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# Maryland Register

Issue Date: August 27, 2021

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Volume 48 • Issue 18 • Pages 681—788

## IN THIS ISSUE

Governor  
Judiciary  
Regulations  
Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 9, 2021, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of August 9, 2021.

Gail S. Klakring  
Administrator, Division of State Documents  
Office of the Secretary of State



# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

## CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

## CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

## CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

## DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

## HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at <http://www.dsd.state.md.us/PDF/CumulativeTable.pdf>. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

## SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

## CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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**Lawrence J. Hogan, Jr.,** Governor; **John C. Wobensmith,** Secretary of State; **Gail S. Klakring,** Administrator; **Mary D. MacDonald,** Senior Editor, Maryland Register and COMAR; **Elizabeth Ramsey,** Editor, COMAR Online, and Subscription Manager; **Tami Cathell,** Help Desk, COMAR and Maryland Register Online.

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# Contents

## Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register .....	685
---	-----

## COMAR Research Aids

Table of Pending Proposals .....	686
----------------------------------	-----

## Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
07 Department of Human Services .....	696
08 Department of Natural Resources .....	692, 697
09 Maryland Department of Labor .....	690
10 Maryland Department of Health .....	699
11 Department of Transportation .....	706
14 Independent Agencies .....	692, 709
20 Public Service Commission .....	693
27 Critical Area Commission for the Chesapeake and Atlantic Coastal Bays .....	694
30 Maryland Institute for Emergency Medical Services Systems (MIEMSS) .....	710
31 Maryland Insurance Administration .....	716
36 Maryland State Lottery and Gaming Control Agency .....	690, 695, 718

## PERSONS WITH DISABILITIES

Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

## The Governor

PROCLAMATION	
Renewal of Declaration of State of Emergency and Existence of Catastrophic Health Emergency — COVID-19 .....	688

## The Judiciary

COURT OF APPEALS OF MARYLAND	
DISCIPLINARY PROCEEDINGS .....	689

## Emergency Action on Regulations

<b>09 MARYLAND DEPARTMENT OF LABOR</b>	
DIVISION OF LABOR AND INDUSTRY	
Emergency Temporary Standards .....	690
<b>36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY</b>	
GENERAL PROVISIONS	
General .....	690
Administrative Procedures .....	690
SPORTS WAGERING PROVISIONS	
General .....	690
All Applicants and Licensees—Applications and Investigations .....	690
All Applicants and Licensees—Qualification Requirements .....	690
Specific Requirements for Sports Wagering Facility Licensees .....	690

Specific Requirements for Mobile Sports Wagering Licenses .....	690
Specific Requirements for Other Licenses Required for Sports Wagering .....	690
License Denial Procedures .....	690
Enforcement .....	690
Unannounced Inspections .....	690
Enforcement of Voluntary Exclusion Program .....	690
Mandatory Exclusion .....	690
Collection of Taxes, Fees, and Penalties .....	690
Sports Wagering Licensee Minimum Internal Control Standards .....	690
Sports Wagering Requirements and Limitations .....	690
Sports Wagering Licensee Facility Standards .....	690
Wagering Using Online, Web-Based, or Mobile Applications .....	690
Sports Wagering Equipment .....	690
Sports Wagering Technical Standards .....	690

## Final Action on Regulations

<b>08 DEPARTMENT OF NATURAL RESOURCES</b>	
WILDLIFE	
Use of Wildlife Areas .....	692
<b>14 INDEPENDENT AGENCIES</b>	
PRESCRIPTION DRUG AFFORDABILITY BOARD	
General Provisions .....	692
Prescription Drug Affordability Fund .....	692
COMMISSION ON CRIMINAL SENTENCING POLICY	
General Regulations .....	692
MARYLAND ENVIRONMENTAL SERVICE	
Human Resources System .....	693
Procurement .....	693
<b>20 PUBLIC SERVICE COMMISSION</b>	
APPLICATIONS CONCERNING THE CONSTRUCTION OR MODIFICATION OF GENERATING STATIONS, QUALIFIED GENERATOR LEAD LINES, AND OVERHEAD TRANSMISSION LINES	
General .....	693
Administrative Provisions .....	693
Details of Filing Requirements — Generating Stations .....	694
<b>27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS</b>	
CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT	
General Provisions .....	694
Agriculture.....	694
Habitat Protection Areas in the Critical Area .....	694
DEVELOPMENT IN THE CRITICAL AREA RESULTING FROM STATE AND LOCAL AGENCY PROGRAMS	
General Provisions .....	694
General Approval of State and Local Agency Programs Which Result in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions .....	694
State Agency Actions Resulting in Development on State-Owned Lands .....	694
PROJECT APPLICATIONS	
Notification of Project Applications .....	694
CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT	
Renewable Energy Generating Systems .....	694

# Contents

684

DEVELOPMENT IN THE CRITICAL AREA RESULTING FROM STATE AND LOCAL AGENCY PROGRAMS	
Commission Review, Decision Process, and Time	
Frames .....	694
PROJECT APPLICATIONS	
Notification of Project Applications .....	694
<b>36 MARYLAND STATE LOTTERY AND GAMING</b>	
<b>CONTROL AGENCY</b>	
<b>GAMING PROVISIONS</b>	
Investigation and Licensing .....	695
Video Lottery Facility Minimum Internal Control Standards .....	695
<b>VIDEO LOTTERY TERMINALS</b>	
Video Lottery Technical Standards .....	695
<b>TABLE GAMES</b>	
Table Game Equipment .....	695
Table Game Procedures .....	695
<b>Proposed Action on Regulations</b>	
<b>07 DEPARTMENT OF HUMAN SERVICES</b>	
<b>OFFICE OF SECRETARY</b>	
Legal Services .....	696
<b>08 DEPARTMENT OF NATURAL RESOURCES</b>	
<b>BOATING—SPEED LIMITS AND OPERATION OF VESSELS</b>	
Magothy River .....	697
South River .....	697
White Hall Bay .....	698
Deep Creek Lake .....	698
<b>10 MARYLAND DEPARTMENT OF HEALTH</b>	
<b>FOOD</b>	
Food Service Facilities .....	699
<b>BOARD OF ACUPUNCTURE</b>	
General Regulations .....	700
Continuing Education .....	700
<b>BOARD OF EXAMINERS IN OPTOMETRY</b>	
Therapeutic Pharmaceutical Agents .....	703
<b>MARYLAND HEALTHCHOICE PROGRAM</b>	
Maryland Medicaid Managed Care Program: Non-Capitated Covered Services .....	705
<b>11 DEPARTMENT OF TRANSPORTATION</b>	
<b>MOTOR VEHICLE ADMINISTRATION—VEHICLE EQUIPMENT</b>	
Safety Glass Replacement Standards .....	706
<b>14 INDEPENDENT AGENCIES</b>	
<b>MARYLAND AUTOMOBILE INSURANCE FUND</b>	
Board of Trustees .....	709
Binding Rules .....	709
Producer Discipline Hearing Rules .....	709
<b>30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)</b>	
<b>GENERAL</b>	
Documents Incorporated by Reference .....	710
<b>DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL CENTERS</b>	
Comprehensive Stroke Center Standards .....	710
Designated Thrombectomy-Capable Primary Stroke Center Standards .....	714
<b>31 MARYLAND INSURANCE ADMINISTRATION</b>	
<b>PROPERTY AND CASUALTY INSURANCE</b>	
Notices of Cancellation, Nonrenewal, Premium Increase, and Reduction in Coverage .....	716

<b>36 MARYLAND STATE LOTTERY AND GAMING</b>	
<b>CONTROL AGENCY</b>	
<b>GENERAL PROVISIONS</b>	
General .....	718
Administrative Procedures .....	718
<b>SPORTS WAGERING PROVISIONS</b>	
General .....	718
All Applicants and Licensees—Applications and Investigations .....	718
All Applicants and Licensees—Qualification Requirements .....	718
Specific Requirements for Sports Wagering Facility Licensees .....	718
Specific Requirements for Mobile Sports Wagering Licenses .....	718
Specific Requirements for Other Licenses Required for Sports Wagering .....	718
License Denial Procedures .....	718
Enforcement .....	718
Unannounced Inspections .....	718
Enforcement of Voluntary Exclusion Program .....	718
Mandatory Exclusion .....	718
Collection of Taxes, Fees, and Penalties .....	718
Sports Wagering Licensee Minimum Internal Control Standards .....	718
Sports Wagering Requirements and Limitations .....	718
Sports Wagering Licensee Facility Standards .....	718
Wagering Using Online, Web-Based, or Mobile Applications .....	718
Sports Wagering Equipment .....	718
Sports Wagering Technical Standards .....	718

## Special Documents

<b>DEPARTMENT OF THE ENVIRONMENT</b>	
<b>WATER AND SCIENCE ADMINISTRATION</b>	
Water Quality Certification 21-WQC-0305 .....	782
Water Quality Certification 21-WQC-0320 .....	782
Water Quality Certification 21-WQC-0322 .....	783
<b>DEPARTMENT OF HUMAN SERVICES</b>	
<b>STATEMENT OF NEED (SON)</b>	
For Psychiatric Respite (PR) and Diagnostic Evaluation Treatment Program (DETP) Residential Child Care (RCC) Services .....	783
<b>DEPARTMENT OF NATURAL RESOURCES</b>	
<b>FISHING AND BOATING SERVICES — PUBLIC NOTICE</b>	
Commercial Striped Bass Common Pool Hook and Line Fishery Modifications — Effective 8/10/2021 .....	784

## General Notices

<b>DEPARTMENT OF AGING</b>	
Public Meeting .....	786
<b>CHESAPEAKE BAY TRUST</b>	
Public Meeting .....	786
<b>BOARD OF DIETETIC PRACTICE</b>	
Public Meeting .....	786
<b>EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL</b>	
Public Meeting .....	786
<b>EMERGENCY MEDICAL SERVICES BOARD</b>	
Public Meeting .....	786

COMMISSIONER OF FINANCIAL REGULATION  
 Public Meeting ..... 786  
 MARYLAND DEPARTMENT OF HEALTH  
 Public Meeting ..... 786  
 DEPARTMENT OF INFORMATION TECHNOLOGY  
 Public Meeting ..... 786  
 DIVISION OF LABOR AND INDUSTRY/MARYLAND  
 OCCUPATIONAL SAFETY AND HEALTH (MOSH)  
 ADVISORY BOARD  
 Public Hearing ..... 786  
 MARYLAND STATE LOTTERY AND GAMING  
 CONTROL COMMISSION  
 Public Meeting ..... 787  
 MARYLAND HEALTH CARE COMMISSION  
 Public Meeting ..... 787  
 STATE ADVISORY COUNCIL ON QUALITY CARE AT  
 THE END OF LIFE  
 Public Meeting ..... 787  
 STATE TREASURER’S OFFICE  
 Public Meeting ..... 787  
 Public Meeting ..... 787  
 Public Meeting ..... 787  
 BOARD OF WATERWORKS AND WASTE SYSTEMS  
 OPERATORS  
 Public Meeting ..... 787  
 BOARD OF WELL DRILLERS  
 Public Meeting ..... 787  
 WORKERS’ COMPENSATION COMMISSION  
 Public Meeting ..... 787

## CLOSING DATES AND ISSUE DATES THROUGH JANUARY 2022

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Notices, etc. 10:30 a.m.	Final Regulations 10:30 a.m.
<b>2021</b>			
September 10	August 23	August 30	September 1
September 24	September 3**	September 13	September 15
October 8	September 20	September 27	September 29
October 22	October 4	October 8**	October 13
November 5	October 18	October 25	October 27
November 19	November 1	November 8	November 10
December 3	November 15	November 22	November 24
December 17	November 29	December 6	December 8
<b>2022</b>			
January 3***	December 13	December 20	December 22
January 14	December 27	January 3	January 5
January 28	January 10	January 14**	January 19

\* Deadlines are for submissions to **DSD** for publication in the Maryland Register and do not take into account the 15-day AELR review period. Due date for documents containing 8 to 18 pages is 48 hours before the date listed; due date for documents exceeding 18 pages is 1 week before the date listed.

**NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE PAGE COUNT REFLECTS THIS FORMATTING.**

\*\* Note closing date changes.

\*\*\* Note issue date changes.

**The regular closing date for Proposals and Emergencies is Monday.**

### COMAR Online

The Code of Maryland Regulations is available at [www.dsd.state.md.us](http://www.dsd.state.md.us) as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at [www.dsd.state.md.us](http://www.dsd.state.md.us).

For additional information, visit [www.dsd.state.md.us](http://www.dsd.state.md.us), Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

### Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title “Maryland Documents”. This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. “Maryland Documents” also includes local publications.

Anyone wishing to receive “Maryland Documents” should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

## REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

**09.12.01.01D(2)(c)(iii)**  
 Title            Chapter            Section            Paragraph  
                   Subtitle            Regulation        Subsection        Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at [www.dsd.state.md.us](http://www.dsd.state.md.us).

### Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by “(err)”. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

#### 01 EXECUTIVE DEPARTMENT

01.02.08.13—.17 • 48:15 Md. R. 595 (7-16-21)

#### 03 COMPTROLLER OF THE TREASURY

03.02.04.01 • 48:1 Md. R. 13 (1-4-21)

#### 07 DEPARTMENT OF HUMAN SERVICES

07.01.13.07 • 48:18 Md. R. 696 (8-27-21)

07.02.11.08 • 48:17 Md. R. 670 (8-13-21)

#### 08 DEPARTMENT OF NATURAL RESOURCES

08.02.13.03,.05 • 48:15 Md. R. 596 (7-16-21)

08.18.13.04 • 48:18 Md. R. 697 (8-27-21)

08.18.25.02 • 48:18 Md. R. 697 (8-27-21)

08.18.29.03 • 48:18 Md. R. 698 (8-27-21)

08.18.33.03 • 48:18 Md. R. 698 (8-27-21)

#### 09 MARYLAND DEPARTMENT OF LABOR

09.03.06.04 • 48:15 Md. R. 602 (7-16-21)

09.09.01.01—.04 • 48:17 Md. R. 671 (8-13-21)

09.09.02.01—.03 • 48:17 Md. R. 671 (8-13-21)

09.09.03.02 • 48:17 Md. R. 671 (8-13-21)

09.10.01.17 • 48:12 Md. R. 476 (6-4-21)

09.10.03.08 • 48:7 Md. R. 261 (3-26-21)

09.37.02.05 • 48:16 Md. R. 632 (7-30-21)

#### 10 MARYLAND DEPARTMENT OF HEALTH

##### Subtitles 01—08 (1st volume)

10 • 48:4 Md. R. 190 (2-12-21) (err)

##### Subtitle 09 (2nd volume)

10.09.05.01,.03—.07 • 48:15 Md. R. 603 (7-16-21) (ibr)

10.09.50.07 • 48:17 Md. R. 672 (8-13-21)

10.09.92.08 • 48:3 Md. R. 104 (1-29-21)

48:4 Md. R. 190 (2-12-21) (err)

##### Subtitles 10—22 (3rd volume)

10.15.03.27 • 48:18 Md. R. 699 (8-27-21)

##### Subtitles 23—36 (4th volume)

10.24.11.01 • 48:15 Md. R. 605 (7-16-21) (ibr)

10.25.06.01—.18 • 48:15 Md. R. 606 (7-16-21)

10.26.02.02—.05,.08 • 48:18 Md. R. 700 (8-27-21)

10.26.06.01—.03 • 48:18 Md. R. 700 (8-27-21)

10.28.12.01,.03—.07 • 48:18 Md. R. 703 (8-27-21)

##### Subtitles 53—68 (6th volume)

10.62.01.01 • 48:12 Md. R. 476 (6-4-21)

10.62.03.01 • 48:12 Md. R. 476 (6-4-21)

10.62.04.04,.05 • 48:12 Md. R. 476 (6-4-21)

10.62.08.02,.05,.10 • 48:12 Md. R. 476 (6-4-21)

10.62.10.02 • 48:12 Md. R. 476 (6-4-21)

10.62.15.08 • 48:12 Md. R. 476 (6-4-21)

10.62.16.06 • 48:12 Md. R. 476 (6-4-21)

10.62.18.01,.04—.10 • 48:12 Md. R. 476 (6-4-21)

10.62.19.02,.04,.09 • 48:12 Md. R. 476 (6-4-21)

10.62.21.02 • 48:12 Md. R. 476 (6-4-21)

10.62.22.02,.03,.06,.07 • 48:12 Md. R. 476 (6-4-21)

10.62.25.02,.05,.10 • 48:12 Md. R. 476 (6-4-21)

10.62.27.02,.08—.10 • 48:12 Md. R. 476 (6-4-21)

10.62.28.02,.03 • 48:12 Md. R. 476 (6-4-21)

10.62.30.04,.08,.09 • 48:12 Md. R. 476 (6-4-21)

10.62.35.01 • 48:12 Md. R. 476 (6-4-21)

10.62.36.01 • 48:12 Md. R. 476 (6-4-21)  
 10.64.02.01—.03 • 47:23 Md. R. 1002 (11-6-20)  
 10.67.04.03,.03-1,.03-2,.19,  
 .19-3—.19-5 • 48:15 Md. R. 610 (7-16-21)  
 10.67.05.05-1 • 48:15 Md. R. 610 (7-16-21)  
 10.67.08.02 • 48:18 Md. R. 705 (8-27-21)

## 11 DEPARTMENT OF TRANSPORTATION

### Subtitles 01—10

11.02.09.01—.03 • 48:11 Md. R. 429 (5-21-21)

### Subtitles 11—23 (MVA)

11.13.12.01—.09 • 48:18 Md. R. 706 (8-27-21) (ibr)  
 11.16.05.01—.04 • 48:15 Md. R. 613 (7-16-21)

## 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

12.02.29.01—.04 • 48:14 Md. R. 540 (7-2-21)  
 12.08.01.17,.18,.23 • 48:14 Md. R. 540 (7-2-21)

## 13B MARYLAND HIGHER EDUCATION COMMISSION

13B.03.01.01,.03,.04,.13,.14 • 48:11 Md. R. 431 (5-21-21) (ibr)  
 13B.08.11.04,.07 • 48:15 Md. R. 614 (7-16-21)

## 14 INDEPENDENT AGENCIES

14.07.01.01—.18 • 48:18 Md. R. 709 (8-27-21)  
 14.07.02.01—.08 • 48:18 Md. R. 709 (8-27-21)  
 14.07.03.01—.06 • 48:18 Md. R. 709 (8-27-21)  
 14.09.01.01—.04,.08,.09 • 48:16 Md. R. 633 (7-30-21)  
 14.09.02.01—.04,.06—.08 • 48:16 Md. R. 633 (7-30-21)  
 14.09.03.02—.05,.07—.09,.11—.16 • 48:16 Md. R. 633 (7-30-21)  
 14.09.04.01—.03 • 48:16 Md. R. 633 (7-30-21)  
 14.09.05.01,.03,.07 • 48:16 Md. R. 633 (7-30-21)  
 14.09.06.04 • 48:16 Md. R. 633 (7-30-21)  
 14.09.07.02,.07 • 48:16 Md. R. 633 (7-30-21)  
 14.09.09.02,.04 • 48:16 Md. R. 633 (7-30-21)  
 14.09.10.02 • 48:16 Md. R. 633 (7-30-21)  
 14.09.11.02—.04 • 48:16 Md. R. 633 (7-30-21)  
 14.09.12.02,.03,.07,.08 • 48:16 Md. R. 633 (7-30-21)  
 14.09.13.01,.02,.08,.12 • 48:16 Md. R. 633 (7-30-21)  
 14.09.14.01-1,.03 • 48:16 Md. R. 633 (7-30-21)  
 14.09.15.01 • 48:16 Md. R. 633 (7-30-21)  
 14.09.16.03,.07—.09,.11,.13,.15,.17 • 48:16 Md. R. 633 (7-30-21)  
 14.09.17.03 • 48:16 Md. R. 633 (7-30-21)

## 15 MARYLAND DEPARTMENT OF AGRICULTURE

15.01.05.10 • 48:16 Md. R. 644 (7-30-21)

## 26 DEPARTMENT OF THE ENVIRONMENT

### Subtitles 13 — 18 (Part 3)

26.13.01.02,.03,.03-1,.04,.05 • 48:14 Md. R. 547 (7-2-21)  
 26.13.02.01,.02,.04,.04-3,.04-4,.05,.06,.10,.15,.17,.19-1—.19-8,  
 .23 • 48:14 Md. R. 547 (7-2-21)  
 26.13.03.01,.04,.06,.07—.07-5 • 48:14 Md. R. 547 (7-2-21)  
 26.13.04.01,.02 • 48:14 Md. R. 547 (7-2-21)

26.13.05..01,.02,.02-2,.05,.11—.14 • 48:14 Md. R. 547 (7-2-21)  
 26.13.06.01,.02,.19—.22,.25 • 48:14 Md. R. 547 (7-2-21)  
 26.13.07.02-4,.02-5,.02-8,.13-2 • 48:14 Md. R. 547 (7-2-21)  
 26.13.09.01—.03 • 48:14 Md. R. 547 (7-2-21)  
 26.13.10.03,.04,.18,.21—.24 • 48:14 Md. R. 547 (7-2-21)

## 30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

30.01.02.01 • 48:18 Md. R. 710 (8-27-21) (ibr)  
 30.08.11.15 • 48:12 Md. R. 483 (6-4-21)  
 30.08.17.01—.19 • 48:18 Md. R. 710 (8-27-21)  
 30.08.19.01—.15 • 48:18 Md. R. 714 (8-27-21)

## 31 MARYLAND INSURANCE ADMINISTRATION

31.03.13.02,.04 • 48:11 Md. R. 432 (5-21-21)  
 31.04.14.01—.03 • 48:13 Md. R. 520 (6-18-21)  
 31.05.08.24,.28 • 48:8 Md. R. 322 (4-9-21)  
 31.08.03.04—.06,.10 • 48:18 Md. R. 716 (8-27-21)

## 33 STATE BOARD OF ELECTIONS

33.05.01.02 • 48:17 Md. R. 673 (8-13-21)  
 33.11.01.01 • 48:17 Md. R. 673 (8-13-21)  
 33.11.02.03 • 48:17 Md. R. 674 (8-13-21)  
 33.11.02.05 • 48:17 Md. R. 673 (8-13-21)  
 33.11.03.06 • 48:17 Md. R. 674 (8-13-21)  
 33.11.05.07 • 48:17 Md. R. 674 (8-13-21)  
 33.17.04.03,.06 • 48:17 Md. R. 674 (8-13-21)

## 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

36.01.01.01,.05 • 48:18 Md. R. 718 (8-27-21)  
 36.01.02.04—.06 • 48:18 Md. R. 718 (8-27-21)  
 36.10.01.01—.02 • 48:18 Md. R. 718 (8-27-21)  
 36.10.02.01—.14 • 48:18 Md. R. 718 (8-27-21)  
 36.10.03.01—.06 • 48:18 Md. R. 718 (8-27-21)  
 36.10.04.01—.11 • 48:18 Md. R. 718 (8-27-21)  
 36.10.05.01—.05 • 48:18 Md. R. 718 (8-27-21)  
 36.10.06.01—.11 • 48:18 Md. R. 718 (8-27-21)  
 36.10.07.01—.06 • 48:18 Md. R. 718 (8-27-21)  
 36.10.08.01—.11 • 48:18 Md. R. 718 (8-27-21)  
 36.10.09.01—.03 • 48:18 Md. R. 718 (8-27-21)  
 36.10.10.01—.03 • 48:18 Md. R. 718 (8-27-21)  
 36.10.11.01—.09 • 48:18 Md. R. 718 (8-27-21)  
 36.10.12.01—.04 • 48:18 Md. R. 718 (8-27-21)  
 36.10.13.01—.44 • 48:18 Md. R. 718 (8-27-21)  
 36.10.14.01—.07 • 48:18 Md. R. 718 (8-27-21)  
 36.10.15.01—.04 • 48:18 Md. R. 718 (8-27-21)  
 36.10.16.01—.06 • 48:18 Md. R. 718 (8-27-21)  
 36.10.17.01—.03 • 48:18 Md. R. 718 (8-27-21)  
 36.10.18.01—.06 • 48:18 Md. R. 718 (8-27-21)

# The Governor

## PROCLAMATION

ATTEST:

JOHN C. WOBENSMITH  
Secretary of State

[21-18-32]

### Renewal of Declaration of State of Emergency and Existence of Catastrophic Health Emergency — COVID-19

WHEREAS, on March 5, 2020, in an effort to control and prevent the spread of COVID-19, a state of emergency and catastrophic health emergency was proclaimed within the entire State of Maryland, pursuant to the Maryland Constitution and Laws of Maryland, including but not limited to Title 14 of the Public Safety Article;

WHEREAS, COVID-19 is a highly infectious respiratory disease that spreads easily from person to person and may result in serious illness or death;

WHEREAS, COVID-19 is a public health catastrophe and has been confirmed in all Maryland counties;

WHEREAS, since the declaration of a state of emergency and the existence of a catastrophic health emergency on March 5, 2020, there have been more than 472,000 laboratory confirmed positive COVID-19 cases and more than 9,600 related deaths in Maryland;

WHEREAS, the proclamation declaring the emergencies was renewed on March 17, 2020, April 10, 2020, May 6, 2020, June 3, 2020, July 1, 2020, July 30, 2020, August 10, 2020, September 8, 2020, October 6, 2020, October 29, 2020, November 25, 2020, December 23, 2020, January 21, 2021, February 19, 2021, March 18, 2021, April 16, 2021, May 12, 2021, June 12, 2021, and July 12, 2021;

WHEREAS, on June 15, 2021, Executive Order 21-06-15-01, Terminating Various Emergency Orders, was issued to provide a safe and controlled end of various Emergency Orders; and

WHEREAS, the emergency conditions, state of emergency, and catastrophic health emergency continue to exist;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., governor of the state of Maryland, by virtue of the authority vested in me by the Maryland Constitution and the laws of Maryland, including but not limited to Title 14 of the Public Safety Article, and in an effort to control and prevent the spread of COVID-19 within the state, hereby declare that a state of emergency and catastrophic health emergency continues to exist within the entire state of Maryland, renew the March 5, 2020, Proclamation for a period of 4 days, until 11:59 p.m. on August 15, 2021, and further provide and order, effective immediately:

Health care providers who act in good faith under this catastrophic health emergency proclamation, including orders issued under the proclamation by the Governor and by other State officials acting at the direction of or under delegated authority from the Governor, have the immunity provided by § 14-3A-06 of the Public Safety Article of the Maryland Code.

GIVEN Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 11th day of August, 2021.

LAWRENCE J. HOGAN, JR.  
Governor

# The Judiciary

## COURT OF APPEALS OF MARYLAND

### DISCIPLINARY PROCEEDINGS

This is to certify that by an Order of this Court dated August 10, 2021, **TIMOTHY GUY SMITH** (CPF# 8712010585), 2480 Route 97, #7, Glenwood, Maryland 21797, has been disbarred by consent, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

\* \* \* \* \*

This is to certify that by an Opinion and Order of this Court dated August 11, 2021, **EDWARD EMAD MOAWAD** (CPF# 150720003), 5425 Wisconsin Avenue, Suite 600, Chevy Chase, Maryland 20815, has been disbarred, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 19-761).

[21-18-28]

# Emergency Action on Regulations

## Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

## Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

## Title 09

### MARYLAND DEPARTMENT OF LABOR

#### Subtitle 12 DIVISION OF LABOR AND INDUSTRY

##### 09.12.29 Emergency Temporary Standards

*Authority: Labor and Employment Article, §§2-106(b)(5), 5-309(a)(1), 5-312, and 5-314, Annotated Code of Maryland; Ch. 736, §2, Acts of 2021*

#### Notice of Emergency Action

[21-121-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations **.01** and **.02** under a new chapter, **COMAR 09.12.29 Emergency Temporary Standards**.

**Emergency status began: August 16, 2021.**

**Emergency status expires: January 30, 2022.**

#### Comparison to Federal Standards

There is a corresponding federal standard to this emergency action, but the emergency action is not more restrictive or stringent.

#### Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

#### **.01 Purpose.**

*This chapter establishes Emergency Temporary Standards for employers in Maryland.*

#### **.02 Incorporation by Reference of Federal Standard.**

A. *In this chapter, the following documents are incorporated by reference.*

B. *Documents Incorporated — COVID Emergency Temporary Standard. All amendments and revisions to 29 CFR §1910, Subpart U, that appeared in the Federal Register on June 21, 2021 (86 FR 32620-32628), as amended, are adopted by reference with the following substitutions:*

(1) *Where “Assistant Secretary” appears, substitute “Assistant Commissioner of MOSH”;*

(2) *Where “OSH Act” appears, substitute “Maryland Occupational Safety and Health Act”;* and

(3) *Where “OSHA” appears, substitute “MOSH” for “OSHA”, except for references to “OSHA injury” and “illness records”.*

MATTHEW S. HELMINIAK  
Commissioner of Labor and Industry

## Title 36

### MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

#### Notice of Emergency Action

[21-108-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

(1) Amendments to Regulations **.01** and **.05** under **COMAR 36.01.01 General**;

(2) Amendments to Regulations **.04—06** under **COMAR 36.01.02 Administrative Procedures**; and

(3) Under a new subtitle, **Subtitle 10 Sports Wagering Provisions**:

(a) New Regulations **.01** and **.02** under a new chapter, **COMAR 36.10.01 General**;

(b) New Regulations **.01—14** under a new chapter, **COMAR 36.10.02 All Applicants and Licensees — Applications and Investigations**;

(c) New Regulations **.01—06** under a new chapter, **COMAR 36.10.03 All Applicants and Licensees — Qualification Requirements**;

(d) New Regulations **.01—11** under a new chapter, **COMAR 36.10.04 Specific Requirements for Sports Wagering Facility Licensees**;

(e) New Regulations **.01—05** under a new chapter, **COMAR 36.10.05 Specific Requirements for Mobile Sports Wagering Licenses**;

(f) New Regulations **.01—11** under a new chapter, **COMAR 36.10.06 Specific Requirements for Other Licenses Required for Sports Wagering**;

(g) New Regulations **.01—06** under a new chapter, **COMAR 36.10.07 License Denial Procedures**;

(h) New Regulations **.01—11** under a new chapter, **COMAR 36.10.08 Enforcement**;

(i) New Regulations **.01—.03** under a new chapter,  
**COMAR 36.10.09 Unannounced Inspections;**

(j) New Regulations **.01—.03** under a new chapter,  
**COMAR 36.10.10 Enforcement of Voluntary Exclusion Program;**

(k) New Regulations **.01—.09** under a new chapter,  
**COMAR 36.10.11 Mandatory Exclusion;**

(l) New Regulations **.01—.04** under a new chapter,  
**COMAR 36.10.12 Collection of Taxes, Fees, and Penalties;**

(m) New Regulations **.01—.44** under a new chapter,  
**COMAR 36.10.13 Sports Wagering Licensee Minimum Internal Control Standards;**

(n) New Regulations **.01—.07** under a new chapter,  
**COMAR 36.10.14 Sports Wagering Requirements and Limitations;**

(o) New Regulations **.01—.04** under a new chapter,  
**COMAR 36.10.15 Sports Wagering Licensee Facility Standards;**

(p) New Regulations **.01—.06** under a new chapter,  
**COMAR 36.10.16 Wagering Using Online, Web-based, or Mobile Applications;**

(q) New Regulations **.01—.03** under a new chapter,  
**COMAR 36.10.17 Sports Wagering Equipment;** and

(r) New Regulations **.01—.06** under a new chapter,  
**COMAR 36.10.18 Sports Wagering Technical Standards.**

**Emergency status began: August 5, 2021.**

**Emergency status expires: January 25, 2022.**

Editor's Note: The text of this document will not be printed here because it appears as a Notice of Proposed Action on pages 718—781 of this issue, referenced as [21-108-P].
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JOHN MARTIN  
Director

# Final Action on Regulations

## Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

## Title 08 DEPARTMENT OF NATURAL RESOURCES

### Subtitle 03 WILDLIFE

#### 08.03.02 Use of Wildlife Areas

Authority: Natural Resources Article, §§10-205 and 10-808, Annotated Code of Maryland

#### Notice of Final Action

[21-084-F]

On August 17, 2021, the Secretary of Natural Resources adopted amendments to Regulation **.28** under **COMAR 08.03.02 Use of Wildlife Areas**. This action, which was proposed for adoption in 48:14 Md. R. 539 (July 2, 2021), has been adopted as proposed.

**Effective Date: September 6, 2021.**

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

## Title 14 INDEPENDENT AGENCIES

### Subtitle 01 PRESCRIPTION DRUG AFFORDABILITY BOARD

#### 14.01.01 General Provisions

Authority: Health-General Article, §21-2C-03(f), Annotated Code of Maryland

#### Notice of Final Action

[21-082-F]

On August 17, 2021, the Prescription Drug Affordability Board adopted new Regulation **.01** under a new chapter, **COMAR 14.01.01 General Provisions**, under a new subtitle, **Subtitle 01 Prescription Drug Affordability Board**. The Board voted unanimously to adopt the regulations, after careful consideration of the comments submitted. This action, which was proposed for adoption in 48:14 Md. R. 543—544 (July 2, 2021), has been adopted as proposed.

**Effective Date: September 6, 2021.**

ANDREW YORK  
Executive Director

### Subtitle 01 PRESCRIPTION DRUG AFFORDABILITY BOARD

#### 14.01.02 Prescription Drug Affordability Fund

Authority: Health-General Article, §21-2C-11, Annotated Code of Maryland

#### Notice of Final Action

[21-083-F]

On August 17, 2021, the Prescription Drug Affordability Board adopted new Regulations **.01—05** under a new chapter, **COMAR 14.01.02 Prescription Drug Affordability Fund**, under a new subtitle, **Subtitle 01 Prescription Drug Affordability Board**. The Board voted unanimously to adopt the regulations, after careful consideration of the comments submitted. This action, which was proposed for adoption in 48:14 Md. R. 544—545 (July 2, 2021), has been adopted as proposed.

**Effective Date: September 6, 2021.**

ANDREW YORK  
Executive Director

### Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

#### 14.22.01 General Regulations

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

#### Notice of Final Action

[21-079-F]

On August 17, 2021, the Maryland State Commission on Criminal Sentencing Policy adopted amendments to Regulation **.09** under **COMAR 14.22.01 General Regulations**. This action, which was proposed for adoption in 48:14 Md. R. 545—546 (July 2, 2021), has been adopted as proposed.

**Effective Date: October 1, 2021.**

DAVID SOULE  
Executive Director

**Subtitle 27 MARYLAND  
ENVIRONMENTAL SERVICE**

**14.27.02 Human Resources System**

Authority: Natural Resources Article, §§3-103.1 and 3-127, Annotated Code of Maryland

**Notice of Final Action**

[21-080-F]

On August 16, 2021, the Maryland Environmental Service adopted amendments to Regulations **.01**, **.02**, and **.25** under **COMAR 27.14.02 Human Resources System**. This action, which was proposed for adoption in 48:14 Md. R. 546 (July 2, 2021), has been adopted as proposed.

**Effective Date: September 6, 2021.**

CHARLES C. GLASS, Ph.D.  
Executive Director

**Subtitle 27 MARYLAND  
ENVIRONMENTAL SERVICE**

**14.27.03 Procurement**

Authority: Natural Resources Article, §3-127, Annotated Code of Maryland

**Notice of Final Action**

[21-081-F]

On August 16, 2021, the Maryland Environmental Service adopted amendments to Regulations **.03** and **.04** under **COMAR 14.27.03 Procurement**. This action, which was proposed for adoption in 48:14 Md. R. 546—547 (July 2, 2021), has been adopted as proposed.

**Effective Date: September 6, 2021.**

CHARLES C. GLASS, Ph.D.  
Executive Director

**Title 20  
PUBLIC SERVICE  
COMMISSION**

**Subtitle 79 APPLICATIONS  
CONCERNING THE CONSTRUCTION  
OR MODIFICATION OF  
GENERATING STATIONS,  
QUALIFIED GENERATOR LEAD  
LINES, AND OVERHEAD  
TRANSMISSION LINES**

**20.79.01 General**

Authority: Public Utilities Article, §§2-113, 2-121, and 7-205—7-208, Annotated Code of Maryland

**Notice of Final Action**

[21-074-F]

On August 10, 2021, the Maryland Public Service Commission adopted amendments to Regulation **.02**, new Regulations **.05**, **.10**, and **.11**, amendments to and the recodification of existing Regulation **.05** to be Regulation **.06**, the repeal of existing Regulation **.09**, and the recodification of existing Regulations **.06—08** to be Regulations **.07—09** under **COMAR 20.79.01 General**. This action, which was proposed for adoption in 48:13 Md. R. 511—514 (June 18, 2021), has been adopted as proposed.

**Effective Date: September 6, 2021.**

ANDREW S. JOHNSTON  
Executive Secretary

**Subtitle 79 APPLICATIONS  
CONCERNING THE CONSTRUCTION  
OR MODIFICATION OF  
GENERATING STATIONS,  
QUALIFIED GENERATOR LEAD  
LINES, AND OVERHEAD  
TRANSMISSION LINES**

**20.79.02 Administrative Provisions**

Authority: Public Utilities Article, §§2-113, 2-121, and 7-205—7-208, Annotated Code of Maryland

**Notice of Final Action**

[21-075-F]

On August 10, 2021, the Maryland Public Service Commission adopted amendments to Regulations **.01** and **.02** under **COMAR 20.79.02 Administrative Provisions**. This action, which was proposed for adoption in 48:13 Md. R. 515—516 (June 18, 2021), has been adopted as proposed.

**Effective Date: September 6, 2021.**

ANDREW S. JOHNSTON  
Executive Secretary

**Subtitle 79 APPLICATIONS  
CONCERNING THE CONSTRUCTION  
OR MODIFICATION OF  
GENERATING STATIONS,  
QUALIFIED GENERATOR LEAD  
LINES, AND OVERHEAD  
TRANSMISSION LINES**

**20.79.03 Details of Filing Requirements —  
Generating Stations**

Authority: Public Utilities Article, §§2-113, 2-121, and 7-205—7-208,  
Annotated Code of Maryland

**Notice of Final Action**

[21-076-F]

On August 10, 2021, the Maryland Public Service Commission adopted amendments to Regulations .01 and .02, new Regulations .03 and .04, and the recodification of existing Regulations .03—.05 to be Regulations .05—.07 under **COMAR 20.79.03 Details of Filing Requirements — Generating Stations**. This action, which was proposed for adoption in 48:13 Md. R. 516—519 (June 18, 2021), has been adopted as proposed.

**Effective Date: September 6, 2021.**

ANDREW S. JOHNSTON  
Executive Secretary

**Title 27  
CRITICAL AREA  
COMMISSION FOR THE  
CHESAPEAKE AND  
ATLANTIC COASTAL BAYS**

**Notice of Final Action**

[21-056-F]

On August 4, 2021, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays adopted:

(1) Amendments to Regulation .01 under **COMAR 27.01.01 General Provisions**;

(2) The repeal of existing Regulations .01 and .03, amendments to Regulation .02, and new Regulation .03 under **COMAR 27.01.06 Agriculture**;

(3) Amendments to Regulation .01-6 under **COMAR 27.01.09 Habitat Protection Areas in the Critical Area**;

(4) Amendments to Regulation .01 under **COMAR 27.02.01 General Provisions**;

(5) Amendments to Regulation .01 under **COMAR 27.02.03 General Approval of State and Local Agency Programs Which Result in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions**;

(6) The repeal of existing Regulation .07, new Regulation .07, and amendments to Regulation .09 under **COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands**; and

(7) Amendments to Regulation .01 under **COMAR 27.03.01 Notification of Project Applications**.

This action, which was proposed for adoption in 48:9 Md. R. 371—375 (April 23, 2021), has been adopted as proposed.

**Effective Date: September 6, 2021.**

CHARLES C. DEEGAN  
Chairman

**Notice of Final Action**

[21-072-F]

On August 4, 2021, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays adopted:

(1) New Regulation .02-1 and amendments to Regulation .03 under **COMAR 27.01.14 Renewable Energy Generating Stations**;

(2) New Regulation .02 and the recodification of existing Regulation .02 to be Regulation .02-1 under **COMAR 27.02.07 Commission Review, Decision Process, and Time Frames**; and

(3) Amendments to Regulation .04 under **COMAR 27.03.01 Notification of Project Applications**.

This action, which was proposed for adoption in 48:13 Md. R. 519—520 (June 18, 2021), has been adopted with the nonsubstantive changes shown below.

**Effective Date: September 6, 2021.**

**Attorney General's Certification**

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 27.03.01.04G: The phrase "to a local jurisdiction" is being deleted. This change is nonsubstantive as it eliminates unnecessary words and does not affect the application of the regulation.

**Subtitle 03 PROJECT APPLICATIONS**

**27.03.01 Notification of Project Applications**

Authority: Natural Resources Article, §§8-1808(c) and 8-1811, Annotated Code of Maryland

**.04 Categories of Applications of Which the Commission Wishes to Receive Notification.**

A.—F. (text unchanged)

*G. Major and Minor Solar Energy Generating Systems. The local approving authority shall submit a copy of any application [[to a local jurisdiction]] for a major or a minor solar energy generating system that would occur wholly or partially in a limited development area and resource conservation area in accordance with COMAR 27.01.14 and COMAR 27.02.07, and a copy of the final approved application for a major solar energy generating system.*

CHARLES C. DEEGAN  
Chairman

**Title 36**  
**MARYLAND STATE**  
**LOTTERY AND GAMING**  
**CONTROL AGENCY**

**Notice of Final Action**

[21-085-F]

On August 17, 2021, the Maryland State Lottery and Gaming Control Agency adopted amendments to:

(1) Regulation **.17** under **COMAR 36.03.02 Investigation and Licensing;**

(2) Regulations **.20, .28, and .38** under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards;**

(3) Regulations **.27** and **.30** under **COMAR 36.04.01 Video Lottery Technical Standards;**

(4) Regulations **.15** and **.16** under **COMAR 36.05.02 Table Game Equipment;** and

(5) Regulation **.01** under **COMAR 36.05.03 Table Game Procedures.**

This action, which was proposed for adoption in 48:14 Md. R. 577—579 (July 2, 2021), has been adopted as proposed.

**Effective Date: September 6, 2021.**

GORDON MEDENICA  
Director

# Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

## Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

## Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

## Title 07

# DEPARTMENT OF HUMAN SERVICES

## Subtitle 01 OFFICE OF SECRETARY

### 07.01.13 Legal Services

Authority: Courts and Judicial Proceedings Article, §3-813; Family Law Article, §5-323(a)(2); Annotated Code of Maryland

#### Notice of Proposed Action

[21-113-P]

The Secretary of Human Services proposes to amend Regulation **.07** under **COMAR 07.01.13 Legal Services**.

#### Statement of Purpose

The purpose of this action is to remove an outdated process. The Judicure Committee no longer reviews invoices of the Court-appointed attorneys on behalf of the Department, and has not done so for more than 10 years.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Lauren C. Graziano, Director of Government Affairs, Department of Human Services, 311 W. Saratoga Street, Baltimore, MD 21201, or call 410-767-6886, or email to [laurenc.graziano@maryland.gov](mailto:laurenc.graziano@maryland.gov). Comments will be

accepted through September 27, 2021. A public hearing has not been scheduled.

#### .07 Adult Guardianships or Protective Services.

##### A. Court-Appointed Attorney Payment Procedures.

- (1) (text unchanged)
- (2) The Director shall[:

(a) Review] *review* the attorney's submission to ensure that all required information and documentation have been submitted[; and].

(b) Forward request for payment to the Judicure Committee for review, investigation, and recommendation of a reasonable fee if the request is over \$500.

##### B. Judicure Committee.

(1) The Judicure Committee shall review the request received from the Director and shall:

(a) Determine whether the services rendered were reasonable and necessary according to accepted standards of practice in the Maryland Legal Services Program;

(b) Determine the amount of a reasonable fee; and

(c) Send its recommendation to the Director.

(2) In making its recommendation of a reasonable fee, the Judicure Committee may consider the following:

(a) The amount of reasonable and necessary time spent by the attorney on the case;

(b) The attorney's customary fee for cases of the type submitted and the prevailing fees of other attorneys for those cases in the geographic area of the attorney's practice;

(c) The complexity of the case and degree of skill required of the attorney;

(d) The indigence of the person;

(e) The fact that the State is not a private litigant but is a bulk purchaser of counsel services for private litigation; and

(f) The ethical obligation of attorneys to provide services at reduced cost or at no cost to indigent persons.]

[C.] B. (text unchanged)

LAUREN C. GRAZIANO  
Director of Government Affairs

**Title 08**  
**DEPARTMENT OF NATURAL**  
**RESOURCES**

**Subtitle 18 BOATING — SPEED LIMITS**  
**AND OPERATION OF VESSELS**

**08.18.13 Magothy River**

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

**Notice of Proposed Action**

[21-112-P]

The Secretary of Natural Resources proposes to amend Regulation **.04** under **COMAR 08.18.13 Magothy River**.

**Statement of Purpose**

The purpose of this action is to expand the current demarcation line for the speed zone on Cool Springs Cove and Forked Creek. The proposed action relocates the demarcation line for the 6 knot speed limit that is in place at all times during the year approximately 400 feet north (downstream) of the current line. This will help account for large wakes being experienced by local residents and the marina due to newer styles of watercraft being used in this area over the last several years. The proposed action also reorganizes the section so that the regulation complies with formatting rules. This action will increase safety for all waterway users, community marinas, and privately owned waterfront properties within the waterway area.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Magothy River Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8417, or email to [boatingregpubliccomment.dnr@maryland.gov](mailto:boatingregpubliccomment.dnr@maryland.gov). Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

**.04 Magothy River South Shore.**

A. (text unchanged)

B. Cool Spring Cove — Forked Creek[, encompasses the area beginning at a point at or near Lat. 39° 3.828' N., Long. 76° 29.428' W., then running 90° (True) to a point, at or near Lat. 39° 3.828' N., Long. 76° 29.118' W., and running to the head of the cove and creek. This area has a 6-knot speed limit all year].

(1) *Area.* All of the waters upstream of a line beginning at a point defined by Lat. 39°3.892' N, Long. 76°29.472' W; then running 90° True to a point defined by Lat. 39°3.890' N, Long. 76°29.058' W.

(2) *The speed limit for the area described in §B(1) of this regulation is 6 knots at all times.*

C.—H. (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

**Subtitle 18 BOATING — SPEED LIMITS**  
**AND OPERATION OF VESSELS**

**08.18.25 South River**

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

**Notice of Proposed Action**

[21-111-P]

The Secretary of Natural Resources proposes to amend Regulation **.02** under **COMAR 08.18.25 South River**.

**Statement of Purpose**

The purpose of this action is to change the speed limit in the area near the Riva Bridge to be consistent with the speed limit in the Route 2 bridge area. The proposed action changes the speed limit for the Riva Bridge area from 6 knots on Saturdays, Sundays, and holidays during the boating season to 6 knots at all times. The proposed action also reorganizes the section so that the regulation complies with formatting rules.

As noted by Natural Resources Police (NRP), the area leading under the bridge is a confusing point to waterway users. NRP has received many complaints from the boating public because of high wake caused by other boats. Creating a full-time 6 knot speed zone, as opposed to the part-time speed zone that exists now, will reduce potential injuries and property damage.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to South River Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8417, or email to [boatingregpubliccomment.dnr@maryland.gov](mailto:boatingregpubliccomment.dnr@maryland.gov). Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

**.02 South River Proper.**

A.—C. (text unchanged)

D. Riva Bridge Area.

(1) *Area.* [This encompasses the area] All of the waters upstream of a line beginning at a point at or near Lat. 38°57.229' N[.], Long. 76°34.330' W[.]; then running 30° [(JTrue)] to a point, at or near Lat. 38°57.451' N[.], Long. 76°34.166' W[.]; and downstream of a line beginning at a point, at or near Lat. 38°57.211' N[.], Long. 76°34.545' W[.]; then running 20° [(JTrue)] to Addison Point, at or near Lat. 38°57.495' N[.], Long. 76°34.412' W.

(2) [Except as otherwise restricted, the] *The speed limit for [this] the area described in §D(1) of this regulation is 6 knots [on Saturdays, Sundays, and Holidays during the boating season] at all times.*

E.—G. (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

**Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS**

**08.18.29 White Hall Bay**

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

**Notice of Proposed Action**

[21-110-P]

The Secretary of Natural Resources proposes to amend Regulation .03 under **COMAR 08.18.29 Whitehall Bay**.

**Statement of Purpose**

The purpose of this action is to expand the speed zone in Mill Creek. The Department received a request to remove both the Mill Creek proper (Northern Branch) and Martin Cove speed zone demarcation lines and establish a new demarcation line in the main stem of Mill Creek. Over the past decade there has been increasing congestion in this area due to both boaters and other waterway users. Some of these waterway users have created excessive wakes that have caused damage to personal property. The new line will begin just prior to the intersection of the waterways, approximately 235 yards down the main stem of Mill Creek waterway. The proposed action removes the descriptions for both Martin Cove and Mill Creek proper (Northern Branch) and establishes a new speed zone demarcation line for the combined and extended area. The proposed action establishes a 6 knot speed limit on Saturdays, Sundays, and holidays all year for the entire area, which is the current rule for the Mill Creek proper and Martins Cove waterways. The Department expects that by extending the 6 knot speed limit to the new line, both safety and property concerns will be addressed.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Mill Creek Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8417, or email to boatingregspubliccomment.dnr@maryland.gov. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

**.03 Mill Creek.**

A. (text unchanged)

[B. Martins Cove encompasses the area beginning at a point, at or near Lat. 39° 0.162' N., Long. 76° 27.457' W., then running 172° (True) to a point, at or near Lat. 39° 0.035'N., Long. 76° 27.435' W., and running to the head of the cove. This area has a 6-knot speed limit Saturdays, Sundays, and State holidays, all year.

C. Mill Creek proper encompasses the area beginning at a point, at or near Lat. 39° 0.162'N., Long. 76° 27.457' W., then running 97° (True) to a point, at or near Lat. 39° 0.150'N., Long. 76° 27.335' W., and running to the head of the creek. This area has a 6-knot speed limit Saturdays, Sundays, and State holidays, all year.]

B. Martins Cove and Mill Creek Proper.

(1) Area. All of waters upstream of a line beginning at a point, at or near Lat. 39°0.035' N, Long. 76°27.435' W; then running 97° True to a point, at or near Lat. 39°0.025' N, Long. 76°27.298' W.

(2) The speed limit for the area described in §B(1) of this regulation is 6 knots on every:

(a) Saturday;

(b) Sunday; and

(c) State or federal holiday.

[D.] C.—[E.] D. (text unchanged)

JEANNIE HADDAWAY-RICCIO

Secretary of Natural Resources

**Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS**

**08.18.33 Deep Creek Lake**

Authority: Natural Resources Article, §8-704, Annotated Code of Maryland

**Notice of Proposed Action**

[21-109-P]

The Secretary of Natural Resources proposes to amend Regulation .03 under **COMAR 08.18.33 Deep Creek Lake**.

**Statement of Purpose**

The purpose of this action is to update and clarify existing boating laws and coordinates of certain boundaries.

There is an inlet between Beckman’s Peninsula and Harvey’s Peninsula that is very narrow, so waterway users are restricted from towing in that area. The coordinates for the restricted area were incorrect. The proposed action describes the correct area. The action also reorganizes the text to make it clear and to follow style guidelines.

The proposed action modifies the speed limit in the portion of Deep Creek Lake known as North Glade Cove. The Cove is narrow with many obstacles and is heavily used by recreational vessels, both powered and non-powered. The proposed action defines the area with coordinates. The defined area is designated as a minimum wake zone. Minimum wake zone is defined in the Code of Maryland Regulations (COMAR 08.18.01.03) and means that a person may not operate or give permission to operate a vessel in excess of the slowest possible boat speed necessary to maintain steerage under prevailing wind and sea conditions not to exceed 3 knots (3.5 statute miles per hour or 5.6 kilometers per hour). This action will increase the safety of the boating community and decrease damage to the surrounding shoreline and dock structures.

These changes will ensure safer boating on Maryland’s waterways.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Deep Creek Lake Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis, Maryland 21401, or call 410-260-8417, or email to boatingregspubcomment.dnr@maryland.gov. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

**.03 Speed Limits and Restrictions.**

A. Restricted [Skiing] Area—[North Glade Cove.] *Inlet Between Beckman’s Peninsula and Harvey’s Peninsula.* [From 12 noon until sunset on each Saturday, Sunday, and each holiday officially recognized by the State or federal government, or both, an individual may not operate a vessel towing an individual on a ski, aquaplane, or similar device in that area of Deep Creek Lake described as that portion of North Glade Cove lying eastward of a line beginning at a point, at or near Lat. 39° 30.238' N., Long. 79° 16.157' W., then running 159° (True) to a point, at or near Lat. 39° 30.099' N., Long. 79° 16.090' W.]

(1) *Area. All of the waters enclosed by a line beginning at a point defined by Lat. 39°29.860' N, Long. 79°17.190' W; then running 80° True to a point defined by Lat. 39°29.880' N, Long. 79°16.970' W; then running 0° True to a point defined by Lat. 39°30.070' N, Long. 79°16.970' W; then running 283° True to a point defined by Lat. 39°30.109' N, Long. 79°17.167' W; then running 184° True to the point of beginning.*

(2) *An individual may not operate a vessel towing an individual on a ski, aquaplane, or similar device in the area described in §A(1) of this regulation from 12 noon until sunset on any:*

- (a) Saturday;
- (b) Sunday; or
- (c) State or federal holiday.

B. Speed Limit. The following areas are designated minimum wake zones:

(1)—(6) (text unchanged)

(7) Those portions of Pawn Run Cove which lie northwest of a line beginning at a point, at or near Lat. 39°28.012' N., Long. 79°18.711' W., then running 263° (True) to a point, at or near Lat. 39°28.000' N., Long. 79°18.842' W., then running 147° (True) to a point, at or near Lat. 39°27.890' N., Long. 79°18.749' W.; and

(8) [From 11 a.m. to 4 p.m., each Saturday and Sunday, and each holiday from Memorial Day holiday weekend through Labor Day, that area of] *All of the waters of North Glade Cove [which connects to Beckman’s Cove,] lying [north] east of a line beginning at a point, at or near Lat. 39° 29.871' N., Long. 79° 16.920' W., then running 260° (True) to a point, at or near Lat. 39° 29.831' N., Long. 79° 17.215' W., and south of a line beginning at a point at or near Lat. 39° 30.074' N., Long. 79° 16.971' W., then running 283° (True) to a point, at or near Lat. 39° 30.109' N., Long. 79° 17.167' W.] defined by Lat. 39°30.250' N, Long. 79°16.020' W; then running 200° True to a point defined by Lat. 39°30.099' N, Long. 79°16.090' W.*

JEANNIE HADDAWAY-RICCIO  
Secretary of Natural Resources

**Title 10**  
**MARYLAND DEPARTMENT**  
**OF HEALTH**  
**Subtitle 15 FOOD**

**10.15.03 Food Service Facilities**

Authority: Health-General Article, §§18-102, 21-202, 21-301, and 21-330.1, Annotated Code of Maryland

**Notice of Proposed Action**  
[21-117-P]

The Secretary of Health proposes to amend Regulation .27 under **COMAR 10.15.03 Food Service Facilities.**

**Statement of Purpose**

The purpose of this action is to align Regulation .27 Farmer’s Market, Bake Sales, and Cottage Food Business, with Ch. 405 (H.B. 1017), Acts of 2020, which established that cottage food businesses may request a unique identification number from the Department to be used in lieu of a business address on a cottage food product label.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

**.27 Farmer’s Market, Bake Sales, and Cottage Food Business.**

A. The approving authority shall accept as being from an approved source the homemade foods specified in §B of this regulation when the foods are:

- (1) (text unchanged)
- (2) Offered or sold only in the State:
  - (a) Subject to the requirements of [§C(5) and (6)] §C(6) and (7) of this regulation, at a retail food store; or
  - (b) (text unchanged)

B. (text unchanged)

C. Cottage Food Business.

(1) The approving authority shall allow the owner of a cottage food business to sell only cottage food products processed and packaged in Maryland that are:

- (a)—(b) (text unchanged)
- (c) Prepackaged with a label that contains the following information:
  - (i) The name and address of the cottage food business *or the name, phone number, and identification number assigned to the cottage food business by the Department;*
  - (ii)—(viii) (text unchanged)

(2) *A cottage food business may request a unique identification number from the Department which can be used in lieu of the address of the cottage food business on the product label required under §C(1) of this regulation.*

[(2)] (3)—[(5)] (6) (text unchanged)

[(6)] (7) The owner of a cottage food business may not sell or offer for sale a cottage food product to a retail food store until notified by the Department, in writing, that the requirements stated in [§C(5)] §C(6) of this regulation are satisfactorily met.

