

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
06/29/2015		
Emergency Status Approved		Document Number
-Yes-No		
Emergency Status Begins On		Date of Publication in MD Register
On		
Emergency Status Ends On		
On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation

36 05 19 01 - .13

2. Name of Promulgating Authority

Maryland State Lottery and Gaming Control Agency

3. Name of Regulations Coordinator

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5. Check applicable items:

- New Regulations

- Amendments to Existing Regulations

- Repeal of Existing Regulations

- Incorporation by Reference of Documents Requiring DSD Approval

6. Date Requested for Emergency Status to Begin: 7/13/2015

Date Requested for Emergency Status to Expire: 1/8/2016

7. Agency Will Take the Following Action on These Regulations

- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126

- Allow them to expire

8. Is there proposed text which is identical to emergency text:

- Yes - No

If yes, corresponding proposed text published in:

- same issue

- future issue

- previous issue; it appeared in

: Md. R

(vol.) (issue) (page no's) (date)

Under Maryland register docket no.: --E.

9. Check the following item if it is included in the attached document:

- 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.)

10. Reason for Request for Emergency Status

These are new table game regulations under COMAR 36.05.19: Double Draw Poker that a facility operator can offer to patrons. The adoption of these poker games rules would set the wagers, payout odds, and rankings for this poker style game, and establish the procedures for dealing cards and determining completion of game play.

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 June 18, 2015. A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Gordon Medenica

Title

Director

Telephone No.

(410) 230-8790

Date

June 29, 2015

Title 36
MARYLAND STATE LOTTERY AND GAMING
CONTROL AGENCY

Subtitle 05 TABLE GAMES

36.05.19 Double Draw Poker Game

Authority: 36.05.19: State Government Article, §§9-1A-02(b) and 9-1A-04(d),
Annotated Code of Maryland

Notice of Emergency Action

□

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations .01 - .13 under COMAR 36.05.19 Double Draw Poker Game.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

The emergency action has no economic impact.

Economic Impact on Small Businesses

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

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

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:

The regulations merely allow a facility operator to offer a new poker game under COMAR 36.05.19: Double Draw Poker, to set the wagers, payout odds, and rankings for this poker style game, and to establish procedures for dealing cards and determining completion of game play.

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

The regulations merely allow a facility operator to offer a new poker game under COMAR 36.05.19: Double Draw Poker, to set the wagers, payout odds, and rankings for this poker style game, and to establish procedures for dealing cards and determining completion of game play.

G. Response to small business worksheet:

Attached Document:

36.05.19 Double Draw Poker Game

Authority: State Government Article, §§9-1A-02(b) and 9-1A-04(d), Annotated Code of Maryland

ALL NEW

.01 Definitions.

A. In this chapter the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Ante Wager" means an initial wager a player must make prior to any cards being dealt.
- (2) "Bonus Wager" means an additional wager made by a player, in an amount not to exceed the amount of the player's Ante Wager, that a player must make prior to any cards being dealt.
- (3) "First Draw Wager" means an additional wager made by a player, in an amount not to exceed the amount of the player's Ante Wager, after all actions have resolved following the Ante Wager.
- (4) "Hand" means the Double Draw Poker hand that is held by each player after the cards are dealt.
- (5) "Round of play" means one complete cycle of play during which all players playing at the table have placed one or more wagers, been dealt a hand or replacement cards, and had their wagers paid or collected.
- (6) "Second Draw Wager" means an additional wager made by a player, in an amount not to exceed the amount of the player's Ante Wager, after all actions have resolved following the First Draw.
- (7) "Suit" means one of the four categories of cards: club, diamond, heart, or spade.

.02 Double Draw Poker Tables.

A. Double Draw Poker shall be played on a table that has:

- (1) Betting positions for no more than six players on one side of the table; and
- (2) A place for the dealer on the opposite side of the table.

