

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulations
Maryland State Lottery and Gaming Control Agency
(DLS Control No. 15-015)**

Overview and Legal and Fiscal Impact

These emergency/proposed regulations establish procedures for the operation of two new table games, Five-card Omaha Poker and Badugi Poker.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Maryland State Lottery and Gaming Control Agency:

Table Games: Five-card Omaha Poker and Badugi Poker; Procedures for Dealing;
Completion of Play: COMAR 36.05.06.19 and .20

Legal Analysis

Background

Maryland casinos offer a variety of poker-style games, and the operation of each game is subject to regulation.

Summary of Regulations

Five-card Omaha Poker

No more than eight players may participate in a game. Rules governing the placement and amount of certain bets must be specified in the facility operator's rules submission and posted. Using a button, the dealer is required to deal the cards in a certain order. Certain "blind bets" may be placed, and "straddle bets" are allowed. Cards must be dealt in a particular order, and players may fold, call, or raise bets in a certain order. Three "community cards" must be dealt and, after betting, a fourth community card is dealt, followed by a fifth. Finally, remaining players form a five-card hand using two of the five cards dealt to the player and three of the five community cards. The winner of the pot in Five-card Omaha High Poker is the player with the highest ranking five-card hand and, in Five-card Omaha High-low Split Eight or Better Poker, pots are split between a player with the highest hand and a player with the lowest, with allowance for ties. A facility operator may use "Half-kill" or "Kill" options in Five-card Omaha high-low Split eight or Better Poker if this was included in the rules submission and posted.

Badugi Poker

No more than nine players are allowed. A button must be used to determine the order of cards being dealt. Straddle bets may be placed. Four cards are dealt to each player and, after betting, players may discard and replace as many cards as they choose. Five rounds of betting take place, if necessary. Winners are determined based on the player that has the lowest Badugi hand, with allowances for ties.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Maryland State Lottery and Gaming Control Agency cites §§ 9-1A-02(b) and 9-1A-04(d) of the State Government Article as authority for the regulations. Section 9-1A-02(b) provides that the agency must provide assistance to the commission in the performance of the commission's duties and § 9-1A-04(d) provides that the commission must adopt regulations, including rules for table game operations. This authority is correct and complete. The regulations comply with the legislative intent of the law.

Reason for Emergency Status

The agency requests emergency status to begin March 2, 2015 and to expire June 29, 2015. This emergency period is within normal timeframes approved by the committee. The agency states that it wants to allow casinos to offer the new poker games and to establish procedures for operating these games.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations implement procedural rules for specified new table games. The agency advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget because the regulations are procedural in nature and do not directly affect governmental finances.

Agency Estimate of Projected Small Business Impact

The agency advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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