D. (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health

## Subtitle 26 BOARD OF ACUPUNCTURE

### Notice of Proposed Action

[21-107-P]

The Secretary of Health proposes to:

(1) Amend Regulations **.02—**.05 and adopt new Regulation **.08** under **COMAR 10.26.02 General Regulations**; and

(2) Adopt new Regulations **.01—**.03 under a new chapter, **COMAR 10.26.06 Continuing Education**.

This action was considered by the Board of Acupuncture at public meetings held on November 12, 2019, March 10, 2020, November 10, 2020, and March 9, 2021, notice of which was given by publication on the Board’s website at <https://health.maryland.gov/bacc/Pages/index.aspx> pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

### Statement of Purpose

The purpose of this action is to:

(1) Update the definition of “practice acupuncture” as a result of Ch. 543, Acts of 2019;

(2) Add language that an applicant shall have graduated from a master’s level program or its equivalent in acupuncture, as a result of Ch. 543, Acts of 2019;

(3) Remove obsolete language and make clarifying changes;

(4) Define and establish qualifications and procedures for acupoint injection therapy; and

(5) Establish a new chapter for continuing education requirements.

### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

### Estimate of Economic Impact

The proposed action has no economic impact.

### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

## 10.26.02 General Regulations

Authority: Agriculture Article, §§2-301(g) and 2-304; Health Occupations Article, §§1-211, 1A-205, 1A-301, 1A-302, 1A-306, 1A-307, and 1A-316; Annotated Code of Maryland

### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) *“Acupoint injection therapy” means a form of acupuncture that utilizes therapeutic and natural injectable fluids in place of traditional needles.*

[(2)] (3) *“Acupuncture” means a form of health care[,] based on [a theory] East Asian medical theories of energetic physiology[,] that [describes] describe the interrelationship of the body organs [or] and functions of a human or animal [with an associated point or combination of points].*

[(3)] (4)—[(7)] (8) (text unchanged)

[(8)] (9) *“Practice acupuncture” means the use of [oriental] East Asian medical therapies for the purpose of normalizing energetic physiological functions including pain control, and for the promotion, maintenance, and restoration of health including, but not limited to:*

(a) Stimulation of [points of] a human or animal body by the insertion of [acupuncture] needles;

(b) The application of moxibustion; [and]

(c) [Manual, mechanical, thermal, or electrical] *The following therapies, practices, and remedies only when performed in accordance with the principles of [oriental acupuncture] East Asian medical theories[,] such as:*

(i) *Manual therapies;*

(ii) *Mechanical therapies;*

(iii) *Thermal therapies;*

(iv) *Acupoint injection therapy in accordance with Regulation .08 of this chapter;*

(v) *Hot and cold therapy;*

(vi) *Therapeutic exercise and stretching;*

(vii) *Electric stimulation;*

(viii) *Light and cold laser;*

(ix) *Herbal remedies;*

(x) *Mindfulness practices; and*

(xi) *Nutritional and lifestyle counseling; and*

(d) *The utilization of the findings or results of clinical data to engage in the practice of acupuncture as defined in Health Occupations, §1A-101 et seq., Annotated Code of Maryland, which may include traditional or modern diagnostic methods such as:*

(i) *Lab testing; and*

(ii) *Diagnostic imaging.*

[(9)] (10)—[(10)] (11) (text unchanged)

### .03 Application for License.

A.—C. (text unchanged)

D. The applicant shall provide documentary evidence of having met one of the following standards for education, training, or demonstrated experience:

(1) Graduation from [a course of training of at least 1,800 hours in acupuncture, including 300 clinical hours,] *at least a master’s level program or its equivalent in acupuncture that is:*

(a)—(b) (text unchanged)

(c) Found by the Board to be equivalent to a course approved [by the ACAOM] *or accredited by the authority listed under §D(1)(a) or (b) of this regulation; or*

(2) (text unchanged)

E. An applicant shall demonstrate proof of proficiency in the written and oral communication of the English language by providing documentary evidence that *the applicant has*:

(1) [The applicant has completed] *Completed* at least 60 classroom credits from an English-speaking undergraduate school or English-speaking professional school; [or]

(2) [The applicant has achieved] *Achieved* a passing score on the TOEFL within the 2 years preceding license application[.]; *or*

(3) *Passed the NCCAOM written and practical examination components in English.*

[F. Proof of proficiency in the English language does not apply to an individual who was in possession of a valid Maryland acupuncture license by March 1, 1996, or had applied by that date and subsequently met all requirements for licensure.]

**.04 Approval of Applicant for Licensure.**

A.—D. (text unchanged)

[E. For each individual registered with the State Board of Physician Quality Assurance to perform acupuncture as of July 1, 1994, the Board shall consider the individual licensed until December 31, 1995.]

**.05 Term, Renewal, Reinstatement, and Inactive Status.**

A.—E. (text unchanged)

[F. Continuing Education.

(1) A licensee applying for renewal shall complete 30 hours of relevant continuing education during the 2-year period preceding the expiration of the license which include the following:

(a) At least 20 hours in formally organized programs which are relevant to the practice of acupuncture and Oriental medicine and are approved by the Board or sponsored by, but not limited to, the following organizations and their member organizations:

- (i) American Academy of Medical Acupuncture;
- (ii) American Association of Acupuncture and Oriental Medicine (AAAOM);
- (iii) Council of Colleges of Acupuncture and Oriental Medicine (CCAOM);
- (iv) Colleges and universities accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM);
- (v) National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM);
- (vi) Society for Acupuncture Research; or
- (vii) The National Acupuncture Detoxification Association;

(b) Not more than 10 hours of formally organized training programs in Western science and medical practices, medical ethics, medical research, or cardiopulmonary resuscitation which are relevant to the practice of acupuncture and are sponsored by, but not limited to, organizations listed in §F(1)(a) of this regulation and the following organizations:

- (i) World Health Organization (WHO);
- (ii) National Institutes of Health (NIH);
- (iii) American Medical Association (AMA);
- (iv) American Nurses Association (ANA);
- (v) American Psychiatric Association (APA);
- (vi) Red Cross;
- (vii) Local colleges; or
- (viii) Local hospitals;

(c) Not more than 10 hours of training in approved programs which will assist a licensee to carry out the licensee’s professional responsibilities, including, but not limited to:

- (i) Management courses for a school administrator;
- (ii) Foreign language training for translators of relevant

texts;

(iii) Educational methodology for teachers of acupuncture;

(d) Not more than 10 hours teaching acupuncture and related Oriental medical therapies in an accredited school or in a program approved for acupuncture continuing education;

(e) Not more than 7 hours of pro bono work as outlined in §F(3) of this regulation; or

(f) Not more than 7 hours in published writing or articles in acupuncture and Oriental medicine that are:

- (i) Peer-reviewed research or peer-reviewed clinically relevant articles in acupuncture and Oriental medicine; and
- (ii) Limited to 4 hours per article.

(2) Pro Bono Work.

(a) Pro bono work shall earn 1 credit hour for each 3 hours of pro bono activity up to a maximum of 7 credit hours per renewal cycle.

(b) Pro bono work shall be for the provision of acupuncture services provided through an organization offering humanitarian services such as, but not limited to:

- (i) Domestic or international victims in an emergency situation or disaster area;
- (ii) Low income or underserved areas or populations;
- (iii) Special needs populations; or
- (iv) United States military personnel.

(c) Upon completion of the pro bono work, the licensee shall obtain from the facility written documentation of completion of pro bono hours including:

- (i) The name of the facility;
- (ii) The address where the pro bono work was provided;
- (iii) The type of work that was done;
- (iv) The number of hours of actual work provided for which the licensee desires credit hours; and
- (v) A statement guaranteeing that the work provided no financial benefit to licensee.

(3) Licensees shall maintain the documentation of their continuing education credits for 4 years from the date of their acupuncture renewal.

(4) If requested by the Board, a licensee shall provide proof of continuing education attendance by providing documentation of:

- (a) Name of the program;
- (b) Date of the program;
- (c) Number of continuing education hours earned; and
- (d) Name of the sponsoring organization.]

**.08 Acupoint Injection Therapy.**

A. *Registration. To obtain the required registration from the Board as qualified to practice acupoint injection therapy, an applicant shall:*

- (1) *Possess a current acupuncture license in good standing;*
- (2) *Successfully complete a Board-approved specialty training program in acupoint injection therapy that consists of a minimum of 20 hours of theory and clinical training, which include each of the following topics:*

- (a) *Uses and contraindications for injectable substances;*
- (b) *Proper storage and disposal of injection syringes and injection compounds;*
- (c) *Safety and emergency procedures;*
- (d) *Administration and practical injection skills, including injection technique;*
- (e) *Universal precautions including management of:*
  - (i) *Blood borne pathogens; and*
  - (ii) *Biohazardous waste; and*
- (f) *Clinical training;*

(3) Possess a current certification in basic life support or cardiopulmonary resuscitation (CPR) approved by the American Heart Association or American Red Cross; and

(4) Complete and submit an application provided by the Board.

B. Practice. To practice acupoint injection therapy, the licensed acupuncturist:

(1) Shall:

(a) Possess a registration for acupoint injection therapy from the Board;

(b) Explain acupoint injection therapy to the patient in advance of treatment;

(c) Obtain written informed consent specific to acupoint injection therapy that shall be included in the patient's medical record;

(d) Only perform subcutaneous or intramuscular injection in accordance with the principles of acupuncture and East Asian medical theories;

(e) Have an adverse event or emergency plan in place for allergic reactions to injected substances;

(f) Maintain professional liability coverage for this procedure;

(g) Only use prepackaged acupoint injectable therapeutic substances that are:

(i) Acquired from an appropriately licensed entity in compliance with federal and state law;

(ii) Sterile from the appropriately licensed entity; and

(iii) Stored in accordance to manufacturer's specifications;

(2) May use the following acupoint injectable therapeutic substances without further approval:

(a) Water;

(b) Saline;

(c) Dextrose;

(d) Glucose;

(e) Procaine; or

(f) Lidocaine;

(3) May use acupoint injectable therapeutic substances from the following categories only with Board approval:

(a) Vitamins;

(b) Amino acids;

(c) Proteins;

(d) Sugars; or

(e) Homeopathic substances; and

(4) May not:

(a) Administer compounds for which the licensed acupuncturist has not been appropriately trained in accordance with this regulation;

(b) Give an injectable substance to a patient for self-injection; or

(c) Administer intravenous injections.

C. The Board shall maintain a list of all:

(1) Licensed acupuncturists registered by the Board as qualified to practice acupoint injection therapy;

(2) Board-approved acupoint injection therapy training programs; and

(3) Formularies of Board-approved acupoint injectable therapeutic substances from the categories listed in §B(3) of this regulation.

D. On or after the effective date of this regulation, unless the person is registered by the Board as qualified to practice acupoint injection therapy, an individual may not:

(1) Represent to the public that the individual is an acupoint injection therapy registered acupuncturist; or

(2) Practice acupoint injection therapy.

E. Violation of this regulation constitutes unprofessional conduct and may result in disciplinary action as set forth in Health Occupations Article, §4-315, Annotated Code of Maryland.

### 10.26.06 Continuing Education

Authority: Health Occupations Article, §§1A-205 and 1A-306, Annotated Code of Maryland

#### .01 Scope.

This regulation governs all acupuncturists licensed to practice in the State of Maryland.

#### .02 Definitions.

A. In this chapter, the following term has the meaning indicated.

B. Term Defined. "Board" means the State Board of Acupuncture.

#### .03 Licensure Renewal.

A. A licensee applying for renewal shall complete 30 hours of relevant continuing education during the 2-year period preceding the expiration of the license which include the following:

(1) At least 20 hours in formally organized programs approved by the Board which are relevant to the practice of acupuncture and East Asian medicine;

(2) Not more than 10 hours of formally organized training programs in Western science and medical practices, medical ethics, medical research, or cardiopulmonary resuscitation which are relevant to the practice of acupuncture and East Asian medicine;

(3) Not more than 10 hours of training in approved programs which will assist a licensee to carry out the licensee's professional responsibilities, including, but not limited to:

(a) Management courses for a school administrator;

(b) Foreign language training for translators of relevant texts; or

(c) Educational methodology for teachers of acupuncture;

(4) Not more than 10 hours teaching acupuncture and related East Asian medical therapies in an accredited school or in a program approved for acupuncture continuing education;

(5) Not more than 7 hours of pro bono work as outlined in §B of this regulation;

(6) Not more than 7 hours in published writing or articles in acupuncture and East Asian medicine that are:

(a) Peer-reviewed research or peer-reviewed clinically relevant articles in acupuncture and East Asian medicine; and

(b) Limited to 4 hours per article;

(7) Not more than 20 hours for passage of the NCCAOM exam within the 2-year period preceding the expiration of the license; or

(8) Not more than 10 hours serving on a professional board involving:

(a) Acupuncture; or

(b) East Asian medicine.

B. Pro Bono Work.

(1) Pro bono work shall:

(a) Earn 1 credit hour for each 3 hours of pro bono activity up to a maximum of 7 credit hours per renewal cycle; and

(b) Be for the provision of acupuncture services provided through an organization offering humanitarian services such as, but not limited to:

(i) Domestic or international victims in an emergency situation or disaster area;

(ii) Low-income or underserved areas or populations;

(iii) Special needs populations; or

(iv) United States military personnel.

(2) Upon completion of the pro bono work, the licensee shall obtain from the facility written documentation of completion of pro bono hours including:

- (a) The name of the facility;
- (b) The address where the pro bono work was provided;
- (c) The type of work that was done;
- (d) The number of hours of actual work provided for which the licensee desires credit hours; and
- (e) A statement guaranteeing that the work provided no financial benefit to the licensee.

C. Licensees shall maintain the documentation of their continuing education credits for 4 years from the date of their acupuncture renewal.

D. If requested by the Board, a licensee shall provide proof of continuing education attendance by providing documentation of the:

- (1) Name of the program;
- (2) Date of the program;
- (3) Number of continuing education hours earned; and
- (4) Name of the sponsoring organization.

DENNIS R. SCHRADER  
Secretary of Health

## Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

### 10.28.12 Therapeutic Pharmaceutical Agents

Authority: Health Occupations Article, §§11-101, 11-205, 11-302—11-309, 11-401.1, 11-404, and 11-404.1, Annotated Code of Maryland

#### Notice of Proposed Action

[21-118-P]

The Secretary of Health proposes to amend Regulations .01, .03, and .04, repeal existing Regulations .05 and .06, and amend and recodify existing Regulation .07 to be Regulation .05 under **COMAR 10.28.12 Therapeutic Pharmaceutical Agents**. This action was considered by the Board of Examiners in Optometry at a public meeting held on July 29, 2020, notice of which was given by publication on the Board’s website at <https://health.maryland.gov/optometry/Pages/index.aspx> pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to:

- (1) Add clarifying language to the definitions;
- (2) Establish evaluation standards for therapeutically certified optometrists utilizing therapeutic pharmaceutical agents (TPAs);
- (3) Remove obsolete language; and
- (4) Repeal existing Regulations .05 and .06.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

#### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Adverse reaction” means the unintended or unexpected effect of treatment on a patient caused by or resulting from:

(a) An adverse drug reaction; [or]

(b) The removal of a superficial foreign body from the eye[.]; or

(c) The ordering of a laboratory test.

(3) (text unchanged)

[(4) “Comanagement plan” means the formal, written individualized treatment plan signed and agreed to by an ophthalmologist and an optometrist with TPA certification for the treatment and management of primary open angle glaucoma.]

[(5) (4) “Diagnostic pharmaceutical agent (DPA)” means a medication [which directly or indirectly affects] that:

(a) *Directly or indirectly affects* the pupil of the eye as defined in COMAR 10.28.11; [or]

(b) *Directly or indirectly affects* the sensitivity of the cornea as defined in COMAR 10.28.11[.]; or

(c) *Stains the ocular surface.*

[(6) (5) “Ophthalmologist” means a physician[:

(a) Who] *who* practices in the specialty of ophthalmology and who is licensed by the Maryland Board of Physicians[;

(b) Licensed in an adjoining state who practices the specialty of ophthalmology and meets the following requirements:

(i) The physician’s participation in the comanagement plan has been requested by a Maryland TPA-certified optometrist and a justification for the request has been submitted to the Board, and

(ii) The Board concludes that the physician’s participation is permitted by State law and no other means of meeting patient care needs is reasonably available].

[(7) (6) “Primary open angle glaucoma” means glaucomatous changes characterized by:

(a)—(b) (text unchanged)

(c) One or more of the following:

(i) The appearance of optic disc damage or optic nerve fiber layer damage as evidenced by the size or shape of the optic disc cup, thinning or notching of the optic disc rim, progressive changes in the appearance of the optic disc cup, optic disc hemorrhage, or nerve fiber layer defects, *seen clinically or via imaging*;

(ii) The presence of abnormalities in the visual field including arcuate defect, nasal step, paracentral scotoma, or general depression, in the absence of other causes or explanations for a visual field defect[.]; or

(iii) Intraocular pressure [repeatedly above 21mm Hg (by Goldmann applanation or its equivalent) at some course during observation which] *that* is thought to pose a threat to the health of the optic nerve.

[(8) “Quality assurance program” means the process which includes peer review, record review, self-assessment, and data collection.]

[(9) (7)—[(13) (11) (text unchanged)

**.03 Requirements for Renewal of Certification.**

A.—E. (text unchanged)

F. *TPA Self-Assessment.* At the time of license renewal, the therapeutically certified optometrist shall complete a self-assessment checklist provided by the Board to evaluate the following aspects of the optometrist's practice utilizing TPAs, including but not limited to:

- (1) Legibility and completeness of TPA records;
- (2) Documentation of patient visits, services rendered, and communications;
- (3) Documentation of subjective complaints, objective findings, clinical assessments relating to the findings of the diagnosis, and the plan;
- (4) A written office plan for handling emergencies;
- (5) A system for patients to reach the optometrist, or to access care, in the event of an ocular emergency;
- (6) A systematic discarding of expired medications;
- (7) Documentation of current CPR certification;
- (8) An infection control policy;
- (9) Patient confidentiality;
- (10) A patient tracking system that enables identification and follow-up to ensure treatment of patients who:
  - (a) Are being followed or referred out for emergency sight or life-threatening conditions; or
  - (b) Fail to keep appointments;
- (11) Procedures for appropriate termination of the doctor-patient relationship when necessary;
- (12) Satisfactory explanation of the treatment plan so that the patient knows and understands the nature of the patient's problem or problems and the goals of the treatment regimen; and
- (13) Advice to patients regarding the importance of progress examinations and follow-up care.

**.04 Standards of Quality for Therapeutically Certified Optometrists and Optometric Care.**

A. The therapeutically certified optometrist shall provide clinical therapeutic eye care consistent with published, [nationally] universally accepted practice or clinical guidelines and standards of care.

B. The therapeutically certified optometrist shall adhere to the additional guidelines and standards of care given in [§§C—U] §§C—T of this regulation.

C. (text unchanged)

[D. The therapeutically certified optometrist shall file and label all TPA records in a manner which makes them readily retrievable and available for review.]

[E.] D. The therapeutically certified optometrist shall document the following data, if applicable, for each TPA patient visit or communication:

- (1)—(3) (text unchanged)
- (4) Medication/treatment provided; and
- [(5) Fee charged; and]
- [(6)] (5) (text unchanged)

[F.] E. The therapeutically certified optometrist shall document the following data as part of the patient's permanent file:

- (1)—(2) (text unchanged)
- (3) Name of the doctor to whom the patient is referred, appointment date, and [time of any referrals for consultation or treatment] *documentation that the patient or guardian preferred to schedule the referral appointment on their own;*
- (4)—(6) (text unchanged)

[G.] F.—[K.] J. (text unchanged)

[L.] K. The therapeutically certified optometrist shall maintain a written tracking system to identify patients who are being followed or referred for [disease-risk] *emergency sight or life-threatening conditions and who fail to keep appointments.*

[M.] L. The therapeutically certified optometrist shall [contact] *document that a [disease-risk] patient who fails to keep an appointment for an emergency sight or life-threatening condition was contacted by [a telephone call and a mailed notice, if needed.]:*

- (1) Telephone;
- (2) Electronic mail or other electronic means;
- (3) Text message; or
- (4) Mail.

[N.] M.—[O.] N. (text unchanged)

[P.] O. The therapeutically certified optometrist shall remove superficial foreign bodies from the eye in accordance with the applicable standards of care established under Health Occupations Article, Title 11, Annotated Code of Maryland. [A therapeutically certified optometrist may remove superficial foreign bodies from the human eye only if the foreign body:

- (1) May be removed with a cotton-tipped applicator or blunt spatula; and
- (2) Has not penetrated beyond the Bowman's membrane of the cornea and is not within 2.5 millimeters of the visual axis.]

[Q.] P. (text unchanged)

[R.] Q. The therapeutically certified optometrist shall report to the Board, on the form provided by the Board, within 10 working days of the occurrence, an adverse reaction [resulting from administration of a therapeutic pharmaceutical agent or from the removal of a superficial foreign body from the eye]. The therapeutically certified optometrist shall include in the report, at a minimum, the following:

- (1)—(4) (text unchanged)

[S.] R. Glaucoma [Comanagement] *Management.*

- (1) (text unchanged)
- (2) A therapeutically certified optometrist may administer and prescribe topical [therapeutic] pharmaceutical agents for glaucoma only[:] *as authorized by law.*

[(a) For patients with primary open angle glaucoma;

(b) After the optometrist refers the patient to an ophthalmologist; and

(c) After the ophthalmologist and optometrist jointly and promptly develop a written individualized comanagement treatment plan that is signed by the ophthalmologist and optometrist.

(3) The treatment plan may be modified only upon the mutual consultation and consent of the optometrist and ophthalmologist, and the optometrist shall note the modification in the patient's record.

(4) The therapeutically certified optometrist shall refer the patient to an ophthalmologist at least once a year.

(5) The therapeutically certified optometrist shall make available to the ophthalmologist the results of the tests or procedures including visual fields tests, optic nerve photos, or nerve fiber layer photos performed by the optometrist, and the ophthalmologist shall make available to the optometrist the results of tests or procedures performed by the ophthalmologist.

T. The therapeutically certified optometrist and the ophthalmologist shall ensure that the glaucoma comanagement plan includes at least the following:

- (1) The tests, examinations, and procedures performed that led to the diagnosis;
- (2) An initial schedule of the tests and examinations necessary to treat the patient;
- (3) The estimated number of times the patient may need to be seen by the optometrist and the ophthalmologist;
- (4) The optometrist's name, address, and license number;
- (5) The ophthalmologist's name, address, and license number;
- (6) A medication plan;
- (7) A target intraocular pressure (IOP) which, if exceeded, requires reassessment of the comanagement plan and appropriate therapeutic intervention to reduce the intra-ocular pressure to an acceptable level; and

(8) Criteria for surgical intervention.]

[U.] S. In developing a [comanagement] *glaucoma* treatment plan that ensures the maximum effectiveness for the patient, the therapeutically certified optometrist [and the ophthalmologist] shall consider the following:

- (1) (text unchanged)
- (2) Status of the optic nerve structure, function, and its relationship to [IOP] *intraocular pressure*;
- (3) Identification of a *target intraocular pressure at or below the target level in which further optic nerve damage is unlikely to occur*;
- (4) Maintenance of [IOP] *intraocular pressure* at or below the target level by initiating appropriate therapeutic intervention;
- (5) Monitoring of the optic nerve and resetting the target [IOP] *intraocular pressure* if deterioration occurs;
- (6) (text unchanged)
- (7) Education of the patient in the management of primary open angle glaucoma disease; [and]
- (8) Reference to accepted clinical guidelines for glaucoma follow-up management[.]; *and*
- (9) *Criteria for surgical intervention.*

T. *Laboratory Tests. Laboratory tests shall be ordered by a therapeutically certified optometrist only as provided by law.*

**[.07].05 Monitoring of Complaint Investigation.**

A. The Board shall review complaints against optometrists relating to ocular therapeutics, [comanagement] *management* of primary open angle glaucoma, removal of superficial foreign bodies, and other aspects of practice by a therapeutically certified optometrist.

B. (text unchanged)

[C. The Board shall submit a report summarizing the Board’s investigation of complaints concerning TPAs, the results of the investigations, and actions taken by the Board to the Secretary annually, at the end of the Board’s fiscal year. The Board shall ensure that the reports protect the confidentiality of the optometrists and the complainants.]

DENNIS R. SCHRADER  
Secretary of Health

**Subtitle 67 MARYLAND  
HEALTHCHOICE PROGRAM**

**10.67.08 Maryland Medicaid Managed Care  
Program: Non-Capitated Covered Services**

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105,  
Annotated Code of Maryland

**Notice of Proposed Action**  
[21-119-P]

The Secretary of Health proposes to amend Regulation **.02** under **COMAR 10.67.08 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services.**

**Statement of Purpose**

The purpose of this action is to update the list of behavioral health diagnosis codes to reflect the addition of new International Classification of Diseases, 10th Revision (ICD-10) diagnosis codes, and to update the current buprenorphine and evaluation and management procedure codes included in the behavioral health carve out.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jason Caplan, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-225), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

**.02 Behavioral Health Non-Capitated Covered Services.**

A. An MCO is not responsible for reimbursing for the following substance use disorder services, regardless of diagnosis:

(1) Services delivered by a community-based provider as described in COMAR 10.09.80 with the following procedure codes:

H0001— J0574	(text unchanged)
Q9991	<i>Injection, Buprenorphine extended-release, less than or equal to 100 mg</i>
Q9992	<i>Injection, Buprenorphine extended-release, greater than 100 mg</i>

(2) (text unchanged)

B.—J. (text unchanged)

K. An MCO is not responsible for reimbursing for services billed by a physician related to prescribing buprenorphine or Vivitrol when the following conditions are met:

(1)—(4) (text unchanged)

(5) The procedure code listed on the claims is one of the following:

[99201]	[Evaluation and Management, Minimal, new patient]
99202— J0574	(text unchanged)
Q9991	<i>Injection, Buprenorphine extended-release, less than or equal to 100 mg</i>
Q9992	<i>Injection, Buprenorphine extended-release, greater than 100 mg</i>
80305— 80307	(text unchanged)

L. Table of substance use disorder diagnoses:

(1) (text unchanged)

(2) For dates of service on or after October 1, 2015:

F1010	(text unchanged)
F1011	<i>Alcohol abuse, in remission</i>
F10120— F10129	(text unchanged)
F10130	<i>Alcohol abuse with withdrawal, uncomplicated</i>
F10131	<i>Alcohol abuse with withdrawal delirium</i>
F10132	<i>Alcohol abuse with withdrawal with perceptual disturbance</i>
F10139	<i>Alcohol abuse with withdrawal, unspecified</i>
F1014	(text unchanged)
F10150	<i>Alcohol abuse with [alcohol-induce] alcohol-induced psychotic disorder with delusions</i>
F10151	<i>Alcohol abuse with [alcohol-induce] alcohol-induced psychotic disorder with hallucinations</i>
F10159— F1024	(text unchanged)

F10250	Alcohol dependence with [alcohol-induce] <i>alcohol-induced</i> psychotic disorder with delusions
F10251	Alcohol dependence with [alcohol-induce] <i>alcohol-induced</i> psychotic disorder with hallucinations
F10259	Alcohol dependence with [alcohol-induce] <i>alcohol-induced</i> psychotic disorder, unspecified
F10280— F10929	(text unchanged)
F10930	<i>Alcohol use, unspecified with withdrawal, uncomplicated</i>
F10931	<i>Alcohol use, unspecified with withdrawal delirium</i>
F10932	<i>Alcohol use, unspecified with withdrawal with perceptual disturbance</i>
F10939	<i>Alcohol use, unspecified with withdrawal, unspecified</i>
F1094	(text unchanged)
F10950	Alcohol use, unspecified with [alcohol-induce] <i>alcohol-induced</i> psychotic disorder with delusions
F10951	Alcohol use, unspecified with [alcohol-induce] <i>alcohol-induced</i> psychotic disorder with hallucinations
F10959— F1110	(text unchanged)
F1111	<i>Opioid abuse, in remission</i>
F11120— F11129	(text unchanged)
F1113	<i>Opioid abuse with withdrawal</i>
F1114 — F1210	(text unchanged)
F1211	<i>Cannabis abuse, in remission</i>
F12120 — F12129	(text unchanged)
F1213	<i>Cannabis abuse with withdrawal</i>
F12150 — F1310	(text unchanged)
F1311	<i>Sedative, hypnotic or anxiolytic abuse, in remission</i>
F13120 — F13129	(text unchanged)
F13130	<i>Sedative, hypnotic or anxiolytic abuse with withdrawal, uncomplicated</i>
F13131	<i>Sedative, hypnotic or anxiolytic abuse with withdrawal delirium</i>
F13132	<i>Sedative, hypnotic or anxiolytic abuse with withdrawal with perceptual disturbance</i>
F13139	<i>Sedative, hypnotic or anxiolytic abuse with withdrawal, unspecified</i>
F1314 — F13151	(text unchanged)
F13159	Sedative, hypnotic or anxiolytic abuse with sedative, hypnotic or [anxiolyti-induced] <i>anxiolytic-induced</i> psychotic disorder, unspecified
F13180— F14129	(text unchanged)
F1413	<i>Cocaine abuse, unspecified with withdrawal</i>
F1414— F14929	(text unchanged)
F1493	<i>Cocaine use, unspecified with withdrawal</i>
F1494— F15129	(text unchanged)
F1513	<i>Other stimulant abuse with withdrawal</i>
F1514— F19129	(text unchanged)
F19130	<i>Other psychoactive substance abuse with withdrawal, uncomplicated</i>

F19131	<i>Other psychoactive substance abuse with withdrawal delirium</i>
F19132	<i>Other psychoactive substance abuse with withdrawal with perceptual disturbances</i>
F19139	<i>Other psychoactive substance abuse with withdrawal, unspecified</i>
F1914— R785	(text unchanged)

M. Table of mental health diagnoses:

(1) (text unchanged)

(2) For dates of service on or after October 1, 2015:

F200— F509	(text unchanged)
F53	<i>Mental and behavioral disorders associated with the puerperium, not elsewhere classified</i>
F530	<i>Postpartum depression</i>
F531— Z046	(text unchanged)

N. (text unchanged)

O. Table of poisoning diagnoses, for dates of service on or after July 1, 2016:

T360X2A — T403X2A	(text unchanged)
T40412A	<i>Poisoning by fentanyl or fentanyl analogs, self-harm, initial encounter</i>
T40422A	<i>Poisoning by tramadol, self-harm, initial encounter</i>
[T404X2A] T40492A	[Poisoning by other synthetic narcotics, intentional self-harm] <i>Poisoning by other synthetic narcotics, self-harm, initial encounter</i>
T405X2A	<i>Poisoning by cocaine, intentional self-harm, initial encounter</i>
T40602A	<i>Poisoning by unspecified narcotics, intentional self-harm, initial encounter</i>
T40692A — T50992A	(text unchanged)

DENNIS R. SCHRADER  
Secretary of Health

# Title 11 DEPARTMENT OF TRANSPORTATION

## Subtitle 13 MOTOR VEHICLE ADMINISTRATION—VEHICLE EQUIPMENT

### *11.13.12 Safety Glass Replacement Standards*

*Authority: Transportation Article, §§12-104(b) and 22-406, Annotated Code of Maryland*

#### Notice of Proposed Action

[21-106-P-I]

The Administrator of the Motor Vehicle Administration proposes to adopt new Regulations .01— .09 under a new chapter, **COMAR 11.13.12 Safety Glass Replacement Standards**.

**Statement of Purpose**

The purpose of this action is to adopt new regulations to establish standards and requirements for aftermarket safety glass replacement in order to conform to Ch. 461 (H.B. 519), Acts of 2021.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Tracey Sheffield, Regulations Coordinator, MDOT MVA, 6601 Ritchie Highway, N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to tsheffield@mdot.maryland.gov, or fax to 410-768-7506. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

**Editor’s Note on Incorporation by Reference**

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the American National Standard for Safety Glazing Materials for Glazing Motor Vehicles and Motor Vehicle Equipment Operating on Land Highways (ANSI/SAE Z26.1) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 48:1 Md. R. 7 (January 4, 2021), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.01 Scope.**

This chapter implements the automotive glass replacement safety standard addressing procedures, education, and product performance for motor vehicles falling within the guidelines of the Federal Motor Vehicle Safety Standard (FMVSS) 208 and 212.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

**B. Terms Defined.**

(1) “Advanced Driver Assistance Systems (ADAS)” means an automated system that enhances vehicle safety and assists in reducing driver error.

(2) “Adhesive bonding system” means an engineered system using chemical products, used together as a technique or process, to bond substrates.

(3) “Anti-pinch mechanism” means a feature that reverses the window or panel direction of travel when resistance is encountered.

(4) “Equivalent retention system” means a system that meets or exceeds the vehicle manufacturer’s performance strength specifications or has been certified by the retention system manufacturer or private labeler as appropriate for the specific application.

(5) “Final exam” means a comprehensive exam that evaluates the individual’s knowledge and skills, including but not limited to retention-system-specific replacement procedures, a variety of

automotive safety issues, minimum drive-away time, environmental conditions as they affect retention system performance, federal safety requirements, and the basics of safe and effective automotive glass replacement.

(6) “Full cut” means removing an existing bead of urethane to a height of approximately 1 to 2 mm wherever the residual bead is structurally sound and the substrate condition is not defective.

(7) “Initialize”, “initialization”, or “re-initialization” means a procedure that re-establishes proper operation of the intended function.

(8) “Minimum drive-away strength” means the minimum properties as defined and specified by the retention systems manufacturer or private labeler to meet the requirements of FMVSS 208 and 212 as it pertains to glass retention systems.

(9) “Minimum drive-away time” means the time necessary for a given adhesive system to attain minimum drive-away strength after an adhesive bonded glass part is set in place.

(10) “Polyurethane adhesive” means a thermoplastic polymer adhesive produced by the condensation reaction of polyisocyanate and a hydroxyl containing material.

(11) “Private labeler” means any individual or corporation or the entity engaged in sale or distribution of a product labeled as its own, but manufactured by any different entity.

(12) “Recalibration” means the process by which a vehicle’s Advanced Driver Assistance System is returned to the vehicle manufacturer’s specifications.

(13) “Retention system” means any original equipment or equivalent method of glazing attachment.

(14) “Those engaged in automotive glass replacement” refers to any individual, business, or organization that replaces automotive glass, including but not limited to individual technicians, automotive glass replacement businesses, automotive body shops, and dealerships.

**.03 Incorporation by Reference.**

A. In this chapter, the following documents are incorporated by reference.

**B. Documents Incorporated.**

(1) American National Standard for Safety Glazing Materials for Glazing Motor Vehicles and Motor Vehicle Equipment Operating on Land Highways (ANSI/SAE Z26.1);

(2) 49 CFR §571.205 — Standard No. 205, Glazing Materials (FMVSS 205); and

(3) 49 CFR §571.205 — Standard No. 111; Rear Visibility.

**.04 Vehicle Assessment Before Replacement.**

A. Those engaged in automotive glass replacement may not undertake or complete any installation unless first a thorough assessment of the vehicle has been made.

B. If, after the assessment made under §A of this regulation, it has been determined that any discovered conditions on the vehicle could compromise the vehicle’s retention system, the technician may not undertake or complete the installation. The owner or operator then shall be so notified verbally and in writing.

C. If, after the assessment made under §A of this regulation, it has been determined that the vehicle has an ADAS which could require recalibration after any automotive glass replacement, and the technician chooses not to follow Regulation .08I of this chapter, the technician may not undertake or complete the installation. The owner/operator then shall be so notified verbally and in writing. Documentation of customer notification shall be kept as a record in accordance with the provisions of Regulation .08G of this chapter.

**D. The following vehicles are exempt from this chapter:**

- (1) Registered as a Class L historic vehicle;
- (2) Registered as a Class N street rod vehicle; and
- (3) Registered as a Class K farm area/island vehicle.

**.05 Selection of Glass and Retention Systems.**

Those engaged in automotive glass replacement shall:

A. Use glass products meeting the requirements of ANSI Z26.1 as required by Federal Motor Vehicle Safety Standard 205;

B. Use either an original equipment manufacturer (OEM) approved retention system or equivalent retention system as certified in writing by the equivalent retention system manufacturer directly or through a private labeler;

C. Obtain and follow written comprehensive and current application instructions from the retention systems manufacturer or private labeler, including at least:

(1) The proper use of the retention system;

(2) Storage specifications;

(3) Minimum drive-away time charts containing temperature and humidity variables, if applicable; and

(4) Any special procedures required for adverse weather conditions;

D. Use only retention systems that have lot numbers and expiration dates printed on appropriate products; and

E. Use glass products compatible with the ADAS which may be affected/impacted by the glass replacement.

**.06 Installation Standards — Adhesive Bonded.**

A. Those engaged in automotive glass replacement shall follow the adhesive manufacturer's application instructions, as provided by the manufacturer directly or through the private labeler. All in-shop or mobile installations shall be performed under environmental and other conditions that are compatible with the application instructions required in Regulation .05 of this chapter.

B. Products shall be stored and controlled according to manufacturers' requirements as provided directly or through a private labeler.

C. No automotive glass replacement shall be undertaken using an adhesive glass retention bonding system that would not achieve minimum drive-away strength by the time the vehicle may be reasonably expected to be operated.

D. The vehicle owner/operator shall be notified prior to and after the installation process of the minimum drive-away time under the circumstances of the replacement.

E. Adhesive shall be applied so that the finished bead cross-section profile and dimensions meet or exceed the original equipment configuration or recommendation of the adhesive system manufacturer.

F. If the OEM installation was polyurethane, then the glass shall be replaced with polyurethane or an equivalent adhesive bonding system. If the OEM installation was butyl, polysulfide, or other non-polyurethane, and the vehicle is licensed for highway use, adhesive bonded stationary glass installations shall be performed using polyurethane or an equivalent retention system unless in conflict with current OEM specifications.

G. All adhesive system component lot numbers shall be traceable to each job.

H. All glass parts shall be traceable to the installation by a DOT number and part number.

I. No product that has exceeded the manufacturer or private labeler's stated expiration date, open shelf life, or active shelf life shall be used.

J. All supplemental mechanical glass retention devices shall be replaced to original equipment specifications.

K. When inappropriate replacement materials or methods are detected, those engaged in an automotive glass replacement shall report their findings to the vehicle owner or operator.

L. When those engaged in automotive glass replacement correct inappropriate glass installations, they shall remove any inappropriate materials that would compromise the retention system.

They shall fully correct any adverse glass installation related conditions caused by the use of inappropriate materials or methods, and they shall use appropriate methods pursuant to Regulation .05 of this chapter.

M. When sealing air or water leaks within a polyurethane retention system, only compatible polyurethane adhesive shall be used. No silicone or butyl may be used.

N. Only the full cut method should be used for polyurethane retention systems.

**.07 Installation Standards — Rubber Gasket.**

A. If the OEM utilizes the combination of a rubber gasket and polyurethane as a retention system, an equivalent adhesive bonding system shall be used in the installation. In cases when the OEM did not include polyurethane or an equivalent adhesive system, such systems shall be used if later production models included the addition of adhesive systems without body style modification.

B. If the OEM gasket installation did not include adhesive and the vehicle is licensed for highway use and is less than 10,000 pounds gross vehicle weight, the installation shall include polyurethane or an equivalent adhesive bonding system. The following vehicles are exempt:

(1) Registered as a Class L historic vehicle;

(2) Registered as a Class N street rod vehicle; and

(3) Registered as a Class K farm area/island vehicle.

C. When sealing air or water leaks within a rubber gasket or polyurethane adhesive system, only compatible polyurethane shall be used. No silicone or butyl may be used.

**.08 Additional Requirements.**

A. All mechanically fastened automotive glass parts shall be replaced according to original equipment specifications.

B. Glass parts, including custom cut parts, shall be marked in compliance with the certification requirements specified in FMVSS 205 and the marking requirements of ANSI Z26.1, incorporated by reference in Regulation .03 of this chapter, for those vehicles licensed for highway use.

C. Those engaged in automotive mirror replacement shall install external and internal replacement mirrors that meet or exceed original equipment specifications and the requirements of 49 CFR §571.111 — Standard No. 111; Rear Visibility.

D. Whenever OEM retention systems are modified on later production models without body style modification, the most current retention system shall be used in the replacement unless otherwise specified by the OEM.

E. Notification of Defective Product.

(1) A failure or defect in any product used or intended for use in the automotive glass replacement process that could jeopardize customer safety shall be reported promptly to the manufacturer or supplier of the product.

(2) Any product installed by those engaged in automotive glass replacements that is discovered to be defective or capable of jeopardizing customer safety shall be immediately reported to the customer with an offer to remedy the situation.

F. Those engaged in automotive glass replacement may not introduce any chemical agents, such as cleaners, solvents, lubricants, or release agents, or utilize any installation practice that will adversely affect the glass retention system.

G. Those engaged in automotive glass replacement shall create and retain records of each auto glass replacement for a period of at least 3 years from the date the work was completed sufficient to demonstrate compliance with this standard. Records, either electronic or hard copy, shall be legible, easily identifiable, and readily available. The 3-year period may be temporarily shortened for specific, clear, and substantial reasons, but shall be adhered to when such reasons no longer exist.

H. Those engaged in the repair, removal, or replacement of motorized windows and/or panels in automobiles that are equipped with anti-pinch mechanisms shall reset, initialize, and/or confirm their proper operation before the vehicle is released to its owner/operator. If the reset operation cannot be completed for any reason, the vehicle owner/operator shall be informed verbally and in writing of the failure to reset the system. In addition, the owner/operator shall be instructed to seek out a facility equipped to reset the system. The replacement glass installer is not responsible for the selection of any reset facility. Documentation of customer notification shall be kept as record pursuant to §G of this regulation.

I. If the vehicle has an ADAS, it may require recalibration after any automotive glass replacement. Only trained personnel who elect to provide recalibration services may complete the recalibration, and only if they obtain and use proper equipment and provide the outcome of the recalibration to the owner/operator. If these conditions cannot be met, or if the automotive glass installer does not provide recalibration services, the owner/operator shall be advised prior to and at the completion of the installation that:

- (1) The vehicle has an ADAS;
- (2) After automotive glass replacement, the vehicle may require the recalibration of the ADAS;
- (3) The replacement glass installer will not recalibrate the ADAS;
- (4) There are locations where recalibration may be obtained; and
- (5) The replacement glass installer is not responsible for the selection of any recalibration location.

**.09 Education.**

A. Technicians installing replacement automotive glass shall be fully qualified for the tasks they are required to perform. Such qualifications shall include, at a minimum, completion of a comprehensive training program, at least 3 hours every 3 years, with a final exam and an ongoing education component. The program shall include, among other things:

- (1) Automotive glass replacement safety issues;
- (2) An understanding of OEM installation standards and procedures;
- (3) Relevant technical specifications;
- (4) Adhesive system manufacturer specific comprehensive retention system training; and
- (5) The opportunity to apply and demonstrate the skills technicians learn.

B. Training with respect to the content and requirements of the current version of ANSI Z26.1 shall be required for all personnel directly involved in the automotive glass replacement process and may include, for example, scheduling, purchasing, installing, customer service, quality control, and management. Records of this training detailing content, date, participants, and acknowledgment of the participant's successful completion of the training and receipt of a printed copy of the current standard shall be maintained.

CHRISTINE NIZER  
 Administrator  
 Motor Vehicle Administration

# Title 14

## INDEPENDENT AGENCIES

### Subtitle 07 MARYLAND

### AUTOMOBILE INSURANCE FUND

**Notice of Proposed Action**  
 [21-116-P]

The Maryland Automobile Insurance Fund proposes to repeal:  
 (1) Regulations .01—.18 under **COMAR 14.07.01 Board of Trustees**;  
 (2) Regulations .01—.08 under **COMAR 14.07.02 Binding Rules**; and  
 (3) Regulations .01—.06 under **COMAR 14.07.03 Producer Discipline Hearing Rules**.

**Statement of Purpose**

The purpose of this action is to repeal COMAR 14.07.01 Board of Trustees; COMAR 14.07.02 Binding Rules; and COMAR 14.07.03 Producer Discipline Hearing Rules. Pursuant to Ch. 509, Acts of 2017, which amended Insurance Article, §20-201, Annotated Code of Maryland, the Board of Trustees processes and procedures, binding rules, and producer discipline hearing rules are no longer subject to State Government Article, Title 10, Subtitle 1, Annotated Code of Maryland; therefore, regulations are no longer required. Instead, the Board of Trustees processes and procedures, binding rules, and producer discipline hearing rules are governed by by-laws, policies, and procedures adopted by the Board of Trustees pursuant to Insurance Article, §§20-202, 20-509, 20-513, and 20-514, Annotated Code of Maryland.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Sandra Dodson, Government Relations, Maryland Automobile Insurance Fund, 1215 E. Fort Ave., Suite 300, Baltimore, MD 21230, or call 667-210-5182, or email to sdodson@marylandauto.net. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

ALFRED W. REDMER, JR.  
 Executive Director

**Title 30**  
**MARYLAND INSTITUTE**  
**FOR EMERGENCY**  
**MEDICAL SERVICES**  
**SYSTEMS (MIEMSS)**

**Subtitle 01 GENERAL**

**30.01.02 Documents Incorporated by Reference**

Authority: Education Article, §13-516, Annotated Code of Maryland

**Notice of Proposed Action**  
 [21-120-P-I]

The State Emergency Medical Services Board proposes to amend Regulation **.01** under **COMAR 30.01.02 Documents Incorporated by Reference**. This action was considered and approved by the State Emergency Medical Services Board at its regular meeting on July 13, 2021, notice of which was given by publication on the Maryland Institute for Emergency Medical Service Systems website, www.mimess.org, beginning July 7, 2021, under General Provisions Article, §3-302, Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to incorporate by reference the current Maryland Medical Protocols for Emergency Medical Services.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to E. Fremont Magee, Assistant Attorney General, Maryland Institute for Emergency Medical Services Systems, 653 West Pratt Street, Baltimore, MD 21201, or call 410-706-8531, or email to fmagee@miemss.org, or fax to 410-706-2138. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Maryland Medical Protocols for Emergency Medical Services (MIEMSS) (Effective July 1, 2021) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 48:1 Md. R. 7 (January 4, 2021), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.01 Incorporation by Reference.**

A. (text unchanged)

B. Documents Incorporated.

(1) “Maryland Medical Protocols for Emergency Medical Services (MIEMSS [August 20, 2020] *July 1, 2021* Edition)”. This document can be obtained through the Maryland Institute for Emergency Medical Services Systems at 653 W. Pratt Street, Baltimore, Maryland 21201 (410-706-4449).

(2)—(4) (text unchanged)

THEODORE R. DELBRIDGE, M.D.  
 Executive Director

**Subtitle 08 DESIGNATION OF**  
**TRAUMA AND SPECIALTY**  
**REFERRAL CENTERS**

**30.08.17 Comprehensive Stroke Center Standards**

Authority: Education Article, §13-509, Annotated Code of Maryland

**Notice of Proposed Action**

[21-115-P]

The Maryland Emergency Medical Services Board proposes to repeal Regulations **.01, .03—05, .07, .10, .12, .13, and .17—19**, amend and recodify existing Regulations **.02, .06, .08, .09, .11, and .14—16** to be Regulations **.01, .05, .07, .09, .10, and .12—14**, respectively, and adopt new Regulations **.02—04, .06, .11, and .15—18** under **COMAR 30.08.17 Comprehensive Stroke Center Standards**. This action was considered by the Maryland Emergency Medical Services Board at an open meeting held on February 9, 2021.

**Statement of Purpose**

The purpose of this action is to update the current standards for comprehensive stroke centers with the most current recommendations/guidelines for care of the complex stroke patient population.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** Designation as a comprehensive stroke center is voluntary. Currently designated comprehensive stroke centers have made a substantial commitment to stroke care and participated in the development of the regulations. These standards reflect the current standard of practice for treatment of complex stroke patients.

**II. Types of Economic Impact.**

	Revenue (R+/R-)
	Expenditure (E+/E-)
	) Magnitude

- |                             |      |
|-----------------------------|------|
| A. On issuing agency:       | NONE |
| B. On other State agencies: | NONE |
| C. On local governments:    | NONE |

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups: Costs associated with meeting standards	(-)	Unknown
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public: Benefit to stroke patients (+)	(+)	Unknown

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

D. Designation is voluntary. Designated comprehensive stroke centers have already incorporated many of the requirements into their current practices so their expenses will vary.

F. The most complex stroke patients will be transported to a facility equipped to manage their cases.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Anna Aycock, Chief, Health Facilities and Special Programs, MIEMSS, 653 West Pratt St, Baltimore, MD 21201, or call 410-706-3930, or email to aaycock@miemss.org. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

**[.02].01 Designated Comprehensive Stroke Center.**

[A] *In addition to meeting the requirements of COMAR 30.08.11.01, a designated comprehensive stroke center hospital shall:*

[A. Be licensed as an acute care hospital by the hospital licensing authority in the jurisdiction in which it is located;

B. Be accredited by the Joint Commission;]

[C.] A.—[D.] B. (text unchanged)

[E. If located in Maryland, be a base station approved under COMAR 30.03.06;

F. Have a comprehensive stroke center director;]

[G.] C. (text unchanged)

[H. Provide care to acute stroke patients through qualified clinical staff who meet the requirements in Regulation .12 of this chapter;]

[I.] D. Annually care for at least 20 Subarachnoid Hemorrhage by aneurysm patients per year;

[J.] E. Annually perform [at least 10 craniotomies for aneurysm clipping (grade 1A)] a combined total of 15 endovascular coiling and surgical clippings per year for aneurysm;

[K. Have sufficient patient volume to maintain competency;]

F. Annually administer fibrinolytics to 25 eligible patients per year or 50 eligible patients over 2 years:

(1) IV fibrinolytic ordered and monitored via telemedicine at another hospital is acceptable; and

(2) IV fibrinolytic administered at an outside hospital and transferred to CSC site is acceptable;

G. Satisfy the MIEMSS requirements for designation as a comprehensive stroke center by MIEMSS; and

[L. Meet the requirements of Regulations .02 through .18 of this chapter; and]

[M.] H. [Satisfy] Meet the [requirement] requirements for [an on-site] a site review [under] in COMAR 30.08.02.06, [by means of] which may be satisfied by completing either:

(1) An on-site review by MIEMSS [under COMAR 30.08.02.06]; or

[(2) Both of the following:

(a) Certification by the Joint Commission as a Comprehensive Stroke Center; and

(b) Meeting the requirements of Regulation .19 of this chapter.]

(2) A site survey as part of The Joint Commission Disease Specific Care Certification Program for certification as a comprehensive stroke center if the hospital:

(a) Authorized The Joint Commission to provide MIEMSS with survey findings, certification reports, and other information related to The Joint Commission’s certification of the hospital as a comprehensive stroke center;

(b) Allows MIEMSS to participate in the accreditation site survey; and

(c) Provides MIEMSS any additional information required to determine it has satisfied the requirements for designation under this chapter.

**.02 Organization.**

The designated comprehensive stroke center shall meet the requirements of COMAR 30.08.11.02.

**.03 Emergency Department.**

The designated comprehensive stroke center shall meet the requirements of COMAR 30.08.11.03.

**.04 Neuroscience Intensive Care Unit.**

The designated comprehensive stroke center shall maintain a dedicated neuroscience intensive care unit that meets the requirements of this regulation and:

A. Has designated beds for the care of acute stroke patients;

B. Has 24/7 on-site practitioners with neurovascular training, including, for example, APNs, PAs, neuro-intensivists, fellows, or residents;

C. Provides care to acute stroke patients through qualified clinical staff who meet the requirements in Regulations .12—15 of this chapter;

D. Follows standardized processes derived from evidence-based practice clinical practice guidelines to facilitate clinical care;

E. Incorporates individualized plans of care that are based on the patient’s assessed needs and reflect coordination of care with other programs, as determined by patient comorbidities;

F. Has a process to assess the abilities and resources of family members to be involved in post-acute care; and

G. Maintains written documentation delineating the function of the neuroscience intensive care unit, including:

(1) Admission criteria;

(2) Discharge criteria;

(3) Acute stroke care protocols;

(4) Interdisciplinary rounding;

(5) Rehabilitation assessment and services in the hospital; and

(6) Outcome data.

**[.06].05 Stroke Unit.**

[The hospital] In addition to meeting the requirements of COMAR 30.08.11.07, the designated comprehensive stroke center shall:

[A. Maintain a designated stroke unit which has designated beds for the care of the stroke patients beyond the acute phase which are:

(1) Part of a separate unit; or

(2) Part of an existing unit;

B. Maintain written documentation delineating the function of the stroke unit, including:

- (1) Admission criteria;
- (2) Discharge criteria;
- (3) Acute stroke care protocols;
- (4) Discharge instructions, including but not limited to:
  - (a) Signs and symptoms of acute stroke;
  - (b) Effects and prognosis of acute stroke;
  - (c) Potential complications of acute stroke;
  - (d) Needs and rationales for treatment;
  - (e) Patient compliance instructions for risk reduction and secondary prevention programs; and
  - (f) Post-stroke support services;
- (5) Rehabilitation assessment/services in the hospital;
- (6) Post-acute rehabilitation services post-discharge; and
- (7) Outcomes data to include a minimum of 90-day follow-up assessment;]

[C.] A.—[D.] B. (text unchanged)

[E.] C. Have priority bed availability for stroke patients with appropriately trained registered nurses in sufficient numbers based on patient acuity; and

[F.] D. Have a written plan for triaging patients from the neuroscience intensive care unit and/or the dedicated this unit to make beds available for other stroke patients when necessary or for provision of alternate critical care beds for stroke patients with appropriately trained registered nurse staff; and.

G. Provide appropriate physician supervision for nurse practitioners and physician assistants when those personnel assist in providing acute stroke care].

**.06 Stroke Team.**

A. In addition to meeting the requirement of COMAR 30.08.11.05, the hospital shall:

- (1) Establish one or more acute stroke teams which shall respond to the emergency department with coordinated services for the effective delivery of emergency and acute stroke treatment;
- (2) Use the National Institutes of Health Stroke Scale (NIHSS) for the initial assessment of patients with acute stroke, with clinicians performing an NIHSS having documented training in the completion of the NIHSS; and
- (3) Perform ongoing neurological assessment on patients with acute stroke.

B. The acute stroke team shall include at a minimum:

- (1) A physician, with special competence in caring for the acute stroke patient, who is Board-certified or Board-eligible in:
  - (a) Neurology;
  - (b) Critical care medicine; or
  - (c) Emergency medicine; and
- (2) At least one additional health care provider, with experience in caring for the acute stroke patient, who may be:
  - (a) An emergency physician;
  - (b) A neurology resident or fellow;
  - (c) An internist;
  - (d) A registered nurse;
  - (e) A physician assistant; or
  - (f) A nurse practitioner.

C. If a physician otherwise satisfies §B(1) of this regulation but is not Board-certified or Board-eligible in neurology, a Board-certified or Board-eligible neurologist shall be available within 15 minutes for consultation under the terms of a written agreement by:

- (1) Telephone; or
- (2) Audio/visual communication.

**.[08].07 Operating Room.**

[The] In addition to meeting the requirements of COMAR 30.08.11.04, the hospital shall have:

[A. An operating room with neurosurgical services promptly available 24 hours a day, with appropriately trained support staff and equipment;]

[B.] A. An attending board certified/board eligible neurosurgeon on call with a [30-minute] 45-minute arrival time to the hospital; [and]

[C. An on-call neurosurgical backup plan with documented contingency plans in case the capability of the neurosurgeon, hospital, or system to care for the stroke patients is overwhelmed.]

