
By: **Delegate Trueschler**

Introduced and read first time: February 12, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Gaming Facilities - Consumer Protections**

3 FOR the purpose of providing that if legislation is enacted providing for the operation
4 and licensing of gaming facilities in the State, the regulatory entity shall ensure
5 that licensees meet certain requirements relating to consumer protection;
6 prohibiting a licensee from allowing individuals who are under a certain age or
7 who are intoxicated from entering or remaining in an area where controlled
8 games are conducted; requiring the regulatory entity to establish by regulation,
9 a list of certain individuals to be mandatorily excluded or ejected by a licensee
10 from a gaming facility; requiring the regulatory entity to maintain a central
11 computer system that is electronically accessible to licensees that contains a
12 certain central database list; prohibiting a licensee from permitting an
13 individual to enter into a gaming facility unless the individual has presented
14 certain identification and a certain gaming card; requiring the regulatory entity
15 to procure and maintain certain equipment and personnel; requiring the
16 regulatory entity to produce certain gaming cards at the entrance to certain
17 gaming facilities and to operate a certain gaming card scanner; prohibiting the
18 regulatory entity from collecting certain information; requiring certain units of
19 State government to provide certain information; prohibiting certain factors
20 from being used as a reason for placing an individual on the central database
21 list; requiring the regulatory entity to adopt certain regulations to reduce or
22 mitigate the effects of problem gaming; requiring the regulatory entity to impose
23 certain sanctions if a licensee fails to meet certain requirements; defining
24 certain terms; and generally relating to gaming facilities and consumer
25 protection provisions.

26 BY adding to

27 Article - State Government

28 Section 9-1A-01 to be under the new subtitle "Subtitle 1A. Gaming - Consumer
29 Protection"

30 Annotated Code of Maryland

31 (1999 Replacement Volume and 2003 Supplement)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

33 MARYLAND, That the Laws of Maryland read as follows:

1

Article - State Government

2

SUBTITLE 1A. GAMING - CONSUMER PROTECTION.

3 9-1A-01.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (2) "CENTRAL DATABASE LIST" MEANS A CENTRAL DATABASE LIST
7 MAINTAINED BY THE REGULATORY ENTITY AND ELECTRONICALLY ACCESSIBLE TO
8 LICENSEES OF THE INDIVIDUALS ON THE:

9 (I) MANDATORY EXCLUSION LIST UNDER SUBSECTION (D) OF THIS
10 SECTION; AND

11 (II) VOLUNTARY EXCLUSION LIST UNDER SUBSECTION (G)(2) OF
12 THIS SECTION.

13 (3) (I) "CONTROLLED GAME" MEANS ANY GAME OF SKILL OR OF
14 CHANCE PLAYED WITH CARDS, DICE, OR WITH ANY MACHINE OR OTHER DEVICE FOR
15 MONEY, PROPERTY, CHECKS, CREDIT, OR ANYTHING OF VALUE, WHETHER THE
16 PAYOUT IS MADE AUTOMATICALLY FROM A MACHINE OR DEVICE OR IN ANY OTHER
17 MANNER.

18 (II) "CONTROLLED GAME" INCLUDES ROULETTE, KENO, BINGO,
19 FANTAN, TWENTY-ONE, BLACKJACK, CRAPS, POKER, WHEEL OF FORTUNE,
20 BACCARAT, SLOT MACHINE, VIDEO LOTTERY TERMINAL, OR ANY OTHER GAME OR
21 DEVICE APPROVED BY THE REGULATORY ENTITY.

22 (III) "CONTROLLED GAME" DOES NOT INCLUDE:

23 1. STATE LOTTERIES CONDUCTED UNDER SUBTITLE 1 OF
24 THIS TITLE;

25 2. WAGERING ON HORSE RACING CONDUCTED UNDER TITLE
26 11 OF THE BUSINESS REGULATION ARTICLE;

27 3. GAMING CONDUCTED BY A BONA FIDE FRATERNAL, CIVIC,
28 WELFARE, VETERANS', RELIGIOUS OR CHARITABLE ORGANIZATION, VOLUNTEER
29 FIRE COMPANY, OR SUBSTANTIALLY SIMILAR ORGANIZATION UNDER TITLES 12 AND
30 13 OF THE CRIMINAL LAW ARTICLE; AND

31 4. THE OPERATION OF SLOT MACHINES IN PRIVATE CLUBS
32 OPERATED IN ACCORDANCE WITH THE PROVISIONS OF TITLES 12 AND 13 OF THE
33 CRIMINAL LAW ARTICLE.

