

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulations
Maryland State Lottery and Gaming Control Agency
(DLS Control No. 15-129)**

Overview and Legal and Fiscal Impact

These emergency/proposed regulations allow gaming facility operators to offer a new poker game, Double Draw Poker, including the setting of wagers, payout odds, and rankings, and also establish procedures for dealing cards and determining completion of game play.

The regulations present no legal issues of concern.

Regulations of COMAR Affected

Maryland State Lottery and Gaming Control Agency:

Table Games: Double Draw Poker Game: COMAR 36.05.19.01-.13

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

The emergency/proposed regulations define certain terms, including “ante”, “bonus”, “first draw”, and “second draw” wagers (COMAR 36.05.19.01). The seating requirements for the tables that can be used in Double Draw Poker are provided (COMAR 36.05.19.02A). A facility operator is required to submit the layout for a table to the State Lottery and Gaming Control Commission for approval; this layout must include certain minimum requirements, such as designated areas for making different wagers, locations for drop and tip boxes, and inscriptions advising players of odds and payout limits (COMAR 36.05.19.02B-E).

The regulations provide rules for the number and appearance of card decks and requirements for the changing of decks at specific intervals (COMAR 36.05.19.03). The procedures for opening a table for gaming are provided, including the inspection of cards (COMAR 36.05.19.04). Rules for the shuffling and cutting of cards are also specified (COMAR 36.05.19.05).

The ranking of cards in Double Draw Poker is listed, including the use of an ace in a straight or straight flush and the use of the joker (COMAR 36.05.19.06). The regulations also specify how and when wagers may be made in a Double Draw poker game. (COMAR 36.05.19.07).

The regulations provide for how cards are to be dealt from a manual dealing shoe (COMAR 36.05.19.08), dealing from the hand (COMAR 36.05.19.09), and dealing from an automated dealing shoe (COMAR 36.05.19.10), including how misdeals are to be declared and handled.

The regulations specify procedures for completing a round of play, including the placement of bets (COMAR 36.05.19.11). The regulations also provide payout odds (COMAR 36.05.19.12).

Finally, the regulations provide procedures for handling certain irregularities during play, like finding cards face-up in the deck or the malfunctioning of a shuffling device or dealing shoe (COMAR 36.05.19.13).

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) requires the agency to provide assistance to the State Lottery and Gaming Control Commission in the performance of the commission's duties, and § 9-1A-04(d) requires the commission to 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 July 13, 2015, and expire January 8, 2016. This emergency period is within the normal timeframes approved by the committee. The agency states this regulation must be in place to allow casinos to offer this table game.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations implement procedural rules for the table game of Double Draw Poker. 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.

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

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

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