B. Written procedures demonstrating the ability to care for two complex neurosurgical stroke patients at one time using appropriate clinical staff; and

C. Written documentation demonstrating on-call and back-up on-call schedules for physicians and staff for 24/7 coverage.

**.[09].08 Endovascular Interventional Services.**

The hospital shall have:

A. Interventional services promptly available 24 hours a day with appropriately trained support staff and equipment[;], including:

[B. Interventional services shall include:]

- (1)—(4) text unchanged
- (5) Stenting/angioplasty of intracranial [vessel] vessels;

[C.] B. A [board certified/board eligible] neurointerventionalist [or] who may be a board-certified/board-eligible neuroradiologist, neurologist, or neurosurgeon [with interventional stroke treatment experience] on call with a [30] 45-minute arrival time to the hospital; [and]

[D.] C. [A documented contingency plan for accessing] An on-call schedule for primary and back-up neurointerventionalists or neuroradiologists [if the capability of the neurointerventionalist[, neurologist, or neurosurgeon is overwhelmed.];

D. A written protocol to accept the inter-facility transfer of acute ischemic stroke patients requiring endovascular therapy that includes communication and feedback to the sending facility; and

E. A written protocol to accept the inter-facility transfer of acute stroke patients requiring a higher level of care.

**.09 Neuroimaging Services.**

In addition to meeting the requirements of COMAR 30.08.11.09, a designated comprehensive stroke center shall have the following diagnostic capability available when indicated:

- A. Carotid duplex ultrasound;
- B. Transcranial ultrasonography; and
- C. Transesophageal or transthoracic echocardiogram.

**.[11].10 Laboratory/Diagnostic Services.**

The hospital shall meet the requirements of COMAR 30.08.11.08. [perform and interpret laboratory and diagnostic services within 45 minutes of a written, oral, or electronic order, 24 hours a day. These services include but are not limited to:

- A. A complete blood count;
- B. Blood chemistries;
- C. Electrocardiograms;
- D. Chest radiographs; and
- E. Coagulation panel (platelet count, PT/INR, aPTT).]

**.11 Qualifications of Stroke Center Director and Clinicians.**

A. Director.

(1) The stroke center medical director shall be a physician with competence in caring for the acute stroke patient and be Board-certified or Board-eligible in:

- (a) Neurology;

- (b) Neurosurgery; or
- (c) Vascular neurology.

(2) The stroke center medical director's qualifications shall include:

- (a) Completion of a stroke fellowship or vascular neurosurgery fellowship and obtained vascular neurology certification by the American Board of Psychiatry and Neurology;
- (b) Active participation in the Stroke Quality Improvement Council (QIC);
- (c) 12 hours of category 1 CME credits related to stroke care annually;
- (d) Participation in at least one regional, national, or international stroke conference annually;
- (e) Participation in stroke patient morbidity and mortality reviews; and
- (f) Participation in stroke research and publication efforts.

B. Neurologists, Neurosurgeons, NeurInterventionalists, NeuroRadiologists, NeuroIntensivists, and Vascular Surgeons. Qualifications for neurologists, neurosurgeons, neurointerventionalists, neuroradiologists, vascular surgeons and neurointensivists shall include:

- (1) Board certification or Board eligibility in their specialty as approved by the American Board of Medical Specialties;
- (2) Completion of:
  - (a) A fellowship;
  - (b) Demonstrated experience equivalent to completion of a stroke specialty fellowship appropriate to their area of expertise; or
  - (c) Both of these;
- (3) 8 or more hours of category 1 or 2 CME credits per year related to stroke care;
- (4) Participation in stroke patient morbidity and mortality reviews; and
- (5) Participation in stroke research and publication efforts.

C. Emergency Physicians. The qualifications of emergency physicians who care for stroke patients shall include:

- (1) Board certification or Board eligibility in emergency medicine as approved by the American Board of Medical Specialties;
- (2) Participation in stroke patient morbidity and mortality reviews;
- (3) 4 or more hours of category 1 or 2 CME credits per year related to stroke care; and
- (4) Participation in stroke research and publication efforts.

D. Nurse Practitioners. Nurse Practitioners who care for stroke patients shall:

- (1) Hold a current license with the Maryland State Board of Nursing to practice as a registered nurse and a nurse practitioner;
- (2) Have an agreement with the Maryland State Board of Nursing which states that the nurse practitioner has a scope of practice that includes patients with acute neurological disease;
- (3) Maintain certification as a nurse practitioner from the American Nurses Credentialing Center or other certification organization as deemed appropriate by the Maryland State Board of Nursing; and
- (4) Be credentialed through the hospital's credentialing process.

E. Physician Assistants. Physician assistants who care for stroke patients shall:

- (1) Have graduated from a physician assistant educational program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor;
- (2) Maintain current certification by the National Commission on Certification of Physician Assistants;
- (3) Maintain an approved delegation agreement on file with the Maryland Board of Physicians; and

- (4) Be credentialed through the hospital credentialing process.

**[.14] .12 Qualifications of Nurses, Nurse Practitioners, and Physician Assistants in the Neuroscience Intensive Care Unit.**

A. Clinical nurses, nurse practitioners, and physician assistants providing care to stroke patients in the neuroscience intensive care unit shall be trained in assessment of neurological function and management and treatment of all aspects of neurocritical care, including:

- (1)—(4) (text unchanged)
- (5) Care of patients post mechanical thrombectomy;
- [(5)] (6)—[(7)] (8) (text unchanged)

B. (text unchanged)

**[.15] .13 Qualifications of Nurses, Nurse Practitioners, and Physician Assistants in the Emergency Department.**

A. Emergency department nurses, nurse practitioners, and physician assistants who triage patients in the emergency department or care for acute stroke patients shall be trained in:

- (1)—(2) (text unchanged)
- (3) Use of clinically appropriate [fibrinolytics] fibrinolytic in acute ischemic stroke and the indication for endovascular therapy in acute ischemic stroke;
- (4) Mechanical thrombectomy protocols;
- [(4)] (5)—[(7)] (8) (text unchanged)

B. (text unchanged).

**[.16] .14 Continuing Medical Education Requirements for Nurses, Nurse Practitioners, and Physician Assistants in the Stroke Unit.**

Continuing education requirements for nurses, nurse practitioners and physician assistants who care for the acute stroke patients in the stroke unit shall include [at least] a minimum of 5 hours of stroke-specific education annually.

**.15 Prevention/Public Education.**

The designated comprehensive stroke center shall meet the requirements of COMAR 30.08.11.12.

**.16 Policies, Protocols, Guidelines, and Agreements.**

In addition to meeting the requirements of COMAR 30.08.11.13, the hospital shall:

- A. Have written policies ensuring that:
  - (1) Transfer of patients from another facility is appropriate and patients are received in a timely manner; and
  - (2) All stroke patients receive care commensurate with the hospital's designation as a comprehensive stroke center;
- B. Have written care protocols for advanced treatment of complex stroke patients, including, but not limited to, acute ischemic stroke patients, acute intra-arterial therapeutic interventions, management of intracranial hemorrhage, and management of subarachnoid hemorrhage;
- C. Have written procedures demonstrating the ability of neurosurgery and interventional radiology to care for two complex stroke patients at one time with appropriate clinicians;
- D. Maintain up-to-date written care protocols for the treatment of acute stroke in:

- (1) The neuroscience intensive care unit;
- (2) The stroke unit;
- (3) The emergency department; and
- (4) All other locations where stroke care is provided;

E. Have established mechanisms to serve and act as a resource center for other facilities in their region or state, which shall include:

- (1) Providing expertise in managing particular cases through the use of telemedicine or other alternative means;

- (2) Offering guidance for triage of patients;
  - (3) Providing advanced diagnostic, surgical or interventional procedures and treatment to patients initially treated at a non-primary stroke center or a primary stroke center; and
  - (4) Acting as an educational resource for other hospitals and health care professionals; and
- F. Have written policies and or protocols delineating the scope of practice and the roles and responsibilities of nurse practitioners and physician assistants providing care to the acute stroke patient in the neuroscience intensive care unit, the emergency department, and the stroke unit.

**.17 Quality Management.**

A. In addition to the requirements of COMAR 30.08.11.14, the hospital shall incorporate into the hospital's quality assurance process reports about:

- (1) Specific acute stroke treatment benchmarks; and
- (2) Stroke treatment quality improvement goals.

B. The hospital shall establish a multidisciplinary institutional quality assurance/performance improvement committee that meets on a regular basis to:

- (1) Monitor quality benchmarks;
- (2) Review complications; and
- (3) Review and modify practice patterns as appropriate.

C. In cases where mechanical endovascular reperfusion therapy is appropriate, the hospital shall achieve door-to-device times (arrival to first pass of thrombectomy device) in 50 percent or more of eligible acute ischemic stroke patients within 120 minutes (for direct arriving patients) and within 60 minutes (for inter-facility transfer patients) treated with endovascular therapy.

D. The hospital shall demonstrate progress towards reducing door-to-device times in 50 percent or more of eligible acute ischemic stroke patients within 90 minutes for direct arriving patients.

**.18 Acute Stroke Research.**

A hospital shall:

- A. Have an acute stroke research program and acute stroke research plan; and
- B. Demonstrate participation in clinical research trials in acute stroke care.

THEODORE R. DELBRIDGE, M.D.  
Executive Director

**Subtitle 08 DESIGNATION OF TRAUMA AND SPECIALTY REFERRAL CENTERS**

**30.08.19 Designated Thrombectomy-Capable Primary Stroke Center Standards**

Authority: Education Article, §13-509, Annotated Code of Maryland

**Notice of Proposed Action**  
[21-114-P]

The Maryland Emergency Medical Services Board proposes to adopt new Regulations .01—.15 under a new chapter, **COMAR 30.08.19 Designated Thrombectomy-Capable Primary Stroke Center Standards**. This action was considered by the Maryland Emergency Medical Services Board at an open meeting held on February 9, 2021.

**Statement of Purpose**

The purpose of this action is to expand stroke care throughout the State to meet the needs of the stroke patient population experiencing large vessel occlusions.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** These regulations establish standards for a new level of stroke center to care for patients with large vessel occlusions and will expand the availability of stroke care in the State. Designation as a stroke center is voluntary. Current designated centers already have most of the required personnel and equipment in place to meet the new standards.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	

- A. On issuing agency: NONE
- B. On other State agencies: NONE
- C. On local governments: NONE

D. On regulated industries or trade groups:	Benefit (+)	Magnitude
	Cost (-)	

- D. On regulated industries or trade groups:
  - (1) Increased patients (+) Unknown
  - (2) Personnel and equipment costs to meet standards (-) Variable
- E. On other industries or trade groups: NONE
- F. Direct and indirect effects on public: NONE

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

D(1). Designation as a stroke center is voluntary. Designation expands the number of stroke patients a hospital can serve.

D(2). Current designated stroke centers already have most of the required personnel and equipment in place to meet the new standards.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Anna Aycock, Chief, Health Facilities and Special Programs, MIEMSS, 653 West Pratt St, Baltimore, MD 21201, or call 410-706-3930, or email to aaycock@miemss.org. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

**.01 Designated Thrombectomy-Capable Primary Stroke Center.**

In addition to meeting the requirements of COMAR 30.08.11, a designated thrombectomy-capable primary stroke center hospital shall:

A. Be designated by MIEMSS as a primary stroke center at the time of application for designation as a thrombectomy-capable primary stroke center;

B. Continue to meet the primary stroke center requirements in COMAR 30.08.11 to the extent such requirements are consistent with designation as a thrombectomy-capable primary stroke center;

C. Require each physician who performs mechanical thrombectomy to have performed 15 mechanical thrombectomies over the past 12 months or 30 over the past 24 months, which may include procedures performed at other facilities;

D. Perform mechanical thrombectomy and have provided post-procedure care for a minimum of 15 patients in the past 12 months or at least 30 patients over the past 24 months;

E. Meet the requirements of Regulations .01—.15 of this chapter;

F. Satisfy the MIEMSS requirements for designation as a thrombectomy-capable primary stroke center by MIEMSS; and

G. Meet the requirements for a site review in COMAR 30.08.02.06, which may be satisfied by completing either:

(1) An on-site review by MIEMSS; or

(2) A site survey as part of The Joint Commission Disease Specific Care Certification Program for certification as a thrombectomy-capable primary stroke center if the hospital:

(a) Authorizes The Joint Commission to provide MIEMSS with survey findings, certification reports, and other information related to The Joint Commission's certification of the hospital as a thrombectomy-capable primary stroke center;

(b) Allows MIEMSS to participate in the accreditation site survey; and

(c) Provides MIEMSS any additional information required to determine that the hospital has satisfied the requirements for designation under this chapter.

**.02 Organization.**

A hospital designated as a thrombectomy-capable primary stroke center shall meet the requirements of COMAR 30.08.11.02.

**.03 Emergency Department.**

The emergency department of a hospital designated as a thrombectomy-capable primary stroke center shall meet the requirements of COMAR 30.08.11.03

**.04 Operating Room.**

The operating room of a hospital designated as a thrombectomy-capable primary stroke center shall meet the requirements of COMAR 30.08.11.04

**.05 Stroke Team.**

A. In addition to meeting the requirements of COMAR 30.08.11.05, the acute stroke team shall include at a minimum:

(1) A physician, with special competence in caring for an acute stroke patient, who is Board-certified or Board-eligible in:

- (a) Neurology;
- (b) Critical care medicine;
- (c) Emergency medicine; or
- (d) Internal medicine; and

(2) At least one additional health care provider, with experience in caring for the acute stroke patient, who may be:

- (a) An emergency physician;
- (b) An internal medicine physician;
- (c) A neurology resident or fellow;
- (d) A registered nurse;
- (e) A physician's assistant; or

(f) A nurse practitioner.

B. If a physician otherwise satisfies §A(1) of this regulation but is not Board-certified or Board-eligible in neurology, a Board-certified or Board-eligible neurologist shall be available within 15 minutes for consultation under the terms of a written agreement by:

- (1) Telephone; or
- (2) Audio/visual communication.

**.06 Intensive Care Unit.**

A hospital designated as a thrombectomy-capable primary stroke center shall maintain an intensive care unit that:

A. Has designated beds for the care of the acute stroke patient;

B. Has 24/7 on-site practitioners with critical care privileges, including, for example, APNs, PAs, fellows, or residents;

C. Provides care to acute stroke patients through qualified clinical staff who meet the requirements in Regulation .11 of this chapter;

D. Follows standardized processes derived from evidence-based clinical practice guidelines to facilitate clinical care;

E. Incorporates individualized plans of care that are based on the patient's assessed needs and reflect coordination of care with other programs, as determined by patient comorbidities;

F. Has a process to assess the abilities and resources of family members to be involved in post-acute care; and

G. Maintains written documentation delineating the function of the intensive care unit, including:

- (1) Admission criteria;
- (2) Discharge criteria;
- (3) Acute stroke care protocols;
- (4) Interdisciplinary rounding;
- (5) Rehabilitation assessment and services in the hospital; and
- (6) Outcome data.

**.07 Stroke Unit.**

The stroke unit of a hospital designated as a thrombectomy-capable primary stroke center shall meet the requirements of COMAR 30.08.11.07.

**.08 Laboratory/Diagnostic Services.**

A hospital designated as a thrombectomy-capable primary stroke center shall meet the requirements of COMAR 30.08.11.08.

**.09 Neuroimaging Services.**

In addition to meeting the requirements of COMAR 30.08.11.09, a hospital designated as a thrombectomy-capable primary stroke center shall have the following diagnostic capability available when indicated:

- A. Carotid duplex ultrasound;
- B. Transcranial ultrasonography; and
- C. Transesophageal/transsthoracic echocardiogram.

**.10 Endovascular Interventional Services.**

A hospital designated as a thrombectomy-capable primary stroke center shall have:

A. Interventional services promptly available 24 hours a day with appropriately trained support staff and necessary equipment;

- B. Interventional services that include:
  - (1) Intra-arterial reperfusion therapy; and
  - (2) Stenting/angioplasty of intracranial vessels;

C. A neurointerventionalist who may be a Board-certified/Board-eligible neuroradiologist, neurologist, or neurosurgeon on-call with a 45-minute arrival time to the hospital;

D. An on-call schedule for a primary and a back-up neurointerventionalist; and

E. A written protocol to accept the inter-facility transfer of acute ischemic stroke patients requiring endovascular therapy that includes communication and feedback to the sending facility.

**.11 Qualifications of Stroke Center Director and Clinicians.**

In addition to meeting the requirements of COMAR 30.08.11.10, a neurointerventionalist shall have:

A. 4 or more hours of category 1 or 2 CME credits per year related to stroke care; and

B. Performed 15 mechanical thrombectomies over the past 12 months or 30 over the past 24 months.

**.12 Qualifications of Emergency Department Clinical Staff.**

In addition to meeting the requirements of COMAR 30.08.11.11, the emergency department clinical staff who triage or care for acute stroke patients shall be educated, by the hospital, on mechanical thrombectomy protocols.

**.13 Prevention/Public Education.**

A hospital designated as a thrombectomy-capable primary stroke center shall meet the requirements of COMAR 30.08.11.12.

**.14 Policies, Protocols, Guidelines, and Agreements.**

In addition to meeting the requirements of COMAR 30.08.11.13, a hospital designated as a thrombectomy-capable primary stroke center shall:

A. Have written policies ensuring that:

(1) Transfer of patients from another facility is appropriate and patients are received in a timely manner; and

(2) All stroke patients will receive medical care commensurate with the hospital's designation as a thrombectomy-capable primary stroke center;

B. Have written procedures demonstrating the ability to care for two complex interventional radiology stroke patients at one time, using appropriate clinical staff;

C. Have written documentation demonstrating on-call and back-up on-call schedules for physicians and staff for 24/7 coverage;

D. Have written care protocols for advanced treatment of complex stroke patients, including, but not limited to, acute ischemic stroke patients and acute intra-arterial therapeutic interventions; and

E. Document and review the scope of practice and the roles and responsibilities of nurse practitioners and physician assistants providing care to the acute stroke patient in the intensive care unit, the emergency department, and the stroke unit.

**.15 Quality Management.**

In addition to meeting the requirements of COMAR 30.08.14, a hospital designated as a thrombectomy-capable primary stroke center shall:

A. Monitor and demonstrate 24-hour post-procedure stroke and death rates of less than or equal to 1 percent for diagnostic neuro-angiography;

B. Monitor documentation of the reasons potentially eligible ischemic stroke patients did not receive mechanical thrombectomy;

C. Monitor and demonstrate tracking and trending of modified Rankin Scores (mRS) at 90 days post-discharge on patients with acute ischemic stroke who received mechanical endovascular reperfusion therapy;

D. In cases where mechanical endovascular reperfusion therapy is appropriate, achieve door-to-device times, arrival to first pass of thrombectomy device, in 50 percent or more of eligible acute ischemic stroke patients within 120 minutes for direct arriving patients and within 60 minutes for inter-facility transfer patients treated with endovascular therapy; and

E. Demonstrate progress towards reducing door-to-device times, arrival to first pass of thrombectomy device in 50 percent or more of eligible acute ischemic stroke patients within 90 minutes for direct arriving patients.

THEODORE R. DELBRIDGE, M.D.  
Executive Director

**Title 31  
MARYLAND INSURANCE  
ADMINISTRATION  
Subtitle 08 PROPERTY AND  
CASUALTY INSURANCE**

**31.08.03 Notices of Cancellation, Nonrenewal, Premium Increase, and Reduction in Coverage**

Authority: Insurance Article, §§2-109, 11-318, 27-609, 27-613, and 27-614, Annotated Code of Maryland

**Notice of Proposed Action**

[21-105-P]

The Insurance Commissioner proposes to amend Regulations .04—.06 and .10 under COMAR 31.08.03 Notices of Cancellation, Nonrenewal, Premium Increase, and Reduction in Coverage.

**Statement of Purpose**

The purpose of this action is to amend regulations to implement Ch. 103 (S.B. 110), Acts of 2021. Specifically, these regulations update the need for duplicate and triplicate notices, correct existing regulation language regarding mailing method to match the current statutory requirement, and update the outdated fax number on the forms. Finally, these changes implement the language of Insurance Article, §11-318, Annotated Code of Maryland, regarding an increase in premium due to the application of a program that measures the insured's driving habits during that policy period.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed change may decrease insurance companies cost because they are no longer required to send forms in duplicate or triplicate. The cost to insureds may increase if they take part in a program that measures their driving habits during the current policy period and their driving habits are poor.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(-)	Minimal

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

D. The proposed change may decrease insurance companies cost because they are no longer required to send forms in duplicate or triplicate.

F. The cost to insureds may increase if they take part in a program that measures their driving habits during the current policy period and their driving habits are poor.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Lisa Larson, Director of Regulations, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2007, or email to [insuranceregreview.mia@maryland.gov](mailto:insuranceregreview.mia@maryland.gov), or fax to 410-468-2020. Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

**.04 Procedure and Requirements Regarding Cancellation or Nonrenewal.**

A notice of cancellation or nonrenewal sent by an insurer to its insured in accordance with Insurance Article, §27-613, Annotated Code of Maryland, shall be sent [in triplicate] by certified mail and shall, in addition to the statutory information required in the notice of cancellation or nonrenewal, include the following on the first page of the notice in 12-point bold type:

**IMPORTANT**  
"Right of Protest"

The "Right of Protest" does not apply to cancellation or nonrenewal due to nonpayment of premium.

You may protest the action proposed by this notice as provided under Insurance Article, §27-613, Annotated Code of Maryland. For your protest to be duly filed you, the named insured, must sign a copy of this notice and send it to:

Insurance Commissioner  
Maryland Insurance Administration  
200 St. Paul Place  
Suite 2700  
Baltimore, Maryland 21202  
Fax Number [410-468-2334 or] 410-468-2307

within thirty (30) days after this notice was mailed to you. If your protest is not filed within the thirty (30) days, it cannot be considered by the Insurance Administration. Instead of mailing or faxing the signed notice, you may file your protest online via the Maryland Insurance Administration's website ([www.insurance.maryland.gov](http://www.insurance.maryland.gov)) by uploading a signed copy at the following link:

<https://enterprise.insurance.maryland.gov/consumer/ConsumerPort alWelcomePage.aspx>

Your timely filed protest stays the action proposed by this notice. Accordingly, your insurance policy will remain in effect with the same coverages and premium that applied on the mailing date of the notice until a determination is made by the Commissioner. In order to keep your policy in effect, however, you must timely pay any authorized premium due or becoming due before the determination is issued.

The Insurance Commissioner will determine whether your protest has merit. You will then be notified in writing whether the proposed action is disallowed or your protest is dismissed.

If the protest is dismissed, you then have the right, within thirty (30) days after the mailing date of the determination, to request a hearing.

If you request a hearing, you will be notified in writing of the time and place of the hearing at least ten (10) days before the hearing. The Commissioner shall order the insurer to pay reasonable attorney fees incurred by you for representation at the hearing if the Commissioner finds that: (1) the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with §27-501 of the Insurance Article, the insurer's filed rating plan, its underwriting standards, or the lawful terms and conditions of the policy related to a cancellation or nonrenewal; and (2) the insurer's conduct in maintaining or defending the proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide dispute.

I protest the action proposed by the insurer.

My reasons for protesting the action are:

\_\_\_\_\_

Signed (Named Insured) \_\_\_\_\_ Date \_\_\_\_\_

Daytime Phone Number \_\_\_\_\_

**.05 Procedure and Requirements Regarding a Reduction in Coverage.**

A notice of reduction in coverage sent by an insurer to its insured in accordance with Insurance Article, §27-613, Annotated Code of Maryland, shall be sent [in triplicate] by certificate of mail and shall, in addition to the statutory information required in the notice of reduction in coverage, include the following on the first page of the notice in 12-point bold type:

**IMPORTANT**  
"Right of Protest"

You may protest the action proposed by this notice as provided under Insurance Article, §27-613, Annotated Code of Maryland. For your protest to be duly filed you, the named insured, must sign a copy of this notice and send it to:

Insurance Commissioner  
Maryland Insurance Administration  
200 St. Paul Place  
Suite 2700  
Baltimore, Maryland 21202  
Fax Number [410-468-2334 or] 410-468-2307

within thirty (30) days after this notice was mailed to you. If your protest is not filed within the thirty (30) days, it cannot be considered by the Insurance Administration. Instead of mailing or faxing the signed notice, you may file your protest online via the Maryland Insurance Administration's website ([www.insurance.maryland.gov](http://www.insurance.maryland.gov)) by uploading a signed copy at the following link:

<https://enterprise.insurance.maryland.gov/consumer/ConsumerPort alWelcomePage.aspx>

Your timely filed protest stays the action proposed by this notice. Accordingly, your insurance policy will remain in effect with the same coverages and premium that applied on the mailing date of the notice until a determination is made by the Commissioner. In order to keep your policy in effect, however, you must timely pay any

authorized premium due or becoming due before the determination is issued.

The Insurance Commissioner will determine whether your protest has merit. You will then be notified in writing whether the proposed action is disallowed or your protest is dismissed.

If the protest is dismissed, you then have the right, within thirty (30) days after the mailing date of the determination, to request a hearing.

If you request a hearing, you will be notified in writing of the time and place of the hearing at least ten (10) days before the hearing. The Commissioner shall order the insurer to pay reasonable attorney fees incurred by you for representation at the hearing if the Commissioner finds that: (1) the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with §27-501 of the Insurance Article, the insurer's filed rating plan, its underwriting standards, or the lawful terms and conditions of the policy related to a reduction in coverage; and (2) the insurer's conduct in maintaining or defending the proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide dispute.

I protest the action proposed by the insurer.

My reasons for protesting the action are:

\_\_\_\_\_

Signed (Named Insured) \_\_\_\_\_ Date \_\_\_\_\_

Daytime Phone Number \_\_\_\_\_

**.06 Procedures and Requirements Regarding an Increase in Premium.**

**A. Scope.**

- (1) (text unchanged)
- (2) This regulation does not apply to an increase in premium due to:
  - (a)—(j) (text unchanged)
  - (k) The removal or reduction of a discount [if] *unless* the discount is [not] removed or reduced wholly or partly due to:
    - (i)—(ii) (text unchanged)
    - (iii) The claims history of the insured; [or]
    - (iv) A retiering of the insured; *or*
    - (v) *The application of a program that measures the operation of an insured vehicle during the current policy period as referenced in Insurance Article, §11-318, Annotated Code of Maryland;*
      - (1)—(n) (text unchanged)

**B. Notice.**

- (1) (text unchanged)
- (2) The insurer shall send a notice of premium increase to its insured [in duplicate by certificate of] *using a first-class mail tracking method.*

**C. (text unchanged)**

**.10 Record Retention Requirements.**

**A. Length of Retention.** An insurer that provides a notice of cancellation, nonrenewal, premium increase, or reduction in coverage pursuant to Insurance Article, §27-613 or 27-614, Annotated Code of Maryland, and this chapter, shall retain a copy of the notice and [certificate] *its proof* of mailing for at least 3 years from the effective date of the notice.

**B. Form of Records.** An insurer may maintain a copy of a notice and [certificate] *the proof* of mailing required to be retained by §A of this regulation in paper, photographic, microprocessed, magnetic, mechanical, electronic, digital, or any other medium, if the copy of

the notice and [certificate] *proof* of mailing are maintained in a manner that:

- (1)—(4) (text unchanged)

KATHLEEN A. BIRRANE  
Insurance Commissioner

## Title 36

# MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

### Notice of Proposed Action

[21-108-P]

The Maryland State Lottery and Gaming Control Agency proposes to:

- (1) Amend Regulations **.01** and **.05** under **COMAR 36.01.01 General**;
- (2) Amend Regulations **.04—06** under **COMAR 36.01.02 Administrative Procedures**; and
- (3) Adopt under a new subtitle, **Subtitle 10 Sports Wagering Provisions**:
  - (a) New Regulations **.01—02** under a new chapter, **COMAR 36.10.01 General**;
  - (b) New Regulations **.01—14** under a new chapter, **COMAR 36.10.02 All Applicants and Licensees — Applications and Investigations**;
  - (c) New Regulations **.01—06** under a new chapter, **COMAR 36.10.03 All Applicants and Licensees — Qualification Requirements**;
  - (d) New Regulations **.01—11** under a new chapter, **COMAR 36.10.04 Specific Requirements for Sports Wagering Facility Licensees**;
  - (e) New Regulations **.01—05** under a new chapter, **COMAR 36.10.05 Specific Requirements for Mobile Sports Wagering Licenses**;
  - (f) New Regulations **.01—11** under a new chapter, **COMAR 36.10.06 Specific Requirements for Other Licenses Required for Sports Wagering**;
  - (g) New Regulations **.01—06** under a new chapter, **COMAR 36.10.07 License Denial Procedures**;
  - (h) New Regulations **.01—11** under a new chapter, **COMAR 36.10.08 Enforcement**;
  - (i) New Regulations **.01—03** under a new chapter, **COMAR 36.10.09 Unannounced Inspections**;
  - (j) New Regulations **.01—03** under a new chapter, **COMAR 36.10.10 Enforcement of Voluntary Exclusion Program**;
  - (k) New Regulations **.01—09** under a new chapter, **COMAR 36.10.11 Mandatory Exclusion**;
  - (l) New Regulations **.01—04** under a new chapter, **COMAR 36.10.12 Collection of Taxes, Fees, and Penalties**;
  - (m) New Regulations **.01—44** under a new chapter, **COMAR 36.10.13 Sports Wagering Licensee Minimum Internal Control Standards**;
  - (n) New Regulations **.01—07** under a new chapter, **COMAR 36.10.14 Sports Wagering Requirements and Limitations**;
  - (o) New Regulations **.01—04** under a new chapter, **COMAR 36.10.15 Sports Wagering Licensee Facility Standards**;

(p) New Regulations .01—.06 under a new chapter, **COMAR 36.10.16 Wagering Using Online, Web-Based, or Mobile Applications;**

(q) New Regulations .01—.03 under a new chapter, **COMAR 36.10.17 Sports Wagering Equipment;** and

(r) New Regulations .01—.06 under a new chapter, **COMAR 36.10.18 Sports Wagering Technical Standards.**

This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on July 15, 2021, notice of which was given pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to:

(1) Under COMAR 36.01.01, amend this existing chapter to add definitions to include Sports Wagering, and clarify that the “gaming activity” that Commission members, staff, and related individuals are not allowed to participate in, is all the gaming activities that the Agency regulates;

(2) Under COMAR 36.10.02, incorporate sports wagering and clarify the existing processes in which the Agency refers contested case hearings to the Office of Administrative Hearings;

(3) Under COMAR 36.10.01, which establishes an all new subtitle 10 – Sports Wagering Provisions, add all definitions for sports wagering;

(4) Under COMAR 36.10.02, outline all the requirements for submitting sports wagering license applications, and background investigations for persons who must be backgrounded, and the applicable costs;

(5) Under COMAR 36.10.03, require that all applicants and licensee in the Sports Wagering Program are to meet the same qualification requirements for the licensees for casinos and casino-related businesses; that all applicants and licensees must prove their qualifications -- financial stability and responsibility, integrity of financial backers and investors, and good character, honesty, and integrity -- by clear and convincing evidence, during the whole time they are licensed;

(6) Under COMAR 36.10.04, outline the requirements for the ‘brick and mortar’ licenses, which are categories called Class A-1, A-2, B-1, and B-2;

(7) Under COMAR 36.10.05, establish the requirements for applicants who want to conduct online sports wagering;

(8) Under COMAR 36.10.06, describe the specific requirements for licensure as:

- An Online Sports Wagering Operator, which operates online wagering for a mobile Sports Wagering licensee;
- A Sports Wagering Facility Operator, which operates in-person wagering for a Sports Wagering Facility licensee;
- A Sports Wagering Contractor, which provides services and goods related to sports wagering to any of the above licensees;
- A Sports Wagering Employee, who is a Principal Employee, Wagering Employee, or Non-wagering Employee who is employed by any of the above sports wagering licensees; and
- For registration or certification as a Sports Wagering Vendor, which supplies services and goods that are not related to sports wagering;

(9) Under COMAR 36.10.07, outline the due process to be afforded an applicant who Commission staff recommend the Commission deny a license application if staff finds the applicant is not technologically or operationally ready to securely and legally conduct sports wagering; and for contractors and employees, if staff determines that the applicant did not meet qualifications;

(10) Under COMAR 36.10.08, establish the processes for taking enforcement action against a licensee, including fines, and suspension or revocation of a license;

(11) Under COMAR 36.10.09, describe the manner in which the Commission may inspect premises and records of licensees, and related entities;

(12) Under COMAR 36.10.10, establish how licensees are required to exclude from their sports wagering floors, or from online wagering, individuals who have self-excluded from sports wagering;

(13) Under COMAR 36.10.11, describe how an individual may be placed on our mandatory exclusion list of individuals who are not permitted in sports wagering facilities or to make wagers;

(14) Under COMAR 36.10.12, establish the guidelines for payment, and collection, of taxes, fees, and penalties;

(15) Under COMAR 36.10.13, detail the requirements for accounting, auditing, staffing, promotional play, various kinds of documentation, and reporting of licensee’s sports wagering operations;

(16) Under COMAR 36.10.14, establish requirements about approval of bet types, prohibited wagers, reserve requirements, limits on wagers, funding of wagers, and complaints about wagers;

(17) Under COMAR 36.10.15, outline requirements for Commission approval of facility plans and designs;

(18) Under COMAR 36.10.16, establish requirements about geolocation, age verification, data security, and the limitation on a mobile sports wagering licensee using only 1 individually branded website;

(19) Under COMAR 36.10.17, cover registration, testing, and authorization of kiosks; and

(20) Under COMAR 36.10.18, outline the technical requirements for Mobile and Online Sports Wagering Operator licensees, including for wagering platforms, geolocation systems, security, and bettor accounts.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** In general, the implementation of the proposed action will have a positive economic impact to the State, some sports wagering licensees, and some players, but the extent of the impact is indeterminable. Sports wagering revenue forecasts to the State range from \$15 million to \$25 million. These proposed regulations will establish the necessary framework for the implementation of Maryland’s Sports Wagering Program.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	MINOR
B. On other State agencies:	(R+)	MINIMAL
C. On local governments:	NONE	NONE
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	MAJOR
E. On other industries or trade groups:	(+)	MINOR
F. Direct and indirect effects on public: Blueprint for Maryland’s Future Fund (BMFF)	(+)	MAJOR

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. There will be additional staff costs to implement and regulate this new Sports Wagering Program. The Agency estimates that there will be a need for not less than thirty-five (35) new positions as the Program rolls out. Staff is needed in the Agency’s Licensing, Compliance, Auditing, and Financial Sections to regulate up to potentially 107 sports wagering licensees.

B. With the implementation of sports wagering, more multinational corporations and foreign businesses may register to do business in the State.

C. Sports wagering may not materially affect gaming revenue, so local impact grants to designated jurisdictions should not be affected.

D. Potential sports wagering licensees may need to hire additional staff to implement the necessary regulatory requirements of operating a sports book. These licensees will need to procure specialized systems for taking, monitoring, and transacting wagers. In addition, licensees will incur other costs for licensing, backgrounding, and providing the necessary business infrastructure. Fantasy Competition Operators will be submitting 15% of their proceeds from competitions to the BMFF. Similarly, sports wagering licensees will be submitting 15% of their proceeds from sports wagering to the BMFF. In addition, fees from sports wagering application fees and license renewal fees collected from potential sports wagering licensees will go to the BMFF.

E. Sports wagering application fees and license renewal fees collected from potential sports wagering licensees will go to the BMFF. In addition, 5% of the fees collected from each Class A–1 and A–2 sports wagering facility license will go to the new Small, Minority–Owned, and Women–Owned Business Sports Wagering Assistance Fund.

F. Maryland residents will have the ability to participate in sports wagering within the state rather than travel to neighboring jurisdictions. In addition, Sports Wagering licensees and Fantasy Competition Operators will be submitting 15% of their proceeds from sports wagering or competitions to the Commission for distribution to the BMFF.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Although an exact impact is indeterminable at this time, there may be a positive benefit to small, minority and women-owned businesses entering into the sports wagering program either through minority equity ownership or MBE participation.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be submitted in writing using one of the following methods: Submit using the online form available at [www.mdgaming.com/sports-wagering-comments](http://www.mdgaming.com/sports-wagering-comments), send an email to [sports.wagering@maryland.gov](mailto:sports.wagering@maryland.gov), or mail to James B. Butler, Managing Director, Organizational Compliance, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230. Comments will be accepted through September 27, 2021. Comments must be received during the 30-day public comment period in order to be considered. Comments sent by mail must be received by September 27, 2021. Comments will not be accepted by telephone or facsimile. All comments will be published on [mdgaming.com](http://mdgaming.com) after the public comment has ended. A public meeting on these regulations will be held on Wednesday, September 22, 2021, at 10 a.m., in the Auditorium at the Montgomery Park

Business Center, where the Maryland Lottery and Gaming Control Agency Headquarters is located, 1800 Washington Boulevard, Baltimore, MD 21230. For the most up-to-date information regarding the status of this public meeting, please go to <https://www.mdgaming.com/maryland-sports-wagering/sports-wagering-regulations/>. If additional information is needed or if you require an accommodation in order to participate in the meeting, please contact James B. Butler, by telephone (410) 230-8781, by email [jutler@maryland.gov](mailto:jutler@maryland.gov), or by fax to (410) 230-8727.

**Subtitle 01 GENERAL PROVISIONS**

**36.01.01 General**

Authority: State Government Article, §§9-101—9-111, 9-116, 9-123, 9-1A-01, 9-1A-02, 9-1A-04, 9-1A-24, 9-1E-04, and 10-205, Annotated Code of Maryland

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) *Cash.*

(a) “Cash” means coins, U.S. currency, money orders, debit cards, and checks.

(b) “Cash” does not include credit.

[(2)] (3)—[(5)] (6) (text unchanged)

[(6)] (7) “Final action on a sanction” means:

(a) If after the Director sends a deficiency notice under COMAR 36.02.02, 36.03.04, 36.06.05, 36.07.02, [or] 36.03.03 or 36.10.08, a licensee fails to submit a timely, acceptable corrective action plan, and the Commission adopts as final the Director’s deficiency notice; [or]

(b) If the Commission holds a hearing on the Director’s recommendation to impose a sanction, the date of the Commission’s written decision[.]; or

(c) If a licensee seeks judicial review of the Commission’s sanction, the most recent date of:

(i) The decision of the Office of Administrative Hearings;

(ii) A final judgement under Maryland Rule 2-601; or

(iii) The entry of a mandate under Maryland Rule 8-606.

[(7)] (8) Gaming Activity.

(a) (text unchanged)

(b) “Gaming activity” [does not include] includes activities [as provided] described in COMAR 36.06 — COMAR [36.09] 36.10.

[(8)] (9)—[(14)] (15) (text unchanged)

(16) “Sports wagering” has the meaning stated in State Government Article §9-1E-01, Annotated Code of Maryland, and COMAR 36.10.01.02.

(17) “Sports wagering law” means State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland.

[(15)] (18)—[(22)] (25) (text unchanged)

(26) “Winnings” means the amount won from a sports wager that is not reduced by a loss.

[(23)] (27) (text unchanged)

**.05 Limitations on Gaming Activity.**

Gaming activity may not be engaged in by, and a prize [or], jackpot, or winnings may not be paid to:

A.—E. (text unchanged)

**36.01.02 Administrative Procedures**

Authority: General Provisions Article, §§4-101—4-601; State Government Article, §§9-108—9-111, 9-1A-04, 9-1E-04, 10-201, 10-226, 10-301—10-305, 10-501—10-512, and 10-611—10-630; Annotated Code of Maryland

**.04 Petition for Declaratory Ruling.**

- A.—D. (text unchanged)
- E. Review By Commission.

(1) The Director’s decision shall be forwarded to the Commission for its review and approval before it may be considered final for a petition for declaratory ruling under:

(a) State Government Article, Title 9, Subtitles 1, 1A, 1B, [and] 1D, *and 1E*, Annotated Code of Maryland, or regulations promulgated thereunder; and

(b) (text unchanged)

(2) (text unchanged)

- F.—G. (text unchanged)

**.05 Petition for Promulgation, Amendment, or Repeal of a Regulation.**

- A.—C. (text unchanged)
- D. Disposition.

(1) (text unchanged)

(2) Within 60 days after submission of the petition, the Director shall forward the petition to the Commission with a recommendation to deny the petition or initiate rulemaking proceedings for a petition pertaining to regulations promulgated under:

(a) State Government Article, Title 9, Subtitles 1, 1A, 1B, [and] 1D, *and 1E*, Annotated Code of Maryland; or

(b) (text unchanged)

(3) (text unchanged)

- E. (text unchanged)

**.06 Commission Hearings.**

- A.—N. (text unchanged)
- O. Delegation of Hearing Authority.

(1) The Commission may, *on a case-by-case basis*, delegate [the hearing of a contested case] to the Office of Administrative Hearings[.] *the authority to:*

(a) *Conduct a contested case hearing; and*

(b) *Issue:*

(i) *Proposed or final findings of fact;*

(ii) *Proposed or final conclusions of law;*

(iii) *Proposed or final findings of fact and conclusions of*

*law; or*

(iv) *A proposed or final order.*

(2) *Hearings delegated to the Office of Administrative Hearings.*

(a) *This section applies to a contested case where the Commission has delegated authority to the Office of Administrative Hearings to conduct a contested case hearing under §O(1) of this regulation.*

(b) *The administrative law judge who hears a case shall submit to the Commission a decision that contains one of the following, as delegated by the Commission to the Office of Administrative Hearings:*

(i) *Proposed or final findings of fact;*

(ii) *Proposed or final conclusions of law;*

(iii) *Proposed or final findings of fact and conclusions of*

*law; or*

(iv) *A proposed or final order.*

(c) *When making a decision, the administrative law judge is bound by any regulation, bulletin, final order, or settled or preexisting policy of the Commission to the same extent that the*

*Commission is or would have been bound if the Commission were hearing the case.*

(d) *The Office of Administrative Hearings shall send the administrative law judge’s decision directly to the parties and the Commission.*

[(2)] (3)—[(9)] (10) (text unchanged)

**Subtitle 10 SPORTS WAGERING PROVISIONS**

**36.10.01 General**

Authority: Business Regulation Article, §§11-101, 11-524, 11-815 — 11-832; Criminal Law Article, §§12-301.1 and 12-308; State Government Article, §§9-110, 9-1A-01, 9-1A-04, 9-1A-05, 9-1A-11, 9-1A-14, 9-1A-24, 9-1E-01, and 9-1E-05, Annotated Code of Maryland; Ch. 603, §6, Acts of 2012, and Ch. 10, §23, Acts of 2018

**.01 Scope.**

*This subtitle applies to the State’s Sports Wagering Program.*

**.02 Definitions.**

A. *In addition to the terms defined in State Government Article, §§9-1A-01 and 9-1E-01, Annotated Code of Maryland, and COMAR 36.01, 36.03, and 36.04, which have the same meanings in this subtitle, the following terms have the meanings indicated.*

B. *Terms Defined.*

(1) *“ACH” means the Automated Clearing House, which is a network that connects all banking and financial institutions within the United States.*

(2) *“Affiliate” means a person that directly, or indirectly through one or more intermediaries, owns, controls, is controlled by, or is under common ownership or control with another person.*

(3) *“Age and identity verification” means a method, system, or device used by a sports wagering licensee to verify the bettor’s age and the bettor’s identity.*

(4) *“AML” means Anti-Money Laundering.*

(5) *“Applicant” means a person who, as required under State Government Article, Title 9, Subtitle 1E, submits to the Commission an application for a license or for qualification or renewal of a license.*

(6) *“Application” means the forms, information, documentation, and assurances submitted by an applicant or licensee to obtain a license or for qualification or renewal of a license.*

(7) *“Associated equipment” means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used in connection with sports wagering, including computerized systems for controlling and monitoring mobile sports wagering.*

(8) *“Award” means the act of the SWARC approving the application of an applicant that meets the requirements for licensure under State Government Article Title 9, Subtitle 1E, Annotated Code of Maryland, for a sports wagering license, which authorizes the Commission to issue the sports wagering license that is necessary for the applicant to commence sports wagering operations.*

(9) *“Awardee” means a qualified applicant to which SWARC has awarded a license.*

(10) *“Beneficial owner” means a person that holds at least a 5 percent interest in an applicant for or holder of, a license awarded or issued under this subtitle, that is evidenced by:*

(a) *Record ownership;*

(b) *Stock or other ownership in an entity in a chain of parent and subsidiary, or affiliate entities, any one of which participates in the capital or profits of a sports wagering applicant or licensee; or*

(c) An interest that entitles a person to benefit substantially and is equivalent to ownership by an agreement, relationship, or other arrangement.

(11) "Bettor" means a person who places a sports wager.

(12) "Books and records" means documents pertaining to, prepared by, or generated by a sports wagering licensee, regardless of the medium through which the record is generated or maintained, including all general ledger records, subsidiary records and ledgers, computer-generated data, forms, documents, internal audit reports and work papers, correspondence, and personnel records.

(13) "Cancelled wager" means a wager that has been cancelled by a sports wagering licensee due to an event or circumstance that prevents completion of the wager or causes the wager to be nonredeemable.

(14) "Cheat" or "cheating" means to act alone, facilitate, deceive, or conspire or collude with another person, to improve the chance of winning a wager or to alter the outcome of a wager, by:

(a) Using non-public information in placing, increasing, decreasing, or cancelling a wager;

(b) Altering or misrepresenting the outcome of a sporting event on which a wager has been placed;

(c) Claiming or collecting winnings on a wager that the person did not win or that the person was not otherwise authorized to claim or collect;

(d) Manipulating, altering, or interfering with sports wagering equipment, associated equipment, communication technology, or client software with the intent to affect or alter the outcome of a sporting event;

(e) Interfering with or influencing a participant in a sporting event with the intent to alter an outcome of, or an individual's performance in, a sporting event;

(f) Any conduct the Commission identifies as a means of conducting organized crime through sports wagering; or

(g) Any other conduct the Commission identifies as an abuse of the operation and administration of sports wagering as cheating in regulations promulgated under State Government Article, Title 9, Subtitles 1A or 1E, Annotated Code of Maryland.

(15) "Client software" means any software or application installed or operating on a bettor's device for the purpose of interacting with an online wagering system and conducting online sports wagering.

(16) "Communication technology" means the methods and components used by a sports wagering licensee to facilitate the transmission of information related to sports wagering, including a:

(a) Transmitting system;

(b) Receiving system; and

(c) Wire, cable, radio, microwave, optic, or computer data network.

(17) "Controlling entity" means an entity that possesses, directly or indirectly, the power to direct or cause the direction of the management and policies of a person, whether through ownership of voting securities, by contract, by beneficial ownership, or otherwise.

(18) "Data information center" means the physical location owned or leased by a sports wagering facility licensee, mobile sports wagering licensee, or online sports wagering licensee designated as the location where the licensee's electronic data is stored, processed, or otherwise maintained.

(19) "Day" means a calendar day.

(20) "Dormant account" means a sports wagering bettor account that has not had any login or wagering activity for a period of 3 years.

(21) "Electronic bingo" or "electronic tip jar machine" has the same meaning as "instant bingo machine" stated in COMAR 36.07.01.02.

(22) "Entrant" means a participant in a sporting event upon which a wager may be placed as to the participant's finishing position or performance in the sporting event.

(23) "Event number" means a set of alpha or numeric characters that correspond to a sporting event or an event ancillary to a sporting event.

(24) "Exchange wager" means a wager in which a bettor wagers with or against another bettor through a sports wagering licensee.

(25) "Excluded individual" means an individual who has been:

(a) Placed on the Commission's voluntary exclusion list under COMAR 36.01.03 and 36.10.10; or

(b) Placed on the Commission's mandatory exclusion list under 36.10.11.

(26) "Global risk management" means management, consultation, instruction, or transmission of information relating to sports wagering by a sports wagering licensee who holds a license to conduct sports wagering in another jurisdiction, to a sports wagering licensee in the State, including:

(a) Managing risks associated with sports wagering involving a sporting event for which a wager may be accepted;

(b) Setting or changing of available bets or wagers;

(c) Establishing cutoff times for bets or wagers;

(d) Accepting or rejecting of bets or wagers;

(e) Pooling or laying off of bets or wagers; or

(f) Setting lines, point spreads, odds, or other activity relating to betting or wagering.

(27) "Gross pool" means the total amount of money wagered on the outcome of a particular event.

(28) "Holding company" means a principal or principal entity that directly or indirectly owns:

(a) At least 5 percent of the stock, equity interest, or other voting security of a sports wagering applicant or licensee; or

(b) Through an interest in one or more subsidiaries, a power, right, or security of a sports wagering applicant or licensee.

(29) "House rules" means a sports book licensee's Commission-approved requirements for its sports wagering operation that are in addition to the Commission's regulations, and that shall include:

(a) A Method for calculating and paying winning wagers;

(b) A process for handling incorrectly posted events, odds, wagers, or results;

(c) An effect of sporting event schedule changes;

(d) A method of notifying patrons of odds or proposition changes;

(e) A procedure for accepting wagers other than those processes posted by the sports wagering licensee;

(f) A method of notifying bettors that a winning ticket expires 182 days after the wager is won;

(g) If the sports wagering system allows the bettor to place a wager that pays more than the stated maximum amount, the licensee's policy and methods for:

(i) Limiting the maximum amount a bettor may win on a wager; and

(ii) Precluding a bettor from, or allowing a bettor to, collect, a payout in excess of the purported winnings;

(h) A method of contacting the sports book licensee with questions and complaints;

(i) A method of preventing an excluded individual from participating in a sports wagering activity;

(j) A process for any employee of a sports governing body or member team who is not prohibited from wagering to register with the Commission prior to placing a sports wager;

(k) A method of funding a sports wager; and

(1) Any other item required by the Commission to be addressed in the licensee’s house rules.

(30) “Independent certified testing laboratory” means a person engaged in the testing and verification of sports wagering equipment and the equipment, systems, and software utilized to collect, monitor, interpret, analyze, authorize, issue, redeem, report, and audit data with regard to a sports wagering activity that:

(a) Holds a certificate in good standing for compliance with:

(i) International Organization for Standardization #17025—General Requirements for the Competence of Testing and Calibration Laboratories; and

(ii) International Organization for Standardization #17020—General Criteria for the Operation of Various Types of Bodies Performing Inspections;

(b) Has performed testing and certification of sport wagering equipment, systems, and software on behalf of a state within the United States for a period of 5 or more years; and

(c) Has been approved by the Commission to test and certify equipment, systems, and software on its behalf.

(31) “Indirect interest” means an interest, claim, right, legal share, or other financial stake in a person that is determined by the Commission to exist by virtue of a financial or other interest in another person.

(32) “In-game wager” and “In-play bet” mean a wager placed on the outcome of a sporting event after the event has started.

(33) “Institutional investor” means:

(a) A retirement fund administered by a public agency for the exclusive benefit of federal, State or local public employees;

(b) An investment company registered under §8 of the Investment Company Act of 1940 (15 U.S.C. §80a-8);

(c) A collective investment trust organized by a bank under Part 9 of the rules of the Comptroller of the Currency (12 CFR §9.18);

(d) A closed end investment trust registered with the U.S. Securities and Exchange Commission;

(e) A chartered or licensed life insurance company;

(f) A property and casualty insurance company;

(g) A banking or other chartered or licensed lending institution;

(h) An investment advisor registered under the Investment Advisors Act of 1940 (15 U.S.C. §§80b-1—80b-21); or

(i) Any other person registered in any foreign jurisdiction and regulated in accordance with a statute of any foreign jurisdiction that the Commission determines to be substantially similar to that regulated by the Investment Company Act of 1940 or the Investment Advisors Act of 1940.

(34) “Integrity monitoring” means the observation of sports wagering to identify unusual wagering activity or other suspicious sports wagering activity that may be reported to law enforcement or an organization charged with oversight or monitoring of a sporting event.

(35) “Issue” or “issuance” means the Commission’s final act of authorizing an applicant to legally exercise the authority of, or commence activity under, the scope of the license for which it applied.

(36) “Kiosk” means a Commission-approved device that may be used by a bettor to place a wager and may be used to redeem a winning wager.

(37) “Layoff wager” means a wager placed by a sports wagering operator with another sports wagering operator for the purpose of offsetting bettor wagers.

(38) “Licensee” means an applicant who has been issued a license required under this subtitle.

(39) “Mandatory exclusion list” means a list maintained by the Commission under State Government Article, §§9-1A-24 and 9-1E-11, Annotated Code of Maryland, that identifies an individual who is to be excluded or ejected from:

(a) A sports wagering facility; or

(b) Participating in online sports wagering.

(40) “Maryland State Fair Society” means the holder of a license issued to the holder by the State Racing Commission allowing the holder to have a race that meets specified conditions under Business Regulation Article, §11-524, Annotated Code of Maryland.

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

(42) “Maximum wager limit” means the largest wager that can be wagered on a single sports wager.

(43) “Money line wager” means a wager on a participant winning a sporting event without the use of the point spread.

(44) “Multi-factor authentication” means a procedure that requires more than one method to verify a bettor’s identity through a combination of two or more independent credentials, including:

(a) Information known only to the bettor, such as a password, pattern or answers to challenge questions;

(b) A bettor’s biometric data, such as fingerprints, facial or voice recognition, to the extent this data does not violate privacy laws; and

(c) Using something the bettor has, such as the bettor’s phone.

(45) “Non-wagering employee” means an individual who is:

(a) Employed or is seeking to be employed by an applicant for or holder of a sports wagering license, and whose duties are or will be other than the duties of a wagering employee; or

(b) Not otherwise required by the Commission to be licensed as a wagering employee.

(46) “Online sports wagering” means sports wagering that is conducted through an online gaming system that:

(a) Is accessed on a computer, phone, or other interactive device; and

(b) Is accepted by a mobile sports wagering licensee or an online sports wagering operator.

(47) “Online sports wagering operator” or “online sports wagering operator licensee” means an entity registered with a state to do business within a jurisdiction of the United States that the Commission has issued a license to operate online sports wagering on behalf of a mobile sports wagering licensee.

(48) “Over-under wager” means a wager in which a sports wagering licensee sets a number for a statistic in a sporting event, and a bettor wagers that the actual result in the sporting event will be higher or lower than the number set by the sports wagering licensee.

(49) “Pari-mutuel betting” has the meaning stated in Business Regulation Article, §11-101, Annotated Code of Maryland.

(50) “Parlay wager” means a wager that involves two or more sports wagers combined into one wager.

(51) “Payout” means the total payment due on a winning wager.

(52) “Penalty” means an amount not to exceed \$5,000 that the Commission may impose for each separate violation of the Sports Wagering Law, the Commission’s regulations, or a directive of the Commission.

(53) “Personally identifiable information” means data or information that may be used, alone or combined with other data or information, to identify, contact, or locate a registered bettor, including:

(a) Name, initials, or personal mark;

(b) Unique biometric or genetic print of an individual’s image;

- (c) Social Security number;
- (d) Date of birth;
- (e) Identification number issued by the government of a state, or the United States;
- (f) Passport or identification number issued by a government for the purpose of establishing identity or documenting citizenship-related status;
- (g) Financial information, including an account number, taxpayer identification number, security code, access code, or password;
- (h) Residential address; or
- (i) Data or information determined by the Commission to identify an individual.

(54) "Point of sale system" means the hardware, software and communications that comprise a system capable of accepting sports wagers using terminals operated by a cashier or a kiosk operated by a bettor on the premises of a sports wagering facility that has been approved by the Commission.

(55) "Pool wager" means a wager with a fixed entry cost where the bettor's winnings depend on the number of other bettors wagering on the sporting event.

(56) Predatory Marketing Practice.

(a) "Predatory marketing practice" means an advertisement or promotion of an activity, product, or service related to sports wagering that is:

- (i) False or deceptive;
- (ii) Illegal;
- (iii) Knowingly directed to an individual who is younger than 21 years old;
- (iv) Knowingly directed to an excluded individual; or
- (v) Prohibited by law, regulation or court order.

