

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulations
Maryland State Lottery and Gaming Control Agency
(DLS Control No. 15-128)**

Overview and Legal and Fiscal Impact

These regulations alter the rules of the table game blackjack by repealing the requirement that a table contain the language “Dealer shall draw to 16 and stand on all 17s” and also allowing the Super 4 Progressive side wager.

The regulations present no legal issues of concern.

There is no material fiscal impact on State or local agencies.

Regulations of COMAR Affected

Maryland State Lottery and Gaming Control Agency:

Table Games: Blackjack Rules: COMAR 36.05.04.02, .06, and .13

Legal Analysis

Summary of Regulations

Standing on 17 (36.05.04.02)

In the game of blackjack, players draw cards and try to reach a total that is higher than the dealer without going over 21. Section .02B(3)(c) currently requires the layout for a blackjack table to contain the statement “Dealer shall draw to 16 and stand on all 17s” or similar language. These regulations repeal the requirement that the table contain language instructing the dealer to draw or stand on certain numbers.

Super 4 Progressive Wager (36.05.04.02, .06, .13)

New Regulation .06G(13) authorizes a facility operator to offer a player who places a blackjack wager the option of placing a Super 4 Progressive Wager. The Super 4 Progressive Wager is a wager that the dealer will have blackjack, and the player’s initial two cards will form a specified type of poker hand. As amended, Regulation .02B(4) requires the layout of a blackjack table to contain a separate area designated for the placement of each player’s Super 4 Progressive Wager if the facility operator offers that wager. As amended, Regulation .02D requires a facility operator that offers the Super 4 Progressive Wager to have a progressive table game system for the placement of the wagers. New Regulations .013H and I establish the paytables and rate of progression required to be used for the Super 4 Progressive Wager.

The regulations also make several nonsubstantive stylistic changes.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The 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) requires the State Lottery and Gaming Control Commission, with the assistance of the Maryland State Lottery and Gaming Control Agency, to regulate the operation of table games. Section 9-1A-04(d)(6) requires the commission to adopt regulations that define and limit the rules and odds of table games.

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 July 13, 2015, and to expire January 8, 2016. This period is within normal timeframes approved by the committee. The agency states that the reason for emergency status is that the regulations must be in place before a casino can offer the Super 4 Progressive Wager or remove the inscription on a table that a “Dealer shall draw to 16 and stand on all 17s”.

Fiscal Analysis

There is no material fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations alter procedural rules relating to the table game of blackjack. The agency advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs that the regulations have no material fiscal impact on State or local governments. While repealing the requirement that a dealer must stand on all 17s increases the house advantage, it is unlikely that repealing the requirement has a material effect on gaming revenues.

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

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