34 (4) "GAMING CARD" MEANS A FORM OF IDENTIFICATION THAT
35 INCLUDES:

1 (I) A LEGAL NAME, PHOTOGRAPH, BIRTH DATE, AND ADDRESS OF
2 THE CARDHOLDER; AND

3 (II) A BAR CODE, MAGNETIC STRIP, OR OTHER ELECTRONIC DATA
4 DEVICE THAT PERMITS THE IMMEDIATE IDENTIFICATION OF THE CARDHOLDER FOR
5 THE PURPOSE OF ENTERING AND REMAINING IN AREAS OF A GAMING FACILITY
6 WHERE VIDEO LOTTERY TERMINALS OR OTHER GAMING ACTIVITIES ARE
7 CONDUCTED.

8 (5) "GAMING CARD SCANNER" MEANS A COMPUTER SCANNER OR OTHER
9 ELECTRONIC DEVICE THAT SCANS GAMING CARDS, COMMUNICATES WITH THE
10 CENTRAL DATABASE, AND SIGNALS TO A LICENSEE WHETHER THE CARDHOLDER
11 MAY BE PERMITTED ENTRY TO THE GAMING FACILITY UNDER THIS SECTION.

12 (6) "GAMING FACILITY" MEANS A FACILITY LICENSED BY THE STATE
13 WHERE CONTROLLED GAMES ARE CONDUCTED.

14 (7) "LICENSEE" MEANS AN INDIVIDUAL OR BUSINESS ENTITY LICENSED
15 TO OPERATE OR MANAGE A GAMING FACILITY.

16 (8) "REGULATORY ENTITY" MEANS ANY ENTITY DESIGNATED BY THE
17 STATE TO REGULATE THE OPERATION AND LICENSING OF GAMING FACILITIES IN
18 THE STATE.

19 (B) IF LEGISLATION IS ENACTED PROVIDING FOR THE OPERATION AND
20 LICENSING OF GAMING FACILITIES IN THE STATE, THE REGULATORY ENTITY SHALL
21 ENSURE THAT AN INDIVIDUAL OR A BUSINESS ENTITY ISSUED A LICENSE TO
22 OPERATE OR MANAGE A GAMING FACILITY COMPLIES WITH THE REQUIREMENTS OF
23 THIS SECTION AS A CONDITION OF HOLDING THE LICENSE.

24 (C) A LICENSEE SHALL ENSURE THAT INTOXICATED INDIVIDUALS AND
25 INDIVIDUALS UNDER THE AGE OF 21 YEARS ARE NOT ALLOWED:

26 (1) TO PLAY CONTROLLED GAMES; AND

27 (2) TO ENTER OR REMAIN IN AREAS OF THE GAMING FACILITY
28 LOCATION WHERE CONTROLLED GAMES ARE LOCATED.

29 (D) (1) BY REGULATION, THE REGULATORY ENTITY SHALL PROVIDE FOR
30 THE ESTABLISHMENT OF A LIST OF INDIVIDUALS WHO ARE TO BE MANDATORILY
31 EXCLUDED OR EJECTED BY A LICENSEE FROM ANY GAMING FACILITY ESTABLISHED
32 IN THE STATE.

33 (2) THE REGULATIONS UNDER THIS SUBSECTION SHALL DEFINE THE
34 STANDARDS FOR EXCLUSION OR EJECTION AND SHALL INCLUDE STANDARDS
35 RELATING:

36 (I) TO INDIVIDUALS:

1 1. WHO ARE CAREER OFFENDERS AS DEFINED BY
2 REGULATIONS ADOPTED BY THE REGULATORY ENTITY;

3 2. WHO HAVE BEEN CONVICTED OF A CRIMINAL OFFENSE
4 UNDER THE LAWS OF THE UNITED STATES OR ANY JURISDICTION WITHIN THE
5 UNITED STATES THAT IS A CRIMINAL OFFENSE INVOLVING MORAL TURPITUDE OR A
6 GAMBLING OFFENSE; OR

