starting (hole) cards and after each round of new cards, there is a betting round. A player bets on the cards (hand) the player holds. All wagers are placed in the center of the table and referred to as the pot. Each betting round, a player decides whether to continue by calling or raising the bet. After all the dealing of cards and betting has occurred and there are two or more players still in contention for the pot, there is a showdown to determine which player has the best hand. The object is for the player to win the pot by making a bet no other player is willing to match or for the player to have the most valuable hand. A winner is determined by the ranks and combinations of players' cards.

**History:** Effective May 1, 1998; amended effective July 1, 2002; July 1, 2010; July 1, 2012; April 1, 2016; January 1, 2023.

**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-09-02. Definitions.**

1. "Action" is a binding verbal statement or physical gesture of intention.
2. "Add-on" is the last opportunity a player has to buy additional chips in an attempt to better the player's chances to win in a tournament that allows the additional purchase of chips. The amount and time restriction is found in the tournament rules.

3. "Ante" is a player's forced bet of a predetermined amount into the pot before the first card of the hand is dealt.
4. "Bet" is the act of making a wager on a betting round.
5. "Betting round" is a complete cycle in a hand of poker after all players have called or folded.
6. "Blind bet" is a forced bet made before the first card of the hand is dealt. A small blind, which is usually one-half of a minimum bet, is made by the first player to the left of the dealer button and a big blind, which is usually the minimum bet amount, is made by player to the left of the first player.
7. "Button" is a token used to indicate the dealer position at the table for determining the order of betting.
8. "Bounty" is a feature in some poker tournaments that rewards a player for eliminating another player. Bounties must be of equal value and no bounty may be of an unknown value.
9. "Buy-in" is the minimum amount of money required to enter a tournament in exchange for a set amount of chips.
10. "Call" is to match a bet or match a raise.
11. "Check" is to waive the right to initiate the betting in a round, but to retain the right to call.
12. "Chip dumping" is a strategy whereby one player deliberately loses chips to another player.
13. "Community cards" are cards dealt face upward which can be used by all players to make their best hand.
14. "Deal" is the distribution of playing cards among the players.
15. "Flop" is the first three community cards dealt face up at one time.
16. "Fold" is a player discarding a hand during a betting round by refusing to match a bet.
17. "Hand" is a game in a series beginning with a shuffle and ending with the awarding of a pot. It is also used to describe the cards held by a player, or the best five cards of a player's holding.
18. "Misdeal" is a hand in which a dealing mistake was made and requires the hand to be dealt again.
19. "Open", "openers", "to open", is the first bet in any betting round.
20. "Poker run" is an event in which each participant in the event follows a charted course, stopping at five to seven checkpoints along the route to pick up a single playing card. Upon all participants' arrival at the final checkpoint, a showdown of the poker hands is conducted and prizes are awarded.
21. "Pot" is a collection of the total amount wagered by all players at a poker table for a hand and awarded to the winning players.
22. "Raise" is a bet in an amount greater than the immediately preceding bet in that betting round.
23. "Rebuy" is when a player qualifies to purchase another buy-in during a tournament that allows a player to continue competing in the tournament. The number and time restriction are found in the tournament rules.

24. "Satellite" is a qualifying tournament in which the prizes awarded must include a buy-in to a larger tournament.
25. "Showdown" is the revealing of each player's hand by the player after the last bet to determine the winners of the pot.
26. "Side game" is a poker game running concurrently with a tournament and made up of players who have either been eliminated or opted not to play in the tournament.
27. "Soft play" is failing to bet or raise in a situation that would normally merit it; to intentionally go easy on a player.

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**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.2

