

**EMERGENCY DELEGATION OF AUTHORITY
BY THE MARYLAND LOTTERY AND GAMING CONTROL COMMISSION
TO THE DIRECTOR OF THE
MARYLAND LOTTERY AND GAMING CONTROL AGENCY
FOR REOPENING CASINOS**

The Maryland State Lottery and Gaming Control Commission (“Commission”) is required to oversee and regulate the State’s casinos. Md, Code Ann., State Gov’t (“SG”) §§ 9-1A-04. The Maryland Lottery and Gaming Control Agency (“Agency”) is required to assist the Commission in the performance of its duties. SG § 9-1A-02(b)(2). The term “Commission” may include staff of the Agency unless context dictates otherwise. Code of Maryland Regulations (“COMAR”) 36.01.01.01.B.(2).

Maryland Governor Larry Hogan proclaimed a state of emergency and catastrophic health emergency on March 5, 2020, and renewed it on March 17, 2020, to control and prevent the spread of COVID-19 within the State. By Executive Order Number 20-03-23-01, non-essential businesses in the State were required to close. The State’s casinos closed on March 15, 2020. The state of emergency and catastrophic health emergency still exists, but the future, safe reopening of the casinos is now under consideration. No timeline has been established.

A request for a waiver of a regulation governing casino operations is typically presented at a Commission meeting. However, under our current circumstances, swift action by the Commission may be required to approve the reopening of a casino; this may require a temporary waiver of a Commission regulation. Therefore, pursuant to the Commission’s authority over the casinos and the Agency’s duty to assist the Commission in the exercise that authority, and considering the unique circumstances of the existence of the state of emergency and catastrophic health emergency, a quorum of the Commission has voted to emergently delegate to the Director

the authority to grant a waiver of a regulation if the application of that regulation would substantially impair the ability of a casino to safely resume gaming operations.

This Emergency Delegation is limited solely to matters directly pertaining to reopening a casino that closed in the wake of the COVID-19 virus and the declaration of a state of emergency. A waiver request granted under this authority is temporary. A waiver shall not be construed as a future waiver of a regulation, nor shall it be considered precedent that binds the Commission to grant a future waiver request.

The Director shall consult with the Chair of the Commission in deciding whether to grant a request to waive a regulation. The Director may grant a request to waive a regulation under the authority of this Emergency Delegation only if: (1) the waiver request is in writing; and (2) the Director reasonably believes that there is no other means by which to safely and timely reopen a casino. If the Director grants a waiver request, the Director shall specify, in writing, the scope and duration of the waiver.

The Director shall notify the Commission after exercising authority under this Emergency Delegation. This Emergency Delegation becomes operative immediately and shall continue in full force and effect until the Commission withdraws the Emergency Delegation.

E. Randolph Marriner, Chair

(date)