

HOUSE BILL 802

F2, C7

3lr1176
CF SB 620

By: ~~Delegate Wilkins~~ **Delegates Wilkins, Atterbeary, Buckel, Charles, Ebersole, Fair, Feldmark, Griffith, Grossman, Hartman, Hornberger, R. Long, Miller, Patterson, Wells, and Wu**

Introduced and read first time: February 8, 2023
Assigned to: Ways and Means and Appropriations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 5, 2023

CHAPTER _____

1 AN ACT concerning

2 **Institutions of Higher Education – Sports Wagering Contracts – Prohibition**

3 FOR the purpose of prohibiting institutions of higher education from entering into a
4 contract with a certain regulated gaming entity or a certain agent of a regulated
5 gaming entity if the institution of higher education receives certain compensation for
6 student participation in certain sports wagering; prohibiting institutions of higher
7 education from entering into a contract with a sports marketing entity if the sports
8 marketing entity or the institution of higher education receives certain compensation
9 for student participation in certain sports wagering; providing that a certain contract
10 formed by a public institution of higher education is subject to public inspection in
11 accordance with the Maryland Public Information Act; and generally relating to
12 institutions of higher education and sports wagering.

13 BY repealing and reenacting, without amendments,

14 Article – Education
15 Section 10–101(a) and (h)
16 Annotated Code of Maryland
17 (2022 Replacement Volume)

18 BY adding to

19 Article – Education
20 Section 26–801 to be under the new subtitle “Subtitle 8. Sports Wagering Contracts”
21 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2022 Replacement Volume)

2 BY repealing and reenacting, without amendments,
3 Article – State Government
4 Section 9–1E–01(a), (e), (f), (g), (j), and (m)
5 Annotated Code of Maryland
6 (2021 Replacement Volume and 2022 Supplement)

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

9 **Article – Education**

10 10–101.

11 (a) In this division the following words have the meanings indicated.

12 (h) (1) “Institution of higher education” means an institution of postsecondary
13 education that generally limits enrollment to graduates of secondary schools, and awards
14 degrees at either the associate, baccalaureate, or graduate level.

15 (2) “Institution of higher education” includes public, private nonprofit, and
16 for–profit institutions of higher education.

17 **SUBTITLE 8. SPORTS WAGERING CONTRACTS.**

18 **26–801.**

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

21 **(2) “AGENT OF A REGULATED GAMING ENTITY” INCLUDES A**
22 **MARKETING FIRM OR OTHER SIMILAR ENTITY CONTRACTED TO PERFORM**
23 **GAMING–RELATED SERVICES FOR A REGULATED GAMING ENTITY.**

24 **(3) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING**
25 **STATED IN § 10–101 OF THIS ARTICLE.**

26 **(4) “MOBILE SPORTS WAGERING LICENSEE” HAS THE MEANING**
27 **STATED IN § 9–1E–01 OF THE STATE GOVERNMENT ARTICLE.**

28 **(5) “ONLINE SPORTS WAGERING” HAS THE MEANING STATED IN §**
29 **9–1E–01 OF THE STATE GOVERNMENT ARTICLE.**

30 **(6) “ONLINE SPORTS WAGERING OPERATOR” HAS THE MEANING**
31 **STATED IN § 9–1E–01 OF THE STATE GOVERNMENT ARTICLE.**

1 (7) "REGULATED GAMING ENTITY" MEANS:

2 (I) A MOBILE SPORTS WAGERING LICENSEE;

3 (II) AN ONLINE SPORTS WAGERING OPERATOR; OR

4 (III) A SPORTS WAGERING LICENSEE.

5 (8) "SPORTS WAGERING" HAS THE MEANING STATED IN § 9-1E-01 OF
6 THE STATE GOVERNMENT ARTICLE.

7 (9) "SPORTS WAGERING LICENSEE" HAS THE MEANING STATED IN §
8 9-1E-01 OF THE STATE GOVERNMENT ARTICLE.

9 (B) AN INSTITUTION OF HIGHER EDUCATION MAY NOT ENTER INTO A
10 CONTRACT WITH A REGULATED GAMING ENTITY OR AN AGENT OF A REGULATED
11 GAMING ENTITY IF, UNDER THE TERMS OF THE CONTRACT, THE INSTITUTION OF
12 HIGHER EDUCATION RECEIVES A COMMISSION, A BONUS, OR ANY OTHER INCENTIVE
13 PAYMENT BASED ON THE SUCCESS OF SECURING STUDENT PARTICIPATION IN
14 SPORTS WAGERING OR ONLINE SPORTS WAGERING.

15 (C) AN INSTITUTION OF HIGHER EDUCATION MAY NOT ENTER INTO A
16 CONTRACT WITH A SPORTS MARKETING ENTITY THAT ENTERS INTO A CONTRACT
17 WITH A REGULATED GAMING ENTITY OR AN AGENT OF A REGULATED GAMING
18 ENTITY IF, UNDER THE TERMS OF THE CONTRACT, EITHER THE SPORTS MARKETING
19 ENTITY OR THE INSTITUTION OF HIGHER EDUCATION RECEIVES A COMMISSION,
20 BONUS, OR ANY OTHER INCENTIVE PAYMENT BASED ON THE SUCCESS OF SECURING
21 STUDENT PARTICIPATION IN SPORTS WAGERING OR ONLINE SPORTS WAGERING.

22 ~~(C)~~ (D) (1) EXCEPT AS PROVIDED IN ~~SUBSECTION (B)~~ SUBSECTIONS (B)
23 AND (C) OF THIS SECTION, THIS SECTION DOES NOT PRECLUDE CONTRACT
24 FORMATION BETWEEN AN INSTITUTION OF HIGHER EDUCATION AND A REGULATED
25 GAMING ENTITY ~~OR,~~ AN AGENT OF A REGULATED GAMING ENTITY, OR A SPORTS
26 MARKETING ENTITY.

27 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONTRACT
28 FORMED IN ACCORDANCE WITH THIS SUBSECTION BY A PUBLIC INSTITUTION OF
29 HIGHER EDUCATION IS SUBJECT TO PUBLIC INSPECTION IN ACCORDANCE WITH THE
30 MARYLAND PUBLIC INFORMATION ACT.

31 Article – State Government

32 9-1E-01.

1 (a) In this subtitle the following words have the meanings indicated.

2 (e) “Mobile sports wagering licensee” means a sports wagering licensee who is
3 authorized to conduct and operate online sports wagering.

4 (f) “Online sports wagering” means sports wagering through an online gaming
5 system:

6 (1) on a computer, a mobile device, or any other interactive device; and

7 (2) that is accepted by a sports wagering licensee or an online sports
8 wagering operator.

9 (g) “Online sports wagering operator” means an entity registered with a state to
10 do business within a jurisdiction of the United States that holds a license issued by the
11 Commission under this subtitle to operate online sports wagering on behalf of a sports
12 wagering licensee.

13 (j) “Sports wagering” means the business of accepting wagers on any sporting
14 event by any system or method of wagering, including single–game bets, teaser bets,
15 parlays, over–under, moneyline, pools, exchange wagering, in–game wagering, in–play
16 bets, proposition bets, and straight bets.

17 (m) “Sports wagering licensee” means the holder of a sports wagering license.

18 SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing obligation
19 or contract right may not be impaired in any way by this Act.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.