7 3. WHOSE PRESENCE IN THE ESTABLISHMENT OF A
8 LICENSEE WOULD BE ADVERSE TO THE INTEREST OF THE STATE, THE LICENSEE, OR
9 THE PERSON; AND

10 (II) TO RESIDENTS OF THE STATE WHO:

11 1. ARE CHILD SUPPORT OBLIGORS IN ARREARS UNDER
12 TITLE 10 OF THE FAMILY LAW ARTICLE;

13 2. HAVE NOT PAID ALL UNDISPUTED AND PAST DUE TAXES
14 AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE
15 COMPTROLLER AND THE SECRETARY OF LABOR, LICENSING, AND REGULATION;

16 3. ARE MEDICAID RECIPIENTS, RECIPIENTS OF TEMPORARY
17 CASH ASSISTANCE, OR OTHER SIMILAR PUBLIC ASSISTANCE PROVIDED BY THE
18 STATE TO LOW INCOME INDIVIDUALS; OR

19 4. HAVE DECLARED BANKRUPTCY WITHIN THE PRIOR 5
20 CALENDAR YEARS.

21 (3) RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN OR ANCESTRY,
22 OR GENDER MAY NOT BE A REASON FOR PLACING THE NAME OF AN INDIVIDUAL ON
23 THE CENTRAL DATABASE LIST.

24 (E) THE REGULATORY ENTITY SHALL:

25 (1) PROCURE AND MAINTAIN A CENTRAL COMPUTER SYSTEM THAT IS
26 ELECTRONICALLY ACCESSIBLE TO ALL LICENSEES THAT CONTAINS A CENTRAL
27 DATABASE LIST OF THE INDIVIDUALS ON THE MANDATORY EXCLUSION LIST UNDER
28 SUBSECTION (D) OF THIS SUBSECTION AND ON THE VOLUNTARY EXCLUSION LIST
29 UNDER SUBSECTION (G)(2) OF THIS SECTION;

30 (2) PROCURE AND MAINTAIN EQUIPMENT AND HIRE ANY NECESSARY
31 PERSONNEL:

32 (I) TO PRODUCE GAMING CARDS OUTSIDE EACH ENTRANCE TO AN
33 AREA OF A GAMING FACILITY WHERE MORE THAN 1,000 CONTROLLED GAMES ARE
34 CONDUCTED; AND

35 (II) TO OPERATE A GAMING CARD SCANNER AT EACH ENTRANCE TO
36 AN AREA OF A GAMING FACILITY WHERE MORE THAN 1,000 CONTROLLED GAMES ARE
37 CONDUCTED;

1 (3) ESTABLISH AND ASSESS FEES TO OBTAIN A GAMING CARD THAT ARE
2 SUFFICIENT TO COVER ANY OF THE ADMINISTRATIVE COSTS ASSOCIATED THE
3 REQUIREMENTS OF THIS SECTION FOR THE REGULATORY ENTITY'S:

4 (I) EQUIPMENT AND PROCUREMENT COSTS; AND

5 (II) PERSONNEL COSTS.

6 (F) THE REGULATORY ENTITY MAY NOT COLLECT INFORMATION ON THE USE
7 OF GAMING CARDS BY INDIVIDUAL ON AN INDIVIDUAL BASIS BUT MAY COLLECT
8 AGGREGATE INFORMATION AS TO COMPLIANCE WITH THE REQUIREMENTS OF THIS
9 SECTION.