(b) "Predatory marketing practice" includes an advertisement or promotion of an activity, product, or service related to sports wagering that:

- (i) Uses or depicts an individual who is, or appears to be, younger than 21 years old;
- (ii) By font, color, placement, or any other means, obscures or fails to disclose a material condition or limiting factor associated with the activity, product, or service being marketed; or
- (iii) Fails to include or obscures the gambling assistance message required under COMAR 36.10.10.

(57) "Principal" means:

(a) An officer, director, or person who directly or indirectly owns or holds a legal or beneficial interest of at least 5 percent in the securities of an applicant for or holder of a license awarded or issued under this subtitle;

(b) A person who has a controlling interest in, or the ability to elect a majority of the board of directors of an applicant for or holder of a license awarded or issued under this subtitle;

(c) A lender or other licensed financial institution of a sports wagering license applicant for or holder of a license awarded or issued under this subtitle or licensee, or a sports wagering contractor license applicant or licensee other than a bank or lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business;

(d) An underwriter of an applicant for or holder of a license award or issued under this subtitle; or

(e) A person or deemed by the Commission to be a principal.

(58) Principal Employee.

(a) "Principal employee" means an individual who owns, controls, or manages a licensee that is a sports wagering facility, sports wagering mobile operator, online sports wagering operator, sports wagering facility operator, or sports wagering contractor.

(b) "Principal employee" includes an employee of a Tier 1 sports wagering contractor who performs any function of a Tier 1 sports wagering contractor.

(c) "Principal employee" does not include a wagering employee or non-wagering employee.

(59) "Prohibited sports wager" means any sports wager not approved by the Commission.

(60) "Proposition wager" or "proposition bet" means a wager on an individual action, statistic, occurrence, or non-occurrence which is determined during a sporting event.

(61) "Registered bettor" means a person who has registered with a sports wagering licensee for inclusion in the licensee's bettor tracking system.

(62) "Restricted area" means that part of a sports wagering facility directly related to the operation of sports wagering where access is specifically designated by the Commission as restricted, including:

- (a) Cashier's cage, including a satellite cashiers' cage and ancillary offices;
- (b) Computer space allocated to sports wagering platforms;
- (c) Count room and trolley storage area;
- (d) Areas designated for the storage or repair of sports wagering equipment;
- (e) Information technology operations centers;
- (f) Surveillance monitoring rooms;
- (g) Vault and armored car bay locations;
- (h) Data information center;
- (i) Any area that the sports wagering licensee has designated as restricted in its Commission-approved accounting and internal control systems; and
- (j) Any other area the Commission designates a restricted area.

(63) "Risk management" means processes and tools that sports wagering licensees use to manage the risk and liabilities associated with sports wagering.

(64) "Sanction" means an enforcement action that the Commission may take against an applicant or licensee, and may include suspension or revocation of a license, reprimand, or imposition of a condition on a licensee.

(65) "Satellite simulcast betting" has the meaning stated in Business Regulation Article, §11-815, Annotated Code of Maryland.

(66) "Satellite simulcast facility" means the location specified in a permit issued by the State Racing Commission necessary for offering satellite simulcast betting under Business Regulation Article, §§11-815 – 11-832, Annotated Code of Maryland.

(67) "Settled wager" means a wager that has been resolved with a result of either a win, loss, or push to the bettor.

(68) "Sports bettor tracking system" means the hardware, software, communications technology, and other ancillary equipment owned or leased by a sports wagering licensee to collect, monitor, interpret, analyze, authorize, report, and audit data pertaining to:

- (a) A sports wagering activity; and
- (b) If a bettor has registered with the sports wagering licensee for inclusion in a bettor tracking system, a bettor's sports wagering activity.

(69) "Sports wagering" means:

- (a) The business of accepting a wager on a sporting event; and
- (b) Placing a wager with a sports wagering licensee on a sporting event.

(70) "Sports wagering account" means an electronic account that may be established by a bettor for the purpose of sports wagering, including making deposits and withdrawals, placing wagers, and receiving payouts on winning wagers.

(71) “Sports Wagering Application Review Commission” or “SWARC” means the Commission established under State Government Article, §9-1E-15, Annotated Code of Maryland.

(72) “Sports wagering contractor” or “contractor” means, other than an individual, a person who contracts with a sports wagering licensee to provide services as a Tier 1 or Tier 2 sports wagering contractor, that may include:

- (a) Management or operation;
- (b) Security;
- (c) Service, maintenance, update, or repair of sports wagering equipment or associated equipment or software;
- (d) Ownership or control of a sports wagering licensee; or
- (e) Any other service for which the Commission requires a sports wagering contractor license.

(73) “Sports wagering contractor—Tier 1” or “Tier 1 contractor” means a sports wagering contractor that provides sports wagering equipment or services and:

- (a) Does not accept wagers;
- (b) Whose services may affect wagering outcomes;
- (c) Manufactures self-service kiosks, devices, or machines that have been approved by the Commission for use in a sports wagering facility;
- (d) May have contact with, or access to, sports wagering equipment or sports wagering systems;
- (e) Supplies parts or software related to sports wagering operations;
- (f) Provides security for sports wagering operations; or
- (g) May employ a sports wagering employee that is a principal employee.

(74) “Sports wagering contractor—Tier 2” or “Tier 2 contractor” means a sports wagering contractor that supplies equipment or services related to a sports wagering licensee’s sports wagering operations, and:

- (a) Whose services may not affect wagering outcomes;
- (b) Has no contact with, or access to, sports wagering equipment or sports wagering systems; and
- (c) May not employ a sports wagering employee that is a principal employee.

(75) “Sports wagering employee” or “wagering employee” means an individual who:

(a) Is or is seeking to be employed by an applicant for or holder of a sports wagering licensee, whose duties relate, or may relate to the operation of a sports wagering facility or sports wagering, and who performs or supervises or may perform or supervise the performance of:

- (i) Operating, servicing, or maintaining sports wagering equipment or associated equipment or software;
- (ii) Accounting, maintaining, or auditing a licensee’s sports wagering-related financial records;
- (iii) Counting or processing sports wagering revenue, wagers, payouts, or proceeds;
- (iv) Conducting security or surveillance in or around a sports wagering facility or the operation center of a mobile sports wagering licensee or online sports wagering operator licensee; or
- (v) Operating or maintaining a sports wagering licensee’s information systems;

(b) Is employed by a sports wagering contractor, whose duties directly relate to the repair, service, or distribution of sports wagering equipment or associated equipment or software, or is otherwise required to be present at a wagering facility or in a restricted area of a wagering facility; or

(c) Is otherwise required by the Commission to be licensed as a sports wagering employee.

(76) “Sports wagering equipment” means any mechanical, electronic or other device, mechanism, or equipment, and related

supplies used or consumed in the operation of sports wagering, including a self-service kiosk on the premises of a sports wagering facility.

(77) “Sports wagering facility”, “wagering facility”, or “facility” means a place where a bettor may place a wager in person, that:

- (a) Is physically located on premises that are owned, leased, or occupied by a sports wagering facility licensee; and
- (b) Has been issued a sports wagering facility license by the Commission.

(78) “Sports wagering facility operator” or “sports wagering facility operator licensee” means a person that operates sports wagering on behalf of a sports wagering facility licensee:

- (a) On premises that are physically owned, leased, or occupied by the sports wagering facility licensee; and
- (b) Has been issued a sports wagering facility operator license by the Commission.

(79) “Sports wagering facility operator license” means an operator license issued by the Commission to a person that operates a sports wagering facility on behalf of a sports wagering facility licensee.

(80) “Sports wagering interactive website” means the interactive wagering application through which a sports wagering licensee makes authorized mobile sports wagering available.

(81) “Sports wagering license” means a license issued by the Commission that authorizes the holder to accept sports wagers.

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

(83) “Sports wagering operation” or “sports wagering operations” means the entirety of a sports wagering licensee’s business of conducting sports wagering and related activities, including:

- (a) Accepting and redeeming wagers;
- (b) Maintaining financial accounting;
- (c) Securing a sports wagering platform;
- (d) Securing an online sports wagering system;
- (e) Conducting surveillance of a sports wagering facility;
- (f) Owning, leasing, or occupying a sports wagering facility;
- (g) Developing marketing;
- (h) Arranging advertising; and
- (i) Performing any other related activity.

(84) “Sports wagering platform” means:

(a) Hardware and software used for a website, application, or other platform which is accessible via the internet or mobile, wireless, or similar communications technology that allows bettors to participate in sports wagering; or

(b) Hardware, software, firmware, communications technology, or other equipment that a sports wagering licensee uses to:

- (i) Allow a bettor to participate in sports wagering;
- (ii) Display the wager outcomes and other similar information necessary to facilitate sports wagering;
- (iii) Review bettor accounts and generate financial reports;
- (iv) Suspend wagering on sporting events;
- (v) Input outcomes for sporting events; and
- (vi) Set any configurable parameters.

(85) “Sports wagering ticket” means a printed record issued or an electronic record maintained by a sports wagering platform that evidences a sports wager.

(86) “Sports wagering voucher” means a printed record or digital representation issued by a sports wagering platform that may be used to fund a wager or may be redeemable for cash.

(87) “Straight wager” and “single-game bet” mean a wager on a single sporting event that will be determined by a point spread, money line or total score.

(88) “Teaser bet” means a wager in which the sports wagering licensee adjusts the odds of winning in a bettor’s favor.

(89) “Temporary sports wagering facility” means an area approved by the Commission for use in sports wagering operations during the construction of a facility.

(90) Unredeemed Item.

(a) “Unredeemed item” means a sports wagering voucher, sports wagering ticket, or similar item that has monetary value and:

(i) Has been won by a bettor participating in sports wagering; or

(ii) Has been inserted into sports wagering equipment.

(b) “Unredeemed item” does not include cash.

(91) “Unusual wagering activity” means a wager or pattern of wagering by a bettor that:

(a) Is abnormal in amount, frequency, pattern, or type; or

(b) May indicate past, current, attempted, or planned cheating.

(92) “Video lottery employee” means an individual who holds a license issued under State Government Article, §9-1A-14, Annotated Code of Maryland, and meets the requirements of COMAR 36.03.02.12.

(93) “Voided wager” means a wager invalidated by a licensee for a specified sporting event.

(94) “Wager” or “wagering” means betting a sum of money or promotional credit on the outcome of a sporting event.

(95) “Wagering day” means a period of time determined by the Commission, not to exceed 24 hours, that marks the beginning and ending times of wagering activities for the purposes of establishing accounting reports and determining daily proceeds.

### 36.10.02 All Applicants and Licensees— Applications and Investigations

Authority: State Government Article, §§9-1A-02, 9-1A-04, 9-1-07, 9-1A-08, 9-1A-20, 9-1A-25, and 9-1E-01 — 9-1E-15, Annotated Code of Maryland

#### .01 Scope.

All applicants for licenses related to the State’s Sports Wagering Program shall comply with the requirements set forth in State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission’s regulations, to establish their qualifications, comply with requirements for the issuance of a license, and, if the Commission issues a license, comply with the contents of the license application, and all applicable laws and regulations.

#### .02 General.

A. This chapter includes application and license requirements for all licenses the Commission is authorized to issue under State Government Article, §9-1E-05, Annotated Code of Maryland, to implement the State’s Sports Wagering Program.

B. Applicants and licensees are subject to any additional requirements in this Subtitle based on the category of license the applicant applies for or the licensee holds.

C. Unless a person holds a valid license issued by the Commission, the person may not offer or conduct sports wagering, or engage in an activity for which a license is required.

#### .03 Process.

##### A. Submission Requirements.

(1) If the Commission requires an application to be submitted by a particular date:

(a) The application and nonrefundable application fee shall be delivered to the Commission not later than 5 p.m. on the date specified by the Commission; and

(b) An application submitted after the deadline may not be accepted or considered by the Commission.

(2) An applicant may not submit an application less than 1 year after the Commission has:

(a) Taken final action on a license denial of a previous license application involving the applicant;

(b) Taken final action on a sanction resulting in revocation of a previous license involving the applicant; or

(c) Provided an individual with written notice of termination of a temporary license.

##### B. Applications.

(1) An application submitted to the Commission shall:

(a) Consist of an original and the number of copies required by the Commission and shall be in an electronic format or other format required by the Commission; and

(b) Be sworn before a notary public as to its truth and validity by the applicant or, if the applicant is not an individual, by the chief executive officer of the applicant.

(2) An applicant shall include the applicable nonrefundable application fee with the license application.

(3) Upon receipt of a timely application and application fee, the Commission staff shall review the application to determine whether it contains all the information required under this chapter.

(4) If the Commission determines that required information has not been submitted, Commission staff shall notify the applicant in writing of the nature of the deficiency.

(5) An applicant notified in accordance with §B(4) of this regulation may submit the documents necessary to complete the application not later than 15 days after the Commission issues the notification.

(6) The Commission may not consider the application of an applicant who is notified in accordance with §B(4) of this regulation and who fails to submit the requested documents in a timely manner.

(7) The Commission shall review and consider a timely, complete application submitted as required in this regulation.

##### C. Changes in Application.

(1) If information submitted by an applicant as part of a license application changes or becomes inaccurate before the Commission acts on the application, the applicant shall immediately notify the Commission in writing of the change or inaccuracy.

(2) After an application has been filed by an applicant, the applicant may not amend the application except to:

(a) Address a deficiency in accordance with a notice sent under §B(4) of this regulation;

(b) Clarify information contained in the application as required by the Commission or the Commission staff; or

(c) Address a change in the circumstances surrounding the application that was outside the control of the applicant and that affects the ability of the applicant to comply with the law or the regulations of the Commission.

(3) To amend an application under §C(2)(c) of this regulation, an applicant shall submit to the Commission a written request to amend the application, stating:

(a) The change in the circumstances surrounding the application that necessitates the amendment;

(b) The nature of the amendment; and

(c) The reason why the amendment is necessary to bring the application into compliance with the law or the regulations of the Commission.

(4) The Commission or Commission staff shall grant or deny each request submitted under §C(3) of this regulation and notify the applicant.

(5) A request shall be granted if the applicant establishes by clear and convincing evidence that:

(a) The circumstances requiring the amendment were outside the control of the applicant;

(b) Before the change in the circumstances surrounding the application, the application complied with the applicable provisions of law or regulations of the Commission; and

(c) The amendment is necessary to bring the application into compliance with the applicable provisions of the law or regulations of the Commission.

(6) An applicant may withdraw a license application if:

(a) The applicant submits a written request to the Commission to withdraw the application; and

(b) The written request is submitted before the Commission has:

(i) Denied the application; or

(ii) Terminated a temporary license.

(7) If an applicant withdraws an application, the application fee will not be refunded.

**D. Notice of Intended Change in Licensed Sports Wagering Employee's Employment Status.**

(1) Within 14 calendar days of a change in employment status, a licensee shall notify the Commission of the intended change in employment by submitting forms and documents required by the Commission in the manner set forth in §B of this regulation.

(2) The Commission shall conduct a background investigation of the individual to verify that the individual's license remains in good standing.

(3) If the Commission determines that the individual's license is not in good standing, the Commission shall notify the individual and, within 15 days after the Commission issues the notification, the licensee shall submit:

(a) Information, documentation, or assurances to establish, by clear and convincing evidence, that the licensee remains qualified to hold a license; and

(b) Any other information, documentation, or assurances required by the Commission.

(4) If the licensee has been separated from employment with a sports wagering facility licensee, sports wagering operator licensee, mobile sports wagering facility licensee, or online sports wagering licensee for more than 6 months and notified the Commission of an intended change in employment status, the licensee shall pay the fee for conducting a criminal history records check specified in Regulation .05B of this chapter.

(5) The Commission may not approve a change in employment status for a sports wagering employee licensee who fails to establish, by clear and convincing evidence, all license qualification criteria.

(6) A sports wagering employee may not effect a change in employment status without prior Commission approval.

**E. Burden of Proof.** Under all circumstances, the burden of proof shall be on the person that is required to be licensed, maintain the license, or qualified to establish, by clear and convincing evidence, the person is eligible and qualified as required under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission's regulations.

**F. Administrative Costs of Background Investigations.**

(1) Promptly upon receipt of an invoice from the Commission, an applicant for a license or a licensee who has notified the

Commission of an intended change in employment status shall reimburse the Commission for:

(a) The administrative costs associated with performing background investigations of the applicant, the licensee who has notified the Commission of an intended change in employment status, and any individual required to provide information under Regulation .06 of this chapter; and

(b) Any payments made by the Commission to a person approved by the Commission to conduct background investigations.

(2) Failure to reimburse the Commission shall be grounds for disqualification of an applicant or disapproval of a licensee's change in employment status.

(3) The Commission may require an advance deposit from an applicant or licensee who has notified the Commission of an intended change in employment status for the Commission's estimate of the administrative costs of conducting the applicant's or licensee's background investigation.

(4) If administrative costs of conducting an applicant's or licensee's background investigation exceed the estimate provided in §F(3), the applicant or licensee shall pay the additional costs prior to the Commission finalizing the background investigation.

(5) The Commission shall refund to an applicant any unused amount of the advance deposit.

**G. Payment and Collection.**

(1) An applicant shall pay the administrative costs and fees required under this regulation by:

(a) Wire transfer;

(b) Money order;

(c) Certified check made payable to the "Maryland Lottery and Gaming Control Commission"; or

(d) Any other manner designated by the Commission.

(2) The Commission may address an applicant's or licensee's failure to pay a required fee, penalty, or proceeds:

(a) As provided in COMAR 36.10.12; or

(b) By filing a claim against the performance bond that covers the applicant.

**H. Continuing Obligations.**

(1) At all times, a person who is awarded or issued a license, and a person who is otherwise required to meet Commission qualifications, shall conform to all of the information contained in the license application and documents submitted to SWARC and the Commission.

(2) An applicant or licensee may not discriminate against a person who in good faith informs the Commission of an act or omission that the person believes constitutes a violation of State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, or regulations promulgated by the SWARC or the Commission.

(3) If information submitted to the SWARC or the Commission by a person described in §H(1) of this regulation changes during the term of the license or qualification, the person shall immediately submit written notification of the change to the Commission.

(4) An applicant or licensee has an affirmative and continuing obligation to:

(a) Inform the Commission of an act or omission that the applicant or licensee knows or should have known constitutes a violation of State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, or the Commission's regulations;

(b) Provide the Commission with all information relating to qualifications in the form specified by the Commission;

(c) Provide assistance and information required by the Commission;

(d) Cooperate in a Commission inquiry, investigation, or hearing;

(e) On issuance of a request to answer or produce information, evidence, or testimony requested by the Commission, provide it; and

(f) As required under State Government Article, §9-1E-07(b)(3), Annotated Code of Maryland, comply with any Commission request or requirement for information and records necessary for setting reasonable and appropriate minority business enterprise participation goals and procedures for the procurement of goods and service related to sports wagering, including procurement of construction, equipment, and ongoing services.

(5) Failure to comply with the obligations of §H of this regulation shall be grounds for the Commission taking enforcement action under COMAR 36.10.08.

**.04 Personal and Background Information.**

A. Except as otherwise provided in the Commission's regulations, the application documents shall include the information required under §B of this regulation, for a person who is:

- (1) The applicant;
- (2) A director, officer, or key management individual employed by the applicant;
- (3) A partner of the applicant;
- (4) Any other person who owns, controls, or directs a legal or beneficial interest of 5 percent or more in the applicant;
- (5) A principal;
- (6) A principal employee;
- (7) A principal entity;
- (8) A holding company of the applicant; or
- (9) An affiliate of the applicant.

B. An individual listed under §A of this regulation shall furnish the individual's:

- (1) Full name and any previous names or aliases;
- (2) Date of birth;
- (3) Physical description;
- (4) Home and business addresses and telephone numbers;
- (5) Driver's license number and state of issuance;
- (6) Social Security number;
- (7) Photograph in a type and size required by the Commission;
- (8) Fingerprints for a criminal records check:
  - (a) For a State resident, from an electronic fingerprinting service approved by the Commission; or
  - (b) For an out-of-State resident, one FBI and one State fingerprint card, taken within the previous 45 days before submission to the Commission; and
- (9) Any other document or information required by the Commission.

C. A person listed under §A of this regulation that is not an individual shall furnish, with its application documents:

- (1) Pursuant to any applicable requirements of the Maryland State Department of Assessment and Taxation, evidence that the person is in good standing to conduct business in the State;
- (2) For a corporation, documentation showing the:
  - (a) State in which the applicant is incorporated; and
  - (b) Name and address of the applicant's resident agent for service of process in Maryland; and
- (3) For a nonprofit corporation, only the information required under §B of this regulation for an individual who is a director or officer of the applicant.

D. A licensee who has notified the Commission of an intended change in employment status shall provide the information as set forth in §B of this regulation.

E. The Commission may require an applicant to furnish the information listed in §B of this regulation for the applicant's family and associates.

F. Inadvertent, nonsubstantive errors that might be made in furnishing the information required by this regulation may not be used as a reason by the Commission for disqualifying the applicant.

**.05 Information for Background Investigation.**

A. An individual or authorized representative of a person that is required to submit an application, or be investigated, shall:

- (1) Submit to the Commission a complete legible set of the individual's fingerprints for:
  - (a) The Federal Bureau of Investigation; and
  - (b) The Maryland Criminal Justice Information System;
- (2) Complete a background form supplied by the Commission which includes a statement disclosing whether the individual has ever been:
  - (a) Arrested;
  - (b) Convicted of, pled nolo contendere to, or received probation before judgment for, a felony or misdemeanor, other than a misdemeanor traffic offense;
  - (c) Sanctioned by a government agency related to gaming or sports wagering;
  - (d) Found liable in connection with a civil action related to gaming or sports wagering;
  - (e) A debtor in a bankruptcy proceeding; or
  - (f) Denied a bond; and
- (3) Complete any acknowledgement forms required by law including an FBI Privacy Act notice.

B. The forms submitted in compliance with this regulation shall be accompanied by the:

- (1) Fee authorized under Criminal Procedure Article, §10-221(b)(7), Annotated Code of Maryland, for access to Maryland criminal history records; and
- (2) Mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

C. If an applicant under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, is a citizen of any country other than the United States, the background investigation required under State Government Article, §9-1E-07(f), Annotated Code of Maryland, shall include an international criminal history records check.

**.06 Consent for Investigation.**

A. An individual who is required to provide personal and background information under this chapter shall provide a statement that irrevocably gives consent to the Commission, the SWARC, and persons authorized by the Commission to:

- (1) Verify all information provided in all documents or forms submitted to the Commission or the SWARC; and
- (2) Conduct a background investigation of the individual.

B. A person who is required to provide information under this chapter shall:

- (1) As applicable, execute these forms:
  - (a) An irrevocable Acknowledgment and Disclosure;
  - (b) Affidavit of Representative of Applicant;
  - (c) An Irrevocable Authorization for Release of Information;
  - (d) Certificate of Business Relationship; and
  - (e) Any other release or authorization required by the Commission to investigate the qualifications of the applicant; and
- (2) Authorize the Commission and, if appropriate, the SWARC, to have access to any and all information in the custody of any other jurisdiction about the person, including:

- (a) Information the person provided to the jurisdiction while being investigated for a gaming or sports wagering-related license or qualification;
- (b) Information that the jurisdiction obtained while investigating the person for a gaming or sports wagering-related license or qualification; and

(c) Any other information about the person pertaining to the person's license or qualifications related to gaming or sports wagering in another jurisdiction.

**.07 Organizational Documents.**

A. If the applicant is a corporation, the application documents shall include a:

- (1) Statement of when the corporation was organized;
- (2) Copy of the articles of incorporation and bylaws of the corporation;
- (3) Statement and documentation of whether the corporation has been reorganized or reincorporated during the 5-year period preceding the date on which the application documents are submitted to the Commission; and
- (4) Statement and documentation of whether the corporation has filed restated articles of incorporation.

B. If the applicant is an unincorporated business association, the application documents shall include a:

- (1) Copy of each organizational document of the applicant, including any partnership agreement; and
- (2) Description of any oral agreements involving the organization of the applicant.

**.08 Ownership of Applicant.**

A. An applicant shall disclose all:

- (1) Principals;
- (2) Principal entities, as defined in COMAR 36.03.01.02; and
- (3) Persons who have, or exercise, voting rights in or as to the applicant.

B. In addition to the requirements in §A of this regulation, the applicant shall disclose the following:

- (1) If authorized to issue capital stock, for each class of stock authorized:
  - (a) Total number of shares;
  - (b) Par value, if any;
  - (c) Voting rights;
  - (d) Current rate of dividend; and
  - (e) Number of shares outstanding and the market value of each share; and
- (2) If a corporation:
  - (a) Include a certified copy of each voting trust or voting agreement in which capital stock of the applicant is held, and describe the:
    - (i) Name and address of each stockholder participating in the trust or agreement;
    - (ii) Class of stock involved; and
    - (iii) Total number of shares held by the trust or agreement;
  - (b) Provide the terms of any proxy by which any capital stock may be voted, and provide the:
    - (i) Name and address of the person holding the proxy;
    - (ii) Name and address of the stockholder who granted the proxy;
    - (iii) Class of stock for which the proxy may vote; and
    - (iv) Total number of shares voted by the proxy;
  - (c) Include any provisions described in §B(2)(a) and (b) of this regulation, and the procedures by which these provisions may be modified for the redemption, repurchase, retirement, conversion, or exchange of an ownership interest;
  - (d) State whether the:
    - (i) Applicant's stock may be traded through options; and
    - (ii) Corporation, or a stockholder, has executed an agreement or contract to convey any of the corporation's or the stockholder's stock at a future date;

(e) Include a copy or a description of each agreement or contract disclosed under §B(2)(d) of this regulation;

(f) Include a copy of each prospectus, pro forma, and other promotional material about the applicant that the applicant may give to potential investors if it receives a sports wagering license; and

(g) Fully disclose any stock options that may exist or have been granted.

**.09 Directors, Officers, and Partners.**

A. If the applicant is not an individual, the application documents shall include a list of the individuals who are serving, or who are designated to serve, during the first year after the date the application documents are submitted to the Commission as a director, officer, partner, or any other principal.

B. For each individual listed under §A of this regulation, the applicant shall provide:

- (1) The individual's name and address;
- (2) Each position or office of the applicant held by the individual;
- (3) The individual's principal occupation during the 5-year period preceding the date on which the application documents are submitted to the Commission; and
- (4) The nature and extent of any ownership interest that the individual has in the applicant.

**.10 Principal Entity.**

A. The application documents shall identify any principal entity of an applicant, and for each:

- (1) Describe the principal entity's ownership of the applicant;
- (2) Describe the extent of the principal entity's control over the applicant; and
- (3) Include information and documents required under Regulations .03 through .07 of this chapter.

B. Principal Entities as Approved Institutional Investors.

- (1) A principal entity may request the Commission to waive the requirement of conducting a full background investigation of the principal entity.
- (2) The Commission may approve a principal entity's request for a waiver if the principal entity:
  - (a) Meets one of the definitions of institutional investor in Chapter .01 of this subtitle; and
  - (b) Satisfactorily completes and submits an institutional investor waiver application as required by the Commission.
- (3) A principal entity for which the Commission has approved a waiver request under §B(2) of this regulation is an approved institutional investor.
- (4) An institutional investor may maintain an approved waiver as an institutional investor by:
  - (a) Maintaining an ownership interest in an applicant or licensee; and
  - (b) Providing the Commission with the statement of ownership percentage it reported to the Securities and Exchange Commission:
    - (i) Annually, before the last day of April; or
    - (ii) As otherwise directed by the Commission.
- (5) If an approved institutional investor complies with §B(4) of this regulation, the Commission's approval is valid for 5 years from the date of approval, and:
  - (a) The waiver may apply to one or more applicants or licensees in which the entity is an institutional investor; and
  - (b) The institutional investor shall submit an institutional waiver application every 5 years from the date of the Commission's last approval.

(6) If an approved institutional investor does not meet the requirements of §B(4) of this regulation with respect to one or more applicants or licensees:

(a) The approved institutional investor shall notify the Commission in writing if the institutional investor's ownership interest falls below 5 percent; and

(b) The Commission may require the institutional investor to submit a new waiver application if the institutional investor acquires an ownership interest of 5 percent or greater in any applicant or licensee.

**.11 Outside Interests.**

An applicant shall disclose in its application documents whether the applicant, or a principal or partner of the applicant:

A. Has ever held an ownership interest in a licensee of the Commission; or

B. Is currently engaged in the business of sports wagering in another jurisdiction, and the nature and extent of that involvement.

**.12 Alternative Licensing Standards.**

A. General.

(1) The Commission may establish an abbreviated process for licensing an applicant who holds a valid license in another state if the Commission determines that the licensing standards of the issuing agency in the other state:

(a) Are comprehensive;

(b) Are thorough; and

(c) Provide similar safeguards to those in State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland.

(2) The Commission may not waive a requirement that:

(a) Relates to minority business enterprise participation goals and procedures established under State Government Article, §9-1E-07, Annotated Code of Maryland; or

(b) Is a requirement of SWARC under State Government Article, §9-1E-15, Annotated Code of Maryland, or regulations promulgated by the SWARC.

(3) If the Commission has established an abbreviated process for licensing, the Commission may:

(a) Waive some or all of the requirements in State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland; and

(b) Issue a license to a person having a similar license from a jurisdiction described in §A(1) of this regulation.

(4) The Commission may delegate its authority to decide whether to apply an alternative licensing standard to staff.

B. Process.

(1) An applicant or licensee requesting the use of an alternative licensing requirement shall submit a written request in a format specified by the Commission and that complies with the process established by the Commission under §A of this regulation.

(2) A written request shall contain at least the following:

(a) The state in which the applicant holds a valid sports wagering or related license;

(b) An explanation of the unique circumstances justifying the request; and

(c) Any other information requested by staff or the Commission.

(3) Upon receipt of a request that fails to comply with §B(1) and (2) of this regulation, staff shall notify the requestor:

(a) Of any deficiency; and

(b) That the waiver request will not be considered unless the identified deficiency is corrected.

C. Decision.

(1) Upon receipt of a request that complies with §B of this regulation, staff shall:

(a) Present the request to the Commission as soon as practicable; or

(b) If the Commission has delegated to staff the authority to decide the request, decide the request as soon as practicable.

(2) After the Commission or staff decides whether to grant the request, staff shall notify the requestor.

(3) The decision of the Commission or staff regarding an alternative licensing requirement is final and not appealable.

**.13 Exemption or Waiver of License Requirement.**

A. General.

(1) The Commission may grant an exemption from, or waiver of, a licensing requirement or grounds for denial of a license at the request of an applicant, if the Commission determines that the requirement or grounds for denial of a license as applied to the applicant are not necessary in order to protect the public interest or accomplish the policies established by State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland.

(2) The Commission may grant an exemption from, or waiver of, a regulatory licensing requirement, so that an applicant or licensee is not:

(a) Required to comply with a regulatory licensing requirement; or

(b) Subject to specific regulatory basis for denial of a license.

(3) The Commission may delegate to staff its authority to grant an exemption from, or waiver of, a regulatory licensing requirement.

B. Process.

(1) A person requesting an exemption or waiver under this regulation shall submit a written request in a format specified by the Commission.

(2) A written request shall contain at least the following:

(a) The COMAR section for the standard for which the applicant seeks the exemption or waiver;

(b) Detailed facts in support of the request;

(c) An explanation of the unique circumstances justifying the request; and

(d) Any other information requested by staff or the Commission.

(3) Upon receipt of an exemption or waiver request that fails to comply with §B(1) or (2) of this regulation, staff shall notify the requestor:

(a) Of any deficiency; and

(b) That the request will not be considered unless the identified deficiency is corrected.

C. Decision.

(1) Upon receipt of a request that complies with §§A and B of this regulation, staff shall:

(a) Submit the request to the Commission as soon as practicable; or

(b) If the Commission has delegated to staff the authority to decide the request, make a decision on the request as soon as practicable.

(2) At any time before or after a waiver or exemption request has been granted, the Commission may:

(a) Limit or place restrictions on the exemption or waiver as the Commission considers necessary in the public interest; and

(b) Require the applicant or licensee who is granted the exemption or waiver to:

(i) Cooperate with the Commission; and

(ii) Provide the Commission with any additional information required as a condition of the exemption or waiver.

(3) After the Commission or staff decides whether to grant or deny the request, staff shall notify the requestor of the decision.

(4) The decision of the Commission or staff regarding an exemption or waiver of a licensing requirement is final and not appealable.

**.14 Bonds.**

A. The Commission may require an applicant or licensee to obtain a bond before the Commission issues or renews a license.

B. The bond shall be for the benefit of the State for the faithful performance of the requirements imposed by State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and Commission regulations.

C. If a bond is required for a license, the Commission may not issue or renew a license unless it has:

(1) Exempted the applicant or licensee from the bond requirement; or

(2) Received satisfactory proof of a bond.

D. The Commission may apply a bond to the payment of an unpaid liability of the applicant or licensee.

E. Bond amounts and exemptions are specified in regulations that pertain to a specific license.

F. The Commission may exempt a sports wagering employee from the bond requirement if the employee is:

(1) Covered under another bond that the Commission deems adequate to protect the public interests; or

(2) Employed in a capacity for which the Commission determines the bond is not necessary to protect the public interest.

**36.10.03 All Applicants and Licensees—Qualification Requirements**

Authority: State Government Article, §§9-1A-02 — 9-1A-04, 9-1A-07, 9-1A-08, 9-1A-14, 9-1A-18 — 9-1A-20, 9-1A-24, 9-1A-25, and 9-1E-01 — 9-1E-15, Annotated Code of Maryland

**.01 Scope.**

A. An applicant for, and a holder of, a license necessary for the State’s Sports Wagering Program, shall meet the same qualification requirements for licensees that the Commission issues under State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland.

B. This chapter includes the qualification requirements, and process for the issuance of a license, for all applicants for licenses related to sports wagering that the Commission is authorized to issue under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland.

C. Additional qualifications and license requirements may apply based on license category and are specified in succeeding chapters.

**.02 Qualification Requirements.**

A. The Commission may consider an applicant’s qualifications if the applicant has:

(1) Paid the applicable nonrefundable application fee;

(2) Unless exempt, provided documentation that it has acquired the bond; and

(3) Furnished the Commission with all required information and documentation.

B. The Commission shall determine whether an applicant has presented sufficient information, documentation, and assurances to establish the following qualification criteria by clear and convincing evidence:

(1) The applicant’s financial stability, integrity, and responsibility;

(2) The integrity of any financial backers, investors, mortgagees, bondholders, and holders of other evidences of indebtedness that bear a relation to the application;

(3) The applicant’s good character, honesty, and integrity; and

(4) Sufficient business ability and experience.

C. Mandatory Disqualification. The Commission shall disqualify an applicant from licensure, or find the applicant unqualified, on the basis of:

(1) Failure of the applicant to establish by clear and convincing evidence that the applicant and each person who owns or controls the applicant are qualified;

(2) Failure of the applicant or any person required to be qualified to provide information, documentation, or assurances required by or requested by the Commission or SWARC;

(3) Failure of the applicant or any person required to be qualified to reveal any fact material to qualification;

(4) Supplying, by the applicant or any person required to be qualified, information that is untrue or misleading as to a material fact concerning the qualification criteria;

(5) Conviction of the applicant or of any person required to be qualified of an offense under the laws of any jurisdiction that is a criminal offense involving moral turpitude or a gambling or sports wagering offense;

(6) Current prosecution of the applicant or a person who is required to be qualified for an offense described under §C(5) of this regulation, provided that:

(a) An applicant may request that the Commission defer its qualification decision during the pendency of the charge; and

(b) The Commission may exercise its discretion whether to defer its qualification decision during the pendency of the charge;

(7) Pursuit by the applicant or a person who is required to be qualified of economic gain in an occupational manner or context that violates a State law, if the pursuit creates a reasonable belief by the Commission that participation of the applicant in sports wagering operations would be inimical to the State’s interests;

(8) Identification of the applicant or a person who is required to be qualified as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in a manner that creates a reasonable belief by the Commission that the association is of a nature that would be inimical to the State’s interests;

(9) Commission of an act within the prior 7 years by the applicant or a person who is required to be qualified that would constitute an offense described in §C(5) of this regulation, even if the act was not, or may not be prosecuted under the criminal laws of any jurisdiction;

(10) Willful defiance by the applicant or a person who is required to be qualified of a legislative investigatory body or other official investigatory body of the United States or a jurisdiction within the United States when the body is engaged in the investigation of crimes relating to sports wagering, gambling, official corruption, or organized crime activity; or

(11) Engaging in conduct that would bring the State into disrepute.

D. Permissive Denial. The Commission may deny a license to an applicant or find an applicant unqualified if the applicant’s application for a license related to sports wagering in another jurisdiction was denied, suspended, or revoked.

**.03 Process for Issuing a License—All Applicants.**

A. The Director shall designate staff to oversee the license application review process in a manner consistent with this subtitle.

B. Designated staff may determine qualifications of an applicant and issue a license without a Commission hearing.

C. Designated staff shall review a timely and complete application to determine whether it:

- (1) Contains all required information;
- (2) Meets all application and qualification requirements;
- (3) Is accompanied by all required fees; and
- (4) Unless exempt, provides evidence of a performance bond.

D. All applicants shall meet the general requirements of COMAR 36.10.02 and 36.10.03.

E. Applicants shall also meet the specific requirements of the license category for which the applicant submits an application.

F. After reviewing an application, and subject to the specific requirements of the applicant's license category, if designated staff determines that the applicant meets all applicable requirements, the designee shall issue the license, or find the applicant qualified.

G. After designated staff issues a license, the applicant may commence operations under the authority, terms, and conditions of the license.

H. If designated staff determines that the applicant does not meet all applicable requirements:

- (1) The designee shall recommend denial of the application; and
- (2) The recommended denial of a license application shall follow the process described under COMAR 36.10.07.

**.04 Ongoing Requirements and Continuing Obligations for All Licensees.**

A. The requirements in this regulation pertain to all licensees, the failure to comply with any of these requirements may subject the licensee to enforcement action under COMAR 36.10.08.

B. Throughout the license term and any renewal, a licensee:

- (1) Remains under a continuing obligation to conform to all of the information contained in their license application; and
- (2) Shall comply with all applicable requirements in State Government Article, Title 9, Subtitles 1A and 1E, Annotated Code of Maryland, and the Commission's regulations.

C. A licensee shall:

- (1) Comply with all State and federal data security laws; and
- (2) Maintain all sports wagering data securely for at least 5 years from the date of license issuance or renewal.

D. A licensee may not:

- (1) Share any personally identifiable information with any third parties without permission, except as needed to operate sports wagering and administer the licensee's obligations under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland;
- (2) Target advertising to individuals who are prohibited from participating in sports wagering and other at-risk individuals; or
- (3) Engage in false or deceptive advertising.

E. A sports wagering licensee may not assign, delegate, subcontract, or transfer to another person its duties or responsibilities as a licensee without the prior approval of the Commission, except:

- (1) To a related entity; or
- (2) Pursuant to a transfer of its interest approved in advance by the Commission under §F of this regulation.

F. Other than an individual, a sports wagering licensee may sell or transfer an interest in the ownership of the license, if:

- (1) The licensee was actively engaged in operating sports wagering authorized under its license in the State for at least 36 months from the commencement of its sports wagering operations;
- (2) Before the proposed sale or transfer, the licensee submits to the Commission notification of the proposed sale or transfer; and
- (3) The Commission determines that the proposed sale or transfer of an interest is consistent, and complies, with State

Government Article, §§9-1A-18 and 9-1A-19, Annotated Code of Maryland.

G. License Forfeiture.

(1) A license is forfeited when:

- (a) The licensee ceases operations prior to the renewal of their license; and
- (b) The licensee is unable to transfer the license in accordance with §F of this regulation.

(2) A sports wagering license that has been forfeited may be reissued by the Commission using the criteria established in this subtitle.

**.05 License Terms.**

A. The term of an initial license is 5 years from the date of initial licensure.

B. The term of a renewal license is 5 years.

C. Staff may stagger the issuance and renewal terms of licenses.

D. At an applicant's request, staff may exempt an applicant from an application or qualification requirement, if:

- (1) The applicant is applying for a license that is identical to a license the applicant already holds; and
- (2) The applicant's license term of the license has not expired.

E. Staff may merge the term of a new license into the term of an existing identical license.

**.06 License Renewal; Fee.**

A. Unless the Commission by regulation specifies otherwise, the licensee shall submit an application for renewal to the Commission at least 6 months before the license expires.

B. The Commission shall renew the license if the licensee:

- (1) Establishes, by clear and convincing evidence, that the licensee meets applicable license qualification requirements;
- (2) Submits to a background investigation as required by the Commission;
- (3) Reimburses the Commission for all costs associated with the background investigation; and
- (4) Pays the required license renewal fee.

C. The renewal fee is based on license category and is specified in succeeding chapters.

**36.10.04 Specific Requirements for Sports Wagering Facility Licensees**

Authority: State Government Article, §§9-1E-01—9-1E-15, Annotated Code of Maryland.

**.01 General.**

A. The Commission may issue a sports wagering license that is a:

- (1) Class A-1;
- (2) Class A-2;
- (3) Class B-1; or
- (4) Class B-2.

B. Unless a person holds a valid sports wagering facility license awarded by the SWARC and issued by the Commission, the person may not conduct, offer, or operate in-person sports wagering at a location in the State.

C. This chapter contains the Commission's sports wagering facility licensing requirements for a person that offers and conducts sports wagering at premises it owns, leases, or occupies.

D. Except as designated in Business Regulation Article, §11-524 Annotated Code of Maryland, a sports wagering facility license authorizes the licensee to conduct, offer, or operate sports wagering at a single facility in the State.

E. The Commission shall issue a license to a person covered in this chapter, on an award of a license by the Sports Wagering Application Review Commission to an applicant that meets the

requirements for licensure under State Government Article Title 9, Subtitle 1E, Annotated Code of Maryland.

F. A sports wagering license issued by the Commission authorizes the licensee to, within the scope of its license, conduct or operate sports wagering under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission's regulations.

**.02 Process for Obtaining a Sports Wagering Facility License.**

A. An applicant for a sports wagering license shall submit an application to:

(1) The SWARC in a format and time specified by the SWARC; and

(2) As specified in COMAR 36.10.02, the Commission.

B. If an application submitted to the Commission is timely and complies with the requirements in COMAR 36.10.02, the Commission staff shall:

(1) Determine whether the applicant meets qualification requirements as described in COMAR 36.10.03 including any license category specific requirements and qualifications; and

(2) Notify the SWARC of the Commission's qualification determination.

C. The SWARC may not award a license to an applicant that the Commission has found not qualified.

D. After the Commission notifies SWARC that it has determined an applicant is qualified, the SWARC shall:

(1) Evaluate an applicant for license award; and

(2) Notify the Commission of its license award decision.

E. The Commission may not issue a sports wagering license to an applicant until SWARC has notified the Commission that it has awarded a license to the applicant.

F. After SWARC awards a license, the applicant is an awardee.

G. Commission staff shall determine whether the awardee has met applicable technical and operational requirements in this chapter for a Class A-1, A-2, B-1, or B-2 sports wagering facility license, and determine whether it meets the Commission's requirements for:

(1) Payment of the application fee in the amount specified for the license category;

(2) Evidence of a bond in the amount specified for the license category;

(3) Fees and qualification requirements under COMAR 36.10.02 and 36.10.03;

(4) Hours of operation;

(5) Facility specifications;

(6) Applicable zoning laws under State Government Article, §9-1E-03, Annotated Code of Maryland;

(7) Internal controls under COMAR 36.10.13;

(8) Sports wagering system platform;

(9) Sports wagering equipment;

(10) Sports wagering operations;

(11) Types of sporting event wagers to be offered;

(12) Testing and controlled demonstrations;

(13) Unless the awardee already has a collective bargaining agreement, the awardee's labor peace agreement as required under State Government Article, §9-1E-07(e)(6)(v), Annotated Code of Maryland;

(14) Awardee's employees are:

(a) Licensed as sports wagering employees; and

(b) Trained in the performance of their responsibilities;

(15) Awardee's and facility's preparations to receive the public and conduct safe and secure sports wagering; and

(16) Awardee has complied with any additional pre-opening conditions imposed by the Commission.

H. If Commission staff determines that the awardee meets the requirements of §G of this regulation, staff shall issue the license.

I. Renewal.

(1) A sports wagering facility licensee may apply for renewal by submitting a renewal application as specified in this chapter.

(2) The renewal fee for a sports wagering facility license is the amount equal to 1 percent of the licensee's average annual proceeds from sports wagering for the preceding 3-year period, less any proceeds the licensee remitted in accordance with State Government Article, §9-1E-12, Annotated Code of Maryland.

**.03 Class A-1 Sports Wagering Facility License.**

A. The Commission shall issue a Class A-1 Sports Wagering Facility License to an applicant that meets all applicable licensing requirements under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission's regulations.

B. A Class A-1 Sports Wagering Facility License may only be issued to:

(1) A video lottery operator with more than 1,000 video lottery terminals;

(2) For a stadium in Prince George's County that is primarily used for professional football (NFL), a license applicant that is:

(a) The owner; or

(b) The designee if an applicant designated an entity to hold the license;

(3) The owner, or the designee of the owner, of a professional football franchise that is a lessee of a stadium in Baltimore City;

(4) The owner, or the designee of the owner, of a professional major league baseball franchise that is a lessee of a stadium in Baltimore City;

(5) The owner, or the designee of the owner, of a professional hockey league franchise, that is a lessee of a stadium in the State;

(6) The owner, or the designee of the owner, of a professional basketball association franchise, that is a lessee of a stadium in the State; or

(7) The owner, or the designee of the owner, of a professional soccer league franchise, that is a lessee of a stadium in the State.

C. The non-refundable application fee for a Class A-1 sports wagering facility is \$2,000,000.

D. The bond for a Class A-1 sports wagering facility license is \$6,000,000.

**.04 Class A-2 Sports Wagering Facility License.**

A. The Commission shall issue a Class A-2 Sports Wagering Facility License to an applicant that meets all applicable licensing requirements under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission's regulations.

B. A Class A-2 Sports Wagering Facility License may only be issued to:

(1) A Video lottery operator with 1,000 or fewer video lottery terminals; or

(2) A horse racing licensee under Business Regulation Article, §11-510(b) that is licensed by the Racing Commission to hold racing at:

(a) A race track located at Laurel Park; or

(b) Pimlico Race Course.

C. The nonrefundable application fee for a Class A-2 sports wagering facility license is \$1,000,000.

D. The bond for a Class A-2 sports wagering facility license is \$3,000,000.

**.05 Class B-1 Sports Wagering Facility License.**

A. The Commission shall issue a Class B-1 sports wagering facility license to an applicant that:

(1) Meets all applicable licensing requirements under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission's regulations; and

(2) Is not eligible for a Class B-2 sports wagering facility license under State Government Article, §9-1E-06(a)(iv), Annotated Code of Maryland.

B. The Class B-1 sports wagering facility license is one license category of the 30 licenses the Commission may issue to Class B-1 or Class B-2 sports wagering facility applicants under State Government Article, §9-1E-06(a)(2)(ii), Annotated Code of Maryland.

C. The nonrefundable application fee for a Class B-1 sports wagering facility license is \$250,000.

D. The bond for a Class B-1 sports wagering facility license is \$750,000.

**.06 Class B-2 Sports Wagering Facility License.**

A. The Commission shall issue a Class B-2 sports wagering facility license to an applicant that meets all applicable licensing requirements under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission's regulations, and has less than either:

- (1) 25 full-time equivalent employees; or
- (2) \$3,000,000 in annual aggregate gross receipts of the applicant's businesses.

B. The nonrefundable application fee for a Class B-2 sports wagering facility license is \$50,000.

C. The bond for a Class B-2 sports wagering facility license is \$150,000.

**.07 Class B-1 and B-2 Sports Wagering Facility Licenses.**

A. The Commission shall issue a Class B-1 or B-2 sports wagering facility license to an applicant that meets all applicable licensing requirements under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission's regulations, and is:

(1) The holder of a license issued by the State Racing Commission to the Maryland State Fair Society to hold a race meeting specified under Business Regulation Article, §11-524, Annotated Code of Maryland:

(a) Known as the Maryland State Fair and Agricultural Society, Inc.; or

(b) A subsidiary of the license holder;

(2) Unless a satellite simulcast facility is located at a video lottery facility or a racetrack, a person who is the owner or lessee of a satellite simulcast facility that was granted a permit for satellite simulcast betting before January 1, 2021; or

(3) A person who holds a commercial bingo license, if the facility at which the person operates commercial bingo was permitted to operate at least 200 electronic bingo machines or electronic tip jar machines on January 1, 2021, who is:

- (a) Arundel Amusement, Inc. T/A Bingo World; or
- (b) Chesapeake Amusements, Inc. d/b/a Rod-N-Reel Bingo.

B. A person that is operating at the racing location at Fair Hill, under Business Regulation Article, Title 11, Subtitle 7, Annotated Code of Maryland, on lands owned by the Department of Natural Resources may apply for a Class B license.

(1) The person that applies for the Class B license shall be a:

- (a) For-profit entity;
- (b) Nonprofit organization; or
- (c) Public-private partnership.

(2) If the Commission issues the person a sports wagering facility license, the licensee may only accept wagers in the facility's special event zone.

C. Not including the Class B-1 and Class B-2 licenses that shall be issued under §A of this regulation, the Commission may issue no more than a cumulative total of 30 Class B-1 and B-2 sports wagering facility licenses described under State Government Article, §9-1E-06(a)(2)(ii), Annotated Code of Maryland.

D. The Commission shall deny an application for any of the 30 Class B-1 and Class B-2 described in §C of this regulation to an applicant:

(1) Who is eligible to apply for a Class A-1 or A-2 sports wagering facility license;

(2) Who holds a Class A-1 or A-2 sports wagering facility license; or

(3) Whose sports wagering facility would be located:

(a) Within a 15-mile radius of a Class A-1 or A-2 sports wagering facility located in Allegany County, Cecil County, or Worcester County;

(b) In a county other than Allegany County, Cecil County, or Worcester County, within a 1.5-mile radius of a Class A-1 or A-2 sports wagering facility; or

(c) Within a 1.5-mile radius of any other Class B-1 or B-2 sports wagering facility.

**.08 In-person Wagering at Sports Wagering Facilities.**

A. A sports wagering facility licensee may accept a wager made by an individual who is physically present at the sports wagering facility at a betting window or by a runner.

B. A sports wagering facility licensee may accept a wager made by an individual who is physically present at a sports wagering facility on sports wagering equipment that is a self-service device approved by the Commission including a:

- (1) Kiosk;
- (2) Machine; or
- (3) Other device.

C. Unless a sports wagering facility licensee has obtained a mobile sports wagering license, a sports wagering licensee may:

(1) Offer or conduct only in-person wagering on its premises; and

(2) Conduct sports wagering at its facility, or otherwise on its premises, by using an in-house WiFi network only on devices provided by the sports wagering licensee for use on the gaming or wagering floor.

D. A sports wagering facility licensee may apply for a mobile sports wagering license.

**.09 Ongoing Requirements for All Sports Wagering Facility Licensees.**

A. Local Zoning Laws.

(1) Except as provided in §A(2) of this regulation, a sports wagering facility is subject to local zoning laws.

(2) The use of a facility for sports wagering is not required to be submitted to, or approved by, a county or municipal zoning board, authority, or unit if, on May 18, 2021, it was properly zoned and operating:

- (a) A video lottery facility;
- (b) Pari-mutuel betting on horse racing; or
- (c) Electronic bingo or electronic tip jar machines.

B. A sports wagering facility licensee shall:

- (1) Comply with all State and federal data security laws; and
- (2) Maintain all sports wagering data securely for at least 5 years from date of licensure or most recent renewal.

C. A sports wagering facility shall conduct wagering only during the hours approved by the Commission.

D. Except as provided in Regulation .10 of this chapter, after prior written notification to, and approval by, the Commission, a sports wagering facility licensee may contract with a sports wagering facility operator licensee to operate its sports wagering facility.

**.10 Video Lottery Operator as Sports Wagering Facility Operator.**

A. A sports wagering facility licensee that is a stadium described under State Government Article, §9-1E-09(a)(1)(iii), Annotated Code of Maryland, may contract with a video lottery operator, or its

affiliate or subsidiary, to provide sports wagering operation services at the stadium.

B. Subject to notification and approval requirements of Regulation .09D of this chapter, a video lottery operator, or its affiliate or subsidiary, described in §A of this regulation may only be a sports wagering facility operator, if it operates a video lottery facility in the same county as the stadium.

**.11 Minority Business Enterprise Participation Goals and Reporting Requirements.**

A. These requirements pertain to all sports wagering facility licensees.

B. In this regulation, “license” and “licensee” refers to the sports wagering facility licensee.

C. If a licensee contracts with a sports wagering facility operator licensee to conduct its sports wagering operations, the licensee remains responsible for compliance with the requirements in this regulation.

D. On or before 6 months after the Commission issues a license, the Governor’s Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General and the licensee, shall establish a clear plan for setting reasonable and appropriate minority business enterprise participation goals and procedures for the procurement of goods and services related to sports wagering, including procurement of construction, equipment, and ongoing services.

E. The licensee shall provide all information required by the Governor’s Office of Small, Minority, and Women Business Affairs, the Office of the Attorney General, and the Commission.

F. To the extent practicable and authorized by the United States Constitution, a licensee shall comply with the State’s Minority Business Program.

**G. Annual Required Reporting.**

(1) On or before July 1 of each year, a licensee shall report to the Commission:

- (a) The number of minority and women owners of the licensee;
- (b) The ownership interest of any minority and women owners of the licensee;
- (c) The number of minority and women employees of the licensee;
- (d) The number of current contracts the licensee has with minority- owned and women-owned subcontractors; and
- (e) Any other information the Commission requires.

(2) Or before September 1 of each year, all licensees shall report to the Commission the following data, broken down by categories defined by the Commission:

- (a) The operation of sports wagering in the State; and
- (b) Sports wagering revenues from the immediately preceding fiscal year, including:
  - (i) Handle;
  - (ii) Hold;
  - (iii) Hold percentage; and
  - (iv) Proceeds.

**H. December 1, 2025 Report to the General Assembly.**

(1) The Commission is required to submit a report concerning licenses and mobile sports wagering licenses, the subject of which includes:

- (a) The racial, ethnic, gender, and geographic diversity of Class B-1 and B-2 licensees and mobile sports wagering licensees;
- (b) The level of market saturation of sports wagering in the State; and
- (c) Whether the number of Class B-1 and B-2 sports wagering facility licenses and mobile sports wagering licenses that may be issued should be increased.

(2) In order to carry out the requirements of §H(1), licensees shall provide information requested by the Commission on or before June 1, 2025.

**36.10.05 Specific Requirements for Mobile Sports Wagering Licenses**

Authority: State Government Article, §§9-1E-01—9-1E-15, Annotated Code of Maryland

**.01 General.**

A. The Commission shall issue a mobile sports wagering license to an applicant that meets all applicable licensing requirements under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission’s regulations.

B. Unless a person holds a valid mobile sports wagering license awarded by the Sports Wagering Application Review Commission and issued by the Commission, the person may not conduct, offer, or operate online sports wagering in the State.

C. A mobile sports wagering license issued by the Commission authorizes the licensee to, within the scope of its license, conduct or operate online sports wagering under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission’s regulations.

D. An applicant for or holder of a Class A-1, A-2, B-1, or B-2 sports wagering facility license may apply for a mobile sports wagering license.

E. The non-refundable application fee for a mobile sports wagering license is \$500,000.

F. The bond for a mobile sports wagering license is \$1,500,000.

**.02 Process for Obtaining a Mobile Sports Wagering License.**

A. An applicant for a mobile sports wagering license shall submit an application to:

- (1) The SWARC in the format and time specified by the SWARC; and
- (2) As specified in COMAR 36.10.02, the Commission.

