

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/17/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/16/2015

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
36	02	01	01
36	02	03	02
36	02	04	03, .06
36	02	05	01
36	02	06	11

3. Name of Promulgating Authority

Maryland State Lottery and Gaming Control Agency

4. Name of Regulations Coordinator **Telephone Number**
James B Butler 410-230-8781

Mailing Address

1800 Washington Blvd., Ste. 330

City **State** **Zip Code**
Baltimore MD 21230

Email
jbutler@maryland.gov

5. Name of Person to Call About this Document

James B. Butler

Telephone No.

(410) 230-8781

Email Address

jbutler@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: September 15, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: 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.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

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) 230-8781) on August 27, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Gordon Medenica

Title

Telephone No.

Director

(410) 230-8790

Date

September 17, 2015

Title 36
MARYLAND STATE LOTTERY AND GAMING
CONTROL AGENCY

Subtitle 02 LOTTERY PROVISIONS

36.02.01 General

Subtitle 02 LOTTERY PROVISIONS

36.02.03 Retailer Requirements

Subtitle 02 LOTTERY PROVISIONS

36.02.04 Common Provisions for All Lottery Games

Subtitle 02 LOTTERY PROVISIONS

36.02.05 Specific Game Provisions

Subtitle 02 LOTTERY PROVISIONS

36.02.06 Claims Procedures

Authority: 36.02.01: State Government Article, §9-110, Annotated Code of Maryland; 36.02.03: State Government Article, §9-110, Annotated Code of Maryland; 36.02.04: State Government Article, §9-110, Annotated Code of Maryland; 36.02.05: State Government Article, §9-110, Annotated Code of Maryland; and 36.02.06: State Government Article, § 9-110, Annotated Code of Maryland.

Notice of Proposed Action

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The Maryland Lottery and Gaming Control Agency proposes to amend Regulation .01 under COMAR 36.02.01 General;
amend Regulation .02 under COMAR 36.02.03 Retailer Requirements;
amend Regulations .03 and .06 under COMAR 36.02.04 Common Provisions for All Lottery Games;
amend Regulation .01 under COMAR 36.02.05 Specific Game Provisions; and
amend Regulation .11 under COMAR 36.02.06 Claims Procedures.

This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on August 27, 2015, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to (1) Define the term “electronic Playslip” or “ePlayslip” as an electronically generated game play selection process using an official web or mobile application issued by the Agency which is used by a player to select playable game numbers;

(2) Allows for the inclusion of an ePlayslip as an acceptable method for a player to purchase a Lottery ticket;

(3) Allow for the inclusion of ePlayslip as an option for Monitor game play;

(4) Allow Lottery retailer to process an E-Playslip as an acceptable method for selling a Lottery ticket; and

(5) Clarify that the Agency is not responsible or liable for outdated or incorrect ePlayslip or consumer game information.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to James B. Butler, Director of Legislative and Policy Affairs, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call (410) 230-8781, or email to jbutler@maryland.gov, or fax to (410) 230-8727. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

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:

General (Lottery 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:

To define the term “electronic Playslip” or “ePlayslip” as an electronically generated game play selection process using an official web or mobile application used by a player at a Lottery retailer location as an acceptable method to select playable game numbers in order to conveniently purchase a Lottery ticket and play a monitor games.

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

To define the term “electronic Playslip” or “ePlayslip” as an electronically generated game play selection process using an official web or mobile application used by a player at a Lottery retailer location as an acceptable method to select playable game numbers in order to conveniently purchase a Lottery ticket and play a monitor games.

G. Small Business Worksheet:

Attached Document:

(September 15, 2015)

36.02.01 General

Authority: State Government Article, §9-110, Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) – (9) (text unchanged)

(10) “EPlayslip” means an electronically-generated game play selection process using an official web or mobile application issued by the Agency that is used by a player to select the purchaser’s playable numbers.

[(10)] (11) – [(25)] (26) (text unchanged)

[(26)] (27) “Playslip” means a card issued by the Agency used by a player to select [his] the purchaser’s playable numbers.

[(27)] (28) – [(33)] (34) (text unchanged)

36.02.03 Retailer Requirements

Authority: State Government Article, §9-110, Annotated Code of Maryland

.02 Sale of Lottery Tickets.

A. – B. (text unchanged)

C. Playslip or ePlayslip Purchase Procedure. If a player wishes to purchase a ticket using a playslip or an ePlayslip, the retailer shall:

- (1) Process the playslip *or ePlayslip* through the ticket terminal; and
- (2) (text unchanged)
- D. (text unchanged)

36.02.04. Common Provisions for All Lottery Games

Authority: State Government Article, §9-110, Annotated Code of Maryland

.03 Methods of Purchase.

A. Playslips *and ePlayslips*.

- (1) [A playslip is] *The following are* not valid as a receipt to claim a prize or proof of purchase of a ticket[.] :
 - (a) A playslip; or
 - (b) An ePlayslip.
- (2) If a playslip *or an ePlayslip* may be used to play an on-line game, the playslip *or ePlayslip* shall be available at no cost to the purchaser and may be used by the purchaser for selection of numbers.
- (3) (text unchanged)
- (4) Except for monitor games, if game play by playslip or ePlayslip is authorized and a playslip *or an ePlayslip* is unavailable, the retailer shall manually enter into the ticket terminal the numbers selected by the player.
- (5) For monitor games, a retailer may require players to use a playslip *or an ePlayslip*.
- (6) (text unchanged)

B. (text unchanged)

C. *Purchase by ePlayslip.*

- (1) *If a game may be played using an ePlayslip and the player chooses to play by ePlayslip, the purchaser shall present a completed ePlayslip to the retailer.*
- (2) *A player may play as many panels or play areas as are available on the ePlayslip.*
- (3) *A player shall select all necessary areas on the ePlayslip.*
- (4) *If a player does not select all necessary areas, the retailer shall return the ePlayslip to the player.*
- (5) *A ticket produced by an invalid ePlayslip is invalid.*

[C.] (D.) Purchase Using a Player Activated Terminal. If a game may be played using a player activated terminal, the player shall:

- (1) (text unchanged)
 - (2) Insert a playslip *or an ePlayslip* if the desired game accepts player-selected numbers.
- [D.] (E.) (text unchanged)

.06 Agency Not Liable.

The Agency is not responsible or liable for:

- A. – C. (text unchanged)
- D. An outdated or incorrect playslip, *ePlayslip*, or consumer [brochure] *game information*;
- E. – G. (text unchanged)

36.02.05 Specific Game Provisions

Authority: State Government Article, §9-110, Annotated Code of Maryland

.01 On-Line Games.

- A. – B. (text unchanged)
- C. Monitor Games.
 - (1) (text unchanged)
 - (2) A retailer may require use of a playslip *or an ePlayslip* for monitor games.
- D. (text unchanged)

36.02.06. Claims Procedures

Authority: State Government Article, §9-110, Annotated Code of Maryland

.11 Payment of a Lottery Prize.

- A. (text unchanged)
- B. On-line Game Ticket. The owner of a winning on-line game ticket:
 - (1) Shall win as specified in the consumer [brochure] *game information* for that game; and
 - (2) (text unchanged)
- C. – D. (text unchanged)