10 (G) A LICENSEE MAY NOT PERMIT AN INDIVIDUAL TO ENTER INTO A GAMING
11 FACILITY IN THE STATE UNLESS:

12 (1) THE INDIVIDUAL PRESENTS TO THE LICENSEE A VALID PHOTO
13 IDENTIFICATION CARD AND A GAMING CARD;

14 (2) THE LICENSEE EXAMINES THE VALID PHOTO IDENTIFICATION CARD
15 PRESENTED BY THE INDIVIDUAL AND REASONABLY CONCLUDES THAT THE
16 INDIVIDUAL PRESENTING THE CARD IS THE INDIVIDUAL ON THE IDENTIFICATION
17 CARD;

18 (3) THE LICENSEE EXAMINES THE GAMING CARD PRESENTED BY THE
19 INDIVIDUAL AND DETERMINES THAT THE INDIVIDUAL PRESENTING THE VALID
20 PHOTO IDENTIFICATION IS THE SAME INDIVIDUAL IDENTIFIED ON THE GAMING
21 CARD; AND

22 (4) THE GAMING CARD SCANNER SIGNALS TO THE LICENSEE THAT THE
23 INDIVIDUAL IS NOT ON THE CENTRAL DATABASE LIST.

24 (H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UNITS OF STATE
25 GOVERNMENT SHALL PROVIDE TO THE REGULATORY ENTITY ANY INFORMATION
26 NECESSARY TO CREATE, MAINTAIN, AND PROVIDE REGULAR UPDATES TO THE
27 CENTRAL DATABASE LIST UNDER THIS SECTION.

28 (I) (1) BY REGULATION, THE REGULATORY ENTITY SHALL ADOPT
29 MEASURES THAT ARE INTENDED TO REDUCE OR MITIGATE THE EFFECTS OF
30 PROBLEM GAMING.

31 (2) (I) THE REGULATIONS SHALL INCLUDE ESTABLISHMENT OF A
32 VOLUNTARY EXCLUSION LIST OF INDIVIDUALS WITH GAMING PROBLEMS WHO HAVE
33 REQUESTED TO BE EXCLUDED FROM ANY GAMING FACILITY LICENSED UNDER THIS
34 SUBTITLE.

35 (II) THE REGULATIONS UNDER THIS PARAGRAPH SHALL PROVIDE A
36 SIMPLE MECHANISM FOR AN INDIVIDUAL WHO IS SOBER AND INFORMED TO
37 REQUEST PLACEMENT ON THE VOLUNTARY EXCLUSION LIST FOR A SPECIFIED
38 PERIOD OF TIME.

1 (3) IN ORDER TO PROTECT THE PUBLIC INTEREST, THE REGULATIONS
2 SHALL INCLUDE PROVISIONS THAT:

3 (I) LIMIT THE NUMBER, LOCATION, AND MAXIMUM WITHDRAWAL
4 AMOUNTS FOR AUTOMATED TELLER MACHINES;

5 (II) REQUIRE PAYOUTS ABOVE AN AMOUNT ADOPTED BY THE
6 REGULATORY ENTITY TO BE MADE BY CHECK;

7 (III) REQUIRE CONSPICUOUS DISCLOSURES RELATED TO THE ODDS
8 AND PAYOUT OF VIDEO LOTTERY TERMINALS;

9 (IV) LIMIT THE DOLLAR AMOUNT THAT VIDEO LOTTERY TERMINALS
10 WILL ACCEPT;

11 (V) PROHIBIT THE USE OF SPECIFIED NEGOTIABLE INSTRUMENTS
12 AT VIDEO LOTTERY FACILITIES AND THE USE OF CREDIT CARDS, DEBIT CARDS, AND
13 SIMILAR DEVICES IN VIDEO LOTTERY TERMINALS;

14 (VI) PROVIDE CONSUMERS WITH A RECORD OF VIDEO LOTTERY
15 TERMINAL SPENDING LEVELS IF MARKETING MEASURES ARE UTILIZED THAT TRACK
16 CONSUMER SPENDING AT GAMING FACILITIES; AND

17 (VII) PROHIBIT VIDEO LOTTERY OPERATION LICENSES FROM
18 ENGAGING IN OR CONTRACTING WITH ANOTHER TO ENGAGE IN PREDATORY
19 MARKETING PRACTICES.

20 (H) THE REGULATORY ENTITY SHALL IMPOSE SANCTIONS ON A LICENSEE
21 AND MAY REVOKE A LICENSE IF THE LICENSEE FAILS TO MEET THE REQUIREMENTS
22 OF THIS SECTION, INCLUDING FAILURE TO EXCLUDE OR EJECT FROM THE PREMISES
23 OF THE LICENSEE AN INDIVIDUAL ON THE CENTRAL DATABASE LIST.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2004.