B. A facility operator shall submit to the Commission for approval the layout for a Double Draw Poker table that contains, at a minimum:

- (1) The name or logo of the facility operator;
- (2) Four separate designated betting areas at each player position for the placement of the Ante Wager, Bonus Wager, First Draw Wager, and Second Draw Wager;
- (3) A separate designated area for the placement of the player's discarded cards;
- (4) An inscription that advises a player of the payout odds or amounts for all permissible wagers offered by the facility operator;
- (5) An inscription that advises a player a joker may be used as an ace or to complete any straight or flush;
- (6) Inscriptions that advise players of the payout limit per hand established by the facility operator under Regulation .12 of this chapter; and
- (7) If the payout odds or amounts, advice pertaining to use of a joker, or payout limits required under §B(4), (5) and (6) of this regulation are not inscribed on the layout, a sign identifying the payout odds or amounts, advice pertaining to use of a joker, or payout limits shall be posted at each Double Draw Poker table.

C. A Double Draw Poker table shall have a drop box and a tip box attached on the same side of the table, but on opposite sides of the dealer, as approved by the Commission under COMAR 36.05.03.16.

D. When a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table, but on opposite sides of the dealer, the Commission may approve an alternative location for the tip box from the location required under §D of this regulation.

E. Each Double Draw Poker table shall have a discard rack securely attached to the top of the dealer's side of the table.

.03 Cards; Number of Decks.

A. Except as provided in §B of this regulation, Double Draw Poker shall be played with one deck of cards including two joker cards that has:

- (1) Cards that are identical in appearance; and
- (2) One cover card.

B. If an automated card shuffling device is used, Double Draw Poker may be played with two decks of cards in accordance with the following requirements:

- (1) The cards in each deck must be of the same design;
- (2) The backs of the cards in one deck must be of a different color than the backs of the cards in the other deck;
- (3) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game;
- (4) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play; and
- (5) The cards from only one deck shall be placed in the discard rack at any given time.

C. The decks of cards used in Double Draw Poker shall be changed at least every:

- (1) If the cards are dealt by hand, 4 hours; and

(2) If the cards are dealt from a manual or automated dealing shoe, 8 hours.

.04 Opening a Table for Gaming.

A. After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects and a floorperson assigned to the table shall verify the inspection.

B. After the cards are inspected, the dealer shall spread the cards out face up on the table, in horizontal fan shaped columns by deck according to suit and in sequence, for visual inspection by the first player to arrive at the table.

C. After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the dealer shall:

- (1) Turn the cards face down on the table;
- (2) Mix the cards thoroughly by a washing them; and
- (3) Stack the cards.

D. After the cards have been stacked, the dealer shall shuffle them in accordance with Regulation .05 of this chapter.

E. If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread out for inspection, mixed, stacked and shuffled in accordance with §§A—D of this regulation.

F. If the decks of cards received at the table are pre-inspected and pre-shuffled, §§A—E of this regulation do not apply.

.05 Shuffling and Cutting the Cards.

A. Unless the cards were preshuffled, the dealer shall shuffle the cards so that the cards are randomly intermixed, manually or with an automated card shuffling device:

- (1) Immediately prior to commencement of play;
- (2) After each round of play has been completed; or
- (3) When directed by a floor person or above.

B. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack.

C. A facility operator may use an automated card shuffling device which inserts the stack of cards directly into a dealing shoe after shuffling is complete.

D. After the cards have been shuffled and stacked, the dealer shall:

- (1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with Regulations .08, .09, or .10 of this chapter; or
- (2) If the cards were shuffled manually or were preshuffled, cut the cards in accordance with the procedures in §F of this regulation.

E. The deck shall be removed from the table if an automated card shuffling device:

- (1) Is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present; and
- (2) Reveals that an incorrect number of cards are present.

F. Cutting the Cards.

(1) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack.

(2) After the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack.

(3) The dealer shall then insert the stack of cards into the dealing shoe for commencement of play.

G. After the cards have been cut and before the cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

H. If there is no gaming activity at a Double Draw Poker table that is open for gaming, the dealer shall:

- (1) Remove the cards from the dealing shoe and discard rack;
- (2) Spread out the cards on the table either face up or face down;
- (3) If the cards are spread face down, turn the cards face up when a player arrives at the table; and
- (4) After the first player arriving at the table is afforded an opportunity to visually inspect the cards, complete the procedures again in Regulation .04 of this chapter and this regulation.