B. If an application submitted to the Commission is timely and complies with the requirements in COMAR 36.10.02, the Commission staff shall:

- (1) Determine whether the applicant meets qualification requirements as described in COMAR 36.10.03, and this chapter; and
- (2) Notify the SWARC of the Commission’s qualification determination.

C. The SWARC may not award a license to an applicant that the Commission has found not qualified.

D. After the Commission notifies SWARC that it has determined an applicant is qualified, the SWARC shall:

- (1) Evaluate an applicant for license award; and
- (2) Notify the Commission of its license award decision.

E. The Commission may not issue a mobile sports wagering license to an applicant until SWARC has notified the Commission that it has awarded a license to the applicant.

F. After SWARC awards a license, the applicant is an awardee.

G. Commission staff shall determine whether the awardee has met applicable technical and operational requirements in this chapter for a mobile sports wagering license, and determine whether it meets the Commission’s requirements for:

- (1) Payment of the application fee of \$500,000;
- (2) Evidence of a bond in the amount of \$1,500,000;
- (3) Fees and qualification requirements under COMAR 36.10.02 and 36.10.03;
- (4) Hours of operation;
- (5) Technical specifications;
- (6) Internal controls under COMAR 36.10.13;

- (7) Sports wagering system platform;
- (8) Sports wagering equipment;
- (9) Sports wagering data information center;
- (10) Sports wagering operations;
- (11) Types of sporting event wagers to be offered;
- (12) Testing and controlled demonstrations;
- (13) Awardee's employees are:
  - (a) Licensed as sports wagering employees; and
  - (b) Trained in the performance of their responsibilities;
- (14) Awardee's preparations to conduct safe and secure sports wagering; and
- (15) Awardee has complied with any additional pre-commencement conditions imposed by the Commission.

H. If Commission staff determines that the awardee meets the requirements of §G of this regulation, staff shall issue the license.

**I. Renewal.**

(1) A mobile sports wagering licensee may apply for renewal, and the Commission may renew the license if the licensee:

- (a) Submits an application for renewal to the Commission at least 6 months before the mobile sports wagering licensee's license expires;
- (b) Continues to comply with all licensing requirements;
- (c) Submits to a background investigation under COMAR 36.10.02, and pays all associated fees; and
- (d) Pays a license renewal fee.

(2) The renewal fee for a mobile sports wagering license is the amount equal to 1 percent of the licensee's average annual gross sports wagering revenues proceeds from sports wagering for the preceding 3-year period, less any proceeds the licensee remitted in accordance with State Government Article, §9-1E-12, Annotated Code of Maryland.

**.03 In-State Wagering Through a Mobile Sports Wagering Licensee.**

A. A mobile sports wagering licensee may accept wagers from bettors on sporting events that are made exclusively through online sports wagering by an individual physically located in the State.

B. To participate in online sports wagering, an individual shall register:

- (1) If the mobile sports wagering licensee is also a sports wagering facility licensee, in person at a facility or location identified in State Government Article, §9-1E-09(a)(1), Annotated Code of Maryland; or
- (2) Online, using a website or mobile application approved in advance by the Commission.

**.04 Ongoing Requirements for a Mobile Sports Wagering Licensee.**

A. A mobile sports wagering licensee shall:

- (1) Use technical and operational measures to prevent access to its online wagering by individuals who are underage or physically located outside the State, including:
  - (a) Age verification procedures, which may require the use of a third party acceptable to Commission staff that is in the business of verifying an individual's personally identifiable information; and
  - (b) Geolocation technology to accurately verify a bettor's geographic location within the State as determined by MD iMAP, Maryland's Mapping & GIS Data Portal;
- (2) Include on its sports wagering website a description of the possible consequences for unauthorized wagering by an:
  - (a) Underage bettor; or
  - (b) Out-of-state bettor;
- (3) Provide a description of consequences required under §A(2) of this regulation, which may include:
  - (a) Immediate stoppage of play;
  - (b) Account closure; and

(c) Forfeiture and confiscation of winnings or unredeemed items;

(4) Establish procedures to prevent excluded individuals from engaging in wagering activity or being paid winnings as provided in COMAR 36.10.10 and 36.10.11;

(5) Comply with all State and federal data security laws; and

(6) Maintain all sports wagering data securely for at least 5 years from date of licensure or most recent renewal.

B. A mobile sports wagering licensee may enter into a contract with only one online sports wagering operator at a time.

(1) For purposes of enforcing the limitation, the Commission shall treat all mobile sports wagering licensees that are related entities as the single mobile sports wagering licensee.

(2) Except for a person conducting testing of a licensee's online sports wagering system, as required by the Commission, only a person to which the Commission has issued a mobile sports wagering license, or an online sports wagering operator license with which the mobile sports wagering licensee has a current contract, may access the online sports wagering operating system or associated equipment.

C. Only a mobile sports wagering licensee, or its licensed online sports wagering operator, may operate or offer online sports wagering on behalf of the mobile sports wagering licensee.

**.05 Minority Business Enterprise Participation Goals and Reporting Requirements.**

A. These requirements pertain to all mobile sports wagering licensees.

B. In this regulation, "license" and "licensee" refers to the mobile sports wagering licensee.

C. If a licensee contracts with an online sports wagering operator licensee to conduct its mobile sports wagering operations, the licensee remains responsible for compliance with the requirements in this regulation.

D. On or before 6 months after the Commission issues a license, the Governor's Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General and the licensee, shall establish a clear plan for setting reasonable and appropriate minority business enterprise participation goals and procedures for the procurement of goods and services related to sports wagering, including procurement of construction, equipment, and ongoing services.

E. The licensee shall provide all information required or requested by the Governor's Office of Small, Minority, and Women Business Affairs, the Office of the Attorney General, and the Commission.

F. To the extent practicable and authorized by the United States Constitution, a licensee shall comply with the State's Minority Business Program.

**G. Annual Required Reporting.**

(1) On or before July 1 of each year, a licensee shall report to the Commission:

- (a) The number of minority and women owners of the licensee;
- (b) The ownership interest of any minority and women owners of the licensee;
- (c) The number of minority and women employees of the licensee;
- (d) The number of current contracts the licensee has with minority- and women-owned subcontractors; and
- (e) Any other information the Commission requires.

(2) On or before September 1 of each year, all licensees shall report to the Commission the following data, broken down by categories defined by the Commission:

- (a) The operation of sports wagering in the State; and

(b) Sports wagering revenues from the immediately preceding fiscal year, including:

- (i) Handle;
- (ii) Hold;
- (iii) Hold percentage; and
- (iv) Proceeds.

H. December 1, 2025 Report to the General Assembly.

(1) The Commission is required to submit a report concerning licenses and sports wagering facility licenses, the subject of which includes:

(a) The racial, ethnic, gender, and geographic diversity of licensees and Class B-1 and B-2 sports facility licensees;

(b) The level of market saturation of sports wagering in the State; and

(c) Whether the number of licenses and Class B-1 and B-2 sports wagering facility licenses that may be issued should be increased.

(2) In order to carry out the requirements of §H(1), licensees shall provide information requested by the Commission on or before June 1, 2025.

**36.10.06 Specific Requirements for Other Licenses Required for Sports Wagering**

Authority: State Government Article, §§9-1E-01—9-1E-15, Annotated Code of Maryland

**.01 Scope.**

A. This chapter contains the licensing requirements for a person in a licensing category in State Government Article, §9-1E-05(a)(2), (3), or (4) and (b), Annotated Code of Maryland.

B. The Commission may issue a license to a person covered in this chapter without requiring an applicant to submit an application to, or be awarded a license by, the SWARC.

C. Unless context dictates otherwise, applicants and licensees under COMAR 36.10.06 are subject to, and shall comply with, the processes and requirements in:

- (1) COMAR 36.10.02; and
- (2) COMAR 36.10.03.

D. The Commission may issue a license that is:

- (1) An online sports wagering operator;
- (2) A sports wagering facility operator;
- (3) A sports wagering contractor; or
- (4) A sports wagering employee.

**.02 Online Sports Wagering Operator License.**

A. Unless a person holds a valid online sports wagering operator license issued by the Commission, the person may not conduct, offer, or operate online sports wagering on behalf of a mobile sports wagering licensee.

B. The Commission may issue an online sports wagering operator license to an applicant that meets all applicable licensing requirements for a mobile sports wagering licensee under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission’s regulations.

C. An online sports wagering operator license authorizes a licensee to contract with a mobile sports wagering licensee to conduct online sports wagering on behalf of the mobile sports wagering licensee.

D. An applicant for an online sports wagering operator license shall:

- (1) Pay a nonrefundable application fee of \$25,000;
- (2) Provide evidence of a performance bond in the amount of \$1,500,000;
- (3) If not covered under the online sports wagering licensee’s performance bond for which the sports wagering facility operator

licensee is conducting sports wagering, obtain the same bond amount that is required for that sports wagering facility license class as provided in Chapter .05 of this subtitle;

(4) Meet all license application requirements under COMAR 36.10.02; and

(5) Meet all qualification requirements under COMAR 36.10.03.

E. In this regulation, “license”, “licensee” and “applicant” refers to the online sports wagering operator licensee or applicant.

F. Commission staff shall determine whether the applicant has met applicable technical and operational requirements for a license, and determine whether it meets the Commission’s requirements for:

(1) Payment of the application fee as set forth in §D of this regulation;

(2) Evidence of a bond in the amount as set forth in §D of this regulation;

(3) Fees and qualification requirements under COMAR 36.10.02 and 36.10.03;

(4) Hours of operation;

(5) Technical specifications;

(6) Internal controls under COMAR 36.10.13;

(7) Sports wagering system platform;

(8) Sports wagering equipment;

(9) Sports wagering data information center;

(10) Types of sporting event wagers to be offered;

(11) Testing and controlled demonstrations;

(12) Applicant’s employees are:

(a) Licensed as sports wagering employees; and

(b) Trained in the performance of their responsibilities;

(13) Applicant’s preparations to conduct secure sports wagering; and

(14) Applicant has complied with any additional pre-commencement conditions imposed by the Commission.

G. Commission staff may issue a license to an applicant it has determined is qualified under §F of this regulation.

H. Application for an Additional Online Sports Wagering Operator License.

(1) An online sports wagering operator may conduct online sports wagering on behalf of more than one mobile sports wagering licensees.

(2) For an online sports wagering operator that applies for a second, or successive, license with a different mobile sports wagering licensee within the term of an existing license that is in good standing, the applicant shall submit an application to the Commission.

(3) The Commission’s approval of the online sports operator’s qualifications is valid for 5 years from the date the Commission issued the previous existing online sports wagering operator license; and

(4) Staff may issue additional online sports wagering operator licenses to a qualified licensee.

I. Renewal. An online sports wagering operator license may be renewed by the Commission if the licensee:

(1) Submits an application for renewal to the Commission at least 1 year before the license expires;

(2) Continues to comply with all licensing requirements;

(3) Submits to a background investigation under COMAR 36.10.02, and pays all associated fees; and

(4) Pays a license renewal fee of \$25,000.

**.03 Sports Wagering Facility Operator License.**

A. Unless a person holds a valid sports wagering facility operator license issued by the Commission, the person may not conduct, offer, or operate sports wagering at a sports wagering facility on behalf of

a sports wagering facility licensee under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland.

B. The Commission may issue a sports wagering facility operator license to an applicant that meets all applicable licensing requirements for a sports wagering facility under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission's regulations.

C. A sports wagering facility operator license authorizes a licensee to contract with a sports wagering facility licensee to conduct, offer, or operate sports wagering at a sports wagering facility on behalf of a sports wagering facility licensee.

D. An applicant for sports wagering facility operator license shall:

- (1) Pay a nonrefundable application fee of \$25,000;
- (2) If not covered under the sports wagering facility licensee's performance bond for which the sports wagering facility operator licensee is conducting sports wagering, obtain the same bond amount that is required for that sports wagering facility license class as provided in COMAR 36.10.04;
- (3) Meet all license application requirements under COMAR 36.10.02; and
- (4) Meet all qualification requirements under COMAR 36.10.03.

E. In this regulation, "license", "licensee", and "applicant" refer to the sports wagering facility operator licensee or applicant.

F. Commission staff shall determine whether the applicant has met applicable technical and operational requirements, and determine whether it meets the Commission's requirements for:

- (1) Payment of the application fee as set forth in §D of this regulation;
- (2) Evidence of payment of a bond in the amount as set forth in §D of this regulation;
- (3) Fees and qualification requirements under COMAR 36.10.02 and 36.10.03;
- (4) Hours of operation;
- (5) Technical specifications;
- (6) Internal controls under COMAR 36.10.13;
- (7) Sports wagering system platform;
- (8) Sports wagering equipment;
- (9) Sports wagering operations;
- (10) Types of sporting event wagers to be offered;
- (11) Testing and controlled demonstrations;
- (12) Applicant's employees are:
  - (a) Licensed as sports wagering employees; and
  - (b) Trained in the performance of their responsibilities;
- (13) Applicant's preparations to conduct secure sports wagering; and
- (14) Applicant has complied with any additional pre-commencement conditions imposed by the Commission.

G. Commission staff may issue a license to an applicant it has determined is qualified under §F of this regulation.

H. A sports wagering facility operator licensee:

- (1) Is subject to all the requirements for the sports wagering facility licensee for which it operates sports wagering; and
- (2) May perform for a sports wagering facility licensee:
  - (a) The same operations and functions that the sports wagering facility licensee is authorized to perform; and
  - (b) Only at the facility where the sports wagering facility licensee is authorized to offer sports wagering.

I. Application for an Additional Sports Wagering Facility Operator License.

(1) A sports wagering facility operator may apply for a license to be a sports wagering facility operator for more than one sports wagering facility licensees.

(2) A licensee that applies to be an operator for more than one sports wagering facility licensee shall submit an application to the Commission.

(3) If the existing sports wagering facility operator license term is not expired, staff may:

(a) Allow the sports wagering facility operator to submit an abbreviated license application in a form specified by the Commission;

(b) Use the background investigation of the licensee's existing license to qualify the sports wagering facility operator for a subsequent operator license; and

(c) If no problems are identified, issue an additional license without necessity of a qualification hearing.

J. Renewal. A licensee that has one sports wagering facility operator license may be renewed by the Commission if the licensee:

- (1) Submits an application for renewal to the Commission at least 1 year before the license expires;
- (2) Continues to comply with all licensing requirements;
- (3) Submits to a background investigation under COMAR 36.10.02; and
- (4) Pays a license renewal fee of \$25,000.

**.04 Sports Wagering Contractor Licenses.**

A. In this regulation, "license", "licensee", and "applicant" refer to the sports wagering contractor licensee or applicant.

B. Unless a person holds a valid sports wagering contractor license issued by the Commission, the person may not conduct, offer, or operate sports wagering contractor services for a sports wagering licensee under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland.

C. The Commission may issue a sports wagering contractor license to an applicant that meets all applicable licensing requirements for a sports wagering contractor under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission's regulations.

D. If a sports wagering licensee under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, engages a person to provide services as a sports wagering contractor, the person shall meet the requirements of this regulation.

E. A sports wagering contractor license authorizes a licensee to contract with a sports wagering licensee to conduct, offer, or operate sports wagering contractor services for a sports wagering licensee.

F. All sports wagering contractor applicants and licensees shall meet the license requirements specified for a sports wagering contractor in State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and COMAR 36.03.02.14, and unless context dictates otherwise:

- (1) COMAR 36.10.02;
- (2) COMAR 36.10.03; and
- (3) This regulation.

G. Application and License Fees.

- (1) For a Tier 1 sports wagering contractor, the:
  - (a) Application fee is \$1,500;
  - (b) License fee is \$2,500; and
  - (c) Background investigation deposit is \$2,000.
- (2) For a Tier 2 sports wagering contractor, the:
  - (a) Application fee is \$750;
  - (b) License fee is \$800; and
  - (c) Background investigation deposit is \$2,000.

H. Renewal. The Commission may renew the license if the licensee:

- (1) Submits an application for renewal to the Commission at least 1 year before the license expires;
- (2) Continues to comply with all licensing requirements;

(3) Submits to a background investigation under COMAR 36.10.02; and

(4) Pays a license renewal fee.

I. Exemptions from Certain Requirements. A sports wagering contractor is exempt from:

(1) If a sports wagering contractor is covered by the performance bond of the sports wagering licensee with which it contracts, bond requirements; and

(2) Unless the sports wagering contractor is engaged under a management agreement or as a lessee or tenant, labor peace agreement requirements under State Government Article, §9-1E-07(6)(e)(v), Annotated Code of Maryland.

J. If a sports wagering contractor is not covered by the performance bond of the sports wagering licensee with which it contracts, the Commission may require a performance bond in an amount that relates to the work performed by the sports wagering contractor.

**.05 Sports Wagering Employee Licenses.**

A. Unless a person holds a valid sports wagering employee license issued by the Commission, the person may not be employed by a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor to perform functions or provide services related to sports wagering under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland.

B. The Commission may issue a sports wagering employee license to an applicant that meets all applicable licensing requirements for a sports wagering employee under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission's regulations.

C. A sports wagering employee license authorizes a licensee to contract with a sports wagering licensee to conduct or offer the services of a sports wagering contractor to a sports wagering licensee.

D. All sports wagering employee applicants and licensees shall meet the license requirements specified for a sports wagering employee in this regulation.

E. Categories.

(1) The Commission may issue a sports wagering employee license that is a:

- (a) Principal employee license;
- (b) Wagering employee license;
- (c) Non-wagering employee license;
- (d) Temporary principal employee license; or
- (e) Temporary wagering employee license.

(2) The Commission may issue a sports wagering employee license to an individual who has, or has had on their behalf:

- (a) Paid all required application and license fees;
- (b) Submitted a completed license application to the Commission;
- (c) Provided all personal and background information required under COMAR 36.10.02 and 36.10.03;
- (d) Provided all documentation required by the Commission;
- (e) Executed the consent for investigation required under COMAR 36.10.02;

(f) Received at least a conditional offer of employment as a sports wagering employee from a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor;

(g) For an applicant for a non-wagering employee license, documented that the applicant has obtained an offer of at least conditional employment from a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator,

sports wagering facility operator, or sports wagering contractor, and that the employer, or potential employer, has:

(i) Obtained a bond if required under COMAR 36.10.04, COMAR 36.10.05, or COMAR 36.10.06; and

(ii) Performed, at a minimum, a Social Security database check, criminal history check, employment verification, and national database search;

(h) Demonstrated that within the 365 days before the application is submitted, the applicant has not served as a Commission member or been employed by the Agency; and

(i) Provided the Commission with sufficient information, documentation, and assurances to establish, by clear and convincing evidence, that the individual:

(i) Meets the qualification requirements in COMAR 36.10.03; and

(ii) Is otherwise qualified for a sports wagering employee license.

**F. Application and License Fees.**

(1) For a principal employee, \$5,287.25, of which the:

- (a) Application fee is \$2,500;
- (b) License fee is \$750;

(c) Refundable advance deposit for the administrative costs of conducting the background investigation \$2,000; and

(d) Required fee for conducting a criminal history records check specified in COMAR 36.10.02 is \$37.25.

(2) For a wagering employee, \$437.25, of which the:

- (a) Application fee is \$250;
- (b) License fee is \$150; and

(c) Required fee for conducting a criminal history records check specified in COMAR 36.10.02 is \$37.25.

(3) For a non-wagering employee, \$187.25, of which the:

- (a) Application fee is \$50;
- (b) License fee is \$100; and

(c) Required fee for conducting a criminal history records check specified in COMAR 36.10.02, which is \$37.25.

**.06 Employment of a Sports Wagering Employee.**

A. A sports wagering employee license authorizes the licensee to be employed in the State as:

- (1) A principal employee;
- (2) A wagering employee; or
- (3) A non-wagering employee.

B. A sports wagering employee may be employed concurrently or consecutively by more than one sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor while the individual's license is in good standing.

C. If a sports wagering employee becomes employed by a video lottery operator as a video lottery employee, and will perform work that is comparable to work the individual is authorized to perform as a sports wagering employee, then the individual is not required to file an application for a video lottery employee license provided the individual's license is in good standing.

D. A sports wagering employee's employment with more than one employer does not change the individual's five-year license term.

E. A sports wagering employee shall submit a report to the Commission of any change in the individual's employment status:

- (1) As soon as practicable before the change;
- (2) In a form or format specified by the Commission; and
- (3) As provided in COMAR 36.10.02.03D.

**.07 Restrictions on Wagering.**

A. A sports wagering employee may not engage in sports wagering, or receive winnings from:

(1) A sports wagering facility:

(a) Where the individual is employed or assigned to work;

or

(b) That is operated, owned, or controlled by the individual's employer;

(2) Using a mobile application that is owned, operated, maintained, repaired, or otherwise serviced, by the individual's employer; or

(3) A video lottery facility where the individual is employed or assigned to work that:

(a) The Commission has licensed as a sports wagering facility; or

(b) That is operated as a sports wagering facility by a sports wagering facility operator licensee.

B. A video lottery facility employee who is employed as sports wagering employee is subject to the restrictions in:

(1) §A(1) of this regulation; and

(2) COMAR 36.03.02.12F.

**.08 Renewal.**

A. Except for a temporary licensee, the Commission may renew the sports wagering employee license if, before expiration of the term of the license, the licensee:

(1) Applies for renewal and pays the renewal fee in §B of this regulation;

(2) Continues to comply with all licensing requirements;

(3) Maintains employment as a sports wagering employee;

(4) Submits to a background investigation under COMAR 36.10.02; and

(5) Pays the background investigation fee required in COMAR 36.10.02.

B. The fee required for the Commission to process a licensing renewal is:

(1) For a principal employee, \$2,787.25, of which the:

(a) License fee is \$750;

(b) Refundable advance deposit for administrative costs of conducting the applicant's background investigation is \$2,000; and

(c) Required fee for conducting a criminal history records check is \$37.25;

(2) For a wagering employee, \$187.25, of which the:

(a) License fee is \$150; and

(b) Required fee for conducting a criminal history records check, which is \$37.25; and

(3) For a non-wagering employee, \$97.25, of which the:

(a) License fee is \$60; and

(b) Required fee for conducting a criminal history records check, which is \$37.25.

C. Except for a principal employee, a sports wagering employee shall submit an application for renewal to the Commission at least 90 days before the license expires.

D. A principal employee shall submit an application for renewal to the Commission at least 6 months before the principal employee's license expires.

**.09 Temporary Sports Wagering Employee License.**

A. The Commission may issue to a sports wagering employee license applicant a temporary license to authorize the individual to work legally as a sports wagering employee before the Commission completes the full licensing process.

B. A licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor may submit an application

for a temporary license on behalf of an individual who is seeking a principal or wagering employee license.

C. An application for a temporary license shall be in a format designated by the Commission and shall include:

(1) A completed application for a principal or wagering employee license;

(2) Payment of the fees required under Regulation .05F of this chapter;

(3) Documentation to verify that the applicant has obtained an offer of at least conditional employment from a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor and that the employer has:

(a) If required under COMAR 36.10.04.03—36.10.04.06, COMAR 36.10.05.02, or COMAR 36.10.06.02—36.10.06.04, obtained a bond; and

(b) Performed, at a minimum, a Social Security database check, criminal check, employment verification, and national database search; and

(4) Documentation that the applicant has acknowledged, in writing, that the State is not financially responsible for any consequences resulting from termination of a temporary license under State Government Article, §9-1A-14(d)(4), Annotated Code of Maryland.

D. The Commission may grant a temporary license after:

(1) Receiving all items required under §C(3) of this regulation; and

(2) Performing on the individual a:

(a) Criminal background investigation under COMAR 36.10.02; and

(b) Financial stability investigation.

E. A temporary license:

(1) Expires 180 days after the date of issue; and

(2) May be extended by the Commission for one period of 180 days.

F. A temporary license may not be issued if:

(1) An applicant has an immediately known present or prior activity, criminal record, reputation, habit, or association that would disqualify the applicant from holding a sports wagering employee license under State Government Article, Title 9, Subtitle 1A or Subtitle 1E, Annotated Code of Maryland, or the Commission's regulations;

(2) An applicant poses a serious imminent risk of harm to the integrity, security, or profitability of the State's sports wagering operations; or

(3) There are reasonable grounds to believe that the applicant will not be able to establish the applicant's qualifications by clear and convincing evidence.

G. By written notice to a temporary licensee, Commission staff may terminate, without a hearing and without following the denial process under COMAR 36.10.07, the temporary license of an applicant for:

(1) Failure to pay a required fee;

(2) Failure to submit required documentation to Commission staff within 30 days of submitting the application;

(3) Failure to comply with a request of Commission staff;

(4) Engaging in conduct that obstructs Commission staff from completing the applicant's background investigation; or

(5) Violating any provision of State Government Article, Title 9, Subtitle 1A or Subtitle 1E, Annotated Code of Maryland, or the Commission's regulations.

H. Commission staff's written notice of termination of a temporary license is the final action of the Commission.

I. If, during the course of conducting an applicant's background investigation, Commission staff reasonably believes there is a basis

for recommending that the application for a sports wagering license be denied, Commission staff shall:

- (1) Notify the temporary licensee; and
- (2) Follow the process for denial of a license under COMAR 36.10.07.

**.10 Identification Cards for Sports Wagering Employees.**

A. The Commission shall issue an identification card to an individual who is licensed as a sports wagering employee.

B. Identification Card.

(1) An identification card shall display a photograph of the licensee and, at a minimum, indicate:

- (a) The individual's name;
- (b) By color, pattern, or symbol, the licensing category; and
- (c) The license expiration date.

(2) An identification card is evidence that the licensee is authorized to be employed in the designated licensing category by a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor.

(3) An identification card is the property of the Commission.

C. Licensee Obligations. A licensee:

(1) Unless otherwise approved by the Commission for a specific date and time, shall wear or otherwise prominently display the licensee's identification card at all times while working;

(2) Shall immediately report a loss or theft of the card to the licensee's employer and the Commission;

(3) May not allow another individual to possess the card; and

(4) Shall comply with an order of the Commission to surrender the card.

D. Replacement Identification Card.

(1) If an identification card issued under this regulation is lost or stolen:

- (a) The licensee shall immediately:
  - (i) Report the loss or theft to the licensee's employer; and
  - (ii) In a form or format designated by the Commission, submit to the Commission a written description of the circumstances of the loss or theft; and

(b) After verifying the licensee's identity, the Commission may issue a new identification card to the licensee.

(2) If an identification card issued under this regulation is temporarily unavailable to the licensee:

- (a) The licensee shall immediately:
  - (i) Report the temporary unavailability of the card to the licensee's employer; and

(ii) In a form or format designated by the Commission, submit to the Commission a written description as to why the card is temporarily unavailable;

(b) After verifying the licensee's identity, the Commission may issue an emergency credential to the licensee that is valid for 1 work day; and

(c) The licensee shall surrender the emergency credential to the Commission at the end of the work day on which the licensee received the card.

(3) If the Commission issues a replacement or temporary identification card to a licensee, the licensee's employer shall pay the Commission:

- (a) \$40 for the cost of a replacement identification card; or
- (b) \$20 for the cost of a temporary identification card.

E. Surrender and Reissuance of Identification Card. The employer of the sports wagering employee who was issued an identification card under this regulation shall ensure that the licensee's identification card is surrendered to the Commission if the:

- (1) Commission suspends or revokes the license;
- (2) License is not renewed;

(3) Licensee separates from employment with licensee's employer; or

(4) Licensee is otherwise ordered to surrender the identification card.

F. If an identification card is not surrendered as required under §D(2)(c) or E of this regulation, the licensee's employer may be subject to enforcement action under COMAR 36.03.04 or 36.10.08.

G. If an identification card was surrendered when the licensee separated employment from the licensee's employer, the Commission may issue the licensee another identification card if the:

(1) Licensee obtains employment with a sports wagering licensee or video lottery operation licensee;

(2) Term of the employee's license has not expired; and

(3) Commission verifies:

(a) The licensee's identity;

(b) That the license was in good standing when the card was surrendered; and

(c) That the license has not expired and remains in good standing.

H. There is no fee for an identification card issued under §G of this regulation.

I. Nothing in this regulation shall preclude the Commission from taking enforcement action against a licensee based on the circumstances related to the licensee's separation from employment or information obtained while reviewing a licensee's notification of an intended change in employment status.

**11. Sports Wagering Vendor Registration and Certification.**

A. Definition.

(1) In this regulation, the following term has the meaning indicated.

(2) Term Defined. "Sports Wagering Vendor" means a person who provides goods or services to a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor, and who is not required to be issued a sports wagering license or sports wagering contractor license under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and is a:

- (a) Supplier of alcoholic beverages;
- (b) Supplier of food and nonalcoholic beverages;
- (c) Refuse handler;
- (d) Vending machine provider, and its service personnel;
- (e) Janitorial and maintenance company;
- (f) Tenant business or franchise located within a sports wagering facility if such goods and services are not related to sports wagering;
- (g) Provider of transportation services if such services are not related to sports wagering;
- (h) Person involved in the construction of a portion of a sports wagering facility where sports wagering is conducted;
- (i) Lessor of real property or goods;
- (j) Provider of payroll, recruiting, and other employer-related services; and
- (k) Person whose services the Commission reviews and determines must be registered or certified under this regulation.

B. A sports wagering vendor that conducts business with a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor, or an applicant for such a license, shall be registered or certified by the Commission if the sports wagering vendor is not exempt, and:

(1) The sports wagering vendor is providing goods or services to a sports wagering licensee for a value described in §D or E of this regulation; or

(2) *The Commission:*

(a) *Reviews a sports wagering vendor's services and determines that registration or certification is required to protect the public interest of the State or accomplish the policies in State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, or the Commission's regulations; and*

(b) *Notifies the sports wagering vendor that registration or certification is required.*

C. *The following persons that provide any of the enumerated services to a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor, or an applicant for such license, are exempt from sports wagering vendor registration and certification requirements:*

(1) *Public utilities that provide:*

- (a) *Water;*
- (b) *Sewerage;*
- (c) *Electricity; or*
- (d) *Natural gas;*

(2) *Insurance companies that provide insurance to a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor, or an applicant for such license, or its employees;*

(3) *Employee benefit and retirement plans, including 401(k) plans and employee stock purchase programs;*

(4) *Professional associations that receive funds from the licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor, or an applicant for such license, for the cost of enrollment, activities, and membership;*

(5) *Units of federal, State, county, or municipal government;*

(6) *Manufacturers of alcoholic beverages;*

(7) *State-chartered or federally chartered banks or savings and loan associations;*

(8) *Providers of professional services, including accountants, attorneys, engineers or architects, and others identified by Commission staff to be providers of professional services;*

(9) *Telecommunication, satellite, or internet services;*

(10) *Shipping services;*

(11) *Persons that engage in efforts to influence legislative or administrative action on behalf of a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor, or an applicant for such license, for economic consideration;*

(12) *Educational or training opportunities for employees of a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor, or an applicant for such license;*

(13) *Professional entertainers, sports figures, or other celebrities engaged by a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor, or an applicant for such license to appear at a licensee-sponsored entertainment or promotional event;*

(14) *Representatives of a media outlet or provider of a simulcast service;*

(15) *A sports wagering vendor that provides, or anticipates providing, within a calendar year a combined total value of goods and services that are not related to sports wagering to State sports wagering facilities, mobile sports wagering licensees, online sports wagering operators, sports wagering facility operators, or sports wagering contractors applicants or licensees of less than \$20,000; or*

(16) *A sports wagering vendor for whom the Commission determines registration or certification is not necessary in order to protect the public interest.*

D. *Sports Wagering Vendors Exempt from Certification or Registration Requirements.*

(1) *A sports wagering vendor is exempt from certification or registration requirements if it provides, or anticipates providing, goods or services that a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor purchases solely to be given to a bettor.*

(2) *A sports wagering vendor exempt under this section may only provide the following goods and services to a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor:*

- (a) *Leisure or recreational travel;*
- (b) *Lodging;*
- (c) *Vehicles;*
- (d) *Entertainment;*
- (e) *Dining;*
- (f) *Clothing;*
- (g) *Jewelry;*
- (h) *Gift cards; or*
- (i) *Other gift items.*

(3) *A licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor that purchases goods or services from a sports wagering vendor exempted under this section:*

(a) *Is subject to the requirements of COMAR 36.10.13.08; and*

(b) *Shall identify in a report submitted under COMAR 36.10.13.08 each exempted sports wagering vendor from which it purchased goods or services during the reporting period.*

E. *Sports Wagering Vendor Registration.*

(1) *A sports wagering vendor shall be registered with the Commission if it provides, or anticipates providing, goods or services that are not related to sports wagering operation:*

(a) *To a single licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor;*

(b) *In a calendar year; and*

(c) *That are valued from \$20,000 to \$299,999.*

(2) *The sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee to which a sports wagering vendor provides, or anticipates providing, goods and services that are not related to sports wagering shall submit to the Commission a completed registration form in a format designated by the Commission that includes:*

(a) *Sports wagering vendor name;*

(b) *Sports wagering vendor business address;*

(c) *Type of service provided;*

(d) *Total value of goods or services provided to the sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee in the State within a calendar year;*

(e) *Verification that the sports wagering vendor's business is in good standing with the Maryland Department of Assessments and Taxation;*

(f) *Registration fee of \$100; and*

(g) *Any other information the Commission requires.*

(3) *Upon receipt of the registration fee and completed registration form, the Commission shall provide the applicant or*

licensee with written notification of whether it has registered the sports wagering vendor.

*F. Sports Wagering Vendor Certification.*

(1) A sports wagering vendor shall be certified by the Commission if it provides, or anticipates providing in a calendar year goods or services that are not related to sports wagering to:

(a) A single sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee that are valued at or above \$300,000; or

(b) Multiple sports wagering facilities, mobile sports wagering licensees, online sports wagering operators, sports wagering facility operators, or sports wagering contractor applicants or licensees that are valued at or above \$600,000.

(2) A sports wagering vendor that provides, or anticipates providing, goods or services not related to sports wagering shall submit to the Commission:

(a) A completed certification form in a format designated by the Commission that includes:

(i) Sports wagering vendor name;

(ii) Sports wagering vendor business address;

(iii) Each sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee in the State with which it does or expects to do business;

(iv) Type of service provided to each sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee;

(v) Total value of goods or services provided to all sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicants or licensees in the State within a calendar year;

(vi) Identification of any other jurisdiction where it conducts business related to a licensed sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor;

(vii) Verification that the sports wagering vendor's business is in good standing with the Maryland Department of Assessments and Taxation; and

(viii) Any other information the Commission requires; and

(b) A certification fee of \$1,000.

(3) Upon receipt of a certification fee and completed certification form, the Commission shall verify the information provided by the sports wagering vendor, and:

(a) If the Commission determines that the sports wagering vendor's conduct of business with a sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee is consistent with the public interest of the State and the policies in State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the Commission's regulations, it may grant the sports wagering vendor's application for certification; or

(b) If the Commission determines that the sports wagering vendor's conduct of business with a sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee is contrary to the public interest of the State or the policies in State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, or the Commission's regulations, it shall deny the sports wagering vendor's request for certification.

(4) The Commission shall provide the sports wagering vendor with written notification of its decision.

G. Except as provided in §H of this regulation, a nonexempt sports wagering vendor may not conduct business that relates to sports wagering operations with a sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee until it is registered or certified by the Commission.

H. Emergency Notification. A sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee may accept goods or services from a sports wagering vendor that is not registered or certified by the Commission if:

(1) The sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee encounters an emergent threat to public health, safety, or welfare that is outside its control and requires immediate provision of goods or services by a sports wagering vendor; and

(2) Unless the sports wagering license is exempt under §C of this regulation:

(a) No later than the next State work day after the sports wagering vendor's emergency provision of goods or services, the sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee shall submit to the Commission a sports wagering vendor emergency notification form that includes an explanation of the need for its emergency use of a sports wagering vendor that is not registered or certified by the Commission; and

(b) Within 20 work days of submitting the sports wagering vendor emergency notification form:

(i) The sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee shall submit to the Commission a sports wagering vendor registration form; or

(ii) The sports wagering vendor shall submit to the Commission a sports wagering vendor certification form and the \$1,000 certification fee.

I. Term, Renewal, and Cancellation. A sports wagering vendor's registration or certification:

(1) Remains in effect for 5 years from the date the Commission approves registration or certification;

(2) May be renewed by the Commission if the applicable form, and any required renewal fee, are submitted as required under §E or F of this regulation at least 90 days before the expiration of 5 years from the date of written notification under §E(3) or F(4) of this regulation;

(3) Shall automatically expire if a sports wagering vendor does not comply with renewal requirements under this regulation; and

(4) Is subject to cancellation by the Commission, at any time and without advance notice, if the Commission determines that the sports wagering vendor's continued conduct of business with a sports wagering applicant or licensee is contrary to the public interest of the State or the policies in State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, or the Commission's regulations.

*J. Renewal Fees.*

(1) For a registered sports wagering vendor, the renewal fee is \$100; and

(2) For a certified sports wagering vendor, the renewal fee is \$500.

K. The Commission's decision to deny or cancel a sports wagering vendor registration or certification, or to deny the renewal of a sports wagering vendor registration or certification, does not give rise to an appeal right under the contested case provisions of the Maryland Administrative Procedure Act.

L. The Commission may maintain and make publicly available a list of:

- (1) Registered and certified sports wagering vendors; and
- (2) Sports wagering vendors that are prohibited from doing business with a sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor applicant or licensee because the Commission has denied or cancelled their application, registration or certification.

M. A sports wagering facility, mobile sports wagering licensee, online sports wagering operator, sports wagering facility operator, or sports wagering contractor Applicant or Licensee shall:

- (1) Submit to the Commission a monthly sports wagering vendor payments report in a format prescribed by the Commission; and
- (2) Ensure that a sports wagering vendor appearing on its monthly sports wagering vendor payments report is:
  - (a) Registered;
  - (b) Certified; or
  - (c) Exempt.

**36.10.07 License Denial Procedures**

Authority: State Government Article, §§9-1A-02, 9-1A-04, and 9-1E-01 — 9-1E-15, Annotated Code of Maryland

**.01 Applicability.**

A. This chapter applies to all licenses the Commission is authorized to issue under State Government Article, §9-1E-05, Annotated Code of Maryland, to implement the State’s Sports Wagering Program.

B. The chapter explains the process by which a license application may be denied, and the process available to an applicant after the Commission determines that the applicant:

- (1) For a sports wagering contractor or sports wagering employee license, does not meet the general requirements in COMAR 36.10.02 and 36.10.03;
- (2) For a sports wagering facility, sports wagering facility operator license, mobile sports wagering license, or online sports wagering operator license, does not meet:
  - (a) The general qualification requirements in COMAR 36.10.02 and 36.10.03;
  - (b) Specific license requirements; or
  - (c) Technical and operational standards; and
- (3) Should be denied the license.

**.02 Sports Wagering Contractors and Sports Wagering Employees.**

A. In this regulation, “application,” “applicant,” “license,” and “licensee” refer to an applicant for a sports wagering contractor or sports wagering employee license.

B. Commission staff shall conduct the license application review and denial process in a manner consistent with this regulation.

C. Commission staff shall review a license application to determine whether it meets all the requirements of COMAR 36.10.02 and 36.10.03 and:

- (1) For an applicant for a sports wagering contractor license, the requirements in COMAR 36.10.06.04; or
- (2) For an applicant for a sports wagering employee license, the requirements in COMAR 36.10.06.05.

D. After reviewing an application submitted for a license, staff may:

- (1) Issue the license; or
- (2) Recommend that the license not be issued to the applicant, and that the license application be denied.

E. If staff recommends denial of the license application, staff shall promptly provide the applicant with written notice of the:

- (1) Recommendation for denial;
- (2) Basis for the recommendation; and
- (3) Applicant’s right to request a reconsideration meeting.

F. An applicant may submit to the Commission a written request for a reconsideration meeting within 15 days of the date of the notice described under §E of this regulation.

G. If an applicant fails to timely submit a request under §F of this regulation, the staff’s recommendation is the Commission’s final action on the license application.

**.03 Sports Wagering Facility License, Sports Wagering Facility Operator License, Mobile Sports Wagering License, or Online Sports Wagering Operator License.**

A. In this regulation, “application”, “applicant”, “license”, and “licensee” refer to an applicant for a sports wagering facility, sports wagering facility operator, mobile sports wagering, or online sports wagering operator license.

B. Unless the SWARC has first awarded the license, the Commission may not issue a license to an applicant for a:

- (1) Sports wagering facility license; or
- (2) Mobile sports wagering license.

C. Commission staff shall conduct the license application review and recommended denial process in a manner consistent with this regulation.

D. After the SWARC has awarded a license to an applicant, Commission staff shall review the application and the applicant’s submissions to the Commission, and determine whether it meets all the requirements of COMAR 36.10.02 and 36.10.03, and:

- (1) For an applicant for a sports wagering facility license, the requirements in COMAR 36.10.04 that pertain to the license class;
- (2) For an applicant for a sports wagering facility operator license, the requirements in COMAR 36.10.06.03;
- (3) For an applicant for a mobile sports wagering license, the requirements in COMAR 36.10.05; or
- (4) For an applicant for an online sports wagering operator license, the requirements in COMAR 36.10.06.02.

E. Staff’s review of applications for all licenses in this regulation shall include the requirements specified in the regulations for each license category, and also include:

- (1) Evaluating the applicant’s equipment, facility and data information center;
- (2) Conducting tests and controlled demonstrations,
- (3) Reviewing the awardee’s operational and technical submissions; and
- (4) Determining whether the awardee is prepared to receive the public and to conduct safe and secure sports wagering.

F. Staff may not issue the license if it determines that the awardee:

- (1) Does not meet the requirements in §D of this regulation; or
- (2) Under §E of this regulation, the awardee is otherwise not prepared to conduct safe and secure sports wagering.

G. After conducting the review described in §§D and E of this regulation, staff may:

- (1) Issue the license; or
- (2) Recommend that the Commission not issue the license, and deny the license application.

H. If staff recommends the denial of an application under this regulation, staff shall promptly provide the applicant with written notice of the:

- (1) Recommendation for denial;
- (2) Basis for the recommendation; and
- (3) Applicant’s right to request a reconsideration meeting.

I. An applicant may submit to the Commission a written request for a reconsideration meeting within 15 days of the date of the notice described §H of this regulation.

J. If an applicant fails to timely submit a request under §I of this regulation, the staff's recommendation is the Commission's final action on the license application.

**.04 Reconsideration Process.**

A. Commission staff shall conduct the reconsideration process in a manner consistent with this regulation.

B. If an applicant timely submits a request under Regulation .02F or .03I of this chapter, staff shall notify the applicant of a date and time for the reconsideration meeting.

C. A reconsideration meeting is not a hearing under COMAR 36.01.02.06.

D. During a reconsideration meeting, the applicant or awardee:

- (1) Meets with Commission staff;
- (2) May be represented by counsel; and
- (3) May present its views to staff as to why the license should be issued.

E. After the reconsideration meeting, the staff person who attended the reconsideration meeting shall issue a written notice to the applicant or awardee describing the result of the reconsideration meeting.

F. If the applicant or awardee is dissatisfied with the result of the reconsideration meeting, the applicant or awardee may submit a written request for a hearing to the Commission:

- (1) Within 15 days of the date of staff's notice under §E of this regulation; and
- (2) That states the applicant's or awardee's legal and factual bases for disagreeing with the result of the reconsideration meeting.

G. If the applicant or awardee fails to timely submit a written hearing request under §F of this regulation, the staff's determination is the Commission's final action on the license application.

**.05 Hearings.**

A. Upon receipt of a timely, written hearing request submitted under Regulation .04F of this chapter, the Commission shall provide the applicant a notice for a hearing held under COMAR 36.01.02.06.

B. Hearings Before the Commission. For any hearing under this regulation and held before the Commission:

- (1) The Commission shall:
  - (a) Grant the license after determining that the applicant is qualified; or
  - (b) Deny the license;

(2) If the Commission denies the license, the Commission shall prepare an order stating its findings of fact, conclusions of law, and reasons why the denial is appropriate; and

(3) The Commission shall provide the applicant with written notification of the Commission's final action on the license application.

C. Hearings Delegated to the Office of Administrative Hearings.

(1) For a hearing held under this regulation and delegated to the Office of Administrative Hearings for a final action on the license pursuant to COMAR 36.01.02.06O:

- (a) The decision issued by Office of Administrative Hearings is the Commission's final action on the license application; and
- (b) The Commission reserves the right to seek judicial review of the decision issued by Office of Administrative Hearings under Regulation .06 of this chapter.

(2) For any hearing delegated to the Office of Administrative Hearings for a recommended decision under COMAR 36.01.02.06O:

(a) The Director may designate a staff member to review the recommended decision who has not been previously designated to review the license application under Regulations .02—.04 of this chapter; and

(b) The Director or the Director's designee shall review the Administrative Law Judge's Recommended Decision consistent with the terms of the delegation made and:

(i) Provide the applicant and staff an opportunity to present exceptions under State Government Article, §10-216, Annotated Code of Maryland; and

(ii) After reviewing any exceptions filed by the applicant and staff, issue an order under State Government Article, §10-220, Annotated Code of Maryland, that constitutes the Commission's final action on the license application.

**.06 Petition for Judicial Review.**

The Commission's final action on a license application is subject to judicial review as provided in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

**36.10.08 Enforcement**

Authority: State Government Article, §§9-1A-02, 9-1A-04, 9-1A-20, 9-1A-25, and 9-1E-01—9-1E-15, Annotated Code of Maryland

**.01 General.**

This chapter establishes a framework within which the Commission may take enforcement action against a licensee that results in a reprimand, penalty, or condition placed on a licensee, or a suspension or revocation of a license.

**.02 Violations.**

A licensee may not:

A. Violate:

- (1) A provision of State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland;
  - (2) A regulation adopted under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland; or
  - (3) A directive of the Commission or the Director;
- B. Take, or attempt to take, any action that is:
- (1) Cheating;
  - (2) Influence the governing entity of a sporting event;
  - (3) Influence any person or unit of government that is involved in implementing or enforcing State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland; or
  - (4) Interfere with the regular operation of:
    - (a) A sports wagering platform or its software;
    - (b) Sports wagering equipment; or
    - (c) A sports wagering interactive website; or

C. Fail to:

- (1) Conform to the information contained in its license application;
- (2) Meet a licensing requirement;
- (3) Promptly submit to the Commission a change to the information contained in its license application;
- (4) Adequately remedy a deficiency of which the licensee has received notice under Regulation .03(B) of this chapter; or
- (5) Maintain a sports wagering employee license in good standing.

**.03 Notice of Violation.**

A. After receiving a report of a licensee's alleged violation of Regulation .02 of this chapter, the Agency shall:

- (1) Investigate the report; and
- (2) Provide the licensee with written notice of the alleged violation, including:
  - (a) Description of the law, regulation, condition, or directive allegedly violated; and
  - (b) Staff recommendation for addressing the alleged violation.

B. Nothing in this chapter shall be construed to require that the licensee receives an opportunity to meet with staff to discuss an informal settlement of a violation.

C. The Agency may undertake a corrective action plan or attempt to reach a settlement with the licensee before the Director, or the Director's designee, initiates proceedings for imposition of a sanction against a licensee.

**.04 Corrective Action Plan.**

A. If the Director, or the Director's designee, directs staff to implement a corrective action plan with a licensee, Agency staff shall give written notice to a licensee that includes:

- (1) A description of the alleged violation;
- (2) A description of the possible sanctions; and
- (3) The requirement for the licensee to submit a corrective action plan to the Director.

B. Contents of Corrective Action Plan. A corrective action plan shall include:

- (1) Periodic monitoring or progress reports;
- (2) Timelines for completing corrective action;
- (3) Implementation of measures to guard against recurrence of the alleged violation; and
- (4) Any other measures necessary to resolve the alleged violation.

C. Time for Implementing a Corrective Action Plan.

(1) Within 10 days of receipt of a notice under §A of this regulation, the licensee shall submit a corrective action plan to the Director, or the Director's designee.

(2) The Director, or the Director's designee, shall review the corrective action plan and inform the licensee whether the corrective action plan is acceptable and:

(a) If the corrective action plan is acceptable, the licensee shall execute it immediately; or

(b) If the corrective action plan is not acceptable, the licensee shall submit a revised plan within 7 days of being notified by the Director or the Director's designee.

(3) If the licensee fails to submit an acceptable corrective action plan within the time described under §C(1) of this regulation, the Director, or the Director's designee, may:

(a) Provide the licensee with additional time within which to submit a revised corrective action plan; or

(b) Recommend the imposition of a sanction available in Regulation .10 of this chapter on the licensee in accordance with Regulation .06 of this chapter.

(4) If the Director, or the Director's designee, provided a licensee with a notice under §A of this regulation and did not receive a timely written response, the Commission may adopt a recommendation made pursuant to §C(3)(b) as the final action by the Commission on the license.

D. Corrective Action Plan Outcome.

(1) After a licensee has completed a corrective action plan, to the satisfaction of the Director or the Director's designee, the alleged violation will be deemed resolved, except that the alleged violation may be:

(a) The basis of a subsequent corrective action plan, settlement, penalty, or sanction if a similar violation occurs; or

(b) Raised during a Commission hearing as part of the Agency's enforcement record for the licensee.

(2) If at any time during the corrective action period the Director, or the Director's designee, determines that the licensee has not made sufficient progress toward fulfilling a requirement of the corrective action plan, the Director may:

(a) For good cause, extend the time for completion of a corrective action plan; or

(b) Recommend the imposition of a sanction on the licensee pursuant to Regulation .06A of this chapter.

(3) If at the end of the corrective action period the licensee has failed to satisfactorily complete the corrective action plan, the Director, or the Director's designee, may recommend the imposition of a sanction on the licensee under Regulation .06A of this chapter.

**.05 Settlement.**

A. The Commission may provide a licensee with the opportunity to discuss with staff a means of entering into a settlement agreement between the licensee and the Commission by which the violation is settled without a sanction.

B. A settlement agreement:

(1) Shall be signed by an authorized representative of the licensee and the Director or the Director's designee; and

(2) May not be considered final and binding until approved by the Commission.

C. If a licensee violates a term of a settlement agreement, nothing in this regulation shall be construed to prevent the Commission from imposing a sanction against the licensee for violating a term of the agreement or the underlying violation.

**.06 Recommended Sanction.**

A. General. The Director or the Director's designee may recommend the imposition of any sanction deemed appropriate against a licensee if the licensee:

(1) Violates a provision of Regulation .02 of this chapter;

(2) Fails to timely or satisfactorily complete a corrective action plan required by the Commission;

(3) Violates a term of a settlement agreement; or

(4) Engages in any conduct that exposes the State's Sports Wagering Program to a serious and imminent risk of harm to its integrity, security, or profitability.

B. Notice of Recommended Sanction. The Director, or the Director's designee shall provide the licensee written notice of a recommended sanction, including the:

(1) Recommended sanction;

(2) Basis for the recommended sanction;

(3) Consequences of the recommended sanction if it becomes the Commission's final action on the license; and

(4) Licensee's applicable hearing rights.

C. If a licensee is dissatisfied with the recommended sanction, the applicant may submit a written request to the Commission to contest the recommended sanction:

(1) Within 15 days of the date of the recommended sanction; and

(2) That states the licensee's legal and factual bases for contesting the sanction.

D. If a licensee fails to timely submit a written hearing request under §C of this regulation, the recommended sanction:

(1) Becomes final; and

(2) Constitutes the Commission's final action on the license.

**.07 Emergency Suspension.**

A. The Director may emergently suspend a license if the Director determines that suspension is necessary in order to protect the State's Sports Wagering Program against a serious and imminent risk of harm to its integrity, security, or profitability.

B. Emergency Suspension—Process. If the Director emergently suspends a license, the Director shall promptly schedule a hearing before the Commission in accordance with COMAR 36.01.02.06 on the emergency suspension and provide the licensee with the written notice required under Regulation .06A of this chapter, along with notice directing the licensee that:

(1) The licensee shall immediately cease performing operations under the license; and

(2) Failure to comply with the Director's directive to cease performing operations under the license constitutes a separate violation of Regulation .02 of this chapter for which an additional sanction may be imposed.

**.08 Hearings.**

A. The Commission shall provide the applicant a hearing notice for a hearing held under COMAR 36.01.02.06:

(1) Upon receipt of a timely written hearing request submitted under Regulation .06C of this chapter; or

(2) For hearings held under Regulation .07B of this chapter.

B. Hearings Before the Commission. For any hearing under this regulation held before the Commission, the Commission shall:

(1) Determine if the licensee is subject to sanction pursuant to the:

(a) Notice of recommended sanction issued under Regulation .06B of this chapter; or

(b) Notice of emergency suspension issued under Regulation .07B of this chapter;

(2) Impose the sanction the Commission deems appropriate, if the Commission determines that a licensee is subject to sanction;

(3) If a sanction is imposed, prepare an order stating the Commission's findings of fact, conclusions of law, and basis for the sanction; and

(4) Provide the licensee with written notification of the sanction as the Commission's final action on the license.

C. Hearings Delegated to the Office of Administrative Hearings.

(1) For any hearing held under this regulation and delegated to the Office of Administrative Hearings for a final action on the license under COMAR 36.01.02.06O:

(a) The decision issued by Office of Administrative Hearings is the Commission's final action on the license; and

(b) The Commission reserves the right to seek judicial review of the decision issued by Office of Administrative Hearings under Regulation .09 of this chapter.

(2) For any hearing delegated to the Office of Administrative Hearings for a recommended decision under COMAR 36.01.02.06O:

(a) The Director may designate a staff member to review the recommended decision who has not reviewed the license under Regulations .02—.06 of this chapter; and

(b) The Director or the Director's designee shall review the Administrative Law Judge's recommended decision consistent with the terms of the delegation made and:

(i) Provide the applicant and staff an opportunity to present exceptions pursuant to State Government Article §10-216, Annotated Code of Maryland; and

(ii) After reviewing any exceptions filed by the applicant and staff, issue an order pursuant to State Government Article §10-220, Annotated Code of Maryland, that constitutes the Commission's final action on the license.

**.09 Petition for Judicial Review.**

The Commission's final action on a license is subject to judicial review as provided in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

**.10 Imposition of Sanctions.**

A. Permissible Sanctions. The Commission may:

(1) Impose a penalty on the licensee not exceeding \$5,000 for each day and each violation; and

(2) In addition to any penalty assessed:

(a) Revoke the licensee's license;

(b) Suspend the licensee's license for a period of time;

(c) Reprimand the licensee; or

(d) Impose conditions upon the licensee that must be met within a specified time as to:

(i) Training;

(ii) Staffing;

(iii) Supervision;

(iv) Compliance with internal controls;

(v) Probationary periods; or

(vi) Any other directive to address the violation.

B. Penalty—Required Considerations. To determine the amount of a penalty to impose on a licensee, the Commission shall consider:

(1) The seriousness of the violation;

(2) The harm caused by the violation; and

(3) Whether the person who committed the violation acted in good faith.

C. Sanction—Considerations. To determine the appropriate sanction to impose on a licensee, the Commission may consider the factors in §B of this regulation, and:

(1) Whether a violation was willful;

(2) Whether the licensee had, or should have had, control of the situation;

(3) Whether the violation may have occurred in connection with unclear or insufficient:

(a) Information;

(b) Training;

(c) Communication; or

(d) Requirements;

(4) Any extraordinary circumstances;

(5) Prior disciplinary history with the Commission;

(6) Profit that resulted, or may have resulted, from the violation;

(7) Harm that resulted, or may have resulted, from the violation;

(8) How the violation was detected;

(9) Action taken by the licensee to prevent recurrence of the violation;

(10) Action taken by the Commission to address similar violations; and

(11) Any other information that the Commission finds relevant.

D. Ignorance No Defense. A licensee is presumed to be familiar with applicable statutes and regulations governing the State's Sports Wagering Program, and a claim of ignorance of the statutes and regulations may not be used as a defense to a finding of a violation or to the imposition of a sanction.

E. Imposition of Sanction. A separate sanction may be imposed for each violation.

**.11 Commission Action.**

A. A licensee whose license has been suspended or revoked by the Commission's final action on the license shall immediately cease sports wagering activity.

B. A licensee against whom the Commission imposed a penalty shall remit to the Commission payment in full of the penalty within 30 calendar days.

