

HOUSE BILL 159

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E1

1998 Regular Session
8lr0226

By: **Delegates Leopold, Marriott, McKee, C. Davis, E. Burns, M. Burns,
Greenip, Ports, Flanagan, Cadden, Schade, O'Donnell, Klima, Getty,
Morgan, and Rzepkowski**

Introduced and read first time: January 19, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Casino Gambling - Advertisements**

3 FOR the purpose of prohibiting a person from knowingly allowing the advertisement
4 of certain activities related to commercial casino gambling; specifying certain
5 activities to which this Act applies; providing certain penalties; requiring that
6 the fines collected for the violation of this Act be used solely for a certain
7 purpose; defining certain terms; and generally relating to the advertisement of
8 commercial casino gambling activities.

9 BY adding to
10 Article 27 - Crimes and Punishments
11 Section 262
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Health - General
16 Section 19-803
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1997 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Health - General
21 Section 19-804
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1997 Supplement)

24 Preamble

25 WHEREAS, Maryland has a substantial governmental interest in the health,
26 safety, and welfare of its citizens; and

1 WHEREAS, Commercial casino gambling is illegal in Maryland; and

2 WHEREAS, Maryland has a substantial governmental interest in discouraging
3 the demand for commercial casino gambling by the citizens of Maryland; and

4 WHEREAS, The existence of commercial casinos in several states adjacent or
5 close to Maryland may have a negative effect on the Maryland economy and
6 contribute to an increase in the number of Maryland citizens seeking assistance in
7 Maryland as problem and compulsive gamblers; and

8 WHEREAS, Commercial casino gambling establishments often advertise goods,
9 services, and entertainment, such as food, hotel rooms, and concerts, that do not
10 directly involve gambling to encourage individuals to participate in gambling
11 activities offered by the casino; and

12 WHEREAS, Commercial speech receives limited protection under the First
13 Amendment to the United States Constitution as interpreted by the United States
14 Supreme Court in *Central Hudson Gas & Electric Corp. v. Public Service Commission*,
15 447 U.S. 557 (1980) and subsequent cases; and

16 WHEREAS, The United States Congress, with certain exceptions, has banned
17 the radio or television broadcast of "any advertisement of or information concerning
18 any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in
19 part upon lot or chance" under 18 U.S.C. 1304; and has also banned the mailing of
20 "any newspaper, circular, pamphlet, or publication of any kind containing any
21 advertisement of any lottery, gift enterprise, or scheme" under 18 U.S.C. 1302; and

22 WHEREAS, A prohibition of the advertisement of commercial casino gambling
23 activities on Maryland television and radio stations, in Maryland print media, and on
24 Maryland billboards directly advances the interest of the State of Maryland in
25 discouraging the demand for commercial casino gambling activities; now, therefore,

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

28 **Article 27 - Crimes and Punishments**

29 262.

30 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
31 INDICATED.

32 (2) (I) "ADVERTISEMENT" MEANS A COMMERCIAL MESSAGE IN THE
33 STATE THAT IS:

34 1. BROADCAST BY A TELEVISION OR RADIO STATION IN THE
35 STATE;

1 (F) FINES COLLECTED UNDER THIS SECTION SHALL BE USED SOLELY TO
2 OPERATE THE CENTER FOR COMPULSIVE GAMBLERS ESTABLISHED UNDER § 19-803
3 OF THE HEALTH - GENERAL ARTICLE.

4 **Article - Health - General**

5 19-803.

6 As a pilot project, the Secretary shall establish a center for compulsive gamblers
7 at a place that the Secretary determines to be accessible to a major population center
8 of this State.

9 19-804.

10 (a) (1) The Secretary may make grants from or agreements for the use of
11 State and federal funds to help public agencies or nonprofit organizations operate the
12 center for compulsive gamblers and establish and operate local programs to provide
13 the following for compulsive gamblers:

- 14 (i) Inpatient services.
- 15 (ii) Outpatient services.
- 16 (iii) Partial care services.
- 17 (iv) Aftercare services.
- 18 (v) Consultative services.
- 19 (vi) Educational services.
- 20 (vii) Other preventive or rehabilitative services or treatment.

21 (2) Research and training that are designed to improve or extend these
22 services are proper items of expense.

23 (b) Services under this subtitle shall be provided by public agencies or, under
24 contract, by nonprofit organizations.

25 (C) FINES COLLECTED FOR THE VIOLATION OF ARTICLE 27, § 262 OF THE
26 CODE, WHICH PROHIBITS THE ADVERTISEMENT OF ACTIVITIES RELATED TO
27 COMMERCIAL CASINO GAMBLING, SHALL BE DEPOSITED IN A SPECIAL FUND TO BE
28 APPROPRIATED SOLELY TO OPERATE THE CENTER FOR COMPULSIVE GAMBLERS, IN
29 ACCORDANCE WITH THE STATE BUDGET.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1998.