I. Sections D—F of this regulation do not apply if a facility operator uses a dealing shoe, or other device that automatically reshuffles and counts the cards, which was submitted to, and approved by, the Commission prior to its use in a licensed facility.

.06 Double Draw Poker Rankings.

A. In order of highest to lowest rank, the rank of cards used in Double Draw Poker is: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2.

B. Notwithstanding §A of this regulation:

- (1) An ace:
 - (a) May be used to complete a straight flush or straight with a 2, 3, 4, and 5; and

(b) May not be combined with any other sequence of cards including a sequence of queen, king, ace, 2, and 3.

(2) A joker:

(a) May be substituted as a card of any rank to complete a wild royal flush, straight flush, flush, or a straight as described in §D of this regulation; and

(b) A joker may be substituted as an ace of any suit for all other hands.

C. All suits are equal in rank.

D. In order of highest to lowest rank, the permissible Poker hands in the game of

Double Draw Poker are:

(1) Five Aces, which is a hand consisting of either four aces and joker, or three aces and two jokers;

(2) Natural Royal flush, which is a hand consisting of an ace, king, queen, jack, and 10, all of the same suit;

(3) Wild Royal flush, which is a hand consisting of an ace, king, queen, jack, and 10, all of the same suit, with one or more jokers used as substitute for any cards in the hand;

(4) Straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking, of which:

(a) King, queen, jack, 10 and 9 is the highest ranking straight flush; and

(b) Ace, 2, 3, 4 and 5 is the lowest straight flush;

(5) Four-of-a-kind, which is a hand consisting of four cards of the same rank, regardless of suit;

(6) Full house, which is a hand consisting of three-of-a-kind and a pair of the same rank, regardless of suit;

(7) Flush, which is a hand consisting of five cards of the same suit;

(8) Straight, which is a hand consisting of five cards of consecutive rank, regardless of suit, of which:

(a) An ace, king, queen, jack, and 10 is the highest ranking straight; and

(b) Ace, 2, 3, 4, and 5 is the lowest ranking straight;

(9) Three-of-a-kind, which is a hand consisting of three cards of the same rank regardless of suit; and

(10) Two pairs, which is a hand consisting of two pairs, of which:

(a) Two aces and two kings is the highest ranking two pair; and

(b) Two 3s and two 2s is the lowest ranking two pair.

.07 Wagers.

A. A player shall make a wager at Double Draw Poker by placing a value chip, plaque, or other Commission-approved table game wagering instrument on the appropriate areas of the table layout.

B. Placing Wagers.

(1) Only a player who is seated at a Double Draw Poker table may wager at the game.

(2) After a player has placed a wager and received cards, the player shall remain seated until the completion of the round of play.

(3) If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as a losing wager.

C. All wagers at Double Draw Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in Regulations .08—.10 of this chapter.

D. Except as provided in Regulation .11 of this chapter, a wager may not be made, increased, or withdrawn after the dealer has announced "no more bets".

E. Double Draw Poker Wagers.

(1) A player competes solely against the posted payable by placing an Ante Wager and Bonus Wager of equal amounts, in accordance with Regulation .11 of this chapter;

(2) To continue, a player shall place the First Draw Wager, equal to the Ante Wager, in accordance with Regulation .11 of this chapter.

(3) To continue, a player shall place the Second Draw Wager, equal to the Ante Wager, in accordance with Regulation .11 of this chapter.

.08 Procedures for Dealing Cards from a Manual Dealing Shoe.

A. If a manual dealing shoe is used, it shall be located on the table in a location approved by the Commission.

B. After the procedures required under Regulation .05 of this chapter have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

C. Prior to dealing any cards, the dealer shall announce "no more bets".

D. The dealer shall:

(1) Remove each card from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and place each card on the appropriate area of the layout with the opposite hand;

(2) Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to a player who has placed a wager in accordance with Regulation .11 of this chapter; and

(3) After five cards have been dealt to each player:

(a) Remove the stub from the manual dealing shoe; and

(b) Except as provided in §E of this regulation, place the stub in the discard rack without exposing the cards.

