

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Maryland State Lottery and Gaming Control Agency
(DLS Control No. 15-047)**

Overview and Legal and Fiscal Impact

This regulation requires a gaming facility operator with a floor plan that includes an outdoor gaming area to submit specified documents to the Maryland State Lottery and Gaming Control Commission regarding the outdoor area.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Maryland State Lottery and Gaming Control Agency:

Gaming Provisions: Facility Standards: COMAR 36.03.11.05

Legal Analysis

Background

In 2014, in order to permit smoking and gaming to be held at the same time, the Horseshoe Casino in Baltimore City became the first casino in the State to offer outdoor slots. The regulations that cover standards for gaming facilities include a requirement that a facility operator submit a floor plan depicting its gaming floor and all restricted areas to the commission for review and written approval (see COMAR 36.03.11.05A). The minimum requirements for a gaming floor plan are provided in the regulation (see COMAR 36.03.11.05C).

Summary of Regulation

The regulation requires that, if a facility has a gaming floor that includes an outdoor area, the facility operator's gaming floor plan include (1) the amenities that the operator intends to offer in the outdoor area; (2) an affidavit from the facility's chief executive officer attesting that the outdoor area and its intended use meet all applicable State and local requirements; and (3) a plan for player and equipment safety during inclement weather.

Legal Issue

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Maryland State Lottery and Gaming Control Agency cites § 9-1A-04 of the State Government Article as authority for this regulation. More specifically, § 9-1A-04(d) provides that the commission shall adopt regulations defining and limiting the areas of operation and the methods of operation for video lottery terminals and table games.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation implements procedural rules for outdoor gaming areas. The agency advises that the regulation has 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.

Agency Estimate of Projected Small Business Impact

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

Contact Information

Legal Analysis: John J. Joyce – (410) 946/(301) 970-5350

Fiscal Analysis: Heather N. Ruby – (410) 946/(301) 970-5510