### **99-01.3-09-03. Limitations and fees.**

1. An organization may only conduct poker on two occasions per fiscal year. An occasion may include more than one authorized site. A nontournament occasion and a side game are restricted to a twenty-four-hour period of play. Tournament activity, including any satellite activity, is an occasion of not more than three consecutive calendar days of play. Both tournament and nontournament play may occur as part of the same occasion provided that the nontournament play and a side game does not exceed a twenty-four-hour period of play.
2. Only a licensed distributor can provide consulting services to an organization for a poker occasion provided the licensed distributor does not manage, control, or conduct the game.
3. For nontournament play and a side game, if an organization does not provide a dealer, players shall use cash. If an organization provides a dealer, players shall use chips. An organization shall charge a player a fee not to exceed two dollars per one-half hour of playing time and collect the fee in advance. An employee shall record the fee when it is collected. The fee schedule must be posted or made available to players.
4. For a tournament, an organization may provide a dealer who cannot play in the game or allow the players to alternate as dealers and:
  - a. Types of poker authorized is limited to Texas hold'em and Omaha.
  - b. Use no-value chips.
  - c. Advance players with the most number of chips from each round to the next round or championship round. A player with the most number of chips, based on a championship round, wins. Any remaining players in the tournament may agree to split the prize rather than finish the tournament.
  - d. An organization may award a buy-in to a larger tournament to multiple winning players of each satellite tournament. It is accounted for as a prize and valued at the cost of the buy-in. If a satellite buy-in prize is transferable to another player, an organization shall issue a receipt for the buy-in prize. When a buy-in prize is redeemed, it is accounted for as gross proceeds. If a buy-in prize is not redeemed, it is valued at zero and is not accounted for as a prize for the satellite tournament nor as gross proceeds for the larger tournament.
  - e. Bounty buy-in fees and payouts, if applicable, must be included as part of the gross proceeds and prizes of a tournament.

- f. Only a cash prize or buy-in to a larger tournament may be awarded and the total prizes awarded may not exceed ninety percent of all fees collected.
  - g. After the start of the tournament, an organization may not refund a buy-in or other fee collected.
  - h. A director of a tournament and the organization employee managing, conducting, or controlling the poker activity may not participate in the tournament.
5. An organization that conducts poker through a poker run involving more than one site shall comply with guidelines prescribed by the attorney general.

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**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.2

**99-01.3-09-04. Conduct and play.**

1. The cards are ranked ace, king, queen, jack, ten, nine, eight, seven, six, five, four, three, and two. A poker hand in a showdown consists of five cards, usually the best five selected from a greater number, ranked according to the following from highest to lowest:
  - a. Royal flush--the best hand of the same suit in sequence of ace, king, queen, jack, ten;
  - b. Straight flush--five cards of the same suit in sequence;
  - c. Four of a kind--four cards of the same rank;
  - d. Full house--three cards of the same rank and two cards of the same rank;
  - e. Flush--five cards of the same suit;
  - f. Straight--five cards in sequence; an ace may be low in a five-high-card straight;
  - g. Three of a kind--three cards of the same rank;
  - h. Two pair--two cards of the same rank and two cards of one other rank;
  - i. One pair--two cards of the same rank; and
  - j. High card--the highest ranking card in the hand.
2. The cards in the game of poker must be one complete standard deck of fifty-two cards. The design on the back of each card in the deck must be identical, and no card may contain any marking, symbol, or design that enables a player to know the identity of any element printed on the face of the card. The backs of the cards may contain a logo. The backs of the cards in the deck must be designed to eliminate the ability of any person to place concealed markings on them.
3. The organization shall have additional decks of cards available at the site. The color of the backs of the cards of the replacement decks must be of a different predominant color.
4. When cards are brought to the poker table, an organization employee first shall approve the deck of cards. The deck must be sorted into sequence, by suit and the back of each card inspected to assure all cards are present and none are taped, cut, shaved, marked, defaced, bent, crimped, or deformed.