E. If an automated card shuffling device described in Regulation .05B of this chapter is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck.

F. Determining the Number of Cards.

(1) The dealer shall determine the number of cards in the stub as required under §E of this regulation by counting the cards face down on the layout.

(2) If the count of the stub indicates that 54 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(3) If the count of the stub indicates that the number of cards in the deck is not 54, the dealer shall determine if the cards were misdealt.

(4) If 54 cards remain in the deck but the cards were misdealt so that a player has more or less than 5, all hands are void and the dealer shall return all wagers to the players.

(5) If the cards were not misdealt, all hands are void and the dealer shall return all wagers to the players and remove the entire deck of cards from the table.

.09 Procedures for Dealing the Cards from the Hand.

A. Requirements. If the cards are dealt from the dealer's hand, the following requirements shall be met:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under Regulation .05 of this chapter have been completed, the dealer shall place the stacked deck of cards in either hand.

(3) After the dealer has chosen the hand in which the dealer will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play.

(4) The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(5) Before dealing any cards, the dealer shall announce "no more bets".

B. The dealer shall:

(1) Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to a player who has placed a wager in accordance with Regulation .11 of this chapter; and

(2) After five cards have been dealt to each player:

(a) Remove the stub from the manual dealing shoe; and

(b) Except as provided in §C of this regulation, place the stub in the discard rack without exposing the cards.

C. If an automated card shuffling device described in Regulation .05B of this chapter is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck.

D. Determining the Number of Cards.

(1) The dealer shall determine the number of cards in the stub as required under §B(2) of this regulation by counting the cards face down on the layout.

(2) If the count of the stub indicates that 54 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(3) If the count of the stub indicates that the number of cards in the deck is not 54, the dealer shall determine if the cards were misdealt.

(4) If 54 cards remain in the deck but the cards were misdealt so that a player has more or less than 5, all hands are void and the dealer shall return all wagers to the players.

(5) If the cards were not misdealt, all hands are void and the dealer shall return all wagers to the players and remove the entire deck of cards from the table.

.10 Procedures for Dealing Cards from an Automated Dealing Shoe.

A. Requirements. If the cards are dealt from an automated dealing shoe, the following requirements shall be met:

(1) After the procedures required under Regulation .05 of this chapter have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the dealing shoe dispensing any stacks, the dealer shall announce "no more bets".

B. The dealer shall:

(1) Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal a stack of five cards dispensed from the automated dealing shoe or shuffler to each player who has placed a wager in accordance with Regulation .11 of this chapter; and

(2) After each stack of five cards has been dispensed and delivered:

(a) Remove the stub from the automated dealing shoe; and

(b) Except as provided in §C of this regulation, place the cards in the discard rack without exposing the cards.

C. Determining the Number of Cards.

(1) If the count of the stub indicates that 54 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(2) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt.

(3) If 54 cards remain in the deck but the cards were misdealt so that a player has more or less than 5 cards, all hands are void and the dealer shall return all wagers to the players.

(4) If the cards were not misdealt, all hands are void and the dealer shall return all wagers to the players and remove the entire deck of cards from the table.

.11 Procedures for Completing a Round of Play.

A. *Player's Cards - Requirements.* After the dealing procedures required under Regulations .08, .09, and .10 of this chapter have been completed, a player shall examine the player's cards subject to the following limitations:

(1) A player who wagers at Double Draw Poker is responsible for the player's hand.

(2) No individual other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(3) A player shall keep the player's five cards in full view of the dealer at all times.

B. All players shall examine all cards received from the dealer and place the cards face down on the layout.

C. *Wagering.*

(1) Beginning with the player farthest to the dealer's left and moving clockwise around the table, the dealer shall ask each player who has placed an ante and bonus wager if the player wishes to place a First Draw Wager or fold.