**36.10.09 Unannounced Inspections**

Authority: State Government Article, §§9-1A-02, 9-1A-04, 9-1A-20, 9-1A-25, and 9-1E-01—9-1E-15, Annotated Code of Maryland

**.01 General.**

This chapter establishes the manner and method by which the Commission may conduct an unannounced inspection of the premises, records, and equipment of a sports wagering licensee and related entities in order to evaluate and verify a licensee's compliance with State Government Article, Title 9, Subtitle 1E,

Annotated Code of Maryland, and the regulations promulgated by the Commission for the Sports Wagering Program.

**.02 Inspections.**

A. A licensee is subject to unannounced inspections conducted by the Commission in order to evaluate and verify the licensee's compliance with State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the regulations promulgated by the Commission for the Sports Wagering Program.

B. The Commission or a designee may conduct an unannounced inspection without a warrant and take any of the following actions:

(1) Conduct an inspection of licensed sports wagering facilities, sports wagering facility operators, mobile sports wagering licensees, online sports wagering operators, and sports wagering contractors in which:

- (a) Sports wagering is conducted, offered or operated;
- (b) Authorized sports wagering equipment or associated equipment or software are:
  - (i) Designed;
  - (ii) Assembled;
  - (iii) Manufactured;
  - (iv) Sold;
  - (v) Distributed;
  - (vi) Serviced; or
  - (vii) Physically located; or
- (c) Records are prepared or maintained for activities referenced in §B(1)(a) or (b) of this regulation;

(2) Conduct an inspection of sports wagering equipment or associated equipment in, about, on, or around the premises specified in §B(1) of this regulation;

(3) From the premises specified in §B(1) of this regulation, summarily seize, remove, impound, or assume physical control of, for the purposes of examination and inspection:

- (a) Sports wagering equipment; and
- (b) Associated equipment and software;
- (4) Inspect, examine, and audit books, records, and documents concerning a sports wagering licensee's sports wagering operation, including the financial records of:
  - (a) A principal or principal corporation;
  - (b) A subsidiary corporation; or
  - (c) An affiliated entity; or

(5) Seize, impound, copy, or assume physical control of:

- (a) Books;
- (b) Records;
- (c) Ledgers;
- (d) Cash boxes and their contents;
- (e) A counting room or its equipment;
- (f) Other physical objects relating to sports wagering operations; or

(g) Any record or object that a licensee is required by law, regulation, or license terms to maintain.

C. During an inspection, a licensee and its employees, agents, and representatives:

- (1) Shall:
  - (a) Make available for inspection, copying, or physical control a record that a licensee is required to maintain;
  - (b) Authorize any person having financial records relating to the licensee to provide those records to the Commission; and
  - (c) Otherwise cooperate with the activities of the Commission described in this chapter; and
- (2) May not knowingly interfere with the authorized activity of the Commission during an unannounced inspection.

D. An unannounced inspection may be conducted at any time as determined by the Commission.

E. The refusal of a licensee or a licensee's employees or agents to provide the Commission with the access necessary to perform an unannounced inspection may be the basis for enforcement action under COMAR 36.10.08.

**.03 Records and Reports.**

A. Within a reasonable time after the conclusion of the unannounced inspection, the Commission's inspectors shall submit a written report of the inspection to:

- (1) The Commission;
- (2) The Director; and
- (3) The licensee who was the subject of the Commission's unannounced inspection.

B. A written report of an unannounced inspection shall be considered a public record to the extent allowable under the General Provisions Article, Title 4, Annotated Code of Maryland.

**36.10.10 Enforcement of Voluntary Exclusion Program**

Authority: State Government Article, §§9-1A-24 and 9-1E-01—9-1E-15, Annotated Code of Maryland

**.01 Enforcement.**

A. Definition. Unless context dictates otherwise, for purposes of this chapter, "sports wagering licensee" includes:

- (1) Sports wagering facility licensee;
- (2) Mobile sports wagering licensee;
- (3) Sports wagering facility operator licensee; and
- (4) Online sports wagering operator licensee.

B. The Commission shall notify sports wagering licensees that an individual has been placed on the voluntary exclusion list established in COMAR 36.01.03.

C. A sports wagering licensee may disclose information about an individual on the voluntary exclusion list to:

- (1) The Commission;
- (2) The licensee's:
  - (a) Managers;
  - (b) Security department;
  - (c) Surveillance department; or
  - (d) Employees who are directly responsible for excluding unauthorized individuals from sports wagering; and
- (3) If the sports wagering licensee pursues criminal charges against an individual on the voluntary exclusion list who is suspected of trespassing on the premises of a sports wagering facility licensee, to:

- (a) A law enforcement officer; or
- (b) A person who is legally authorized to be involved in the criminal prosecution of an individual on the voluntary exclusion list who is suspected of trespassing on a sports wagering licensee's property.

D. If a sports wagering licensee uses technology for the purpose of complying with this regulation, the sports wagering licensee shall ensure that the technology:

- (1) Complies with all applicable State and local requirements; and
- (2) Is designed to prevent unauthorized access to confidential records.

E. If an individual on the voluntary exclusion list is found on the part of the premises of a sports wagering licensee where sports wagering is conducted, the sports wagering licensee:

- (1) Shall immediately notify the Commission in person or via email; and
- (2) May pursue criminal charges against the individual such as trespassing.

F. A sports wagering licensee may not:

- (1) Permit an individual on the voluntary exclusion list to:
  - (a) Enter the part of the premises of a sports wagering licensee where sports wagering is conducted; or
  - (b) Participate in sports wagering;
- (2) Knowingly fail to exclude from the part of the premises of a sports wagering licensee where sports wagering is conducted an individual on the voluntary exclusion list; or
- (3) Disclose information about an individual on the voluntary exclusion list beyond the disclosures that are authorized under §C of this regulation.

G. Unless excluded by operation of another directive or order outside the Commission, an individual who has been placed on a voluntary exclusion list of the Commission that is not under this subtitle may engage in sports wagering.

**.02 Responsible Gaming Plan.**

A. A sports wagering licensee shall establish a responsible gaming plan that sets forth its plan for addressing problem gambling that shall include at least the following elements of the plan:

- (1) Goals;
- (2) Procedures and deadlines for implementation;
- (3) Procedures for retrieving and securely maintaining the voluntary exclusion list;
- (4) Procedures for notifying the Commission of an unauthorized access to the list within twelve hours of the unauthorized access;
- (5) Identification of a sports wagering licensee’s personnel responsible for implementation;
- (6) Responsibilities of a sports wagering licensee’s personnel identified as responsible for implementation;
- (7) Training for a sports wagering licensee’s personnel on problem gambling and voluntary exclusion;
- (8) Means of controlling access to records pertaining to voluntary exclusion;
- (9) Means of educating bettors about:
  - (a) Problem gambling;
  - (b) Problem gambling treatment resources, including treatment and prevention programs established under State Government Article, §9-1A-33, Annotated Code of Maryland; and
  - (c) Voluntary exclusion;
- (10) Placement of responsible gambling awareness information:
  - (a) In the premises of a sports wagering facility licensee; and
  - (b) On a sports wagering licensee’s sports wagering platform;
- (11) Ensuring that an individual on the voluntary exclusion list is not permitted to:
  - (a) Enter the part of the premises of a sports wagering licensee where sports wagering is conducted;
  - (b) Participate in sports wagering; or
  - (c) Claim winnings;
- (12) The sports wagering licensee’s response to the discovery of an individual who is enrolled in the voluntary exclusion list in the part of the premises of a sports wagering licensee where sports wagering is conducted, which may include pursuing criminal charges against the individual;
- (13) The sports wagering licensee’s response to the discovery of a bettor who is enrolled in the voluntary exclusion list using a sports wagering platform, which may include an action up to and including permanent suspension of the bettor’s account;
- (14) The sports wagering licensee’s procedures for returning to a bettor the funds in the bettor’s account that were placed by the

bettor prior to the bettor’s application for voluntary exclusion, including the requirement that:

- (a) Funds be returned as soon as practicable after the time the bettor is placed on the voluntary exclusion list; and
- (b) The sports wagering licensee return the funds to the bettor within 5 days of the bettor’s placement on the voluntary exclusion list, by:
  - (i) Crediting the bettor’s personal bank account; or
  - (ii) Paying the bettor by check; and
- (15) Any other element required by the Commission.

B. A sports wagering licensee shall submit to the Commission the responsible gaming plan required under §A of this regulation at least 60 days before sports wagering operations are to commence or within a time-period approved by the Commission.

C. A sports wagering licensee shall submit any amendments to its responsible gaming plan to the Commission prior to implementation.

D. A sports wagering licensee shall annually submit to the Commission its responsible gaming plan.

**.03 Requirements.**

A. Definitions.

- (1) In this regulation, the following terms have the meaning indicated.
  - (2) Terms Defined.
    - (a) “Advertisement” means any material that is:
      - (i) Disseminated to the public through broadcasting, publication, mail, or any other means; and
      - (ii) Intended to encourage sports wagering.
    - (b) “Billboard advertisement” means a roadside sign, aviation banner, or event banner that is intended to encourage sports wagering.
    - (c) “Gambling assistance message” means a phrase approved by the Commission to encourage responsible play.
    - (d) “Printed advertisement” means an advertisement that appears in or on a sign, direct mailing, poster, brochure or other written material and is intended to encourage sports wagering.
    - (e) “Responsible gambling awareness materials” means a sticker, a brochure, a wallet card, or other material that conveys only problem gambling resource information.
    - (f) “Underage warning message” means the phrase: “No bettor under the age of 21 is permitted to participate in sports wagering”.

B. A sports wagering licensee shall:

- (1) Post signage approved by the Commission that prominently bears the gambling assistance message and the underage warning message at each customer entrance;
- (2) Include banners or other notifications on the sports wagering interactive websites that bear the gambling assistance message and the underage warning message;
- (3) Include the gambling assistance message on an advertisement that is intended to encourage sports wagering;
- (4) Ensure that a printed advertisement bears the gambling assistance message and meets requirements of COMAR 36.03.06 and 36.03.03.08;
- (5) Ensure that a billboard bearing a printed advertisement bears the gambling assistance message and meets requirements of COMAR 36.03.06 and 36.03.03.08;
- (6) Ensure that a radio, television, video, online, or social media advertisement bears the gambling assistance message and meets requirements of COMAR 36.03.06 and 36.03.03.08;
- (7) Ensure that the gambling assistance message is printed on a paper product that is associated with bettor consumption of food or beverage if the paper product is:
  - (a) Special ordered; and
  - (b) Branded with the sports wagering licensee’s logo;

(8) Ensure that the gambling assistance message is printed on a sports wagering ticket or sports wagering voucher; and

(9) Place in the sports wagering facility and sports wagering platform responsible gambling awareness information according to its responsible gaming plan required under 36.10.12.02.

### 36.10.11 Mandatory Exclusion

Authority: State Government Article, §§9-1A-24, 9-1E-04, and 9-1E-01—9-1E-15, Annotated Code of Maryland

#### .01 Definition.

Unless context dictates otherwise, for purposes of this chapter, “sports wagering licensee” includes:

- (1) Sports wagering facility licensee;
- (2) Mobile sports wagering licensee;
- (3) Sports wagering facility operator licensee; and
- (4) Online sports wagering operator licensee.

#### .02 General.

This chapter establishes a mechanism by which the Commission:

A. Maintains a list of individuals who shall be mandatorily:

- (1) Excluded from participating in sports wagering; and
- (2) Excluded or ejected from the part of the premises of a sports wagering licensee where sports wagering is conducted; and

B. Establishes standards that require a sports wagering licensee to:

- (1) Exclude an individual from participating in sports wagering;
- (2) Exclude or eject an individual from the part of the premises of a sports wagering licensee where sports wagering is conducted; and
- (3) Ensure that an individual under the age of 21 does not participate in sports wagering and are not allowed in the part of the premises of a sports wagering licensee where sports wagering is conducted including the platform of a sports wagering licensee.

#### .03 Prohibitions.

A. An individual who has been placed on the Commission’s mandatory exclusion list from sports wagering under this chapter may not:

- (1) Engage in sports wagering; or
- (2) Be on the part of the premises of a sports wagering licensee where sports wagering is conducted.

B. Unless excluded by operation of another directive or order outside the Commission, an individual who has been placed on a voluntary or mandatory exclusion list of the Commission that is not under this subtitle may engage in sports wagering.

#### .04 Mandatory Exclusion List.

A. The Commission shall establish a mandatory exclusion list for the Sports Wagering Program.

B. The Director may place on the mandatory exclusion list an individual who:

- (1) Is a career offender as defined in State Government Article, §9-1A-01, Annotated Code of Maryland;
- (2) Has been convicted of a criminal offense under the laws of the United States or any jurisdiction within the United States that is a criminal offense involving moral turpitude or a gambling or sports wagering offense;
- (3) Would adversely affect the interests of the State, the licensee, or the individual if that individual were to participate in sports wagering;
- (4) Is the subject of any administrative or judicial order directing the individual to cease participating in sports wagering;
- (5) Presents a threat to the safety of any individual on the premises of a wagering facility;

(6) Engages in, or has a documented history of engaging in, disruption of sports wagering;

(7) The sports wagering licensee has a reasonable belief has cheated, or attempted to cheat; or

(8) Engages in any conduct that may adversely affect public confidence in, or perception of, the State’s Sports Wagering Program.

C. In evaluating whether to place an individual on the mandatory exclusion list, the Director may consider monetary amounts and circumstances, including:

- (1) The nature of the incident;
- (2) Whether the individual was a sports wagering employee at the time of the incident;
- (3) If the individual was a sports wagering employee while the individual engaged in conduct described in §B of this regulation;
- (4) Whether the incident directly impacts:
  - (a) Sports wagering operations;
  - (b) A bettor; or
  - (c) A licensee;
- (5) The amount or type of loss to:
  - (a) The sports wagering licensee;
  - (b) Sports wagering operations;
  - (c) A bettor; or
  - (d) A licensee;
- (6) Whether the individual made restitution;
- (7) Whether the individual was involved in a prior incident that meets the criteria of §B of this regulation;
- (8) Whether a sports wagering licensee has other information the Director finds relevant; and
- (9) Any other information the Director finds relevant.

D. The Commission’s entry of an individual on the mandatory exclusion list shall include sufficient information to identify the excluded individual.

E. The information used to identify an excluded individual may include:

- (1) The individual’s:
  - (a) Name and any nickname or alias;
  - (b) Residential address;
  - (c) Telephone numbers;
  - (d) Gender;
  - (e) Physical description, including any birthmarks, scars, or tattoos;
  - (f) Race or ethnic origin;
  - (g) For non-United States citizens, country of origin; and
  - (h) Photograph;
- (2) Date of placement on the mandatory exclusion list;
- (3) Brief statement of the basis for placing the individual on the mandatory exclusion list; and
- (4) Any other information the Commission requires.

F. The mandatory exclusion list and related records are public records under General Provisions Article, §4-101, Annotated Code of Maryland.

#### .05 Inclusion on Mandatory Exclusion List.

A. Upon receipt of information that reasonably indicates an individual meets any criteria under Regulation .04B of this chapter, and after making any determination under Regulation .04 of this chapter, the Director shall:

- (1) Evaluate the information;
- (2) Ensure that the information required under Regulation .04E of this chapter sufficiently identifies the individual; and
- (3) Decide whether to place the individual on the mandatory exclusion list.

B. Prior to placing an individual on the mandatory exclusion list, the Director or the Director's designee may provide a sports wagering licensee with:

- (1) Information used to identify an individual who may be excluded;
- (2) The factual basis for placing an individual on the mandatory exclusion list; and
- (3) An opportunity to provide the Director with additional information identified in Regulation .04 of this chapter.

C. If the Director decides to place an individual on the mandatory exclusion list, staff shall deliver to the individual by U.S. mail a written notice explaining:

- (1) The factual basis for placing the individual on the mandatory exclusion list;
- (2) The availability of a reconsideration meeting with the Director or the Director's designee;
- (3) The requirements for submitting a request for a reconsideration meeting;
- (4) That, if a timely request for a reconsideration meeting is not submitted, the placement of the individual's name on a mandatory exclusion list and the distribution of the individual's name to all sports wagering licensees in the State is available to the public; and
- (5) That the excluded individual shall be:
  - (a) Prohibited from the part of the premises of a sports wagering licensee where sports wagering is conducted and from participating in sports wagering;
  - (b) Subject to criminal charges for trespassing or any other appropriate criminal charge; and
  - (c) Required to:
    - (i) Redeem or liquidate unredeemed items that the individual has received since being placed on the mandatory exclusion list; and
    - (ii) Surrender to the Problem Gambling Fund established under State Government Article, §9-1A-33, Annotated Code of Maryland, any unredeemed items in the possession of the individual or received by the individual while participating in sports wagering after placement on the mandatory exclusion list.

D. Reconsideration Meeting.

- (1) An individual may submit to the Director a written request for a reconsideration meeting within 15 days of the date of the individual's receipt of the notice described in §C of this regulation.
- (2) If an individual fails to timely submit a request under §D(1) of this regulation, the individual shall be placed on the mandatory exclusion list.
- (3) A reconsideration meeting may be held by the Director or the Director's designee.
- (4) During a reconsideration meeting, an individual may:
  - (a) Be represented by counsel; and
  - (b) Present evidence as to why the individual does not meet the criteria under Regulation .04B of this chapter.
- (5) The Director or the Director's designee shall deliver to the individual by U.S. mail a written notice of the decision following the reconsideration meeting.
- (6) An individual dissatisfied with the result of a reconsideration meeting may submit a written request to the Commission for an appeal hearing.
- (7) The request for an appeal hearing shall:
  - (a) Be submitted within 15 days of the date of the individual's receipt of the written notice of the decision following the reconsideration meeting; and
  - (b) Describe the individual's legal and factual bases for disagreeing with placement on the mandatory exclusion list.
- (8) If an individual fails to timely submit a written request for an appeal hearing under §D(7) of this regulation, the individual shall be placed on the mandatory exclusion list.

(9) Upon receipt of a timely written request for an appeal hearing, the Director or the Director's designee shall provide the individual with a notice for the appeal hearing.

E. Appeal Hearing.

- (1) If after an appeal hearing the Commission decides that the excluded individual does not meet any criteria under Regulation .04B of this chapter, the individual's name may not be placed on the mandatory exclusion list.
- (2) If after an appeal hearing the Commission decides that the excluded individual meets any criteria under Regulation .04B of this chapter:
  - (a) The individual's name shall remain on the mandatory exclusion list;
  - (b) The Commission shall notify all sports wagering licensees in the State of the individual's addition to the mandatory exclusion list;
  - (c) The individual may seek judicial review of the Commission's decision; and
  - (d) The individual may request to be removed from the mandatory exclusion list only as provided in Regulation .06 of this chapter.

**.06 Removal from Mandatory Exclusion List.**

A. After an excluded individual has been on the mandatory exclusion list for at least 5 years, the individual may request removal from the mandatory exclusion list.

B. An excluded individual's request under §A of this regulation shall be submitted to the Director in writing and shall include a detailed statement about why there is:

- (1) Good cause for removal of the individual from the list; and
- (2) A material change in the individual's circumstances since the individual's name was placed on the list.

C. The Director or the Director's designee shall investigate the request and make a recommendation to the Commission whether to grant or deny the request.

D. If the Director or the Director's designee recommends removing the individual from the list, the Commission may approve the recommendation without a hearing, and staff shall:

- (1) Remove the individual from the mandatory exclusion list;
- (2) Deliver to the individual by U.S. mail a notice of removal from the mandatory exclusion list; and
- (3) Notify the State's sports wagering licensees of the individual's removal from the mandatory exclusion list.

E. If the Director or the Director's designee recommends continued inclusion on the mandatory exclusion list, the excluded individual may submit a written request for an appeal hearing to the Commission.

F. Appeal Hearing.

- (1) The request for an appeal hearing shall:
  - (a) Be submitted within 15 days of the date of the individual's receipt of the written notice of the recommendation of the Director or the Director's designee; and
  - (b) Describe the individual's legal and factual bases for disagreeing with the recommendation.
- (2) If an individual fails to timely submit a written request for an appeal hearing under §F(1)(a) of this regulation, the individual shall remain on the mandatory exclusion list.
- (3) Upon receipt of a timely written request for an appeal hearing, the Director shall provide the individual with a hearing notice for a hearing.

G. If after a hearing the Commission denies the individual's request for removal, it shall deliver to the individual by U.S. mail a notice that the:

- (1) Request was denied; and
- (2) Individual shall remain on the mandatory exclusion list.

H. Separate from the individual's ability to request removal under §A of this regulation, the Director shall periodically review the mandatory exclusion list and may consider the following in order to determine if an individual should be removed:

- (1) Whether the individual is living;
- (2) Whether there are changed circumstances; or
- (3) Whether removal is warranted due to any other relevant information.

**.07 Judicial Review.**

The Commission's decision under Regulations .05E(2) and .06G of this chapter may be subject to judicial review.

**.08 Enforcement.**

A sports wagering licensee may not:

A. Knowingly fail to exclude or eject an excluded individual from the property of a sports wagering licensee for which it is licensed or authorized to operate;

B. Fail to notify the Commission if an excluded individual is prohibited from entering any sports wagering facility;

C. Fail to notify the Commission if an excluded individual is prohibited from participating in sports wagering through a sports wagering licensee including through a sports wagering platform;

D. Permit an individual younger than 21 years old to:

- (1) Participate in sports wagering; or
- (2) Enter the part of the premises of a sports wagering facility it is licensed or authorized to operate where sports wagering is conducted;

E. Knowingly allow to collect winnings an:

- (1) Excluded individual; or
- (2) Individual younger than 21 years old; or

F. Fail to obtain any unredeemed items in the possession of an excluded individual and transfer them to the Problem Gambling Fund established under State Government Article, §9-1A-33, Annotated Code of Maryland.

**.09 Sports Wagering Licensee's Mandatory Exclusion Plan.**

A. A sports wagering licensee shall establish a plan for identifying and:

(1) Excluding or ejecting from a sports wagering facility or from participating in sports wagering:

- (a) Excluded individuals; and
- (b) Individuals who may be eligible for placement on the mandatory exclusion list; and

(2) Ensuring that excluded individuals and individuals younger than 21 years old are not allowed to:

- (a) Participate in sports wagering; and
- (b) Enter the part of the premises of a sports wagering licensee where sports wagering is conducted.

B. The plan required under §A of this regulation shall include:

- (1) Goals;
- (2) Procedures and deadlines for implementation;
- (3) Identification of facility personnel responsible for implementation;
- (4) Responsibilities of sports wagering licensee's personnel identified as responsible for implementation;
- (5) Training for sports wagering licensee's personnel on the requirements of this chapter;
- (6) Regular monitoring of the mandatory exclusion list;
- (7) Prompt reports to the Commission about the presence at a wagering facility of an individual who:

- (a) Is included on the mandatory exclusion list; and
- (b) Is required to be prevented from participating in sports wagering;

(8) Prompt reports to the Commission about an individual who is permanently excluded from participating in sports wagering;

(9) The sports wagering licensee's response to the discovery of an individual who is on the mandatory exclusion list at the property of a sports wagering licensee or participating in sports wagering, which may include pursuing criminal charges against the individual; and

(10) Any other element required by the Commission.

C. A sports wagering licensee shall submit to the Commission for its approval:

(1) At least 60 days before sports wagering operations are to commence, the mandatory exclusion plan required under §A of this regulation;

(2) Any amendments to a sports wagering licensee's mandatory exclusion plan prior to implementation; and

(3) An annual report describing the operation of the sports wagering licensee's mandatory exclusion plan.

**36.10.12 Collection of Taxes, Fees, and Penalties**

Authority: State Government Article, §§9-1A-02, 9-1A-04, 9-1A-33, and 9-1E-01—9-1E-15, Annotated Code of Maryland

**.01 General.**

This chapter establishes the manner and method by which the Commission may collect from an applicant or licensee a tax, fee or civil penalty established under State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and the manner by which a sports wagering licensee may reconcile gross gaming receipts under State Government Article, §9-1E-07, Annotated Code of Maryland.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Fee" means an amount established by the Commission that an applicant or licensee is required to pay and includes:

- (a) An application or renewal fee; and
- (b) A fee associated with an applicant's criminal history records check.

(2) "Proceeds" has the meaning stated in State Government Article, §§9-1E-01 and 9-1E-12, Annotated Code of Maryland.

**.03 Obligation to Pay.**

A. A tax that is due and payable shall be paid by an applicant or licensee and collected in accordance with State and federal law.

B. For a fee or penalty:

(1) The Commission shall issue an invoice or other order to pay; and

(2) An applicant or licensee shall remit payment to the Commission within 30 days after the date of the invoice or order to pay.

C. Reconciliation of Gross Sports Wagering Receipts.

(1) If a sports wagering licensee returns to successful bettors more than the amount of money wagered on a sporting event, the sports wagering licensee may subtract the difference between the amount wagered and the amount returned to bettors from its proceeds of up to three months.

(2) A sports wagering licensee may not subtract losses under §C(1) of this regulation for more than three consecutive months.

**.04 Collection and Deposit of Payments.**

A. An applicant or licensee shall pay a fee or civil penalty by:

- (1) Wire transfer;
- (2) Money order;
- (3) Certified check made payable to the "State of Maryland";

or

(4) Any other manner designated by the Commission.

B. The Commission shall deposit payment of:

(1) An application, license, renewal, or other fee into a bank account that the State Treasurer designates to the credit of the State Lottery and Gaming Control Agency Fund and distribute the funds as described under:

(a) State Government Article, §9-1E-07, Annotated Code of Maryland; and

(b) State Government Article, §9-1E-12, Annotated Code of Maryland;

(2) Expired winnings into the Problem Gambling Fund established in the Maryland Department of Health under State Government Article, §9-1A-33, Annotated Code of Maryland; and

(3) Funds surrendered under COMAR 03.10.10 or COMAR 03.10.11.

C. The Commission may recover from an applicant or licensee whose payment of a fee or penalty is overdue:

(1) The unpaid amount of the fee or penalty;

(2) Revenues lost to the State as the result of the nonpayment;

(3) Attorney's fees; and

(4) Any other penalty, interest, cost, and expense allowable by law.

D. The failure of a licensee to timely pay a fee or penalty is a violation of an order of the Commission.

E. The Commission's election to seek recovery under §C of this regulation for a licensee's failure to pay a fee or penalty does not preclude the Commission or the State from enforcing other rights, or seeking other remedies, for the same failure to pay.

F. The Commission shall account for collection of a fee or penalty in accordance with applicable law.

### 36.10.13 Sports Wagering Licensee Minimum Internal Control Standards

Authority: State Government Article, §§9-1E-01—9-1E-15, Annotated Code of Maryland

#### .01 Accounting Records.

A. Definition. Unless context or the individual regulation dictates otherwise, for purposes of this chapter, "sports wagering licensee" includes:

(1) Sports wagering facility licensee;

(2) Mobile sports wagering licensee;

(3) Sports wagering facility operator licensee; and

(4) Online sports wagering operator licensee.

B. A sports wagering licensee shall maintain complete, accurate, and legible records of all transactions pertaining to the revenues and expenses of sports wagering operations.

C. General ledger records shall be maintained on a double entry system of accounting with transactions recorded on a basis consistent with generally accepted accounting principles in the United States.

D. Subsidiary ledgers and records supporting general ledger records shall be prepared in accordance with generally accepted accounting principles in the United States.

E. Subsidiary ledgers and records shall include, at a minimum, documents that:

(1) Support the financial statements and all transactions impacting the financial statements including contracts or agreements with sports wagering contractors;

(2) Identify all sports wagering activity on a week-to-date, month-to-date, and year-to-date basis for the following:

(a) Handle;

(b) Payout;

(c) Win amount;

(d) Win percentage; and

(e) Average payout percentage;

(3) Summarize the cost, by category of service, of complimentary services under Regulation .08 of this chapter;

(4) Identify all costs and expenses associated with the sports wagering operation;

(5) Are prepared in compliance with the internal controls approved by the Commission under Regulation .04 of this chapter; and

(6) Relate to:

(a) Loans and other amounts payable by a sports wagering licensee;

(b) Bettor disputes including bettor complaint forms filed with the Commission under Regulation .37 of this chapter;

(c) Negotiable instruments accepted, deposited, returned as uncollected or ultimately written-off by a sports wagering licensee under this chapter; and

(d) Investments in property and equipment for the benefit of a sports wagering licensee.

#### .02 Forms and Documents.

A. A form or document required by this chapter, including stored data, shall have:

(1) All information placed on the form or document recorded in ink or another permanent form; and

(2) The title of the form or document and the name of the sports wagering licensee imprinted or preprinted on it.

B. If under this chapter multiple copies are required of a form or document, all copies shall have the name of the intended recipient of the copy preprinted on the bottom of the copy in order to differentiate between the copies.

C. If under this chapter a form or document is required to be accounted for by series number or copies of a form or document are required to be compared for agreement, the accounting department shall report exceptions in writing to the responsible department and sports wagering licensees' internal audit department not later than 2 days after identification of the exception.

D. A sports wagering licensee may prepare more copies of a form or document than required by this chapter.

#### .03 Content of Internal Controls.

A. At least 60 days prior to commencing sports wagering and any time a change is made thereafter, a sports wagering licensee shall submit to the Commission for approval internal controls for:

(1) Sports wagering at the sports wagering licensee's facility; or

(2) Online sports wagering.

B. Each procedure or control submission shall, at a minimum, include both narrative and diagrammatic representations of the system to be utilized including the following:

(1) Administrative controls and record keeping that document the authorization of transactions;

(2) Accounting controls that provide reasonable assurance that:

(a) Transactions or financial events which occur in connection with the sports wagering operation are:

(i) Executed in accordance with the sports wagering licensee's authorization protocols;

(ii) Recorded to permit preparation of financial statements in conformance with generally accepted accounting principles in the United States and the requirements of this chapter; and

(iii) Recorded to permit proper and timely reporting and calculation of proceeds and to maintain accountability for assets;

(b) Access to assets is permitted only in accordance with the sports wagering licensee's authorization protocols; and

(c) The recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with regard to a discrepancy;

(3) User access controls for all personnel;

(4) Procedures and controls for ensuring:

(a) That systems accurately and timely communicate all required activities and financial details to the sports wagering platform;

(b) That all functions, duties, and responsibilities are segregated and performed in accordance with sound financial practices by qualified personnel; and

(c) Through the use of a surveillance and a security department, that the sports wagering licensee is secure at all times during normal operation and during any emergency due to malfunctioning equipment, loss of power, natural disaster, or any other cause;

(5) An organizational chart depicting appropriate functions and responsibilities of employees involved in sports wagering;

(6) A description of the duties and responsibilities of each position shown on the organizational chart;

(7) Access controls which address, at a minimum:

(a) Content of, and administrative responsibility over, the manual or computerized access control matrix governing employee access to restricted areas;

(b) Issuance of a temporary access credential; and

(c) Comprehensive key controls;

(8) Procedures and controls over the movement of cash and the count room;

(9) Procedures and standards for conducting internal audits;

(10) The record retention policy;

(11) Procedures to be utilized by the sports wagering licensee to prevent an individual younger than 21 years old, an excluded individual, and bettors outside the State from engaging in sports wagering;

(12) Procedures for the registration of a bettor and establishment of a sports wagering account, including a procedure for:

(a) Authenticating the age, identity and physical address of an applicant for a sports wagering account; and

(b) Determining whether the applicant is a person prohibited from establishing or maintaining an account under applicable laws or regulations;

(13) Procedures for terminating a registered bettor's sports wagering account and the return of any funds remaining in the sports wagering account to the registered bettor;

(14) Procedures for suspending or terminating a dormant sports wagering account and the return of any funds remaining in the dormant sports wagering account to the registered bettor;

(15) Procedures for:

(a) The logging in and authentication of a registered bettor to enable the bettor to commence sports wagering; and

(b) The logging off of the registered bettor when the registered bettor has completed play;

(16) Procedures to automatically log a registered bettor out of the registered bettor's sports wagering account after a specified period of inactivity;

(17) Procedures for the crediting and debiting of a registered bettor's sports wagering account;

(18) Procedures for cashing checks, receiving electronic negotiable instruments and for redeeming cash equivalents;

(19) Procedures for withdrawing funds from a sports wagering account by the registered bettor;

(20) Procedures for the protection of a registered bettor's funds, including the segregation of a registered bettor's funds from operating funds of the sports wagering licensee;

(21) Procedures to account for and safeguard money generated from the conduct of sports wagering;

(22) Procedures for the security and sharing of personally identifiable information of a registered bettor, value of funds in a sports wagering account, and other information as required by the Commission;

(23) Procedures by which a sports wagering licensee will provide notice to a registered bettor related to the sharing of personally identifiable information;

(24) Procedures and security for the calculation and recordation of revenue;

(25) Procedures for the security of sports wagering equipment;

(26) Procedures and security standards as to receipt, handling and storage of sports wagering equipment;

(27) Procedures to verify each registered bettor's physical location:

(a) Each time a registered bettor logs into their bettor account; and

(b) In near real-time as the application is being used;

(28) Procedures and appropriate measures implemented to deter, detect and prevent cheating;

(29) Procedures for identifying and reporting fraudulent, suspicious, or unusual wagering activity;

(30) Procedures to govern emergencies, including suspected or actual cyber-attacks, hacking or tampering with the sports wagering licensee's sports wagering platform, sports wagering website and sports wagering equipment;

(31) Procedures for the reconciliation or repayment of a registered bettor's sports wagering account;

(32) Procedures for automated and manual risk management;

(33) Procedures for compliance with AML standards;

(34) Description of all integrated third-party hardware, software, or systems;

(35) Procedures to identify a wager or attempts to wager above any maximum wager threshold set by the sports wagering licensee;

(36) Procedures to be utilized by an employee of a sports wagering licensee in the event of a malfunction of sports wagering licensee's:

(a) Sports wagering website;

(b) Sports wagering platform; or

(c) Sports wagering equipment; and

(37) Any other items the Commission may request in writing to be included in the internal controls.

C. Prior to authorizing a sports wagering licensee to commence the conduct of sports wagering, the Commission shall review and approve the system of internal controls, security protocols, and audit protocols submitted under this chapter to determine whether these controls and protocols conform to the requirements of this chapter and whether they provide adequate and effective controls for the conduct of sports wagering.

D. A sports wagering licensee shall submit to the Commission a catalog of the type of events that it intends to accept wagers on as well as the type of wagers it intends to accept.

E. A sports wagering licensee shall notify the Commission of any changes to the catalogue at least 72 hours in advance of implementation of these changes.

F. A sports wagering licensee shall continually maintain a catalog of all prior and current events and the types of wagers it offered on the events.

**.04 Review of Internal Controls.**

A. At least 60 days before sports wagering operations are to commence or another timeframe as approved by the Commission, a sports wagering licensee shall submit its internal controls to the Commission for review and written approval.

B. The internal controls shall be accompanied by:

(1) A certification by the sports wagering licensee's chief executive officer or chief legal officer that the submitted internal controls conform to the requirements of State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and this chapter;

(2) A certification by the sports wagering licensee's director of finance that the submitted internal controls:

(a) Establish a consistent overall system of internal controls;

(b) Provide reasonable assurance that financial reporting conforms to generally accepted accounting principles in the United States; and

(c) Conform to the requirements of State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and this chapter; and

(3) An opinion letter by an independent certified public accountant expressing an opinion as to:

(a) The effectiveness of the design of the submitted system of internal controls over financial reporting;

(b) Whether the submitted system of internal controls conforms to the requirements of State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, and this chapter; and

(c) If applicable, whether a deviation from the requirements of State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland, or this chapter identified by the independent certified public accountant in the course of its review of the submitted system of internal controls is material.

C. A sports wagering licensee may not commence operations until its internal controls are approved in writing by the Commission.

D. If the Commission determines that a submitted internal control is deficient, the Commission shall:

(1) Provide the sports wagering licensee with written notice of the deficiency;

(2) Require the sports wagering licensee to revise the internal control as appropriate; and

(3) Request the sports wagering licensee to resubmit the internal controls to the Commission for review and approval.

E. A sports wagering licensee may not implement a change or amendment in its approved internal controls without the prior written approval of the Commission.

F. A sports wagering licensee's initial internal controls submission and a change or amendment to its approved internal controls shall be reviewed and approved in accordance with a process and time frame developed and implemented by the Commission.

G. The process developed by the Commission under §F of this regulation shall, at a minimum, require the sports wagering licensee to:

(1) Submit a redlined copy of any section of the approved internal controls to be changed or amended with added text underlined and deleted text lined out;

(2) Document on the redlined copy the date the Commission approved the section to be changed or amended and the date the revision was submitted to the Commission for review;

(3) Submit a narrative explaining the reason for the change or amendment which includes the sports wagering licensee's target date for implementation;

(4) Submit the written representations required in §B(1) and (2) of this regulation with regard to the proposed change or amendment;

(5) Maintain a log of all changes or amendments in approved internal controls which includes the initial approval date and the effective date of any change or amendment approved by the Commission; and

(6) Mark each page of approved internal controls with the date on which it was approved by the Commission.

**.05 Standard Financial and Statistical Reports.**

A. The Commission may require a sports wagering licensee to submit daily, weekly, monthly, quarterly, and annual reports of financial and statistical data.

B. Reports required under this regulation shall be in a form and submitted in accordance with a time frame specified by the Commission.

C. Unless otherwise specified by the Commission, reports to the Commission shall be signed by the:

(1) Chief executive officer if the sports wagering licensee is a corporation;

(2) General partner if the sports wagering licensee is a partnership;

(3) Manager if the sports wagering licensee is a limited liability company;

(4) Chief executive officer or functional equivalent if the sports wagering licensee is any other form of business association; or

(5) Owner if the sports wagering licensee is a sole proprietorship.

D. A sports wagering licensee shall submit a report to the Commission on the due date specified by the Commission unless an extension has been approved in writing by the Commission.

E. The Commission may, on written notice to a sports wagering licensee, require an interim report to be submitted in a form and in accordance with a time frame specified by the Commission.

**.06 Annual Audit and Other Regulatory Reports.**

A. A sports wagering licensee shall cause its annual financial statements to be audited in accordance with generally accepted auditing standards by an independent certified public accountant.

B. The annual financial statements shall be prepared on a comparative basis for the current and prior fiscal year and present financial position and results of operations in conformity with generally accepted accounting principles in the United States.

C. The audited financial statements shall include a footnote reconciling and explaining any difference between the financial statements included in any report submitted to the Commission under Regulation .06 of this chapter and the audited financial statements.

D. A sports wagering licensee shall with regard to adjustments resulting from the annual audit:

(1) Disclose to the Commission all adjustments whether or not recorded in the accounting records; and

(2) Record the adjustment in the accounting records of the year to which the adjustment relates.

E. No later than 90 days after the end of its fiscal year, a sports wagering licensee shall submit to the Commission:

(1) A copy of its audited financial statements; and

(2) Any management letter or report prepared with regard to the financial statements by its independent certified public accountant.

F. A sports wagering licensee shall require the independent certified public accountant auditing its financial statements or other qualified entity approved by the Commission to render the following additional reports:

(1) A report identifying:

(a) Material weaknesses or significant deficiencies in the sports wagering licensee's Commission-approved internal controls noted in the course of the examination of the financial statements; and

(b) Recommendations as to how to eliminate each material weakness or significant deficiency identified; and

(2) A report assessing the adequacy and effectiveness of the sports wagering licensee's information technology security controls

and system configurations with recommendations as to how to eliminate each material weakness or significant deficiency identified.

G. A sports wagering licensee shall prepare a written response to the reports required by §F of this regulation which includes details as to any corrective action taken.

H. No later than 120 days after the end of its fiscal year, a sports wagering licensee shall submit to the Commission a copy of:

- (1) The reports required under §F of this regulation;
- (2) The response required under §G of this regulation; and
- (3) Any other report on internal controls or other matters relative to its accounting or operating procedures rendered by its independent certified public accountant.

I. If a sports wagering licensee or any of its affiliates are publicly held, the sports wagering licensee shall submit to the Commission a copy of:

(1) Any report required to be filed with the Securities and Exchange Commission including:

- (a) Form S-1;
- (b) Form 8-K;
- (c) Form 10-Q;
- (d) Form 10-K;
- (e) Proxy statement;
- (f) Information statement; and
- (g) Registration statement; and

(2) Any other report required to be filed with a domestic or foreign securities regulatory agency.

J. A report required to be filed under §I of this regulation shall be submitted to the Commission no later than 10 days after the date of filing with the applicable agency.

K. A sports wagering licensee shall submit a written report to the Commission if an independent certified public accountant who is engaged as the principal accountant to audit its financial statements:

- (1) Resigns;
- (2) Is dismissed as the sports wagering licensee's principal accountant; or
- (3) Is replaced by another independent certified public accountant as principal accountant.

L. A report required to be filed under §K of this regulation shall include:

- (1) The date of the resignation, dismissal, or new engagement;
- (2) Whether in connection with the audits of the two most recent years preceding a resignation, dismissal, or new engagement there were any disagreements, resolved or unresolved, with the former accountant on:

- (a) Accounting principles or practices;
- (b) Financial statement disclosure; or
- (c) Auditing scope or procedure;

(3) The nature of any disagreement disclosed in §L(2) of this regulation;

(4) Whether the principal accountant's report on the financial statements for either of the past 2 years contained an adverse opinion or disclaimer of opinion or was qualified;

(5) The nature of any adverse opinion, disclaimer of opinion, or qualification; and

(6) A letter from the former principal accountant addressed to the Commission stating whether the principal accountant concurs with the statements made by the sports wagering licensee in the report to the Commission submitted under this section.

M. A report required to be filed under §K of this regulation shall be submitted to the Commission no later than 10 days after the end of the month in which the resignation, dismissal, or new engagement occurred.

N. No later than 7 days after the date of filing with the Financial Crimes Enforcement Network, a sports wagering licensee shall file

with the Commission a copy of each Suspicious Activity Report filed under 31 CFR §103.21.

O. A sports wagering licensee or a director, officer, employee, or agent of a sports wagering licensee who reports suspicious activity under 31 CFR §103.21 may not notify an individual involved in the suspicious activity that the suspicious activity has been reported.

P. No later than 7 days after the date of filing with the Financial Crimes Enforcement Network, a sports wagering licensee shall file with the Commission a copy of each Currency Transaction Report filed under 31 CFR §103.22.

Q. At least 30 days before sports wagering operations are to commence, a sports wagering licensee shall submit to the Commission a copy of its compliance program required under 31 CFR §103.64.

R. On or before the effective date, a sports wagering licensee shall submit to the Commission any change or amendment to its compliance program required under 31 CFR §103.64.

**.07 Record Retention.**

A. All original books and records shall be:

(1) Prepared and maintained in a complete, accurate, and legible form;

(2) Stored in a format that ensures readability, regardless of whether the technology or software that created or maintains it has become obsolete;

(3) Retained in a secure location equipped with a fire notification system:

- (a) At the sports wagering licensee's facility; or
- (b) An off-site location approved by the Commission under §F of this regulation for the express purpose of document storage;

(4) Kept immediately available for inspection by the Commission during all hours of operation;

(5) Organized and indexed in a manner designed to provide immediate accessibility to the Commission; and

(6) Destroyed only after expiration of the minimum retention period required under this regulation.

B. The Commission may, on submission of a written request or alternate record retention schedule by a sports wagering licensee, authorize destruction prior to the expiration of the minimum retention period required under this regulation.

C. Unless a request for destruction or alternate record retention schedule is submitted in writing and approved in writing by the Commission, a sports wagering licensee shall retain indefinitely original books and records documenting:

(1) Ownership of the sports wagering licensee's facility if applicable;

(2) Internally initiated investigations and due diligence;

(3) Personnel matters;

(4) Signature cards of current employees; and

(5) Destruction of documents, including:

(a) The identity of the document;

(b) Period of retention; and

(c) Date of destruction.

D. Unless a request for destruction or alternate record retention schedule is submitted in writing and approved in writing by the Commission, a sports wagering licensee shall retain for a minimum of 5 years all original books and records not:

(1) Identified for indefinite retention under §C of this regulation; or

(2) Subject to an exception under §E of this regulation.

E. Exceptions. The following exceptions apply to the retention period in §D of this regulation:

(1) A minimum retention period of 5 years shall apply to documentation pertaining to cashiers' cage transactions;

(2) A minimum retention period of 5 years shall apply to:

- (a) Signature cards of terminated employees;
- (b) Insurance records relating to claims by bettors;
- (c) Surveillance and security department:
  - (i) Employee duty logs;
  - (ii) Visitor logs;
  - (iii) Incident logs;
  - (iv) Recording logs; and
  - (v) Equipment malfunction reports; and

(d) Documentation pertaining to sports wagering tickets or promotional play instruments reported to the Commission as possibly counterfeit, altered, or tampered with;

(3) A minimum retention period of 30 days shall apply to:

(a) Cancelled promotional play instruments for which all reconciliations required by the sports wagering licensee's approved internal controls have been conducted and resolved;

(b) Voided sports wagering tickets; and

(c) Sports wagering tickets redeemed at a facility other than through a ticket redemption unit; and

(4) A minimum retention period of 7 days shall apply to sports wagering tickets redeemed at a ticket redemption unit or kiosk.

F. On submission of a written request by the sports wagering licensee, the Commission may approve a location outside the facility to store original books and records.

G. A sports wagering licensee requesting to store original books and records outside the facility shall submit to the Commission:

(1) A description of the proposed location, including details with regard to security and fire notification systems;

(2) Details with regard to the ownership of the proposed location; and

(3) Procedures for Commission access to original books and records retained at the proposed location.

H. A sports wagering licensee may not store books and records outside the facility without the prior written approval of the Commission.

I. On submission of a written request by a sports wagering licensee, the Commission may approve a suitable media system for the copying and storage of original books and records.

J. A sports wagering licensee submitting a system for the copying and storage of original books and records shall demonstrate to the satisfaction of the Commission that the:

(1) Processing, preservation, and maintenance methods to be utilized will make books and records readily available for review and reproduction;

(2) Inspection and quality control methods to be utilized will ensure that when books and records are viewed or reproduced they will exhibit a high degree of legibility and readability;

(3) Equipment necessary to readily locate, read, and reproduce books and records is available to the Commission at the location or approved off-site location; and

(4) Detailed index of all stored data maintained and arranged to facilitate the immediate location of particular books and records is available to the Commission at the location or approved off-site location.

K. A sports wagering licensee may not utilize a media system for the copying and storage of original books and records without the prior written approval of the Commission.

L. A sports wagering licensee may utilize the services of a contractor for the destruction of books and records permitted to be destroyed under this regulation.

M. Nothing in this regulation shall be construed as relieving a sports wagering licensee of any obligation to prepare or maintain books and records required by any other federal, State, or local governmental entity.

**.08 Complimentary Services.**

**A. Requirements.**

(1) A sports wagering licensee shall be under the authority of the County Alcoholic Beverages Licensing Authority for the county in which the facility is located with regard to the sale to individuals of food and alcoholic beverages.

(2) Except as provided in this section, a sports wagering licensee may not provide food or alcoholic beverages to individuals at no cost.

(3) Food or alcoholic beverages offered by a sports wagering licensee for sale to individuals may be offered only at prices that are determined by the County Alcoholic Beverages Licensing Authority to be commensurate with the price of similar types of food and alcoholic beverages at restaurants in the county in which the facility is located.

(4) A sports wagering licensee may provide food at no cost to individuals to the same extent allowed under Alcoholic Beverages Article §5-303, Annotated Code of Maryland, for a person engaged in the sale or barter of spirituous, malt, or intoxicating liquors and licensed in Maryland.

B. A sports wagering licensee shall develop, maintain, and implement adequate written internal controls over the authorization and provision of complimentary services.

C. A sports wagering licensee shall at all times make available to the Commission the internal controls required under §B of this regulation but is not required to include them in the system of internal controls submitted to the Commission for approval under Regulation .05 of this chapter.

D. A sports wagering licensee shall collect and retain data pertaining to the cost of, and number of individuals provided with, each category of complimentary services.

**E. Report.**

(1) A sports wagering licensee shall submit to the Commission a quarterly report summarizing complimentary services provided during the reporting period.

(2) The report shall include calendar year-to-date totals of complimentary services provided.

(3) The report shall be submitted:

(a) On or before the 15th day of the month following the end of each quarter; or

(b) At the request of the Commission.

F. The report required under §E of this regulation shall:

(1) Separate complimentary services into the following categories:

(a) Rooms;

(b) Food and Beverage;

(c) Travel;

(d) Gifts:

(i) Cash; and

(ii) Noncash; and

(e) Other; and

(2) Determine the cost of complimentary services provided to a bettor as follows:

(a) Complimentary services offered by a sports wagering licensee in the normal course of business shall be reported at an amount based upon the full retail price normally charged for the service by the sports wagering licensee;

(b) Complimentary services not offered for sale by the sports wagering licensee in the normal course of business but provided directly by the sports wagering licensee to the bettor shall be reported at an amount based upon the actual cost to the sports wagering licensee of providing the service;

(c) Complimentary services provided directly or indirectly on behalf of a sports wagering licensee by a third party not related to the sports wagering licensee shall be reported at an amount based

upon the actual cost to the sports wagering licensee of having the third party provide the service; and

(d) Complimentary services provided directly or indirectly on behalf of a sports wagering licensee by a third party related to the sports wagering licensee shall be reported at an amount based upon the actual cost to the third party of providing the service.

G. A sports wagering licensee shall submit to the Commission a report identifying a bettor who, together with guests, received \$5,000 or more in complimentary services within a period of 5 consecutive days.

H. The report required by §G of this regulation shall:

(1) State the reason complimentary services were provided;  
 (2) Include the bettor's rating in the sports wagering licensee's bettor rating system at the time the complimentary services were provided;

(3) Disclose the total amount, including year-to-date totals, provided in complimentary services separated into the following categories:

- (a) Rooms;
- (b) Food and beverage;
- (c) Travel;
- (d) Gifts:
  - (i) Cash; and
  - (ii) Noncash; and
- (e) Other; and

(4) Be submitted:

- (a) At least quarterly, by the 15th day of the month following the end of each quarter; or
- (b) At the request of the Commission.

**.09 Table of Organization.**

A. For the purposes of this regulation, the title used to describe a department head is intended to indicate responsibility for the functions of the enumerated department and does not obligate the sports wagering licensee to the use of that particular title.

B. Subject to the requirements of this regulation, a sports wagering licensee shall tailor its table of organization to meet its needs and policies.

C. At least 30 days before sports wagering operations are to commence, a sports wagering licensee shall submit to the Commission for review and written approval a table of organization depicting all direct and indirect reporting lines for:

(1) The chief executive officer required under §E(5) of this regulation;

(2) Mandatory departments required under §E(6) of this regulation; and

(3) If applicable, the cashiers' cage manager required under §M of this regulation.

D. A sports wagering licensee may not commence operations until the table of organization submitted under §C of this regulation is approved in writing by the Commission.

E. The holder of a Class A sports wagering facility license's table of organization shall include:

(1) A system of personnel and chain of command which permits management and supervisory personnel to be held accountable for actions or omissions within their areas of responsibility;

(2) The segregation of incompatible functions, duties, and responsibilities so that no individual is in a position to both:

- (a) Commit an error or to perpetrate a fraud; and
- (b) Conceal the error or fraud in the normal course of the individual's duties;

(3) All functions, duties, and responsibilities of qualified personnel;

(4) Areas of responsibility which are not so extensive as to be impractical for one individual to monitor;

(5) A chief executive officer:

(a) Based for employment purposes at the facility;

(b) Licensed as a principal employee; and

(c) Ultimately responsible for the daily conduct of all sports wagering business; and

(6) The following mandatory departments and supervisors:

(a) A surveillance department supervised by a director of surveillance:

(i) Based for employment purposes at the facility;

(ii) Subject to the reporting requirements of §I of this regulation;

(iii) Licensed as a principal employee; and

(iv) Responsible for the surveillance of all aspects of sports wagering operations;

(b) An internal audit department supervised by a director of internal audit:

(i) Based for employment purposes at the facility if applicable;

(ii) Subject to the reporting requirements of §G of this regulation;

(iii) Licensed as a principal employee; and

(iv) Responsible for assessing compliance with approved internal controls, applicable laws and regulations, the reliability of financial reporting, deterring and investigating fraud, and the safeguarding of assets;

(c) An information technology department supervised by a director of information technology:

(i) Based for employment purposes at the facility if applicable;

(ii) Licensed as a principal employee; and

(iii) Responsible for the quality, reliability, accuracy, and security of all sports wagering platforms and associated equipment and software utilized by the sports wagering licensee;

(d) A security department supervised by a director of security:

(i) Based for employment purposes at the facility;

(ii) Licensed as a principal employee; and

(iii) Responsible for the overall security of the facility;

(e) An accounting department supervised by a director of finance:

(i) Based for employment purposes at the facility;

(ii) Licensed as a principal employee; and

(iii) Responsible for all accounting and finance functions including the control and supervision of the cashiers' cage, satellite cages, and count room; and

(f) A sports wagering department supervised by a director of sports wagering operations:

(i) Based for employment purposes at the facility if applicable;

(ii) Licensed as a principal employee; and

(iii) Responsible for the operation and conduct of sports wagering.

F. The Commission may require the holder of a Class B-1 sports wagering facility license to comply with any or all of the requirements set forth in §E of this regulation.

G. The director of surveillance and the director of internal audit required under §E(6) of this regulation shall be independent of the chief executive officer regarding matters of policy, purpose, responsibility, and authority and shall report directly to:

(1) An individual based for employment purposes at the facility, if applicable, with no incompatible functions; or

(2) An audit committee of:

(a) The sports wagering licensee; or

(b) A Commission-authorized licensed affiliate of the sports wagering licensee.

H. The individual or audit committee to whom the director of surveillance and the director of internal audit report under §G of this regulation shall also control the hiring, termination, and salary of the director.

I. The director of surveillance and the director of internal audit may report to the chief executive officer with regard to daily operations.

J. Mandatory departments and the supervisors over them shall cooperate with, yet perform independently of, all other mandatory departments and supervisory positions.

K. A sports wagering licensee may designate more than one individual to serve jointly as the director of a mandatory department required by §E of this regulation.

L. A joint director of a mandatory department under §K of this regulation shall be:

- (1) Based for employment purposes at the facility if applicable; and
- (2) Individually and jointly accountable and responsible for the operation of the department.

M. A department that is not mandatory may operate under, or in conjunction with, a mandatory department where the table of organization is consistent with the requirements of §E of this regulation.

N. A sports wagering licensee's cashiers' cage manager shall be licensed as a principal employee for:

- (1) The holder of a Class A sports wagering facility license; and
- (2) The holder of a Class B-1 sports wagering facility license if required by the Commission.

O. On any shift for which the cashiers' cage manager is not present in the facility, the cashiers' cage shift manager responsible for the cashiers' cage shall be licensed as a principal employee unless another principal employee required by this regulation is present at the facility for:

- (1) The holder of a Class A sports wagering facility license; and
- (2) The holder of a Class B-1 sports wagering facility license if required by the Commission.

P. A sports wagering licensee may not implement a change in the table of organization approved by the Commission under §E or F of this regulation without the prior written approval of the Commission.

Q. A sports wagering licensee shall ensure that an employee is trained in the policies, procedures, and internal controls relevant to the individual's function.

R. Vacancy. If there is a vacancy in the chief executive officer position or any mandatory department director position required by §E or F of this regulation, the following shall apply:

- (1) No later than 5 days after the date of a vacancy, a sports wagering licensee shall notify the Commission in writing of:
  - (a) The vacant position;
  - (b) The date on which the position will become or became vacant; and
  - (c) The date on which the sports wagering licensee anticipates that the vacancy will be filled on a permanent basis;
- (2) No later than 30 days after the date of a vacancy, a sports wagering licensee shall fill the vacant position on a temporary basis;
- (3) No later than 120 days after the original date of the vacancy, a sports wagering licensee shall fill the vacant position on a permanent basis; and
- (4) No later than 5 days after filling a vacancy, a sports wagering licensee shall notify the Commission in writing of:
  - (a) The vacant position filled;
  - (b) The name of the individual designated to fill the position;
  - (c) The date that the vacancy was filled; and

(d) Whether the vacancy has been filled on a temporary or permanent basis.

