

MARYLAND REGISTER

**Proposed Action on Regulations**

|                                                                                                        |                                           |                                                |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------|
| <b>Transmittal Sheet</b><br><br><b>PROPOSED<br/>OR REPROPOSED</b><br><br><b>Actions on Regulations</b> | <b>Date Filed with AELR<br/>Committee</b> | <b>TO BE COMPLETED BY<br/>DSD</b>              |
|                                                                                                        | 02/26/2014                                | Date Filed with Division of<br>State Documents |
|                                                                                                        |                                           | Document Number                                |
|                                                                                                        |                                           | Date of Publication in MD<br>Register          |

**1. Desired date of publication in Maryland Register: 3/7/2014**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

36 03 07 03, .04, .06, .07, and .08

**3. Name of Promulgating Authority**

Maryland State Lottery Agency

**4. Name of Regulations Coordinator**

Robert W Howells

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410-230-8789

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1800 Washington Blvd., Suite 330

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**5. Name of Person to Call About this Document**

James B. Butler

**Telephone No.**

(410) 230-8781

**Email Address**

jbutler@maryland.gov

**6. Check applicable items:**

New Regulations

**X-** Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: January 27, 2014.

- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R  
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

Yes **X-** No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

**X-** OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Robert T. Fontaine, Assistant Attorney General, (telephone #(410) 230-8780) on January 23, 2014. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Stephen Martino

**Title**

Director

**Date**

February 26, 2014

**Telephone No.**

(410) 230-8790

# MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

## Subtitle 03 GAMING PROVISIONS

### 36.03.07 Mandatory Exclusion

Authority: 36.03.07: State Government Article, §§ 9-1A-24(d), Annotated Code of Maryland

#### Notice of Proposed Action

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The Maryland Lottery and Gaming Control Agency proposes to amend Regulations .03 - .08 under COMAR 36.03.07 Mandatory Exclusion.

This action was considered at the Maryland State Lottery and Gaming Control Commission open meeting held on January 23, 2014, notice of which was given pursuant to State Government Article, § 10-506(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to update the Regulations of the Maryland Lottery and Gaming Control Agency to incorporate provisions that better define and refine the requirements for Mandatory Exclusion and better conform to the Agency's functions for expanded gambling.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to James B. Butler, Director, Legislative and Policy Affairs, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call (410) 230-8781, or email to [jbutler@maryland.gov](mailto:jbutler@maryland.gov), or fax to (410) 230-8727. Comments will be accepted through April 21, 2014. A public hearing has not been scheduled.

## Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2014

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special (Gaming Proceeds)

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

To update the Regulations of the State Lottery and Gaming Control Agency to incorporate provisions that better define and refine the requirements for VLT and Table Games operation and better conform to the Agency's functions for expanded gambling.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

To update the Regulations of the State Lottery and Gaming Control Agency to incorporate provisions that better define and refine the requirements for VLT and Table Games operation and better conform to the Agency's functions for expanded gambling.

G. Small Business Worksheet:

### Attached Document:

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**36.03.07 (January 27, 2014)**

**.01 General.** (text unchanged)

**.02 Definitions.** (text unchanged)

**.03 Mandatory Exclusion List.**

A. (text unchanged)

B. The [Commission shall] *Director may* place on the mandatory exclusion list an individual who:

(1) — (6) (text unchanged)

(7) The [Commission] *Director* or a facility operator has a reasonable belief has cheated, or attempted to cheat, at a facility by engaging in conduct including:

(a) — (e) (text unchanged)

(8) Engages in any conduct that [would] *may* adversely affect public confidence in, or perception of, video lottery or table game operations in the State.

C. The entry of an individual on the mandatory exclusion list [shall] *may* include at least the following identifying information:

(1) Individual's:

(a) — (f) (text unchanged)

(g) For non-United States citizens, country of origin; *and*

- (h) Photograph; [and
- (i) Social Security numbers;]
- (2) — (4) (text unchanged)
- D. (text unchanged)

**.04 Inclusion on Mandatory Exclusion List.**

- A. (text unchanged)
- B. If the Director places an individual on the mandatory exclusion list, staff shall deliver to the individual by regular U.S. mail a written notice explaining:
  - (1) — (5) (text unchanged)
  - (6) That the excluded individual is:
    - (a) Prohibited from entering any video lottery facility, *and playing any video lottery terminal or table game*, in the State; and
    - (b) (text unchanged)
- C. Appeal.
  - (1) — (2) (text unchanged)
  - (3) If the Commission decides that the excluded individual meets any criteria under Regulation .03B of this chapter:
    - (a) — (c) (text unchanged)
    - (d) The individual may request to be removed from the mandatory exclusion list only as provided in Regulation [.06] .05 of this chapter.

**.05 Removal from mandatory exclusion list.** (text unchanged)

**.06 Judicial Review.**

The Commission's decision under Regulations .04C(2) and [.06D] .05D(2) of this chapter may be subject to judicial review.

**.07 Enforcement.**

- A facility operator may not:
  - A. — C. (text unchanged)
  - D. Knowingly allow the following individuals to collect a jackpot:
    - (1) An excluded individual [who has been placed on the mandatory exclusion list]; or
    - (2) (text unchanged)

**.08 Facility Exclusion Plan.**

- A. (text unchanged)
- B. The plan required under §A of this regulation shall include at least the following elements:
  - (1) —(7) (text unchanged)
  - (8) Prompt reports to the Commission about the presence on facility premises of an individual who [must be excluded from the facility or]:
    - (a) *Is included on the mandatory exclusion list; and*
    - (b) *Is required to be prevented from playing video lottery terminals or table games; [and]*
    - (9) *Prompt reports to the Commission about an individual who is permanently excluded from the facility;*
    - (10) *The facility's response to the discovery of an individual who is on the mandatory exclusion list on facility property, which may include pursuing criminal charges against the individual; and*
  - [(9)] (11) (text unchanged)
- C. (text unchanged)