5. Before the play, the dealer, in front of the players, shall spread the cards face upwards on the table, according to suit and in sequence within the suit for review by the players. After review, the cards must be shuffled so the cards are randomly intermixed. If a replacement deck is used, this step must be repeated.
6. Before starting play, and after each hand, the dealer thoroughly shall shuffle the cards. Then the dealer shall cut the cards by placing a portion of the deck on top of a cutting card. The dealer then shall restack the cards with the former bottom part of the deck on top.
7. Cards must be dealt out of the hand by the dealer. Dealing must start with the first player to the left of the dealer or button. A card dealt must be the top card of the deck. After the first card of the hand has been dealt to a player, the deal continues in a clockwise direction. The order of cards in the deck may not be disturbed during the deal of a round.
8. The first holder of the button shall be determined at random by dealing for the high card or a set position before seat assignment. If two or more players have the same ranked card, card suit will determine high card. From best to worst, suits rank spades, hearts, diamonds, and clubs.
9. An ante may be used in the game at the discretion of the organization. The player shall ante for each hand by placing wagers equaling the ante in front of the player on the table before the first card of the hand is dealt. The dealer shall sweep the antes and place them in the pot. Once the first card is dealt to any player, the ante may not be altered.
10. If an organization allows blind bets, the first betting round is started by the player to the left of the big blind by opening or folding and each following player shall call, raise, or fold; otherwise the player to the left of the button shall check, open, raise, or fold and each following player shall check, call, raise, or fold. A player shall match or raise the previous bet amount to remain in the hand. Subsequent betting rounds are started by the first active player to the left of the button. A betting round ends when all players have had a chance to act and all players who haven't folded have wagered the same amount for the round.
11. If a table only has two players remaining (heads-up), the small blind is posted by the player that has the button. When play becomes heads-up, the player who had the big blind the most recently, is given the button and the other player is given the big blind. The player with the button shall be the first player to act on the first betting round and last to act on the subsequent betting rounds.
12. A card that is meant to be dealt face downward but is dealt face upward or flashed as it is dealt so that a player might know its identity or is dealt off the table is considered an exposed card. A card exposed by a player is not an exposed card. The replacement of an exposed card must be done after all players have received their cards in that round.
13. A misdeal occurs when during the initial deal a player receives an incorrect number of cards, an active player is dealt out or cards are dealt to an inactive empty seat at the table, or cards are dealt out of sequence. A misdeal causes all of the cards to be returned to the dealer for a redeal. A misdeal may not be called once substantial action has occurred. "Substantial action" is defined as either three players acting by betting or folding or two players acting, if one of them has raised the pot.
14. An organization shall adopt a burn card procedure in which one card will be burned either after each round of betting or before dealing any additional cards.
15. A statement by a player of "call" or "raise" or of a specific bet is binding. A player who states a certain amount but puts a different amount into the pot shall correct the bet to the stated amount.

16. A player who unintentionally bets less than the amount required to call shall complete the call or fold. An improper bet must stand once three players have called, a player has raised, or all players in the pot have acted; otherwise, the action must back up to the player making the improper bet and any other action is nullified. A player makes a bet if the bet is pushed forward or placed into the pot at a sufficient distance from the player to make it obvious that the player intends to bet. If the situation is unclear and a player allows the dealer to pull the player's bet into the pot without making an immediate objection, it is a bet.
17. If a player places a single-chip wager into the pot that is larger than the bet, it must be regarded as a call unless the player announces a raise. If a multi-chip wager is fifty percent or greater of a legal raise then the minimum raise must be completed.
18. A fouled hand is a hand that has an improper number of cards, unless the player is short a card and due to get the top card of the deck. If a player has a fouled hand by having too many cards, that hand is dead and cannot win any part of the pot.
19. If a player discovers that the hand is fouled, the player cannot recover any wagers placed into the pot unless a misdeal can be called. If a player with a fouled hand makes a bet or raise and the next player has not yet acted, the next player may call attention to the fact that the hand is fouled. The dealer shall return the player's bet to the player with the fouled hand and betting may resume.
20. No player may deliberately foul a hand to recover a bet or make an attempt to win the pot by betting or raising after the player has discovered that the player's hand is fouled. If the dealer determines that a player has intentionally bet a fouled hand, the dealer shall rule that all of the player's wagers remain in the pot and the player's hand is dead.
21. When an active player exposes the player's hand to another active player, all other players at the table have the right to see the exposed hand.
22. If a card is improperly faced in the deck, it must be treated as a dead card and replaced by the next card below it in the deck.
23. At the conclusion of the final betting round, a player shall place the player's hand face upward on the table at the showdown as follows:
  - a. If there has been a bet on the final round, the player who made the bet shall show first;
  - b. If there have been one or more raises on the final round, the player who last raised shall show first;
  - c. If the final round has been checked by all the players, the player who acted first shall show first;
  - d. The subsequent order of showing hands is clockwise around the table from the player who shall show first; and
  - e. If there is a side pot, players involved in the side pot shall show their hands before any player who is "all-in" for only the main pot.
24. If two or more players remain in the pot after all of the cards have been dealt and the betting is over for that hand, the remaining players show their cards to determine which player has the best hand and wins the pot. A player may discard a hand without showing it. A player shall show the hand at the showdown if requested to do so by management. All hands will be shown without delay once a player is all-in and all betting action by all other players in the hand is complete. No player who is either all-in or has called all betting action may muck his

hand without showing. All hands in both the main and side pots must be shown and are live. The following provisions govern showdown:

- a. A hand with too many cards for that game is dead;
  - b. A hand is ranked according to the actual cards it contains. The cards speak for themselves;
  - c. A hand that is prematurely discarded by a player and touches the discarded cards is dead unless it is one hundred percent identifiable and retrievable;
  - d. A verbal concession is binding;
  - e. A player who leaves the table conceding the pot shall discard the hand;
  - f. A hand discarded face upward is a live hand if it has not become irretrievably mixed with the discards;
  - g. A hand discarded face downward may be retrieved if the following conditions are met:
    - (1) The player retrieves it or requests the dealer to turn it face up; and
    - (2) Another player has not been induced to discard the other player's hand;
  - h. A hand discarded face downward that is not retrievable is dead even if it had been shown before being discarded;
  - i. A player is responsible for protecting their hand until a winner is declared; and
  - j. Dealers cannot kill a properly shown and tabled hand that was obviously the winner.
25. At a showdown if two or more hands are tied, the hand with the highest ranked card or cards for high poker games and the lowest ranked card or cards for low poker games wins; otherwise, the tie must be broken by the rank of the unmatched cards in the hand. All suits are of equal value for determining hand rankings. In high-low split poker games, the highest hand and the lowest hand split the pot. A player who wins in one direction (high or low) and ties a player for the other direction, receives three-quarters of the pot. A player who wins in both directions without a tie receives all of the pot. Aces may be used for either high or low.
26. Pots must be awarded by the dealer. A game must be played to conclusion and the pot awarded to the winning player. The reading of a shown hand may be disputed until the next hand begins. Accounting errors in calculating and awarding the pot may be disputed until substantial action occurs on the next hand. If a hand finishes during a break, the right to any dispute ends one minute after the pot is awarded.
27. If using chips, and a pot that is split by having tied hands at the showdown has an odd chip, the chip is awarded to the player with a live hand clockwise from the dealer button. This section does not apply to splits between the high and low hands in high-low poker. If the lowest denomination chips in the pot are unable to be used to split the pot evenly, the dealer shall exchange the chips in order to divide split pots as evenly as possible.
28. If a defective deck is used, all wagers in the pot must be returned to the players in the amount each contributed. A player who knows the deck was defective and attempts to win the pot by a bet is not entitled to the player's wagers in the pot. Such wagers must remain in the pot as a forfeited amount for the next game. A player who won a pot is entitled to keep it, even though the deck is subsequently found to be defective.

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**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-09-05. Tournaments.**

Except as provided by this section, an organization shall conduct a poker tournament according to this chapter.

1. An organization shall post tournament rules and a written schedule for each tournament and satellite tournament. A schedule must contain:
  - a. Name of the site and organization;
  - b. Date or dates of the poker tournament;
  - c. Structure of the tournament prize payouts, once determined; and
  - d. Buy-in, fees, add-ons, rebuy, and bounty options.
2. Each table will set a maximum of eleven players. Players will be distributed as evenly as possible between all tables.
3. A seat assignment is determined at the time of the buy-in by the player randomly drawing a card from a specially marked deck or custom cards.
4. Tournament chips will be distributed directly to the player.
5. Texas hold'em must be played according to the following rules:
  - a. The dealer shall deal two (hole) cards to each player, face downward, and one at a time. The first player to receive a card is the player to the left of the player who has the button. The last player to receive cards is the player assigned the button. After each player has received two cards, there is a betting round and the players may bet an amount not more than the posted table limit;
  - b. The dealer shall discard the top card of the deck and place it in the discard card pile (burn a card) and deal three community cards from the deck face upward, in the center of the table. After the flop, another betting round occurs; and
  - c. The dealer burns another card and then deals a fourth community card face upward in the center of the table. Another betting round takes place. The dealer burns another card before dealing the fifth community card face upward in the center of the table for the final betting round. A player shall make the best five card hand using any combination of hole and community cards. If there are two or more players remaining in the game after all bets are made, there is a showdown. The highest hand wins the pot.
6. Omaha poker must be played according to the following rules:
  - a. The dealer shall deal four (hole) cards to each player, face downward, and one at a time. The first player to receive a card is the player to the left of the player who has the button. The last player to receive a card is the player assigned the button. After each player has received four cards, there is a betting round;
  - b. The dealer shall discard the top card of the deck and place it in the discard card pile (burn a card) and deal three community cards from the deck face upward, in the center of the table. After the flop, another betting round occurs;