**.10 Surveillance System Design Standards for Class A and Class B-1 Sports Wagering Facility Licensees.**

A. Except as set forth in §B, this regulation is only applicable to the holder of a Class A sports wagering facility license.

B. The Commission may require the holder of a Class B-1 sports wagering facility license to comply with any or all of the requirements of this regulation.

C. A sports wagering licensee shall install in its facility a surveillance system that complies with the requirements of this regulation.

D. A sports wagering licensee's surveillance system shall be reviewed and approved by the Commission under Regulation .11 of this chapter.

E. A sports wagering licensee's surveillance system shall include:

- (1) Light sensitive cameras enabled by:
  - (a) Lenses of sufficient magnification to monitor activity at each betting window, kiosk and other sports wagering related areas and activities in a facility;
  - (b) Lighting which is continuous and of sufficient quality to produce clear video recordings and still pictures; and
  - (c) 360-degree pan, tilt, and zoom capability, without camera stops, configured to clandestinely monitor and record:
    - (i) Transactions conducted at each betting window, kiosk and other sports wagering related areas and activities in a facility;
    - (ii) Transactions conducted in the cashiers' cage and any satellite cage including the face of each individual transacting business with a cashier;
    - (iii) Transactions conducted at ticket redemption units and automated teller machines;
    - (iv) Activity in the count room;
    - (v) Movement of cash and cash storage boxes within the facility;
    - (vi) Entrances and exits to the facility;
    - (vii) Activities in all other restricted areas; and
    - (viii) Other areas and events designated by the Commission;
- (2) A monitor room located in the facility:
  - (a) Staffed by employees of the sports wagering licensee's surveillance department 24 hours per day; and
  - (b) Equipped with:
    - (i) A communication system capable of monitoring all security department communications;
    - (ii) Connections, direct or through a documented communication protocol with the security department, to all facility alarm systems;
    - (iii) A surveillance failure notification system that provides an audible, as well as a visual notification, of any failure in the surveillance system or the digital video recording media storage system;
    - (iv) An emergency power system, tested by the sports wagering licensee in the presence of the Commission at least once a year, which can be used to operate the surveillance system in the event of a power failure;
    - (v) Computer terminals permitting event notification to, and read only access by authorized surveillance department employees to, the Class A licensee's sports wagering platform;
    - (vi) An updated photo library, consisting of photographs that are no more than 5 years old, of all current employees of the facility;
    - (vii) A copy of the Class A sport wagering facility licensee's floor plan required under COMAR 36.03.10.17.04B;

(viii) A copy of the procedures addressing the evacuation of the facility in the event of fire or other emergency required under Regulation .13 of this chapter; and

(ix) Copies of the surveillance system contingency plans required under Regulation .11 of this chapter;

(3) Digital video recording capability equipped to:

(a) Superimpose the date and time on all monitoring and recording;

(b) Identify and locate, through the use of a meter, counter, or other device or method, a particular event which was recorded;

(c) Identify on video recording disks or other storage media the type of media player and software prerequisite to viewing the digital images; and

(d) Be authenticated through use of an embedded video verification encryption code or watermark;

(4) Audio recording capability in the count room that is:

(a) Installed and disclosed to employees of the facility; and

(b) Consistent with the Courts and Judicial Proceedings Article, §§10-401—10-414, Annotated Code of Maryland; and

(5) An access system which:

(a) Controls:

(i) Physical and logical access to the surveillance system;

and

(ii) Physical access to the surveillance monitor room;

and

(b) Restricts access to the security administration capabilities of the system.

F. A sports wagering licensee shall configure its surveillance system to record all areas and transactions enumerated in §E(1) of this regulation with a resolution of 4 common image format at a minimum of:

(1) For a standard definition camera, 30 frames per second; or

(2) For a high-definition camera, 15 frames per second.

G. A sports wagering licensee may configure its surveillance system to record activity in areas of the facility not covered by §E of this regulation at a reduced frame rate with a resolution of 4 common image format, as follows:

(1) Public areas shall be recorded at a minimum frame rate of 15 frames per second; and

(2) Areas not accessible to the public shall be recorded at a minimum frame rate of 7.5 frames per second.

H. Except as provided in §I of this regulation, a sports wagering licensee shall retain surveillance recordings:

(1) For a minimum of 7 days for transactions or events in the areas covered under §E of this regulation; and

(2) For a minimum of 14 days for transactions or events in the areas covered under §F of this regulation.

I. Upon the request of the Commission or a law enforcement agency that has proper jurisdiction over the facility, a recording shall be retained and stored in accordance with the directives of the Commission or law enforcement agency pertaining to that recording.

J. Except as provided in this regulation, a surveillance system shall be under the exclusive control of a sports wagering licensee's surveillance department.

K. A sports wagering licensee shall provide the Commission with timely and unfettered access to its surveillance monitor room, surveillance system, and all transmissions.

L. A sports wagering licensee shall timely comply with a request from the Commission to:

(1) Use, as necessary, any monitor room in the facility;

(2) Display on the monitors in its monitor room or in the Commission's on-site monitor room any event capable of being captured by the surveillance system;

(3) Relinquish control of a camera or monitor;

(4) Discontinue monitoring a particular camera or recording activity captured by it;

(5) Make a video recording or photograph of any event capable of being captured by the surveillance system; and

(6) Restrict or deny access to a recording or photograph.

M. A surveillance system may not be remotely accessed from a facility outside the surveillance monitor room without the prior written approval of the Commission.

N. An entrance to a surveillance monitor room may not be visible from the facility floor.

**.11 Surveillance Department Operating Procedures for Class A and Class B-1 Sports Wagering Facility Licensees.**

A. Except as set forth in §B, this regulation is only applicable to the holder of a Class A sports wagering facility license.

B. The Commission may require the holder of a Class B-1 sports wagering license to comply with any or all of the requirements of this regulation.

C. At least 60 days before sports wagering operations are to commence, a sports wagering licensee shall submit to the Commission for review and written approval:

(1) A surveillance system meeting the requirements of Regulation .10 of this chapter including, at a minimum, details pertaining to:

(a) Camera configuration inside and outside the facility;

(b) Monitor room configuration;

(c) Video recording format and configuration specifications;

(d) Authentication of digital recordings, including Commission access to the system's video verification encryption code or watermark;

(e) Audio recording format; and

(f) System access controls; and

(2) Surveillance department operating procedures conforming to this regulation.

D. A sports wagering licensee may not commence operations until its surveillance system and surveillance department operating procedures are approved in writing by the Commission.

E. A sports wagering licensee's surveillance department operating procedures shall, at a minimum, require:

(1) Coverage of all areas and transactions enumerated in Regulation .10 of this chapter;

(2) Contingency plans addressing:

(a) Full and partial failure of the surveillance system including:

(i) A contact list with telephone numbers for individuals required to be notified in the event of a failure; and

(ii) Facility closure protocols; and

(b) Planned shutdown of the surveillance system;

(3) A surveillance incident log to:

(a) Be maintained by monitor room employees in:

(i) A book with bound numbered pages that cannot be readily removed; or

(ii) An electronic format equipped with software that prevents modification of an entry after it has been initially entered into the system; and

(b) Document the scheduled coverage in §D(1) of this regulation and all other non-routine surveillance activity as follows:

(i) Date and time surveillance is commenced;

(ii) Name and Commission license number of the individual initiating, performing, or supervising the surveillance;

(iii) Reason for the surveillance;

(iv) Whether the suspicious activity involves an alleged regulatory violation or criminal activity;

(v) Name, if known, alias, or description of an individual being monitored;

(vi) Description of the activity in which the individual being monitored is engaged;

(vii) Reading on a meter, counter, or device that identifies the point on the video recording at which the event occurred;

(viii) Time at which a video recording is commenced and terminated, if different than when surveillance is commenced or terminated;

(ix) Date and time surveillance is terminated;

(x) Summary of the results of the surveillance; and

(xi) Description of the time, date, and cause of any equipment or camera malfunction which occurred during the conduct of surveillance;

(4) A surveillance room entry log to:

(a) Be Signed by an individual entering the surveillance monitor room who is not a surveillance department employee assigned to the monitor room's work shift at the time of entry;

(b) Be maintained by monitor room employees in:

(i) A book with bound numbered pages that cannot be readily removed; or

(ii) An electronic format equipped with software that prevents modification of an entry after it has been initially entered into the system; and

(c) Document the following:

(i) Date and time of entering the monitor room;

(ii) The entering individual's name and department or affiliation;

(iii) The reason for entering the monitor room;

(iv) The name of the individual authorizing the individual's entry into the monitor room; and

(v) The date and time of exiting the monitor room;

(5) That surveillance monitor room employees notify:

(a) Security department supervisory personnel within 5 minutes of an incident of equipment failure affecting coverage of the facility; and

(b) The Commission within 30 minutes of an incident of equipment failure affecting coverage of the facility citing:

(i) Date and time;

(ii) Cause of the malfunction; and

(iii) Time a sports wagering licensee's security department was notified of the malfunction;

(6) That a sports wagering licensee confirm in writing a notice given verbally to the Commission under §D(5) of this regulation; and

(7) That, on a daily basis, a sports wagering licensee synchronize the date and time on the surveillance system to the date and time on a public time server.

F. A sports wagering licensee may not implement a change or amendment in its surveillance system or surveillance department operating procedures approved by the Commission under §C of this regulation without the prior written approval of the Commission.

G. Surveillance department employees shall be reasonably segregated and independent of all other departments at the facility.

H. A surveillance department employee may not transfer to any other department in the facility without the prior written approval of the Commission.

**.12 Surveillance Department Minimum Staffing for Class A and Class B-1 Sports Wagering Facility Licensees.**

A. Except as set forth in §B, this regulation is only applicable to the holder of a Class A sports wagering facility license.

B. The Commission may require the holder of a Class B-1 sports wagering facility license to comply with any or all of the requirements of this regulation.

C. At least 60 days before sports wagering operations are to commence, a sports wagering licensee shall submit its surveillance

department minimum staffing plan to the Commission for review and written approval.

D. A sports wagering licensee may not commence operations until its surveillance department minimum staffing plan is approved in writing by the Commission.

E. A surveillance department minimum staffing plan shall assess, on a per-shift basis, the minimum number of on duty surveillance department employees necessary to:

(1) Provide adequate and effective surveillance of all activities in and outside the facility;

(2) Ensure the physical safety of employees of and invitees to the facility;

(3) Comply with all applicable laws and regulations including Commission-approved internal controls and operating procedures;

(4) Monitor the facility to ensure that the following individuals are identified, prohibited from entering the facility, and, if necessary, immediately removed from the facility:

(a) An intoxicated individual; or

(b) An excluded individual; and

(5) Monitor the facility floor to ensure that an individual younger than 21 years old is identified, prohibited from accessing the facility floor in accordance with State Government Article, §9-1E-11(a)(1), Annotated Code of Maryland, and, if necessary, immediately removed from the facility floor.

F. A sports wagering licensee's proposed surveillance department minimum staffing plan shall consider:

(1) Square footage and layout of the facility;

(2) Use of fixed and roving security posts;

(3) Activity level on a per-shift basis and identify it as slow, normal, or peak;

(4) Department supervisory needs; and

(5) A limit of one employee per monitor station.

G. A sports wagering licensee may not implement a change or amendment in the surveillance department minimum staffing plan approved by the Commission under §C of this regulation without the prior written approval of the Commission.

**.13 Surveillance System Design Standards for Class B Sports Wagering Facility Licensees.**

A. This regulation is only applicable to the holder of a Class B sports wagering facility license.

B. A sports wagering licensee shall install in its facility a surveillance system that complies with the requirements of this regulation.

C. A sports wagering licensee's surveillance system shall be reviewed and approved by the Commission under Regulation .14 of this chapter.

D. A sports wagering licensee's surveillance system shall include:

(1) Light sensitive cameras that are:

(a) Enabled by lenses of sufficient magnification to monitor activity at each betting window, kiosk and other sports wagering related areas and activities in the facility;

(b) Enabled by lighting which is continuous and of sufficient quality to produce clear video recordings and still pictures; and

(c) Configured to clandestinely monitor and record:

(i) Transactions conducted at each betting window, kiosk and other sports wagering related areas and activities in the facility;

(ii) Transactions conducted at cashier locations including the face of each individual transacting business with a cashier;

(iii) Transactions conducted at automated teller machines;

(iv) Activity in the count room;

(v) Movement of cash and cash storage boxes within the facility;

- (vi) Entrances and exits to the facility;
- (vii) Activities in all other restricted areas; and
- (viii) Other areas and events designated by the

Commission; and

(2) Digital video recording capability equipped to:

(a) Superimpose the date and time on all monitoring and recording;

(b) Identify and locate, through the use of a meter, counter or other device or method, a particular event which was recorded; and

(c) Identify on video recording disks or other storage media the type of media player and software prerequisite to viewing the digital images.

E. Except as provided in §F of this regulation, a sports wagering licensee shall retain surveillance recordings for a minimum of 7 days.

F. Upon the request of the Commission or a law enforcement agency that has proper jurisdiction over the facility, a recording shall be retained and stored in accordance with the directives of the Commission or law enforcement agency pertaining to that recording.

G. A sports wagering licensee shall provide the Commission with timely and unfettered access to its surveillance monitor room, surveillance system and all transmissions.

H. A sports wagering licensee shall comply in a timely fashion with a request from the Commission to:

(1) Use, as necessary, any monitor room in the facility;

(2) Display on the monitors in its monitor room any event capable of being captured by the surveillance system;

(3) Relinquish control of a camera or monitor;

(4) Discontinue monitoring a particular camera or recording activity captured by it;

(5) Make a video recording or photograph of any event capable of being captured by the surveillance system; and

(6) Restrict or deny access to a recording or photograph.

I. A surveillance system may not be remotely accessed from a location outside the surveillance monitor room without the prior written approval of the Commission.

**.14 Surveillance Department Operating Procedures for Class B Sports Wagering Facility Licensees.**

A. This regulation is only applicable to the holder of a Class B sports wagering facility license.

B. At least 60 days before sports wagering operations are to commence, a sports wagering licensee shall submit to the Commission for review and written approval:

(1) A surveillance system meeting the requirements of Regulation .13 of this chapter including, at a minimum, details pertaining to:

(a) Camera configuration inside and outside the facility;

(b) Monitor room configuration;

(c) Video recording format and configuration specifications;

(d) Authentication of digital recordings, including Commission access to the system's video verification encryption code or watermark;

(e) Audio recording format; and

(f) System access controls; and

(2) Surveillance department operating procedures conforming to this regulation.

C. A sports wagering licensee may not commence operations until its surveillance system and surveillance department operating procedures are approved in writing by the Commission.

D. A sports wagering licensee's surveillance department operating procedures shall, at a minimum, require:

(1) Coverage of all areas and transactions as enumerated in Regulation .13 of this chapter;

(2) Contingency plans addressing a full or partial failure of the surveillance system;

(3) A surveillance system access log that documents:

(a) The date and time the surveillance system is accessed by an individual;

(b) The accessing individual's name and department or affiliation;

(c) The reason for accessing the surveillance system; and

(d) The date and time the individual ended their access of the surveillance system;

(4) The sports wagering licensee to notify the Commission within 12 hours of an equipment failure affecting coverage of the facility citing:

(a) The date and time of the failure;

(b) The cause of the failure;

(c) The length of time the surveillance system was inoperable or malfunctioning; and

(d) The length of time the before the surveillance system is expected to be operable or have the malfunction to be corrected;

(5) The sports wagering licensee to confirm in writing a notice given verbally to the Commission under §D(4) of this regulation; and

(6) On a daily basis, the sports wagering licensee to synchronize the date and time on the surveillance system to a public time server.

E. A sports wagering licensee may not implement a change or amendment in its surveillance system or surveillance department operating procedures approved by the Commission under §B of this regulation without the prior written approval of the Commission.

**.15 Surveillance System Design Standards for Mobile Sports Wagering Licensees.**

A. This regulation is only applicable to the holder of a mobile sports wagering license.

B. A sports wagering licensee shall install in each of the licensee's data information centers and operations centers a surveillance system that complies with the requirements of this regulation.

C. A sports wagering licensee's surveillance system shall be reviewed and approved by the Commission under Regulation .16 of this chapter.

D. A sports wagering licensee's surveillance system shall include:

(1) Light sensitive cameras that are:

(a) Enabled by lenses of sufficient magnification to observe front and back of each server cabinet that house all servers that collectively are the online wagering and associated systems;

(b) Enabled by lighting which is continuous and of sufficient quality to produce clear video recordings and still pictures; and

(c) Configured to monitor and record physical access to the online wagering and associated systems; and

(2) Digital video recording capability equipped to:

(a) Superimpose the date and time on all monitoring and recording;

(b) Through the use of a meter, counter or other device or method, identify and locate a particular event which was recorded; and

(c) Identify on video recording disks or other storage media the type of media player and software prerequisite to viewing the digital images.

E. Except as provided in §F of this regulation, a sports wagering licensee shall retain surveillance recordings for a minimum of 90 days.

F. Upon the request of the Commission or a law enforcement agency that has proper jurisdiction over the sports wagering licensee, a recording shall be retained and stored in accordance with the directives of the Commission or law enforcement agency pertaining to that recording.

G. A sports wagering licensee shall provide the Commission with timely and unfettered remote access to its surveillance system and all transmissions.

H. A sports wagering licensee shall comply in a timely fashion with a request from the Commission to:

- (1) Display on monitors any event capable of being captured by the surveillance system;
- (2) Make a video recording or photograph of any event capable of being captured by the surveillance system; and
- (3) Restrict or deny access to a recording or photograph.

I. A surveillance system may not be directly accessible from a location outside a mobile sports wagering licensee's local network.

**.16 Surveillance Department Operating Procedures for Mobile Sports Wagering Licensees.**

A. This regulation is only applicable to the holder of a mobile sports wagering license.

B. At least 60 days before sports wagering operations are to commence, a sports wagering licensee shall submit to the Commission for review and written approval:

(1) A surveillance system meeting the requirements of Regulation .15 of this chapter including, at a minimum, details pertaining to:

- (a) Camera configuration inside and outside the data information centers and operations centers;
- (b) Monitor room configuration;
- (c) Video recording format and configuration specifications;
- (d) Authentication of digital recordings, including Commission access to the system's video verification encryption code or watermark;
- (e) Audio recording format; and
- (f) System access controls; and

(2) Surveillance department operating procedures conforming to this regulation.

C. A sports wagering licensee may not commence operations until its surveillance system and surveillance department operating procedures are approved in writing by the Commission.

D. A sports wagering licensee's surveillance department operating procedures shall, at a minimum, require:

- (1) Coverage of all areas and transactions as enumerated in Regulation .15 of this chapter;
- (2) Contingency plans addressing a full or partial failure of the surveillance system;
- (3) A surveillance system access log that documents:
  - (a) The date and time the surveillance system is accessed by an individual;
  - (b) The accessing individual's name and department or affiliation;
  - (c) The reason for accessing the surveillance system; and
  - (d) The date and time the individual ended their access of the surveillance system;
- (4) The sports wagering licensee to notify the Commission within 12 hours of an equipment failure affecting coverage of the facility citing:
  - (a) The date and time of the failure;
  - (b) The cause of the failure;
  - (c) The length of time the surveillance system was inoperable or malfunctioning; and
  - (d) The length of time before the surveillance system is expected to be or operable or the malfunction to be corrected;
- (5) The sports wagering licensee to confirm in writing a notice given verbally to the Commission under §D(4) of this regulation; and
- (6) On a daily basis, the sports wagering licensee to synchronize the date and time on the surveillance system to Eastern Standard Time.

E. A sports wagering licensee may not implement a change or amendment in its surveillance system or surveillance department operating procedures approved by the Commission under §B of this regulation without the prior written approval of the Commission.

**.17 Security Department Operating Procedures for Class A and Class B-1 Sports Wagering Facility Licensees.**

A. Except as set forth in §B, this regulation is only applicable to the holder of a Class A sports wagering facility license.

B. The Commission may require the holder of a Class B-1 sports wagering facility license to comply with any or all of the requirements of this regulation.

C. At least 60 days before sports wagering operations are to commence or another time approved by the Commission, a sports wagering licensee shall submit to the Commission for review and written approval its security department operating procedures.

D. A sports wagering licensee may not commence operations until its security department operating procedures are approved in writing by the Commission.

E. A sports wagering licensee's security department operating procedures shall, at a minimum, include:

(1) A security zone plan for the facility, employing fixed security posts and roving security officers designed to ensure:

- (a) The physical safety of employees of and invitees to the facility;
- (b) The safeguarding of assets;
- (c) Compliance with all applicable laws and regulations including Commission approved internal controls and operating procedures;
- (d) That the following individuals are identified, prohibited from entering the facility, and, if necessary, immediately removed from the facility:
  - (i) An intoxicated individual; or
  - (ii) An excluded individual; and
- (e) That an individual younger than 21 years old is identified, prohibited from accessing the facility floor in accordance with State Government Article, §9-1E-11(a)(1), Annotated Code of Maryland, and, if necessary, immediately removed from the facility floor;

- (2) Procedures and controls addressing:
  - (a) Facility access controls including:
    - (i) An access badge system;
    - (ii) If utilized, specifications pertaining to a computerized access control system; and
    - (iii) Administrative responsibility over a manual or computerized access control system;
  - (b) A temporary access credential;
  - (c) Key controls;
  - (d) Emergency alarm and fire command responsibilities including communication protocols with the surveillance department;
  - (e) Evacuation of the facility in the event of fire or other emergency;
  - (f) The identification and immediate removal of an intoxicated individual, an individual younger than 21 years old, an excluded individual;
  - (g) Bettor disputes under Regulation .37 of this chapter; and
  - (h) The notice requirements of §E(4) of this regulation;
- (3) A security department incident log:
  - (a) Maintained by security department employees in:
    - (i) A book with bound numbered pages that cannot be readily removed; or
    - (ii) An electronic format equipped with software that prevents modification of an entry after it has been initially entered into the system; and

- (b) Documenting the following:
  - (i) Assignment number of the incident;
  - (ii) Date and time;
  - (iii) Name and Commission license of the department member covering the incident;
  - (iv) Nature of the incident; and
  - (v) Resolution of the incident; and
- (4) A requirement that a sports wagering licensee notice the Commission on detection of:
  - (a) An individual engaged in, attempting to engage in, or suspected of cheating, theft, embezzlement, or other illegal activities; or
  - (b) An individual who is:
    - (i) Younger than 21 years old;
    - (ii) Intoxicated; or
    - (iii) An excluded individual.

**.18 Security Department Minimum Staffing for Class A and Class B-1 Sports Wagering Facility Licensees.**

- A. Except as set forth in §B, this regulation is applicable only to the holder of a Class A sports wagering facility license.
- B. The Commission may require the holder of a Class B-1 sports wagering facility license to comply with any or all of the requirements of this regulation.
- C. At least 60 days before sports wagering operations are to commence or another time approved Commission, a sports wagering licensee shall submit its security department minimum staffing plan to the Commission for review and written approval.
- D. A sports wagering licensee may not commence operations until its security department minimum staffing plan is approved in writing by the Commission.

**.19 Security Department Operating Procedures for Class B Sports Wagering Facility Licensees.**

- A. This regulation is only applicable to the holder of a Class B sports wagering facility license.
- B. A sports wagering licensee shall submit to the Commission for review and written approval its security operating procedures.
- C. A sports wagering licensee's security operating procedures shall, at a minimum, include:
  - (1) A security zone plan for the facility designed to ensure:
    - (a) The physical safety of employees and invitees to the facility;
    - (b) The safeguarding of assets;
    - (c) Compliance with all applicable laws and regulations including Commission approved internal controls and operating procedures;
    - (d) That intoxicated individuals are identified, prohibited from entering the facility and, if necessary, immediately removed from the facility; and
    - (e) That an individual younger than 21 years old is identified, prohibited from sports wagering and, if necessary immediately removed from the facility;
  - (2) Procedures and controls addressing:
    - (a) Facility access controls including:
      - (i) An access badge or key system;
      - (ii) If utilized, specifications pertaining to a computerized access control system; and
      - (iii) Administrative responsibility over a manual or computerized access control system;
    - (b) A temporary access credential;
    - (c) Key controls;
    - (d) Emergency alarm and fire command responsibilities;
    - (e) Evacuation of the facility in the event of fire or other emergency;

- (f) The identification and immediate removal of an intoxicated individual, and, if applicable, an individual younger than 21 years old; and
- (g) The notice requirements of §C(4) of this regulation;
- (3) A security incident log:
  - (a) Maintained in:
    - (i) A book with bound numbered pages that cannot be readily removed; or
    - (ii) An electronic format equipped with software that prevents modification of an entry after it has been initially entered into the system; and
  - (b) Documenting:
    - (i) The assignment number of the incident;
    - (ii) The date and time of the incident;
    - (iii) The name of the person covering the incident;
    - (iv) The nature of the incident; and
    - (v) The resolution of the incident; and
- (4) A requirement that a Class B licensee notify the Commission upon detection of:
  - (a) An individual engaged in, attempting to engage in, or suspected of cheating, theft, embezzlement, or other illegal activities; and
  - (b) An individual who is:
    - (i) Younger than 21 years old and has engaged in sports wagering; or
    - (ii) Intoxicated.

**.20 Internal Audit Department Standards.**

- A. Except as set forth in §B, this regulation is only applicable to the holder of a Class A sports wagering facility license.
- B. The Commission may require the holder of a Class B sports wagering facility license to comply with any or all of the requirements of this regulation.
- C. At least 60 days before sports wagering operations are set to commence or another time approved Commission, a sports wagering licensee shall submit to the Commission for review and approval internal audit department operating standards and procedures that:
  - (1) Meet the requirements of Regulation .09E(6)(b) of this chapter;
  - (2) Conform to this regulation; and
  - (3) Ensure that an internal audit is conducted in accordance with generally accepted auditing standards in the United States.
- D. A sports wagering licensee's internal audit department operating procedures and standards shall, at a minimum, require the internal audit department to:
  - (1) Work independently of the departments of the sports wagering licensee that are subject to audit;
  - (2) Assess whether the sports wagering licensee's internal controls comply with applicable law and Commission directives;
  - (3) Test the sports wagering licensee's compliance with its internal controls;
  - (4) Immediately report a deficiency in, or noncompliance with, the sports wagering licensee's internal controls to:
    - (a) The audit committee;
    - (b) The chief executive officer;
    - (c) Management; and
    - (d) The Commission;
  - (5) Recommend resolution for eliminating a deficiency in, or noncompliance with, the sports wagering licensee's internal control system;
  - (6) Meet periodically with the audit committee or director of internal audit;
  - (7) Perform audits of:
    - (a) Unless an alternate risk assessment and audit plan is submitted in writing and approved in writing by the Commission, all

departments of the sports wagering licensee that are designated under §§C and D of this regulation; and

(b) A department of the sports wagering licensee designated by the Commission;

(8) Prepare an audit report for each audit conducted;

(9) Accurately document the audit process and results in an audit report that, at a minimum, shall include:

(a) Audit objectives;

(b) Audit procedures and scope;

(c) Findings and conclusions;

(d) A recommendation for addressing a deficiency in, or noncompliance with, the sports wagering licensee's internal controls;

(e) Resolution of all exceptions; and

(f) Management's response;

(10) Submit audit reports to the Commission on a schedule specified by the Commission; and

(11) Verify that:

(a) A deficiency or noncompliance revealed during an audit has been corrected; and

(b) An exception disclosed during an audit has been resolved.

E. If applicable, the audit department shall audit at least semiannually the functions and operations of the sports wagering licensee's:

(1) Cashiers' cage;

(2) Collection of cash storage boxes;

(3) Cash count;

(4) Revenue audit;

(5) Sports wagering operations department; and

(6) Key control;

F. If applicable, the audit department shall audit at least annually:

(1) Responsible gaming program;

(2) Security department;

(3) Currency transaction reporting;

(4) Suspicious activity reporting;

(5) Information technology controls;

(6) Accounts payable;

(7) Purchasing;

(8) Surveillance department; and

(9) Bettor tracking system.

G. The internal audit department shall conduct an audit on an unannounced basis when possible.

**.21 Access to Sports Wagering Systems.**

A. The sports wagering licensee shall limit and control administrative access to the sports wagering platform and associated equipment by ensuring the following:

(1) Maintain access configurations and procedures that meet industry best practices and adhere to nationally recognized information technology compliance standards;

(2) Maintain logs of user access and review the logs daily to identify security incidents and unusual transactions;

(3) Coordinate and develop an education and training program on information security and privacy matters for employees and other authorized users;

(4) Ensure compliance with all State and federal information security policies and rules;

(5) Prepare and maintain security-related reports and data;

(6) Develop and implement an incident response plan to address security breaches, policy violations and complaints from external parties;

(7) Develop and implement an ongoing risk assessment program that targets information security and privacy matters by identifying methods for vulnerability detection and remediation and overseeing the testing of those methods; and

(8) Ensure remote access to a sports wagering licensee's sports wagering platform and associated equipment is only permitted from within the local network and not directly accessible from the internet.

B. All sports wagering licensee's sports wagering platforms and associated equipment shall be available for independent testing by the Commission or the Commission's designee.

**.22 Cashiers' Cage Design Standards.**

A. Except as set forth in §B, this regulation is only applicable to the holder of a Class A sports wagering facility license.

B. The Commission may require the holder of a Class B sports wagering facility license to comply with any or all of the requirements of this regulation.

C. A sports wagering licensee shall have on, adjacent, or proximate to the facility floor a physical structure known as a cashiers' cage to house the cashiers in the facility for:

(1) The custody of the cash, accounting records, and forms and documents required under this chapter to conduct sports wagering operations;

(2) The initial financial consolidation of all transactions pertaining to sports wagering activity; and

(3) Other functions normally associated with the operation of a cashiers' cage.

D. A cashiers' cage shall include a manually triggered silent alarm system connected:

(1) Directly to the security department; or

(2) Directly, or through a documented communication protocol, to the monitor room of the surveillance department.

E. A sports wagering licensee shall make readily available to the Commission:

(1) An access control matrix indicating which employee job descriptions are authorized to have access to the cashiers' cage; and

(2) A list of employees, with license number, who are authorized to:

(a) Have access to the Cashiers' cage;

(b) Activate or deactivate alarm systems for the cashiers' cage; and

(c) Grant access to the cashiers' cage through the access control matrix or a computerized access control system.

**.23 Accounting Controls for a Cashiers' Cage.**

A. This regulation is only applicable to the holder of a Class A or Class B sports wagering facility license.

B. A sports wagering licensee may only conduct transactions with individuals at its cashiers' cage and any satellite cage during the hours of operation approved by the Commission for the facility under COMAR 36.10.17.02.

C. A sports wagering licensee shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .04 of this chapter procedures addressing the segregation of the cashiers' cage and the general conduct of cashiers' cage transactions.

D. A sports wagering licensee's internal controls shall require:

(1) The cashiers' cage and any satellite cage to be physically segregated by personnel and function as follows:

(a) General cashiers shall be responsible for:

(i) An individual imprest inventory of cash;

(ii) Receipt and payout of cash, negotiable instruments, sports wagering tickets, and other documentation from and to bettors subject to the limitations imposed under this chapter; and

(iii) Other functions designated by the sports wagering licensee which are not incompatible with the functions of a general cashier; and

(b) Main bank cashiers shall be responsible for:

(i) Receipt of cash, negotiable instruments, sports wagering tickets, and other documentation from general cashiers in exchange for cash or documentation;

(ii) Replenishment of kiosks;

(iii) Receipt of unsecured cash and unsecured sports wagering tickets;

(iv) Receipt of cash and documentation from the count room;

(v) Preparation of the overall cashiers' cage reconciliation;

(vi) Preparation of bank deposits; and

(vii) Other functions designated by the sports wagering licensee which are not incompatible with the functions of a main bank cashier;

(2) Each general cashier and main bank cashier to prepare a cashiers' count sheet on each shift:

(a) Recording the amount of the inventory in the window or bank;

(b) Reconciling the total closing inventory with the total opening inventory; and

(c) Including the signature of the:

(i) Outgoing general or main bank cashier; and

(ii) Incoming general or main bank cashier;

(3) At the end of the wagering day, the cashiers' cage to forward a copy of each cashiers' count sheet and related documentation to the accounting department for:

(a) Agreement of opening and closing inventories; and

(b) Comparison of forms or documents; and

(4) No more than 48 hours after the discovery of an employee's unresolved cage or count room overage or shortage of \$500 or more, a sports wagering licensee shall submit a written report to the Commission describing:

(a) The reason for the overage or shortage and corrective action taken or adjustment made; or

(b) That a notice of investigation is ongoing and the written report will be submitted within the following 48 hours.

**.24 Checks Accepted from a Bettor.**

A. A sports wagering licensee may accept a negotiable instrument in the form of a check meeting the requirements of this regulation from a bettor to enable the bettor to take part in sports wagering.

B. A sports wagering licensee may accept a check only during the hours of operation approved by the Commission for the facility under COMAR 36.10.17.02.

C. A sports wagering licensee may accept a personal check that is:

(1) Made payable to the sports wagering licensee;

(2) Drawn on a bank, savings and loan association, or credit union subject to federal or State banking regulation;

(3) Drawn for a specific amount;

(4) Currently dated, not postdated; and

(5) Payable on demand.

D. Subject to the requirements of §E of this regulation, a sports wagering licensee may accept a check issued by:

(1) A Sports wagering licensee;

(2) The Agency; and

(3) A person that:

(a) Is an affiliate of the sports wagering licensee; and

(b) Holds a valid sports wagering license in another jurisdiction.

E. A sports wagering licensee shall only accept a check under §D of this regulation which has been issued to an individual as:

(1) Employment compensation; or

(2) A payout in connection with:

(a) Sports wagering activity;

(b) Casino activity; or

(c) Maryland lottery prizes.

F. A sports wagering licensee may not:

(1) Except as provided under §C of this regulation, accept a check that is payable to an individual, including:

(a) A Social Security check;

(b) An unemployment insurance check;

(c) A disability payment check; or

(d) A public assistance check; or

(2) Except for a check issued under §E of this regulation, accept from a bettor under this regulation a check or multiple checks which in the aggregate exceed \$30,000 during a wagering day.

G. For a personal check equaling or exceeding \$ 5,000, a sports wagering licensee shall confirm the availability of funds by:

(1) Directly contacting the bank, savings and loan association, or credit union upon which the check is drawn;

(2) Obtaining an authorization and guarantee of the check from a check verification and warranty service licensed as a contractor under COMAR 36.10.06.04; or

(3) Alternate procedures addressing acceptance and verification of personal checks submitted in writing and approved by the Commission.

H. A sports wagering licensee shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .04 of this chapter, procedures addressing the acceptance and verification of checks meeting the requirements of this regulation.

I. A sports wagering licensee's internal controls shall require a check accepted from a bettor by a general cashier to be:

(1) If a personal check other than an electronic check, restrictively endorsed "for deposit only" to the bank account designated for this purpose by the sports wagering licensee and:

(a) Initialed by the accepting general cashier;

(b) Date and time stamped;

(c) Documented on the face of the check the number on the bettor's government-issued photographic identification; and

(d) If a personal check equaling or exceeding \$5,000, confirmed for availability of funds under §G of this regulation;

(2) Verified for signature authenticity by a general cashier who shall:

(a) Obtain from the bettor one form of identification that is a valid, unexpired government-issued photographic identification; and

(b) Satisfactorily compare the:

(i) Signature of the bettor on the personal check or endorsing the payroll or payout check with the signature on an identification credential; and

(ii) Bettor's physical appearance with the photograph contained on the valid, unexpired government-issued photographic identification presented by the bettor;

(3) If presented by a bettor as a payroll or payout check under §E of this regulation, confirmed to have been issued as employment compensation or as a payout in connection with sports wagering activity; and

(4) Immediately exchanged for:

(a) Cash;

(b) If the sports wagering licensee has the capability, a sports wagering ticket; or

(c) Funding for a sports wagering account in accordance with this chapter.

J. Subject to the limit in §F(2) of this regulation, a sports wagering licensee may accept a check issued to an individual as a payout in connection with sports wagering activity from a sports wagering licensee that holds a valid sports wagering license in another jurisdiction.

**.25 Wire Transfers.**

A. A sports wagering licensee may accept a negotiable instrument in the form of a wire transfer from a bettor to enable the bettor to take part in sports wagering.

B. A sports wagering licensee shall record in its cashiers' cage accountability or other accounting records any funds accepted by wire transfer with no documented business purpose other than to enable a bettor to take part in sports wagering within 24 hours of receipt of the wire transfer.

C. A sports wagering licensee shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .04 of this chapter procedures addressing the acceptance, verification, and sending of wire transfers meeting the requirements of this regulation.

D. A sports wagering licensee's internal controls shall:

(1) Require preparation of a wire transfer log to record the following information pertaining to a wire transfer accepted by a sports wagering licensee on behalf of a bettor:

(a) A sequential number assigned by the sports wagering licensee to the wire transfer accepted;

(b) Date and time notice of the wire transfer was received;

(c) Name of the financial institution to which the funds were sent;

(d) Amount transferred;

(e) Name of the bettor for whose benefit the funds were accepted;

(f) The name of the financial institution from which the funds were transferred;

(g) The method by which the sports wagering licensee was notified of the receipt of the wire transfer;

(h) If noticed by telephone, the name and title of the individual providing notice; and

(i) The signature of the employee receiving and recording the information required by this section;

(2) Require that a supervisor other than the employee who initially documented acceptance of the wire transfer:

(a) Independently confirm date, time, and method by which the sports wagering licensee was notified of the wire transfer;

(b) Record the date and time of confirmation in the wire transfer log; and

(c) Sign the wire transfer log as completing the confirmation process;

(3) Document the procedures used to:

(a) Establish, verify, and document the identity of a bettor sending a wire transfer;

(b) Make the wire transfer proceeds available to a bettor at the cashiers' cage or any other means as approved by the Commission; and

(c) Adjust the cashiers' cage accountability or other accounting records;

(4) Require preparation of a wire transfer log to record the following information pertaining to a wire transfer sent by a sports wagering licensee on behalf of a bettor:

(a) A sequential number assigned by the sports wagering licensee to the wire transfer sent;

(b) Name of the bettor;

(c) Date of the transaction;

(d) Amount wired;

(e) Source of funds;

(f) The name and address of the financial institution to which the funds were wired;

(g) Account number to which the funds are credited;

(h) If the request to send a wire transfer is made in person at the cashiers' cage, the signature of the bettor;

(i) If the request to send a wire transfer is not made in person at the cashiers' cage, documentation supporting the receipt of a request by the sports wagering licensee to send a wire transfer on behalf of a bettor;

(j) The signature of the cashiers' cage employee or accounting department employee receiving and recording the information required by this regulation; and

(k) The signature of the cashiers' cage supervisor or accounting department supervisor authorizing the wire transfer; and

(5) Document the procedures used to:

(a) Establish, verify, and document the identity of a bettor requesting that a wire transfer be sent;

(b) Send the wire transfer; and

(c) Adjust the cashiers' cage accountability or other accounting records.

**.26 Cash Equivalents.**

A. A sports wagering licensee may accept a negotiable instrument in the form of a cash equivalent from a bettor to enable the bettor to take part in sports wagering.

B. If applicable, a sports wagering licensee may accept a cash equivalent only during the hours of operation approved by the Commission for a sports wagering facility under COMAR 36.10.15.02.

C. A sports wagering licensee shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .04 of this chapter procedures addressing the acceptance and verification of cash equivalents meeting the requirements of this chapter.

D. A sports wagering licensee's internal controls shall:

(1) Enumerate the type of cash equivalents complying with this chapter to be accepted;

(2) Detail the specific verification procedures required by each issuer;

(3) Require that a general cashier:

(a) Perform the specific verification procedures required by each issuer;

(b) Prepare and maintain documentation evidencing the verification of a cash equivalent accepted; and

(c) Examine a cash equivalent for counterfeiting, forgery, or alteration;

(4) If applicable, detail the criteria for cashiers' cage supervisor or accounting department supervisor involvement in the verification process; and

(5) Include procedures for verifying the authenticity of a bettor's signature on a cash equivalent in conformance with the signature authentication procedures in Regulation .19 of this chapter.

**.27 Bettor Deposits.**

A. A sports wagering licensee may establish a customer deposit account for a bettor to enable the bettor to take part in sports wagering.

B. A sports wagering licensee shall perform all procedures required by this chapter before depositing funds accepted by means of check, wire transfer, cash equivalent, or other negotiable instrument into a customer deposit account.

C. If applicable, a sports wagering licensee may accept a customer deposit only during the hours of operation approved by the Commission for the facility under COMAR 36.10.15.02.

D. A sports wagering licensee shall develop and include in the internal controls submitted to and approved by the Commission

under Regulation .04 of this chapter procedures addressing the acceptance of customer deposits meeting the requirements of this regulation.

E. A sports wagering licensee's internal controls shall:

(1) Require acceptance of customer deposits at the cashiers' cage or by any other means as approved by the Commission;

(2) Require preparation of a receipt documenting:

(a) Amount deposited;

(b) Date of the deposit; and

(c) If applicable, the signature of the general cashier accepting the customer deposit;

(3) Provide for full or partial withdrawal of a customer deposit:

(a) By a bettor at the cashiers' cage or by any other means as approved by the Commission; or

(b) Upon receipt by the sports wagering licensee of a written request for withdrawal for which validity has been established; and

(4) Include procedures for documenting acceptance and withdrawal of customer deposits including a verification of the authenticity of a bettor's signature on a customer deposit withdrawal document in conformance with the signature authentication procedures in Regulation .24 of this chapter.

**.28 Use of Credit.**

A. Except for an online sports wagering licensee, a sports wager may not be accepted in any way by use of a:

(1) Credit card; or

(2) Electronic transfer of funds from a credit card.

B. If an online sports wagering licensee accepts credit cards to fund a sports wagering account, the licensee shall require a bettor to acknowledge that the transaction may be treated as a cash advance and be subject to additional fees.

**.29 Bettor Tracking System.**

A. A sports wagering licensee shall utilize a bettor tracking system meeting the requirements of this subtitle.

B. Participation in a tracking system:

(1) Subject to §B(2) of this regulation, is voluntary;

(2) A bettor using a mobile betting application shall be included in the tracking system.

C. A sports wagering licensee shall provide a bettor with a record of sports wagering spending levels if:

(1) The bettor:

(a) Has registered with the licensee for inclusion in the bettor tracking system; and

(b) Submits a request for the spending level documentation at:

(i) The cashiers' cage; or

(ii) By any other means approved by the Commission;

and

(2) For requests made at a sports wagering facility, the identification of the bettor and the authenticity of the bettor's signature on the request is established by an employee satisfactorily comparing the:

(a) Bettor's information recorded on the spending level request documentation with the information contained on the valid, unexpired government-issued photographic identification presented by the bettor; and

(b) Bettor's physical appearance with the photograph contained on the valid, unexpired government-issued photographic identification presented by the bettor.

**.30 Sports Wagering Ticket.**

A. A sports wagering licensee may issue a sports wagering ticket and utilize a sports wagering ticket system meeting the requirements of this subtitle.

B. A sports wagering licensee shall issue a sports wagering ticket which expires 182 days after the date of the sporting event.

C. Except for mobile sports wagering, a sports wagering licensee shall:

(1) Configure its sports wagering ticket system to:

(a) Prevent issuance of a sports wagering ticket from a kiosk exceeding \$10,000; and

(b) Require sports wagering tickets of \$3,000 or more to be redeemed only at the cashiers' cage;

(2) Configure a ticket redemption unit under Regulation .31 of this chapter to:

(a) Redeem only a sports wagering ticket of less than \$3,000; and

(b) Direct a bettor attempting to redeem a sports wagering ticket of \$3,000 or more to the cashiers' cage; and

(3) Redeem at its cashiers' cage a sports wagering ticket of \$3,000 or more by:

(a) Cash or check; or

(b) Check on the request of a bettor.

D. A sports wagering licensee shall immediately report to the Commission evidence that a sports wagering ticket has been counterfeited, tampered with, or altered in any way which would affect the integrity, fairness, or reliability of the sports wagering ticket.

E. A sports wagering licensee shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .04 of this chapter procedures addressing the issuance and redemption of a sports wagering ticket.

F. A sports wagering licensee's internal controls shall:

(1) Require a sports wagering ticket to include:

(a) Name or trade name of the sports wagering licensee;

(b) Date and time of issuance;

(c) A description of the wager;

(d) Amount of the sports wagering ticket;

(e) Unique series number automatically generated by the sports wagering ticket system;

(f) Asset number of the ticket redemption unit or point of sale device dispensing the sports wagering ticket;

(g) At least one anti-counterfeiting measure, which appears on one or both sides of the sports wagering ticket;

(h) Sports wagering facility's where the sports wagering ticket may be redeemed and any restrictions applicable to redemption;

(i) A bar code which enables the sports wagering ticket system to identify the numeric information required by this section; and

(j) Notice to the bettor of the terms of expiration; and

(2) Include procedures and controls which:

(a) Require a sports wagering ticket system to perform the following prior to payment:

(i) Verify the validity of the ticket number and amount of the sports wagering ticket; and

(ii) Electronically cancel the sports wagering ticket;

(b) Require the sports wagering ticket system to be configured to:

(i) Permit access to the complete ticket number of an unredeemed sports wagering ticket only to sports wagering ticket system administrative employees and accounting department employees not assigned to the cashiers' cage; and

(ii) Maintain a record of all unredeemed sports wagering tickets for a minimum of 2 years from the date of issuance of the sports wagering ticket unless a request to remove or relocate system records is submitted in writing and approved in writing by the Commission;

(c) Address the following events:

(i) Calculation and transmittal by the sports wagering licensee of its outstanding expired unredeemed sports wagering ticket balance to the State; and

(ii) An election by a sports wagering licensee to pay a sports wagering ticket when the sports wagering ticket system is inoperable or otherwise unable to verify the validity of the sports wagering ticket at the time of payment; and

(d) Require generation, at the conclusion of each wagering day, of reports detailing:

(i) Sports wagering tickets issued;

(ii) Sports wagering tickets redeemed and cancelled by redemption facility;

(iii) Unredeemed liability for sports wagering tickets; and

(iv) Any exceptions.

**.31 Ticket Redemption Unit.**

A. A sports wagering licensee may utilize a ticket redemption unit meeting the requirements of this subtitle.

B. A sports wagering licensee shall locate a ticket redemption unit in the sports wagering facility subject to the surveillance coverage requirements of Regulation .11 of this chapter.

C. A ticket redemption unit:

(1) Shall, in accordance with this regulation, be configured to:

(a) Redeem a sports wagering ticket of less than \$3,000; and

(b) Direct a bettor attempting to redeem a sports wagering ticket of \$3,000 or more to the cashiers' cage; and

(2) May be configured to function as a bill breaker changing bills of one denomination into bills of a smaller denomination.

D. A sports wagering licensee shall develop and include in the internal controls submitted under Regulation .04 of this chapter, procedures addressing a ticket redemption unit.

E. A sports wagering licensee's internal controls shall address:

(1) Distribution of cash to a ticket redemption unit;

(2) Removal of sports wagering tickets and cash accepted by a ticket redemption unit;

(3) Reconciliations associated with the replenishment process;

(4) Generation of the following reports by a ticket redemption unit or ancillary system or application for the reconciliation period, which may be by wagering day, shift, or drop cycle:

(a) A sports wagering ticket transaction report which details:

(i) Disposition, as paid, partially paid, or unpaid, of sports wagering tickets accepted by a ticket redemption unit;

(ii) Sports wagering ticket validation number;

(iii) Date and time of redemption;

(iv) Amount requested; and

(v) Amount dispensed;

(b) A reconciliation report which details:

(i) Date and time;

(ii) Unique asset identification number of the ticket redemption unit;

(iii) Total amount of cash in the currency and coin cassettes;

(iv) Total number of bills accepted by denomination; and

(v) Total amount of sports wagering tickets accepted; and

(c) A sports wagering ticket and currency storage box report which details the following data whenever a storage box is removed from the ticket redemption unit:

(i) Date and time;

(ii) Unique asset identification number of the ticket redemption unit;

(iii) Unique identification number for each storage box in the ticket redemption unit;

(iv) Total amount of currency dispensed;

(v) Total number of bills dispensed by denomination;

(vi) Total amount of sports wagering tickets accepted;

(vii) Total count of sports wagering tickets accepted; and

(viii) Details required to be included in the sports wagering ticket transaction report required under §E(4)(a) of this regulation; and

(5) A transaction history report which details all critical bettor transaction history including the date, time, amount, and disposition of each complete and incomplete transaction.

**.32 Wager Payouts.**

A. A sports wagering licensee shall prepare and timely file IRS Form W-2G, Certain Gambling Winnings, in accordance with IRS rules and regulations.

B. A sports wagering licensee shall pay a sports wager payout of \$50,000 or more:

(1) By cash or check; or

(2) On the request of a bettor, any combination of cash, sports wagering ticket, check, or other method of payment approved by the Commission.

C. A sports wagering licensee shall develop procedures to obtain personal identifying information from any individual who places any single wager in an amount of \$10,000 or greater on a sporting event while physically present in a facility.

D. To ensure compliance with §C of this regulation, a sports wagering licensee shall, prior to accepting any sports wager in excess of \$3,000 or making a payout in excess of \$3,000 on a winning sports wager:

(1) Create a bettor identification file and identify the bettor;

(2) Obtain and record the bettor's Social Security number in the bettor identification file; and

(3) Record, on a log, the following information:

(a) Date of the wager or payout;

(b) Name of the bettor;

(c) Name and signature of the sports wagering employee authorizing the acceptance of the wager; and

(d) Name and signature of the sports wagering employee identifying the bettor and generating the sports wagering ticket or making the payout.

E. A sports wagering licensee shall monitor for and report all suspicious activity related to sports wagering transactions.

**.33 Access to Bill Validators, Cash Storage, and Drop Boxes.**

A. Access.

(1) A sports wagering licensee shall control access to a bill validator and a cash storage box housed in a sports wagering kiosk in accordance with this regulation.

(2) Access to a bill validator shall be controlled by:

(a) At least one lock; and

(b) Requiring the key to the lock to be maintained by the security department.

(3) The cash storage box shall be secured to a bill validator by two separate locks, the keys to which are different from each other, and, for the lock on the belly door or main door of the sports wagering kiosk:

(a) The key shall be controlled by the sports wagering department in:

(i) A manual key box; or

(ii) An automated key tracking system;

(b) Immediately prior to the commencement of the drop, the sports wagering department may issue its belly door or main door key to the accounting department;

(c) A key transferred from the sports wagering department to the accounting department shall be returned immediately following the conclusion of the drop;

(d) The sports wagering licensee shall establish sign in and sign out procedures in its internal controls documenting the transfers; and

(e) If an automated key tracking system is used, a sports wagering licensee shall require dual access from the security department and accounting department to obtain keys.

(4) The lock on the release mechanism securing the cash storage box to the bill validator shall be controlled by the security department.

(5) Access to the contents of a cash storage box shall be controlled by:

(a) At least one lock; and

(b) Requiring the key to the lock to be maintained by the accounting department.

B. Control. A sports wagering licensee shall either:

(1) Assign to a cash storage box an asset number that:

(a) Is permanently imprinted or affixed to the outside of the cash storage box; and

(b) Corresponds to the asset number of the kiosk in which the cash storage box is installed; or

(2) With the written approval of the Commission, utilize a computerized system for:

(a) Assigning a unique identification number to a cash storage box; and

(b) Attributing it to the sports wagering kiosk in which the cash storage box is currently installed.

C. Unique Identification Number. A sports wagering licensee shall ensure that an asset number or unique identification number on a cash storage box is clearly visible to:

(1) An employee involved in removing or replacing a cash storage box; and

(2) If applicable, the surveillance department.

D. Emergency Cash Storage Box. A sports wagering licensee may maintain an emergency cash storage box without an asset number or a unique identification number if:

(1) The word "emergency" is permanently imprinted or affixed on the box; and

(2) When put into use, the cash storage box is temporarily marked with the asset number of the kiosk in which it is installed.

**.34 Collection of Cash Storage and Drop Boxes.**

A. At least 30 days before sports wagering operations are to commence or other time period approved by the Commission, a sports wagering licensee shall submit to the Commission in writing a drop schedule setting forth specific pick-up days and times for collection of cash storage drop boxes, including:

(1) Specifications as to what areas of the sports wagering facility will be covered on each pick-up day; and

(2) Specific transportation routes to be utilized from the sports wagering facility floor to the count room on each pick-up day.

B. A sports wagering licensee shall notify the Commission:

(1) In writing, of a permanent change in the drop schedule including a pick-up day or time, area of the floor to be dropped, or transportation route; and

(2) Prior to any temporary deviation from the drop schedule.

C. A sports wagering licensee shall make readily available to the Commission:

(1) An access control matrix indicating which employee job descriptions are authorized to participate in the cash storage drop box collection process; and

(2) A list of employees, with license numbers, who are authorized to participate in the cash storage drop box collection process.

D. A sports wagering licensee shall develop and include in the internal controls submitted to and approved by the Commission

under Regulation .04 of this chapter procedures addressing the collection of cash storage drop boxes.

E. A sports wagering licensee's internal controls shall:

(1) Detail the actual procedures to be performed and documentation to be generated by drop team employees collecting cash storage drop boxes:

(a) In accordance with the drop schedule; and

(b) On an emergency basis; and

(2) Require:

(a) Cash storage drop boxes to be transported directly to, and secured in:

(i) The count room; or

(ii) A trolley storage area approved by the Commission under COMAR 36.10.15.04B;

(b) The cash storage drop box collection process to involve the participation of at least three employees, at least one of whom is an employee of the:

(i) Security department or other department approved by the Commission; and

(ii) Accounting department;

(c) Prior to the movement of a trolley containing cash storage boxes from the sports wagering facility floor into the count room, an accounting department supervisor to verify that the number of cash storage boxes being transported from the facility floor equals the number of cash storage boxes scheduled for collection that day; and

(d) Prior to changing the type of a kiosk, or removing a kiosk from the sports wagering facility floor, that an emergency drop shall be conducted.

F. A sports wagering licensee shall transport cash storage drop boxes in an enclosed trolley secured by one lock that has a key which is controlled by the security department.

G. A sports wagering licensee shall store cash storage drop boxes not attached to a bill validator, including emergency cash storage drop boxes that are not actively in use:

(1) In the count room in an area approved by the Commission;

(2) In a trolley storage area approved by the Commission under COMAR 36.10.15.04B; or

(3) In another location at the sports facility approved by the Commission.

H. The cabinet or trolley used for storage under §G of this regulation shall be secured by one lock that has a key which is controlled by the security department in:

(1) A manual key box; or

(2) An automated key tracking system.

I. Immediately prior to the commencement of the count process, the security department may issue its key to the storage cabinet or trolley required under §G of this regulation to a count room supervisor for the purpose of allowing count room personnel to gain access to the cash storage or table game drop boxes to be counted.

J. A trolley storage area utilized to store cash storage drop boxes prior to the count process shall meet the design standards for a count room under Regulation .35 of this chapter.

**.35 Count Room Design Standards.**

A. This regulation is only applicable to the holder of a sports wagering facility licensee.

B. A licensee shall have a count room designated, designed, and used for counting the contents of cash storage drop boxes at a sports wagering facility approved by the Commission.

C. A count room or space used for counting the contents of cash storage drop boxes area used for counting shall conform to the following standards:

(1) Meet the surveillance requirements of Regulations .10 and .13 of this chapter including audio coverage of the count process;

(2) If used during normal operating business hours, be separate and not visible from the public areas of the facility; and

(3) Any other requirements imposed by the Commission.

D. A sports wagering licensee shall install in its count room a table constructed of clear glass or similar transparent material to be used for the emptying, counting, and recording of the contents of cash storage and table game drop boxes.

**.36 Accounting Controls for a Count Room.**

A. This regulation is only applicable to the holder of a sports wagering facility licensee.

B. Count Schedule. At least 30 days before sports wagering operations are to commence or other time period as approved by the Commission, a licensee shall submit to the Commission a count schedule setting forth the specific times during which cash storage drop boxes are to be counted and recorded.

