

Chapter 638

(Senate Bill 621)

AN ACT concerning

Gaming – Sports Wagering – Independent Evaluation of Sports Wagering Content and Sports Wagering Facility Application Amendments

FOR the purpose of requiring the Maryland Lottery and Gaming Control Commission to identify and ~~accredit~~ license certain independent evaluators to evaluate and rate certain sports wagering content provided by certain sports wagering experts, sports wagering influencers, and content partners; ~~requiring the Commission to establish standards of practice governing sports wagering content; requiring~~ authorizing certain sports wagering licensees and sports wagering operators to contract with certain independent evaluators for certain purposes under certain circumstances; authorizing the Maryland Lottery and Gaming Control Commission and the Sports Wagering Application Review Commission to consider certain requests for certain application amendments received on or before a certain date; and generally relating to sports wagering and the evaluation of sports wagering content.

BY adding to

Article – State Government

Section 9–1E–17

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

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

Article – State Government**9–1E–17.**

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

(2) “CONTENT PARTNER” MEANS AN INDIVIDUAL WHO OR A PLATFORM THAT CREATES SPORTS WAGERING CONTENT FOR A SPORTS WAGERING LICENSEE THROUGH CONTRACTED WORK, AFFILIATION, OR OTHER PARTNERSHIP.

(3) “SPORTS WAGERING CONTENT” MEANS PREDICTIONS OF SPORTING EVENT OUTCOMES, INCLUDING MONEYLINES, AGAINST THE SPREAD, TOTALS, FUTURES, PARLAYS, AND OTHER OUTCOMES, WHETHER PROVIDED AT NO COST OR THROUGH A SUBSCRIPTION OR OTHER PARTNERSHIP.

(4) “SPORTS WAGERING EXPERT” OR “SPORTS WAGERING INFLUENCER” MEANS A PERSON WHO CREATES SPORTS WAGERING CONTENT FOR A SPORTS WAGERING LICENSEE, A CONTENT PARTNER, OR THE PERSON’S OWN BENEFIT.

(B) (1) ~~ON OR BEFORE DECEMBER 31, 2023, THE~~ *THE* COMMISSION SHALL ~~IDENTIFY AND ACCREDIT~~ LICENSE INDEPENDENT EVALUATORS TO EVALUATE AND RATE SPORTS WAGERING CONTENT PROVIDED BY SPORTS WAGERING EXPERTS, SPORTS WAGERING INFLUENCERS, AND CONTENT PARTNERS.

(2) IN ORDER TO BE ~~ACCREDITED~~ LICENSED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AN INDEPENDENT EVALUATOR:

(I) SHALL HAVE DEMONSTRATED EXPERIENCE AND EXPERTISE IN EVALUATING AND RATING SPORTS WAGERING CONTENT;

(II) SHALL HAVE AN AUDIT PROCESS CONSTRUCTED AND MAINTAINED BY IN-HOUSE, LICENSED CERTIFIED PUBLIC ACCOUNTANTS;

(III) SHALL HAVE EVALUATION AND RATING PROCEDURES THAT ARE UNABLE TO BE ADJUSTED, DUPLICATED, OR ALTERED BY THE PERSONS SUBJECT TO EVALUATION;

~~(IV) MAY NOT HAVE AN OFFICIAL RELATIONSHIP WITH A SPORTS WAGERING LICENSEE OR SPORTS WAGERING OPERATOR;~~

~~(V)~~ *(IV)* MAY NOT HAVE ANY DIRECT OR INDIRECT FINANCIAL INTEREST, OWNERSHIP, OR MANAGEMENT, INCLUDING HOLDING ANY STOCKS, BONDS, OR OTHER SIMILAR FINANCIAL INTERESTS IN ANY SPORTS WAGERING ACTIVITIES;

~~(VI)~~ *(V)* MAY NOT RECEIVE OR SHARE IN, DIRECTLY OR INDIRECTLY, THE RECEIPTS OR PROCEEDS OF ANY SPORTS WAGERING ACTIVITIES; AND

~~(VII)~~ *(VI)* MAY NOT HAVE ANY REVENUE-SHARING RELATIONSHIP WITH OR OTHER FINANCIAL INTEREST IN A SPORTS WAGERING LICENSEE OR SPORTS WAGERING OPERATOR.

(3) AN EMPLOYEE OR A PRINCIPAL OF AN INDEPENDENT EVALUATOR, OR THE INDEPENDENT EVALUATOR AS AN ENTITY, MAY NOT WAGER ON A SPORTING EVENT.

~~(3)~~ (4) (I) ~~AN EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN~~ INDEPENDENT EVALUATOR MAY NOT BE COMPENSATED BY A SPORTS WAGERING LICENSEE OR SPORTS WAGERING OPERATOR ~~THAT UTILIZES THE INDEPENDENT EVALUATOR'S EVALUATIONS IN ITS MARKETING MATERIALS FOR INDEPENDENT EVALUATION SERVICES THAT UTILIZES THE INDEPENDENT EVALUATOR'S EVALUATION SERVICES SOLELY FOR MARKETING MATERIALS.~~

(II) AN INDEPENDENT EVALUATOR MAY BE COMPENSATED BY A SPORTS WAGERING LICENSEE OR SPORTS WAGERING OPERATOR FOR ITS EVALUATION AND RATING OF SPORTS WAGERING CONTENT.

~~(4)~~ (5) THE COMMISSION MAY ESTABLISH ADDITIONAL QUALIFICATIONS FOR THE ~~ACCREDITATION~~ LICENSING OF INDEPENDENT EVALUATORS IN ACCORDANCE WITH THIS SUBSECTION.

(C) THE COMMISSION SHALL ~~ESTABLISH STANDARDS OF PRACTICE GOVERNING SPORTS WAGERING CONTENT~~ ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

(D) ~~ON OR BEFORE APRIL 1, 2024, A~~ A SPORTS WAGERING LICENSEE OR SPORTS WAGERING OPERATOR THAT ADVERTISES IN THE STATE ~~SHALL~~ MAY CONTRACT WITH AN INDEPENDENT EVALUATOR ~~ACCREDITED~~ LICENSED UNDER SUBSECTION (B) OF THIS SECTION TO EVALUATE AND RATE THE SPORTS WAGERING LICENSEE'S SPORTS WAGERING CONTENT, SPORTS WAGERING EXPERTS, SPORTS WAGERING INFLUENCERS, AND CONTENT PARTNERS.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Lottery and Gaming Control Commission and the Sports Wagering Application Review Commission may consider a request to amend a Class B-2 sports wagering facility license application for the purpose of altering the proposed location of the sports wagering facility if:

(1) a sports wagering facility license was awarded to the applicant on or before February 15, 2023; and

(2) a written request to amend the application is received by the State Lottery and Gaming Control Commission and the State Wagering Application Review Commission on or before December 31, 2023.

SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

Approved by the Governor, May 16, 2023.