(2) A player shall:

(a) Place the additional First Draw Wager in an amount equal to the player's Ante Wager on the designated betting area of the layout; or

(b) Fold the hand and surrender the Ante Wager and Bonus Wager.

(3) The dealer shall announce "no more bets" after all players have made a decision.

(4) If a player placed the First Draw Wager, the player may discard up to three cards, face down, in the designated position on the table layout.

(5) The dealer shall immediately collect all discarded cards and place the cards in the discard rack.

(6) The dealer shall replace the discarded cards with new cards, face down, until the player holds five cards.

(7) Starting with the player farthest to the dealer's left and moving clockwise around the table, the dealer shall ask each player if the player wishes to place a Second Draw Wager or fold.

(8) The player shall:

(a) Place the additional Second Draw Wager in an amount equal to the player's Ante Wager on the designated betting area of the layout; or

(b) Fold the hand and surrender the Ante Wager, Bonus Wager, and First Draw Wager.

(9) The dealer shall announce "no more bets" after all players have made a decision.

(10) If a player places the Second Draw Wager, the player may discard one of the player's cards, face down, in the designated position on the table layout.

(11) The dealer shall immediately collect all discarded cards and place them in the discard rack.

(12) The dealer shall replace the discarded cards with new cards, face down, until a player holds five cards in the player's hand.

D. Starting with the player farthest to the dealer's left and moving clockwise around the table, the dealer shall:

(1) Turn the five cards of the player face up on the layout;

(2) Examine the cards of the player and form the highest ranking five-card Poker hand for each player; and

(3) Settle all Double Draw Poker Wagers of a player by collecting losing wagers and paying winning wagers in accordance with Regulation .12 of this chapter.

E. All cards shall remain face up on the layout until the dealer has settled all wagers.

F. After all wagers of the player have been settled, the dealer shall:

(1) Remove all remaining cards from the table; and

(2) Place the cards from the table in the discard rack in a manner that permits the reconstruction of each hand if there is a question or dispute.

.12 Payout Odds.

A. A facility operator shall pay each winning Ante Wager and Draw Wager at odds of 1 to 1.

B. A facility shall pay each winning Bonus Wager at odds in one of the following paytables:

(1) Paytable A:

(a) For Five Aces the payout is 500 to 1;

(b) For a Natural Royal Flush the payout is 100 to 1;

(c) For a Wild Royal Flush the payout is 50 to 1;

(d) For a Straight Flush the payout is 50 to 1;

(e) For Four-of-a-Kind the payout is 20 to 1;

(f) For a Full House the payout is 5 to 1;

(g) For a Flush the payout is 3 to 1;

(h) For a Straight the payout is 2 to 1;

(i) For a Three-of-a-kind the payout is 1 to 1; or

(j) For Two Pair the payout is a push; or

(2) Paytable B:

- (a) For Five Aces the payout is 500 to 1;
- (b) For a Natural Royal Flush the payout is 100 to 1;
- (c) For a Wild Royal Flush the payout is 50 to 1;
- (d) For a Straight Flush the payout is 50 to 1;
- (e) For Four-of-a-Kind the payout is 20 to 1;
- (f) For a Full House the payout is 5 to 1;
- (g) For a Flush the payout is 3 to 1;
- (h) For a Straight the payout is 2 to 1;
- (i) For a Three-of-a-kind the payout is a push; or
- (j) For Two Pair the payout is a push.

.13 Irregularities.

A. A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack.

B. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands are void, and the dealer shall return all wagers to the players and reshuffle the cards.

C. A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

D. The cards shall be reshuffled if an automated card shuffling device is in use and jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle.

E. If an automated dealing shoe is in use and jams, stops dealing cards, or fails to deal cards during a round of play, the round of play is void, and the dealer shall return all wagers to the players and remove the cards from the device and reshuffle the cards with any cards already dealt.

F. If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, before another method of shuffling or dealing may be used at that table, the automated card shuffling device or automated dealing shoe shall be:

(1) Covered; or

(2) Marked with a sign indicating that the automated card shuffling device or automated dealing shoe is out of order.