

HOUSE BILL 759

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CF 2lr2685

By: **Frederick County Delegation**

Introduced and read first time: February 3, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Electronic Tip Jar Machines – Authorization and**
3 **Regulation**

4 FOR the purpose of authorizing a person authorized to operate a tip jar in Frederick County
5 to operate an electronic tip jar machine if the person obtains a license for the machine
6 from the State Lottery and Gaming Control Commission; and generally relating to
7 electronic tip jar machines in Frederick County.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 12–301.1
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2021 Supplement)

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

15 **Article – Criminal Law**

16 12–301.1.

17 (a) In this subtitle, “Commission” means the State Lottery and Gaming Control
18 Commission.

19 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection **AND**
20 **SUBSECTION (F) OF THIS SECTION** and consistent with the provisions of this title and
21 Title 13 of this article, the Commission shall certify and regulate the operation, ownership,
22 and manufacture of an electronic gaming device authorized under this subtitle.

23 (2) This section does not apply to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) the ownership or operation of slot machines that are subject to
2 regulation by the Comptroller under § 12-304 of this title; and

3 (ii) paper tip jar gaming where authorized.

4 (3) (i) This paragraph applies only in Baltimore City and Baltimore
5 County.

6 (ii) If a local law enforcement agency refuses to enforce a provision
7 regarding the legal operation of amusement games, the Commission shall refer the matter
8 to the appropriate office of the State's Attorney.

9 (c) The Commission shall adopt regulations that:

10 (1) define lawful and unlawful electronic and mechanical equipment used
11 in connection with gaming devices that are consistent with this title;

12 (2) approve and license electronic gaming devices authorized under State
13 law;

14 (3) approve and license owners, operators, and manufacturers of electronic
15 gaming devices authorized under State law;

16 (4) establish procedures for the license application and renewal processes
17 required under this section; and

18 (5) establish license fees, effective on July 1, 2016, that are sufficient to
19 cover the direct and indirect costs of licensure required under this section.

20 (d) (1) The Commission may determine:

21 (i) that a county's licensing and regulatory process for electronic
22 gaming devices is equivalent to the State licensing and regulatory process required under
23 this section; and

24 (ii) that a county license for owning, operating, or manufacturing an
25 electronic gaming device in that county is equivalent to a State license.

26 (2) If the Commission does not make a determination under paragraph (1)
27 of this subsection, the regulations and licensing requirements of the Commission shall
28 supersede:

29 (i) the application of any county fees or regulations and licensing
30 requirements for electronic gaming devices under this subsection; or

1 (ii) a requirement for a county license for owning, operating, or
2 manufacturing an electronic gaming device under this subsection.

3 (e) [An] **EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, AN**
4 **electronic gaming device that is not licensed or otherwise operated in compliance with the**
5 **provisions of this section as of January 1, 2013, is an illegal gaming device that may not**
6 **legally operate in the State.**

7 **(F) (1) IN FREDERICK COUNTY, A PERSON AUTHORIZED TO OPERATE A**
8 **TIP JAR IN THE COUNTY UNDER § 13-1305 OF THIS ARTICLE MAY OPERATE AN**
9 **ELECTRONIC TIP JAR MACHINE IN THE COUNTY IF THE PERSON OBTAINS A LICENSE**
10 **FOR EACH MACHINE FROM THE COMMISSION.**

11 **(2) THE COMMISSION SHALL ADOPT REGULATIONS FOR THE**
12 **OPERATION AND LICENSING OF ELECTRONIC TIP JAR MACHINES UNDER THIS**
13 **SUBSECTION.**

14 **[(f)] (G) (1)** There is a Maryland Amusement Game Advisory Committee.

15 (2) The Advisory Committee shall advise the Commission on the conduct
16 and technical aspects of the amusement game industry, including recommendations for the
17 legality of skills-based amusement games.

18 (3) The Advisory Committee consists of:

19 (i) the following members appointed by the Governor:

20 1. two members selected from a list of five names submitted
21 by the Maryland Amusement and Music Operators Association;

22 2. one member who is a local government official selected
23 from a list of names submitted by the Maryland Association of Counties and the Maryland
24 Municipal League;

25 3. one member who is a local law enforcement officer; and

26 4. one citizen representative; and

27 (ii) the Director of the Commission, or the Director's designee, who
28 shall serve as a nonvoting member of the Advisory Committee.

29 (4) The Governor shall designate the chair of the Advisory Committee.

30 (5) The Commission shall provide staff for the Advisory Committee.

31 (6) A member of the Advisory Committee:

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1 (i) may not receive compensation as a member of the Advisory
2 Committee; but

3 (ii) is entitled to reimbursement for expenses under the Standard
4 State Travel Regulations, as provided in the State budget.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2022.