- c. The dealer burns another card and then deals a fourth community card face upward in the center of the table. Another betting round takes place. The dealer burns another card before dealing the fifth community card face upward in the center of the table for the final betting round. A player shall use two hole cards and three of the community cards to make their best hand. If there are two or more players remaining in the game after all bets are made, there is a showdown. In Omaha high, the highest hand wins the pot. In Omaha high-low split, the highest hand and the lowest hand split the pot. A player who wins in one direction (high or low) and ties a player for the other direction, receives three-quarters of the pot. A player who wins in both directions without a tie receives all of the pot. Aces may be used for either high or low.
7. A player confronted by a bet larger than the player's stack of chips may call "all in" and place the chips into the pot as a call. The excess part of the bet is either returned to the bettor or used to form a side pot with another player or players by matching the amount called. There is no limit on the number of side pots. Play must continue and the remaining players shall place their bets into the side pot or pots. At the showdown, if the player who is "all in" has the high hand, the player wins the pot. The player with the second highest hand wins the side pot. If the player who is "all in" does not have the highest hand, the player with the highest hand wins both pots. In a high-low game, a similar procedure must be used to award the pots to the highest and lowest hand. A player who is "all in" and loses must leave the table or rebuy, if applicable.
8. A player may call "all in" at any time during a betting round provided that the bet does not exceed the tournament limit.
9. Chips may not be transferred or purchased from another player.
10. All chips must remain visible on the table throughout the event.
11. If a player is absent from the seat at the start of the initial deal of the hand, any ante or blind bet will be posted by the dealer on the player's behalf. A player shall be at the table by the time all other player's receive their hole cards in order to have a live hand for that deal.

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**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-09-06. Disclosure.**

The following rules must be posted or made available to players in the area where poker activity is conducted. If made available to players, the rules must be in the form of a handout that is easily visible to the players and may not be a copy of the gaming law and rules:

1. House rules:
  - a. Must use one deck of cards which is dealt out of the hand;
  - b. Must use a cut card to conceal the bottom card of the deck;
  - c. May allow a blind bet and set a minimum table limit;
  - d. May allow a minimum ante;
  - e. May allow a maximum of three raises per betting round; and
  - f. Must limit each raise to an amount equal to or greater than the original bet; however, each raise must be equal to or greater than the original bet of that betting round.

2. Player rules:
  - a. Must be twenty-one years of age or older;
  - b. No side bets or credit play is allowed;
  - c. Chips must remain visible on the table throughout the event;
  - d. The use of any electronic device for communication at the table is prohibited while the player has a live hand;
  - e. The placement of any electronic device on the table is prohibited; and
  - f. Ethical play: Any player who soft plays a hand shall be penalized. The penalty may include either chip forfeiture or disqualification or both. Any player involved in chip dumping and other forms of collusion shall be disqualified.

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### **99-01.3-09-07. Recordkeeping.**

Records must include and be retained for three years from the end of the quarter in which the activity was reported:

1. For each poker occasion:
  - a. The starting and ending cash on hand and chips according to section 99-01.3-03-06;
  - b. For nontournament play and a side game, the fees collected for each one-half hour interval on each table; number of players; time each fee is collected; and the name, signature, and time worked of the employee who collected the fee;
  - c. For tournament play, including satellite games; the fees; rebuys; bounties; add-ons collected; name and address of each player; signature or initials; and date of the employee who collected the fee;
  - d. For tournament play, including satellite games, prize register according to section 99-01.3-03-07, and record of win according to section 99-01.3-03-08;
  - e. Cash profit as defined in subdivision k of subsection 9 of section 99-01.3-02-01;
  - f. A summary of gross proceeds, prizes, adjusted gross proceeds, cash profit, cash long or short, and bank deposit. The summaries of all poker activity for a quarter must reconcile to the tax return;
  - g. A copy of the tournament rules for each poker occasion;
  - h. Receipts for transferred satellite buy-in prize; and
  - i. A copy of the tournament schedule according to subsection 1 of section 99-01.3-09-05.
2. Ideal cash bank master records according to subsection 4 of section 99-01.3-03-09.
3. Verification of the amount deposited according to a bank statement, and an audit of the game's activity according to subsections 6 and 7 of section 99-01.3-03-10.

4. The count and reconciliation of cash banks according to subsections 4 and 6 of section 99-01.3-03-09.

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