C. Notifications. Within 24 hours of the change or deviation, a licensee shall:

(1) Notify the Commission in writing of any permanent change in the count schedule; and

(2) Notify the Commission of any temporary deviation from the count schedule.

D. Count Frequency. A licensee shall count the contents of each cash storage box at least once daily unless an alternative count schedule is submitted in writing to and approved in writing by the Commission.

E. Procedures. A licensee shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .04 of this chapter procedures addressing the counting and recording of cash storage drop boxes.

F. Internal Controls. A sports wagering licensee's internal controls shall:

(1) Detail all hardware, software, and related equipment utilized by the sports wagering licensee to conduct the count;

(2) Detail the actual procedures to be performed and documentation to be generated;

(3) Require equipment utilized to count and strap currency, sports wagering tickets, and promotional play instruments to:

(a) Conduct two separate counts;

(b) If the separate counts are not in agreement, document the discrepancy; and

(c) If a sports wagering system or promotional play system is utilized to obtain the amount of a sports wagering ticket or promotional play instrument, require the system to perform a calculation or integrity check to ensure that the amount of a sports wagering ticket or promotional play instrument has not been altered in the system in any manner since the time of issuance; and

(4) Require a count room employee to wear a one-piece, pocketless garment.

G. A sports wagering ticket or promotional play instrument accepted by a cash storage drop box shall be counted and included in the calculation of proceeds without regard to the validity of the sports wagering ticket or promotional play instrument.

H. A promotional play instrument which is not cancelled upon acceptance or during the count process shall be cancelled prior to the conclusion of the count.

I. Within 72 hours of the count, a licensee shall report in writing to the Commission:

(1) Any variance between:

(a) The actual count of cash, sports wagering tickets, and promotional play instruments in a cash storage box as determined in the count room; and

(b) The amount for the cash storage box recorded on the sports wagering licensee's wagering system;

(2) The reason for the variance; and

(3) Corrective action taken or adjustments made.

**.37 Bettor Complaints.**

A. A sports wagering licensee shall attempt to timely resolve a dispute with a bettor concerning the licensee's sports wagering operation or payment of alleged winnings.

B. A sports wagering licensee who is unable to satisfactorily resolve a dispute with a bettor within 3 days of notice of the dispute shall notify the Commission of the dispute.

C. On receipt of notice by the sports wagering licensee of the dispute, the Commission shall provide the bettor with a Commission bettor complaint form together with instructions for completing and submitting the form.

D. The Commission shall investigate a complaint submitted to the Commission and notify the bettor and sports wagering licensee of its determination.

E. The Commission may provide a bettor with a complaint form at any time upon request.

**.38 Acceptance of Tips or Gratuities.**

A. Except as otherwise provided in this regulation:

(1) A supervisory sports wagering employee of a sports wagering licensee is prohibited from soliciting or accepting a tip or gratuity directly from a bettor; and

(2) A sports wagering employee is prohibited from soliciting a tip or gratuity from a bettor.

B. A sports wagering licensee may permit an employee who is authorized to accept a gratuity from a bettor to accept a sports wagering ticket if the sports wagering ticket is redeemed:

(1) At the cashiers' cage; and

(2) With approval of the sports wagering employee's department supervisor, if the amount of the sports wagering ticket exceeds \$100.

**.39 Promotional Play.**

A. A sports wagering licensee may:

(1) Issue promotional play if it is not awarded as cashable credit; and

(2) Utilize a promotional play system meeting the requirements of this subtitle.

B. A sports wagering licensee may not issue to a bettor promotional play equaling or exceeding \$5,000 per wagering day without approval from the chief executive or the chief executive's designee.

C. A sports wagering licensee shall immediately report to the Commission evidence that a promotional play instrument has been counterfeited, tampered with, or altered in any way which would affect the integrity, fairness, or reliability of the promotional play instrument.

D. A sports wagering licensee shall submit to the Commission in a form and in accordance with a time frame specified by the Commission a quarterly report summarizing:

(1) Promotional play awarded for the period including:

(a) Total amount in promotional play awarded in noncashable credits; and

(b) Other forms of promotional play; and

(2) Promotional play redeemed by players for the period including:

(a) Total amount in promotional play redeemed in noncashable credits; and

(b) Other forms of promotional play redeemed.

E. A sports wagering licensee shall develop and include in the internal controls submitted to and approved by the Commission under Regulation .04 of this chapter procedures addressing:

(1) Methods utilized to:

(a) Issue promotional play; and

(b) Redeem promotional play; and

(2) A promotion play instrument including a requirement that it document:

(a) Name or trade name of the sports wagering licensee;

(b) Amount in noncashable credits;

(c) Unique series number automatically generated by the promotional play system;

(d) Locations where a promotional instrument may be redeemed and any restrictions applicable to redemption;

(e) If applicable, a bar code or magnetic strip which enables the promotional play system to identify the numeric information required by this section; and

(f) Notice to the player of the terms of expiration.

**F. Limitation on Free Promotional Play.**

(1) Through the first full fiscal year of a sports wagering licensee's operations, a licensee's proceeds exclude money given away by the licensee as free promotional play and used by bettors to make a sports wager.

(2) After the first full fiscal year of a sports wagering licensee's operations, the amount of money given away as free promotional play in a fiscal year may not exceed a percentage of the licensee's proceeds received in the prior fiscal year that equates to 20 percent of total sports wagering proceeds that the sports wagering licensee generated in the prior fiscal year.

(3) After the first fiscal year of sports wagering activity, the 20 percent cap specified under §F(2) of his regulation includes all revenues generated by casino sports wagering and gaming activities.

(4) An amount of money given away as free promotional play in a fiscal year exceeding the percentage defined in §F(2) of this regulation of the sports wagering licensee's proceeds of the prior fiscal year shall be allocated as proceeds.

G. No later than 90 days after the end of the fiscal year, a sports wagering licensee shall submit to the Commission a written:

(1) Report of its use of free promotional play during the prior fiscal year; and

(2) Recommendation for any adjustment to the limitation on free promotional play established under §F(2) of this regulation.

H. For purposes of §§F and G of this regulation, "fiscal year" means the fiscal year of the sports wagering licensee.

**.40 Security of Funds and Data.**

A. A sports wagering licensee shall comply with all applicable state and federal requirements for data security.

B. A sports wagering licensee may not share information that could be used to personally identify a bettor or their gaming habits with any third party other than the Commission, law enforcement with a warrant or subpoena or a credit-reporting agency when determining whether an individual is credit-worthy.

C. Funds in a bettor's user account shall be held either:

(1) In trust for the bettor in a segregated account; or

(2) In a special-purpose segregated account that is maintained and controlled by a properly constituted corporate entity that is not the sports wagering licensee and whose governing Commission includes one or more corporate directors who are independent of the sports wagering licensee and of any corporation related to or controlled by the sports wagering licensee.

D. A corporate entity that maintains a special purpose segregated account shall:

(1) Require a unanimous vote of all corporate directors to file bankruptcy and have articles of incorporation that prohibit commingling of funds with those of the sports wagering licensee except as necessary to reconcile the accounts of a bettor with sums owed by those bettors to the sports wagering licensee;

(2) Be restricted from incurring debt other than to bettors pursuant to the rules that govern their user accounts;

(3) Be restricted from taking on obligations of the sports wagering licensee other than obligations to bettors pursuant to the rules that govern their user accounts; and

(4) Be prohibited from dissolving, merging, or consolidating with another company, other than a special-purpose corporate entity established by another sports wagering licensee that meets the requirements of this section, while there are unsatisfied obligations to bettors.

E. A sports wagering licensee shall maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, bond, or a combination of these in an amount approved by the Commission and sufficient to pay all winnings and awards offered to a winning bettor.

F. A sports wagering licensee shall implement and prominently publish the following on its platform:

(1) Policies that prevent unauthorized withdrawals from a bettor's account by a sports wagering licensee or others;

(2) Notices that make clear that the funds in the segregated account do not belong to the sports wagering licensee and are not available to creditors other than the bettor whose funds are being held;

(3) Policies that prevent commingling of funds in the segregated account with other funds, including funds of the sports wagering licensee;

(4) Procedures for responding to and reporting on complaints by bettors that their accounts have been misallocated, compromised, or otherwise mishandled;

(5) Procedures that allow a bettor to request withdrawal of funds from their user account, whether such account is open or closed, including:

(a) The sports wagering licensee shall honor any bettor's request to withdraw funds by the later of 10 days after receipt of the request or 10 days after submission of any tax reporting paperwork required by law;

(b) The sports wagering licensee may decline to honor the request for withdrawal of funds for a reasonable investigatory period if it provides notice of the nature of the investigation to the bettor it believes has engaged in either:

(i) Fraudulent conduct; or

(ii) Other conduct that would put the sports wagering licensee in violation of COMAR 36.10.18; and

(c) A request for withdrawal shall be considered honored if it is processed by the sports wagering licensee but delayed by a payment processor or the custodian of a segregated account; and

(6) Procedures that allow a bettor to permanently close a user account at any time and for any reason. The procedures shall allow for closing by any means, including by a bettor on any platform used by that bettor to make deposits into a segregated account.

G. If winnings are awarded to a bettor with a closed account, the winnings, to the extent that it consists of funds, shall be distributed by the sports wagering licensee within 7 days.

H. If an account is closed on the basis of the sports wagering licensee's good faith belief, after investigation, that the bettor has engaged in fraud or has attempted to engage in behavior that would put the sports wagering licensee in violation of this chapter, such winnings may be withheld and redistributed in a manner that reflects the outcome that would have resulted had that bettor not participated.

I. If a bettor's segregated account remains unclaimed for 5 years after the balances are payable or deliverable to the bettor, the sports wagering licensee shall presume the account to be abandoned and shall report and remit all segregated accounts presumed abandoned to the State Comptroller.

J. A sports wagering licensee shall prominently publish all contractual terms and conditions and rules of general applicability that affect a bettor's segregated account.

K. Presentation of such terms, conditions, and rules at the time a bettor initially acquires a segregated account may not be deemed sufficient to satisfy the provisions of this subsection.

**.41 Consumer Protection.**

**A. Automated Teller Machines.**

(1) *Withdrawal Limits.* Exclusive of transaction fees or surcharges, the maximum amount that a bettor may withdraw from an account by using an automated teller machine at the location is no more than \$2,500 per sports wagering day.

(2) *Temporary Cash Assistance Prohibited.* An automated teller machine or online Sports Wagering System may not accept an electronic benefit card, debit card, or similar instrument issued by the Department of Human Services for the purpose of accessing temporary cash assistance.

**B. Promotional Offers.** A sports wagering licensee shall, at least 7 days prior to implementing a promotion, submit terms and conditions of each promotion to the Commission and shall include, at a minimum, all of the following:

- (1) A description of what is being offered as part of the promotion;
- (2) The dates and times that the promotion is being conducted;
- (3) The persons who are eligible to participate in the promotion;
- (4) The required action to receive whatever is being offered as part of the promotion;
- (5) The procedure to claim or redeem the promotional offer, if applicable;
- (6) Registration procedures;
- (7) Limitations on participation;
- (8) Wagering requirements and limitations by type of game;
- (9) The order in which funds are used for wagering;
- (10) Eligible wagers;
- (11) Any restrictions on the withdrawal of funds;
- (12) Rules regarding cancellation;
- (13) The statement “If you or someone you know has a gambling problem, help is available. Call 1-800-GAMBLER.”; and
- (14) Any other information the Commission may require.

**C.** A sports wagering licensee shall be responsible for the submission of the terms and conditions of promotions and the conduct of all promotions offered directly or indirectly by a third-party vendor or marketing affiliate on behalf of the sports wagering licensee.

**D.** The terms and conditions of all promotions communicated to bettors shall be posted on the sports wagering licensee’s home website as well as any websites the sports wagering contractor operates on behalf of a sports wagering licensee.

**E.** The terms and conditions shall be stated in a clear and conspicuous manner using plain language and be readily accessible and available for review for the duration of the promotion.

**F.** A sports wagering licensee shall provide a clear and conspicuous method for a bettor to cancel his participation in a promotion that utilizes restricted sports wagering credits.

**G.** Upon request for cancellation, the sports wagering licensee or sports contractor shall inform the bettor of the amount of unrestricted funds that will be returned upon cancellation and the value of restricted funds that will be removed from the bettor’s sports wagering account.

**H.** If the bettor elects to proceed with cancellation, unrestricted funds remaining in a bettor’s sports wagering account shall be returned in accordance with the terms and conditions.

**I.** A sports wagering licensee may not, once a bettor has met the terms of a promotion, cap or limit winnings earned while participating in the promotion.

**J.** A sports wagering licensee or a sports wagering contractor may be required to discontinue, as expeditiously as possible, the use of a particular promotion upon receipt of written notice from the Commission that the Commission has determined that the use of the particular promotion in, or with respect to, this Commission could adversely impact the public or the integrity of gaming.

**K.** A sports wagering licensee or sports wagering contractor may not offer or conduct a promotion which violates any Federal, State or local law.

**.42 House Rules.**

A sports book licensee shall ensure that its house rules are:

- A. Conspicuously displayed in or immediately adjacent to its wagering location;
- B. Posted on its website;
- C. Included in the terms and conditions of use on its sports wagering platform; and
- D. In hard copy, readily available to bettors.

**.43 Predatory Marketing Prohibited.**

Predatory marketing as defined in COMAR 36.10.01.02B(56) is prohibited.

**.44 Underage Wagering Prohibited.**

Sports wagering by an individual younger than 21 years old is prohibited.

**36.10.14 Sports Wagering Requirements and Limitations**

Authority: State Government Article, §§9-1E-01—9-1E-15, Annotated Code of Maryland

**.01 Authorized Wagers.**

**A. Definition.** Unless context or the individual regulation dictates otherwise, for purposes of this regulation, “sports wagering licensee” includes:

- (1) Sports wagering facility licensee;
- (2) Mobile sports wagering licensee;
- (3) Sports wagering facility operator licensee; and
- (4) Online sports wagering operator licensee.

**B. Type of Event.**

(1) A sports wagering licensee shall submit to the Commission for approval the events and types of wagers it proposes offering to bettors prior to accepting a sports wagering bet.

(2) The Commission may authorize a sports wagering licensee to offer wagering on a sporting event as defined by State Government Article, §9-1E-01, Annotated Code of Maryland.

**C. Verifiable Outcome.**

(1) In this section, “official league data” means statistics, results, outcomes, and other data relating to a sporting event obtained by a sports wagering licensee under an agreement with a governing entity or an entity expressly authorized by a governing entity for determining the outcome of a wager placed.

(2) A sports wagering licensee may use any Commission approved data source.

(3) A governing entity may submit a request to the Commission to require a sports wagering licensee to use official league data to settle a wager placed.

(4) Within 60 days after the Commission approves the request from a governing entity, a sports wagering licensee may only use official league data to determine the result of a wager placed.

(5) A sports wagering licensee may use data other than official league data if:

(a) The governing entity is unable to provide, on commercially reasonable terms as determined by the Commission, a timely feed of official league data; or

(b) A sports wagering licensee demonstrates to the Commission that a governing entity has not provided or offered to provide a feed of official league data to the sports wagering licensee on commercially reasonable terms, by providing the Commission with sufficient information to show:

(i) The availability of a governing entity's official league data for such bets on commercially reasonable terms from an alternative authorized source;

(ii) Costs paid by the sports wagering licensee for data from authorized sources, in Maryland and in other states;

(iii) The reliability of the data, including the quality and complexity of the process used for collecting the data; and

(iv) Any other information the Commission requires.

(6) While the Commission is considering whether official league data is available on commercially reasonable terms, a sports wagering licensee may use any other approved data source for determining the results of bets placed.

C. **Wager Limits.** The maximum wager that may be accepted by any sports wagering licensee from a patron on any one sporting event shall be limited to \$5,000,000.

**.02 Commission Approval of Specific Bet Types.**

A. A sports wagering licensee shall submit to the Commission for approval the events and types of wagers it proposes offering to bettors prior to accepting any sports wagering bets.

B. The Commission may permit a sports wagering licensee to offer wagering on any approved sporting event.

C. The Commission may permit a sports wagering licensee on behalf of a sports wagering licensee to offer the any of the following types of wagers on the events contained in §B of this regulation:

(1) Exchange wagers;

(2) In-game wagers;

(3) Parlay wagers;

(4) Proposition wagers;

(5) Straight wagers; and

(6) Other types of wagers as approved by the Commission.

D. A sports wagering licensee shall make available to bettors a clear explanation of all types of wagers permitted by the Commission and events on which those wagers are permitted.

E. A sports wagering licensee may place a layoff wager with another sports wagering licensee or located in the State for the purpose of offsetting bettor wagers provided that:

(1) The sports wagering licensee placing the layoff wager discloses its identity to the sports wagering licensee receiving the layoff wager; and

(2) The receiving sports wagering licensee agrees to accept the layoff wager after receiving notification of the identity of the sports wagering licensee placing the layoff wager.

**.03 Prohibited Wagers.**

A. Sports wagering activity may not involve:

(1) Wagering on a high school athletic event governed by the Maryland Interscholastic Athletic Association, Maryland Public Secondary Schools Athletic Association, or a similar sports governing entity;

(2) Except for an amateur athletic event specifically approved by the Commission, wagering on an amateur athletic event; or

(3) Any other wagering activity that is prohibited by the Commission.

B. A sports wagering licensee may not accept a wager:

(1) That involves cheating;

(2) From an athlete on an athletic event of the type in which the athlete participates or an athletic event governed by the same governing entity under which the athlete competes;

(3) From a person who holds a position of authority or influence over the participants in a sporting event or is professionally connected to an athletic event or governing entity, including a:

(a) Referee;

(b) Official;

(c) Coach;

(d) Manager;

(e) Handler;

(f) Trainer;

(g) Medical professional; or

(h) Person with access to non-public information about a sporting event that is overseen by the governing entity;

(4) From a person who is placing a wager on behalf, or for the benefit, of a person that is prohibited from participating in sports wagering under applicable law or regulation; or

(5) That encourages or instructs a bettor to structure a wager to circumvent applicable law or regulation.

C. A sports wagering licensee may not:

(1) Unless it immediately issues a sports wagering ticket detailing the wager after accepting money to fund the wager, accept or hold cash or a cash equivalent to fund a wager that will be placed if a specified future contingency occurs;

(2) Accept a wager that is not authorized by the Commission;

or

(3) Accept a wager on:

(a) Injuries;

(b) Penalties;

(c) Player disciplinary rulings;

(d) Replay reviews; and

(e) Any other types or forms of wagering that are contrary to public policy or unfair to bettors.

**.04 Limits on Accepting Wagers.**

A. A sports wagering platform shall be capable of allowing a registered bettor to establish the following responsible wagering limits:

(1) A deposit limit on a daily, weekly and monthly basis that specifies the maximum amount of money a registered bettor may deposit into their sports wagering account during a particular period of time;

(2) A limit on the amount of money lost within a daily, weekly or monthly basis that:

(a) Renders the registered bettor unable to place an additional wager for the remainder of the time selected once the registered bettor reaches the loss limit; and

(b) Does not allow a wager placed prior to reaching the loss limit to be cancelled or refunded;

(3) A limit on the amount of money wagered within a daily, weekly or monthly basis that renders the registered bettor unable to place an additional wager for the remainder of the time selected once the registered bettor reaches the wager limit;

(4) A limit on the maximum amount of a single wager;

(5) A time-based limit that specifies the maximum amount of time, measured hourly from the registered bettor's login to log off, in which a registered bettor may engage in sports wagering on a daily basis;

(6) A temporary suspension of sports wagering through the sports wagering account for the number of days selected by the registered bettor; and

(7) A mechanism by which a registered bettor may change the limits of §A(1)—(6) of this regulation.

B. Notwithstanding any other provision in this section, the registered bettor may not change wagering limits while a sports wagering account is suspended.

C. An increase to financial limits in §A of this regulation may not be effective later than the registered bettor's next login.

D. A decrease to the chronological limits in §A of this regulation shall become effective only after the time period of the previous limit has expired.

**.05 Funding Wagers.**

A. A bettor's sports wagering account may be funded by:

- (1) A cash deposit made directly with a sports wagering licensee;
- (2) A cash equivalent, personal check, or wire transfer made directly or mailed to the sports wagering licensee;
- (3) A bettor's debit card or prepaid card;
- (4) A bettor's deposit of a winning sports wagering ticket at a sports wagering facility approved by the Commission;
- (5) A cash complimentary, promotional credit, or bonus credit;
- (6) If there is documented notification to the bettor, an adjustment made by a sports wagering licensee following the resolution of a dispute; or
- (7) Any other means as approved by the Commission.

B. ACH Transfer.

(1) If a sports wagering licensee has security measures and controls approved by the Commission to prevent and detect fraud, it may accept an ACH transfer to fund a wager.

(2) If a bettor has successfully deposited funds through an ACH transfer on a previous occasion with no outstanding chargebacks, a sports wagering licensee is not required to consider one failed ACH deposit attempt as fraudulent.

(3) If a sports wagering licensee suspects fraud after a bettor's multiple failed ACH deposit attempts, the sports wagering licensee:

- (a) May temporarily freeze or suspend the bettor's account to investigate; and
- (b) If the sports wagering licensee determines that fraud has been attempted or occurred, suspend the bettor's account.

C. A sports wagering licensee may not:

- (1) Extend credit to a bettor; or
- (2) Allow the deposit of funds into a sports wagering account that are derived from the extension of credit by an affiliate or agent of the sports wagering licensee.

D. A bettor's sports wagering account:

- (1) May not have a negative account balance; and
- (2) May not accept a wager if the account does not have funds sufficient to pay for the wager.

E. The sports wagering licensee shall update bettor account balances after each game cycle to reflect the funds available for any future wagers the bettor may choose to place.

F. A sports wagering licensee may not accept or facilitate a wager:

- (1) On a sporting event not approved by the Commission under §A(1) of this regulation;
- (2) From an excluded individual;
- (3) From a person who is placing the wager in violation of applicable law or regulation; or
- (4) From a person that may not participate in sports wagering because the person:

(a) Is licensed by the Commission under State Government Article, Title 9, Subtitles 9-1A or 9-1E, Annotated Code of Maryland; or

(b) Is an affiliate or agent of a sports wagering licensee or online sports wagering operator.

G. The prohibition under §F(4) of this regulation is not applicable to persons who are registered or certified as a vendor under COMAR 36.10.06.12.

H. Adjustment to a sports wagering account for an amount of \$500 or under shall be periodically reviewed by supervisory personnel as set forth in the sports wagering licensee's internal controls.

I. Supervisory personnel shall authorize an adjustment for an amount above \$500 before the adjustment may be entered into the bettors' account.

**.06 Reserve.**

A. A sports wagering licensee shall maintain a reserve in cash, cash equivalents, irrevocable letter of credit, bond, or a combination thereof in an amount approved by the Commission to cover the outstanding liability of the sports wagering licensee to bettors.

B. A sports wagering licensee may not remove, release, or withdraw funds from its reserve without the written approval of the Commission.

C. The amount in the reserve shall be at least \$500,000 and equal or exceed the aggregate sum of:

- (1) Funds held by the sports wagering licensee in bettor accounts;
- (2) The total amount of funds to cover the potential liability for all wagers accepted by the sports wagering licensee on sporting events with outcomes that have not been determined; and
- (3) Money owed but unpaid by the sports wagering licensee to bettors on winning wagers.

D. A sports wagering licensee shall ensure that the reserve is held by a financial institution insured by the Federal Deposit Insurance Corporation and licensed to transact business in the State.

E. A sports wagering licensee shall:

- (1) Calculate its reserve requirements each day; and
- (2) If the sports wagering licensee determines its reserve is insufficient to cover the requirement of this regulation, notify the Commission in writing:
  - (a) Within 24 hours of the deficiency; and
  - (b) The steps to be taken to remedy the deficiency.

**.07 Complaint by an Interested Party.**

A. Definitions. In this regulation, the following terms have the meanings indicated:

- (1) "Interested party" means:
  - (a) A sports wagering licensee;
  - (b) A professional sports team, or its:
    - (i) League;
    - (ii) Association; or
    - (iii) Governing entity; or
  - (c) An institution of higher education.
- (2) "Public hearing" means the portion of a Commission meeting during which the Commission will consider an interested party's complaint about a matter described in State Government, §9-1E-11(e)(2), Annotated Code of Maryland.

B. Complaint.

(1) An interested party may submit a complaint to the Commission requesting the Commission to prohibit a:

- (a) Type or form of sports wagering; or
  - (b) Category of individuals wagering on a sporting event.
- (2) Time for Submission.

(a) The complaint shall be submitted at least 15 days before commencement of the wagering activity that is the subject of the complaint.

(b) Except for recurring events, the Commission shall immediately dismiss, and may not consider, a complaint that is submitted less than 15 days before commencement of the wagering activity that is the subject of the complaint.

(3) *The complaint shall be in writing, and specifically describe the type, form, or category of wager, including:*

(a) *A description of the sporting event for which the wager is offered, including:*

- (i) *Date;*
- (ii) *Time;*
- (iii) *Place; and*
- (iv) *Participants in the sporting event;*

(b) *The name and contact information for the licensee or person offering the wager;*

(c) *The specific reasons why the complainant believes that the type, form, or category of wager:*

- (i) *Is contrary to public policy;*
- (ii) *Is unfair to consumers;*
- (iii) *Affects the integrity of a particular sport; or*
- (iv) *Affects the integrity of the sports wagering industry;*

and

(d) *Any other information the Commission requires.*

**C. Review of Complaint.**

(1) *Commission staff shall review the complaint for compliance with §B of this regulation.*

(2) *Missing Information.*

(a) *Commission staff shall notify the complainant if the complaint is missing information required in §B of this regulation, or if additional information is required to review the complaint.*

(b) *The complainant shall provide Commission staff with any missing or required information within 5 days of the notice in §C(2)(a) of this regulation.*

**D. Commission staff shall dismiss the complaint if:**

(1) *The complainant fails to timely provide information as required in §C of this regulation;*

(2) *The person that is allegedly conducting the wagering activity that is the subject of the complaint is not a licensee;*

(3) *The wagering activity is a prohibited wager under COMAR 36.10.14; or*

(4) *The wagering activity occurs before the next scheduled Commission meeting.*

**E. Public Hearing.**

(1) *The portion of the Commission meeting pertaining to the agenda item of the complaint shall be conducted as part of a Commission open meeting under COMAR 36.01.02.03.*

(2) *A public hearing on the complaint of an interested party is not a hearing under COMAR 36.01.02.06.*

(3) *If the complaint has not been dismissed under §C of this regulation, Commission staff:*

(a) *Shall place the complaint on the agenda item of the next Commission meeting and post notice of the meeting in the ordinary course of business;*

(b) *Shall attempt to contact the complainant and the licensee or person offering the wager of the meeting; and*

(c) *May notify any interested party of the complaint and meeting.*

(4) *An individual who wishes to speak during the portion of the Commission meeting pertaining to the agenda item of the complaint:*

(a) *Is encouraged to contact the Commission staff who notified the individual of the meeting to advise, in advance of the meeting, whether they plan to attend; and*

(b) *Is limited to the time limit established by the Chair.*

(5) *If the Commission meeting will be held virtually:*

(a) *The individual shall contact the Commission staff who notified the individual of the meeting to advise, in advance of the meeting, the telephone number, or other means acceptable to the Commission, by which they will join the virtual meeting; and*

(b) *An individual who has not contacted Commission staff as required in §E(5)(a) of this regulation may not participate in the meeting.*

(6) *During discussion of the agenda item pertaining to the complaint, the Commission shall:*

(a) *Receive a report from Commission staff;*

(b) *Hear the views of interested parties, or individuals who have arranged to join the meeting under §E(5)(a) of this regulation; and*

(c) *Decide whether good cause is shown to prohibit the wagering activity that is the subject of the complaint.*

(7) *If good cause is shown, the Commission shall notify the complainant and licensee of the decision and take appropriate action.*

(8) *If good cause is not shown, the Commission shall notify the complainant and licensee of the decision.*

**F. The Commission's decision on a complaint under this regulation does not give rise to an appeal right under State Government Article, Title 10, Annotated Code of Maryland.**

**36.10.15 Sports Wagering Licensee Facility Standards**

*Authority: State Government Article, §§9-1E-01—9-1E-15, Annotated Code of Maryland*

**.01 Applicability.**

*This chapter applies only to sports wagering facilities.*

**.02 Hours of Operation.**

*A facility may operate during the hours approved by the Commission.*

**.03 Facility Design Standards.**

*The holder of a Class A or Class B license shall, at its own expense, construct its facility in accordance with specifications established by the Commission, including:*

**A. For any sports wagering licensee that does not currently hold a video lottery facility operator's license, at least 100 square feet of office space or an amount approved by the Commission that is available for use by the Commission staff and equipped with:**

(1) *Partitioned workspace, telephones, all-in-one printer, and office supplies sufficient to meet the Commission staff's operational needs;*

(2) *A secure high-speed wireless internet connection; and*

(3) *Computer terminals permitting read only access by authorized Commission staff to any computerized sports wagering platform, player management system, surveillance system or bettor tracking system used by the sports wagering licensee;*

**B. A surveillance system approved in writing by the Commission that:**

(1) *Is configured to provide surveillance of all sports wagering related activities within the facility in accordance with standards established by the Commission;*

(2) *Is enabled with digital video recording capabilities in accordance with standards established by the Commission; and*

(3) *Provides the Commission with timely and unfettered access to its surveillance system;*

**C. An alarm system connected to all emergency exits from the facility which:**

(1) *Produces a distinguishable warning sound that is discernible in the vicinity of an exit when the emergency door is opened; and*

(2) Requires deactivation and reset by means of a key or alternative locking mechanism maintained and controlled by the security department;

D. Any signage required by the Commission;

E. Communication systems capable of effecting timely communication between the facility and the Commission, law enforcement exercising proper jurisdiction over the facility, and emergency first responders; and

F. Any other equipment or design feature required by the Commission.

**.04 Sports Wagering Facility Plan.**

A. This regulation is only applicable to the holder of a sports wagering facility licensee.

B. At least 60 days before sports wagering operations are to commence, a licensee shall submit a floor plan depicting its facility and all restricted areas to the Commission for review and written approval.

C. A licensee may not commence operations until its facility plan is approved in writing by the Commission.

D. A facility plan that a licensee submits to the Commission shall:

(1) Be drawn to 1/8-inch scale, unless another scale is approved by the Commission;

(2) Depict the facility with a notation as to:

(a) Total square feet;

(b) Perimeter of the facility;

(c) Each ATM and bill breaker, ticket redemption unit and kiosk; and

(d) Each security department zone, including a notation as to whether it is a fixed or roving post;

(3) Depict any restricted areas within the facility with a notation identifying:

(a) Cashiers' cage, any satellite cashiers' cage, and ancillary offices, inclusive of each cashiers' cage window location and location number;

(b) Count rooms and any trolley storage areas;

(c) Information technology department computer rooms;

(d) Surveillance equipment room;

(e) Vault and armored car bay facilities, if applicable; and

(f) Any area designated as restricted by the licensee in its Commission-approved internal controls;

(4) Depict each surveillance camera with a notation as to camera type and location number;

(5) Depict each automated teller machine installed; and

(6) Any other equipment or design feature required by the Commission.

E. If a facility includes an outdoor area, in addition to the requirements of §D of this regulation, a licensee shall submit to the Commission a facility plan that includes:

(1) The amenities that the licensee intends to offer in the outdoor area;

(2) An affidavit from the licensee's chief executive officer attesting that the outdoor area and its intended use meet all applicable local and State requirements; and

(3) A plan for bettor and equipment safety during inclement weather.

F. A licensee may not implement any change to its approved wagering facility plan without the prior written approval of the Commission.

**36.10.16 Wagering Using Online, Web-Based, or Mobile Applications**

Authority: State Government Article, §§9-1E-01—9-1E-15, Annotated Code of Maryland

**.01 General.**

Unless context or the individual regulation dictates otherwise, for purposes of this regulation, "sports wagering licensee" includes:

A. Mobile sports wagering licensee; and

B. Online sports wagering operator licensee.

**.02 One Website.**

A mobile sports wagering licensee may utilize only one individually branded website to accept and pay sports wagers.

**.03 Geolocation Requirements.**

A sports wagering licensee and its agents, contractors, and vendors shall ensure that all of its sports wagering is initiated, received, and completed within the State and that only intermediate routing of a sports wager occurs outside the State.

**.04 Periodic Review of Systems.**

A sports wagering licensee and its agents, contractors, and vendors shall periodically review their information technology systems and networks to ensure compliance with this chapter.

**.05 Age Verification.**

A. A sports wagering licensee shall provide for age verification measures to block access to and prevent sports wagers by an individual younger than 21 years old.

B. A sports wagering licensee shall provide for identity verification through secure online databases.

**.06 Security Mechanisms.**

A sports wagering licensee shall have security mechanisms that ensure the confidentiality of personally identifiable information except as otherwise required by law or authorized by this subtitle.

**36.10.17 Sports Wagering Equipment**

Authority: State Government Article, §§9-1E-01—9-1E-15, Annotated Code of Maryland

**.01 Registration.**

A. The Commission shall maintain a register of the serial number of all kiosks used for sports wagering in the State.

B. If a sports wagering facility has multiple sports wagering kiosks, the facility shall ensure that each kiosk is individually identifiable by surveillance.

**.02 Testing.**

The Commission shall require that sports wagering equipment be tested by an independent certified testing laboratory:

A. For accuracy;

B. To ensure that the sports wagering equipment is in compliance with all statutes, regulations and Commission directives applicable to such equipment; and

C. For any other function that the Commission determines may be necessary to validate the functionality and performance of the sports wagering equipment.

**.03 Request for Authorization.**

A. A sports wagering licensee shall obtain prior written Commission authorization before:

(1) Placing sports wagering equipment into operation;

(2) Relocating sports wagering equipment within the facility;

- (3) Changing a configuration;
- (4) Performing a substantial replacement of parts;
- (5) Implementing any variation, composite, or new feature of sports wagering equipment; or
- (6) Performing any other action that materially alters or interrupts the operation of the sports wagering equipment.

B. Before the Commission may authorize an action described in §A of this regulation, a sports wagering licensee shall submit to the Commission written notice of the request that includes:

- (1) Description of proposed action;
- (2) Location of proposed action;
- (3) Start and end dates and times of the proposed action; and
- (4) Any other information requested by the Commission.

C. Notice of Changes. A sports wagering licensee shall promptly provide the Commission with written notice of any changes to the information already submitted under §A or B of this regulation.

D. In response to a request for authorization, the Commission may:

- (1) Impose additional requirements on the sports wagering licensee before authorizing the request;
- (2) Deny the request; or
- (3) Approve the request.

E. Notice of Inaction. A sports wagering licensee shall provide written notice to the Commission if the action is not completed as approved by the Commission.

### 36.10.18 Sports Wagering Technical Standards

Authority: State Government Article, §§9-1E-01—9-1E-15, Annotated Code of Maryland

#### .01 General.

Unless context or the individual regulation dictates otherwise, for purposes of COMAR 36.10.16, “sports wagering licensee” includes:

- A. Mobile sports wagering licensee; and
- B. Online sports wagering operator licensee.

#### .02 Definition.

In this chapter, “past posting” means a wager that was made after the result of an event is accepted or after the selected participant has gained a material advantage.

#### .03 Sports Wagering Platform Requirements.

A. All sports wagers shall be initiated, received, and otherwise made within the State unless otherwise licensed by federal law.

B. A sports wagering licensee or applicant shall submit its sports wagering platform and sports wagering equipment to an independent certified testing laboratory prior to their use for sports wagering.

C. Sports wagering platform documentation shall include:

- (1) A complete, comprehensive, technically accurate description and explanation of the sports wagering platform;
- (2) A detailed operating procedures of the sports wagering platform; and
- (3) A description of the risk management framework, including:
  - (a) User access controls for all sports wagering licensee personnel;
  - (b) Information regarding segregation of duties;
  - (c) Information regarding automated risk-management procedures;
  - (d) Information regarding identifying and reporting fraud and suspicious activity;
  - (e) Information regarding technical safeguards that protect the sports wagering platform from unauthorized access and loss of data;
  - (f) Controls to ensure compliance with all statutory and other legal requirements;

- (g) A description of AML compliance standards;
- (h) A description of all software applications that comprise the sports wagering platform;
- (i) A description of wagers available to be offered by the sports wagering platform;
- (j) A description of all third-party systems proposed for utilization;
- (k) A description of the method proposed by the sports wagering licensee to prevent cheating; and
- (l) Any other information imposed by the Commission.

D. Upon request, a sports wagering licensee shall promptly provide the Commission with relevant reports and documentation that shall include, at a minimum:

- (1) Complete, comprehensive, technically accurate description and explanation of the sports wagering platform;
- (2) The ability to query or sort wagering data; and
- (3) The ability to export wagering data.

E. A sports wagering licensee or a supplier providing a licensee’s sports wagering platform shall maintain all transactional wagering data for a period of 5 years.

F. The house rules that apply to wagers placed on a sports wagering platform shall be readily available to a bettor.

G. For each wager, a sports wagering platform shall be capable of recording the:

- (1) Description and alphanumeric identifier of the sporting event;
- (2) Wager selection;
- (3) Type of wager;
- (4) Amount of wager;
- (5) Date and time of the wager;
- (6) Unique wager identifiers;
- (7) Bettor identification number;
- (8) Current wager status;
- (9) Relevant location information;
- (10) Results of the wager;
- (11) Amount won; and
- (12) Date and time the winning wager was paid to the bettor.

H. A sports wagering platform that offers wagering shall be capable of:

- (1) Accurately and timely updating of odds for wagers;
- (2) Notifying a bettor of any change in odds that is not beneficial to the bettor while the wager is selected but before it is placed;
- (3) Allowing bettors to confirm the wager after notification of the odds change; and
- (4) Freezing or suspending the offering of wagers when necessary.

I. A sports wagering platform shall be capable of:

- (1) Creating a wager;
- (2) Settling a wager;
- (3) Voiding a wager;
- (4) Cancelling a wager; and
- (5) Preventing the acceptance of a wager on a prohibited sporting event.

J. If a wager is voided or cancelled, a sports wagering platform shall indicate that:

- (1) The transaction was voided or cancelled;
- (2) The transaction was rendered nonredeemable;
- (3) An entry in the system was made indicating the wager was voided or cancelled; and
- (4) Subject to COMAR 36.10.13.07, the transaction is clearly noted in a permanent record.

K. Unless approved in advance by the Commission, a sports wagering licensee or an online sports wagering operator may not

alter the odds or any other material aspect of the transaction after accepting a wager.

L. A sports wagering platform shall prevent:

- (1) The electronic modification of data to facilitate cheating;
- (2) The past posting of wagers; and
- (3) The voiding and cancellation of wagers after the outcome of an event is known.

M. If a bettor has a pending wager and the bettor subsequently self-excludes:

- (1) The wager may settle; and
- (2) The funds and account balance shall be returned to the bettor in accordance with the sports wagering licensee's internal control standards.

N. Software Validation.

(1) At least once every 24 hours and on demand, a sports wagering platform shall perform a software validation on all critical control program components contained on the system to ensure that:

- (a) There have been no unauthorized modifications; and
- (b) The software is authentic.

(2) The software validation process shall employ a hash algorithm which produces a message digest of at least 128 bits and includes all critical control program components which may affect wagering operations, including but not limited to:

- (a) Executables;
- (b) Libraries;
- (c) Wagering or system configurations;
- (d) Operating system files;
- (e) Components that control required system reporting; and
- (f) Database elements that affect system operations.

(3) In the event of a software validation failure, the sports wagering platform shall have the capability to detect if any system component is determined to be invalid.

O. The sports wagering licensee shall notify the Commission within 12 hours of a validation failure.

P. A sports wagering licensee shall:

- (1) Record all validation attempts by the sports wagering platform; and
- (2) Maintain the recorded attempts for a period of 180 days.

Q. Data Feeds.

(1) A sports wagering platform shall have controls in place to review the accuracy and timeliness of any data feeds used to offer or settle wagers.

(2) If an incident or error occurs that results in a loss of communication with the data feeds used to offer or redeem wagers, the sports wagering licensee shall record the error in a log capturing:

- (a) The date and time of the error;
- (b) The nature of the error; and
- (c) A description of its impact on the system's performance.

(3) The sports wagering licensee shall maintain the information required by §P(2) for a minimum period of 2 years.

R. A sports wagering licensee that provides a sports wagering platform shall grant the Commission access to the platform in the manner required by the Commission.

S. In a format required by the Commission, a sports wagering platform shall provide a process for the Commission to query and export all sports wagering platform data.

T. The Commission may require additional system specifications.

**.04 Geolocation Systems.**

A. A sports wagering licensee shall keep its geolocation system up to date by integrating current solutions in real time that can detect the use of:

- (1) Remote desktop software;
- (2) Rootkits;

(3) Virtualization; and

(4) Any other programs identified by the Commission as having the ability to circumvent geolocation measures.

B. The sports wagering licensee shall continually review the integrity of the geolocation system to ensure that the system detects and mitigates existing and emerging location fraud risks.

C. A sports wagering platform shall utilize a geolocation system to:

(1) Reasonably detect the physical location of an individual attempting to access the sports wagering platform and place a sports wager; and

(2) Monitor and block attempts to place an online sports wager when an individual is not within the State.

D. The geolocation system required by §C of this regulation shall:

- (1) Ensure that a bettor:
  - (a) Is located within the State when placing a sports wager; and
  - (b) Can dynamically monitor the bettor's location; and
- (2) Block unauthorized attempts to place a sports wager when an individual is not within the State.

E. The Commission may require additional geolocation requirements.

**.05 Bettor Accounts.**

A. Only a registered bettor may place an online wager.

B. The sports wagering licensee shall record and maintain the information necessary to initiate a bettor account for a period of 5 years.

C. The information recorded and maintained under §B of this regulation shall include:

- (1) Bettor's legal name;
- (2) Bettor's date of birth;
- (3) Bettor's residential address and mailing address if different;
- (4) Bettor's phone number;
- (5) Bettor's active email address;
- (6) Bettor's social security number or equivalent as approved by the Commission;
- (7) Verification that the bettor is permitted to place a wager;
- (8) Sources of identification authentication, which may include:
  - (a) Type and identification number of any government-issued credentials provided; or
  - (b) Other methodology for remote, multi-source authentication including third-party and governmental databases, as approved by the Commission; and
- (9) Any other information required by the Commission.

D. A sports wagering licensee shall record:

- (1) A bettor's acceptance of the sports wagering licensee's:
  - (a) Sports wagering terms and conditions; and
  - (b) Privacy policy; and
- (2) The bettor's acknowledgment that:
  - (a) The bettor has provided the sports wagering licensee accurate information; and
  - (b) The bettor is prohibited from allowing any other person to access or use the bettor's bettor account.

E. Verification of Transactions on a Bettor Account.

(1) For each deposit or withdrawal on a bettor account, a sports wagering licensee shall determine if the information provided by the bettor:

- (a) Is inconsistent with the funding information previously provided by the bettor;
- (b) Fails to verify the identity of the bettor; or
- (c) Violates the sports wagering licensee's terms and conditions.

(2) Within 24 hours after a condition set forth in §E(1) occurs, the sports wagering licensee shall require the submission of additional information from the bettor that:

- (a) Verifies the bettor's:
  - (i) Identity; or
  - (ii) Fund deposit or withdrawal information; or
- (b) Remedies the violation of the sports wagering licensee's terms and conditions.

(3) If the information provided by the bettor pursuant to §E(2) of this regulation does not provide the proper verification or remedy the violation, the sports wagering licensee shall:

- (a) Immediately suspend the bettor account;
- (b) Prohibit the bettor from placing any wagers;
- (c) Submit any winnings attributable to the bettor to the Commission for distribution to the State's Problem Gambling Treatment and Support Fund;
- (d) Refund the balance of deposits made to the account to the source of such deposit or by issuance of a check; and
- (e) Deactivate the account.

**F. Creation of a Bettor Account.**

(1) A sports wagering licensee shall notify the bettor of the creation of the bettor account by email, text message, or first-class mail.

(2) When a bettor account is created, the sports wagering licensee shall establish a unique username and password for the bettor authorized to use the bettor account that prevents unauthorized access to the bettor account by an individual other than the bettor.

G. A bettor may have only one bettor account for each sports wagering licensee.

**H. A bettor account may be funded using:**

- (1) A debit card;
- (2) A credit card subject to COMAR 36.10.13.28;
- (3) An electronic bank transfer, including a transfer through third parties;
- (4) An online or mobile payment system that supports online money transfers;
- (5) Winnings or payouts;
- (6) Bonuses and promotions;
- (7) Reloadable prepaid card, which has been verified as being issued to the bettor and is non-transferable; and
- (8) Any other means approved by the Commission.

**I. Funds may be withdrawn from a bettor account through:**

- (1) Cash;
- (2) Wagers;
- (3) A cashier's check, wire transfer, or money order by the sports wagering licensee made payable to the bettor that is:
  - (a) Issued directly to the bettor; or
  - (b) Delivered to the bettor's address on file with the sports wagering licensee;
- (4) Credits to the bettor's debit card;
- (5) Electronic bank transfers, including transfers through third parties;
- (6) Online or mobile payment systems that support online money transfers;
- (7) Reloadable prepaid card that:
  - (a) Has been verified as being issued to the bettor; and
  - (b) Is non-transferable; or
- (8) Any other means approved by the Commission.

J. Within 5 days of a bettor request for withdrawal of funds, the sports wagering licensee shall complete the withdrawal unless there is a pending:

- (1) Unresolved bettor dispute; or
- (2) Investigation prompted by a bettor dispute or the Commission.

K. Funds for withdrawal may be withheld from withdrawal until:

- (1) The funding transaction clears; or
- (2) The chargeback period ends.

L. All adjustments to a bettor account for:

- (1) Individual amounts of \$500 or less shall be periodically reviewed by the sports wagering licensee consistent with the sports wagering licensee's internal control standards; and
- (2) Individual amounts of more than \$500 shall be authorized by the sports wagering licensee's management before being entered.

M. A sports wagering licensee may not allow the transfer of funds or credits from or to another bettor account.

N. Except for the placement or settlement of a wager, the sports wagering licensee shall confirm each transaction on a bettor account by:

- (1) Email;
- (2) Text message; or
- (3) Other means:
  - (a) Agreed upon by the bettor and sports wagering licensee;

and

- (b) Approved by the Commission.

**O. Account Statements.**

(1) A sports wagering licensee shall provide an account statement upon demand by the bettor.

(2) An account statement shall include detailed account activity for at least 6 months preceding the 24-hour period before the request.

(3) A sports wagering licensee shall be capable of providing a summary statement of all bettor activity during the previous 24 months if requested.

P. If a sports wagering licensee knows or has reason to know that a bettor's identification or bettor account has been compromised, a sports wagering licensee shall:

- (1) Suspend wagers from being made; and
- (2) Immediately re-verify a bettor's identification.

**Q. A sports wagering licensee shall:**

- (1) Offer an easily accessible method for a bettor to close the bettor's account; and
- (2) Refund the balance remaining in a bettor's account:
  - (a) Pursuant to the sports wagering licensee's internal control standards; and
  - (b) No later than 5 days after receiving notice from the bettor of the intent to close the bettor's account.

R. A sports wagering platform shall employ a mechanism that can detect and prevent any bettor-initiated activity that would result in a negative balance of a bettor account.

**S. A sports wagering licensee shall:**

- (1) Disable a bettor's account after 3 failed log-in attempts; and
- (2) Require multi-factor authentication to recover or reset a password or username after being disabled.

T. A sports wagering licensee shall suspend a bettor account if:

- (1) The bettor requests a suspension for a period not less than 24 hours as a self-limiting measure;
- (2) Required by the Commission;
- (3) The sports wagering licensee knows or has reason to know that the bettor may be a prohibited individual; or
- (4) The sports wagering licensee knows or has reason to know of:
  - (a) Illegal activity related to the account;
  - (b) A negative account balance; or
  - (c) A violation of the sports wagering licensee's terms and conditions has taken place on the bettor's account.

U. When a sports wagering account is suspended, the bettor shall be prevented from:

- (1) Wagering;

- (2) Depositing funds, unless the reason for the deposit is to clear a negative balance that resulted in the suspension;
- (3) Withdrawing funds if there is a pending unresolved bettor dispute or investigation prompted by a bettor dispute or the Commission;
- (4) Making changes to the bettor account; or
- (5) Removing the bettor account from the sports wagering platform.

V. A bettor account suspended for a reason stated in §T of this regulation may be restored:

- (1) Upon expiration of the time period established by the bettor;
- (2) When the sports wagering licensee has determined that the Commission has granted permission for the restoration;
- (3) When the licensee has determined that the bettor is not a prohibited or excluded individual; or
- (4) When the sports wagering licensee has determined that:
  - (a) No illegal activity related to the account occurred;
  - (b) There is no longer a negative account balance; or
  - (c) No violation of the terms and conditions that has taken place on the bettor's account.

**.06 Information Security.**

A. A sports wagering licensee shall:

- (1) Implement, maintain, regularly review and revise, and comply with a comprehensive information security system that takes reasonable steps to protect the confidentiality, integrity, and availability of a bettor's personally identifiable information; and
- (2) Ensure that the security system set forth in §A(1) of this regulation shall contain administrative, technical, and physical safeguards which are:
  - (a) Appropriate to the size, complexity, nature, and scope of the operations; and
  - (b) Sensitive of the personal information owned, licensed, maintained, handled, or otherwise in the possession of the sports wagering licensee.

B. A sports wagering licensee shall:

- (1) Perform vulnerability testing of the sports wagering platform, associated equipment, and networks to assess the effectiveness of security controls; and
- (2) Have the testing set forth in §B(1) of this regulation conducted by a Commission approved third party as set forth in Regulation .02B of this chapter.

C. A sports wagering licensee shall create a report that:

- (1) Assesses the adequacy and effectiveness of the sports wagering licensee's information technology security controls and system configurations; and
- (2) Provides recommendations for eliminating each material weakness or significant deficiency identified.

D. A sports wagering licensee shall evaluate all identified vulnerabilities for potential adverse effect on security and integrity and:

- (1) Remediate the vulnerability no later than 90 days following the earlier of vulnerability's identification or public disclosure; or
- (2) Document why remediation action is unnecessary or unsuitable.

JOHN MARTIN  
Director

# Special Documents

## DEPARTMENT OF THE ENVIRONMENT

### WATER AND SCIENCE ADMINISTRATION

#### Water Quality Certification 21-WQC-0305

*Baltimore Gas and Electric Company  
1699 Leaden Hill Street  
Baltimore, MD 21230*

**Add'l. Info:** Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 21-WQC-0305.

**Location:** Perryman (west) and Edgewood (east) and over the Bush River in Harford County, MD

The purpose of the project is to rebuild 1.3 miles of an existing 115kV utility transmission line between Edgewood and Perryman. The project will involve replacement of three utility double circuit lattice towers, four single-circuit utility H-frames, in addition to nine monopoles. Additional work will involve clearing of forested vegetation to create a permanent access path for site access within a utility right-of-way.

1. The tidal crossing will consist of one 225-foot tall monopole structure with a 30-foot by 30-foot concrete, pile supported square base (900 square feet) constructed approximately midway in the Bush River.
2. The tidal portion of the project will consist of six overhead 115kV electric cables installed a total of 3,715 linear feet from the mean high water line to mean high water line of the shorelines.
3. The alignment of the replacement structures will be shifted, but are to remain parallel to the existing, but still operational facilities. After completion of the work, the existing outdated structures will be inactivated and removed.
4. The project will impact nontidal wetlands and the nontidal wetland buffer. Permanent impacts to 5,096 square feet of forested nontidal wetland, in addition to conversion of an additional 47,447 square feet of forested nontidal wetland to 47,447 square feet of emergent nontidal wetland, 2,420 square feet of emergent nontidal wetland and 4,929 square feet of the nontidal 25-foot wetland buffer. The temporary nontidal impacts are to 393 square feet of forested nontidal wetland, 6,286 square feet of scrub-shrub nontidal wetland, 99,051 square feet of emergent nontidal wetland, 51,791 square feet of the nontidal 25-foot wetland buffer, and 1,544 square feet to the 100-foot expanded buffer of a nontidal wetland of special State concern.
5. Mitigation for the loss of 5,096 square feet of forested nontidal wetland, 2,420 square feet emergent nontidal wetland, and conversion of 47,447 square feet of forested nontidal wetland to emergent nontidal wetland will be accomplished by creating the equivalent of at least 60,059 square feet of nontidal wetland mitigation, including at least 57,639 square feet of forested nontidal wetland. The Mitigation requirement was satisfied through the purchase of 60,059 square feet of forested nontidal wetland mitigation credits from the Peige Wetland Mitigation Bank.

The WQC and its attachments may be viewed at the following link: <https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

**Contact:** Louis Parnes at [louis.parnes@maryland.gov](mailto:louis.parnes@maryland.gov) or 410-537-3786.

[21-18-18]

## WATER AND SCIENCE ADMINISTRATION

#### Water Quality Certification 21-WQC-0320

*Airedale Road LLC  
49944 Airedele Rd  
Ridge, MD 20680*

**Add'l. Info:** Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 21-WQC-0320.

**Location:** 49944 Airedele Rd., Ridge, MD 20680 in St. Mary's County

The purpose of the project is to control shore erosion and expand an oyster nursery.

- 1) To fill, grade, and plant marsh vegetation along 505 feet of eroding shoreline with 1100 cubic yards of sand and a low profile, stone, sand containment sill emplaced within a maximum of 25 feet channelward of the mean high water line; 2) Emplace 20 feet of stone revetment within a maximum of 10 feet channelward of the mean high water line. 3) Emplace a 5-foot by 5-foot splash pad within a maximum of 30 feet channelward of the mean high water line. 4) Install one, six inch diameter intake pipe with one bleed line and three, two inch backup intake lines; 5) Install two, six inch diameter discharge pipes, all proposed pipes extending a maximum of 80 channelward of the mean high water line.

The WQC and its attachments may be viewed at the following link: <https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800

Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

**Contact:** Justin Berezna at justin.berezna@maryland.gov or 410-537-3782

[21-18-20]

## WATER AND SCIENCE ADMINISTRATION

### Water Quality Certification 21-WQC-0322

*Somerset County Sanitary District  
George, Miles & Buhr, LLP  
C/O Peter Bozick  
206 W Main Street  
Salisbury, Maryland 21801  
Via email: pbozick@gmbnet.com*

**Add'l. Info:** Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 21-WQC-0322.

**Location:** Rhodes Point Gut between Tylerton and Rhodes Point, Smith Island, in Somerset County, MD

The purpose of the project is to improve water quality by connecting the residents of Tylerton to the Ewell/Rhodes Point Wastewater Treatment Plant which is scheduled to be upgraded.

Install approximately 5,225 linear feet of subaqueous high-density polyethylene (HDPE) 4-inch force main using both horizontal directional drilling and jet plow methods to transport wastewater from the Tylerton wastewater pump station to the wastewater treatment plant at Rhodes Point as shown on approved plans dated November 2019 and described below:

1. Install a 600 linear foot section and a 750 linear foot section for a total of 1,350 linear feet of 4-inch high-density polyethylene (HDPE) force main within an 8-inch boring at a minimum depth of 25 feet below the Rhodes Point to Tylerton navigation channel waterway by horizontal directional drilling (HDD).
2. Install approximately 3,875 feet of 4-inch diameter HDPE force main by jet plow or shear plow method at approximately 9 feet below the waterway bottom.
3. Construct a 4-foot wide by 4-foot long triangular vent platform elevated a minimum of 4 feet above the mudflat/marsh substrate.
4. Perform mitigation to offset the impacts to 34,848 square feet of submerged aquatic vegetation and 10 square feet vegetated tidal wetlands by performing Phragmites eradication and native marsh planting within 4.8 acres tidal marsh.
5. This work includes approximately 34,995 square feet of temporary impacts from the installation of timber matting and excavated HDD return pits in tidal wetlands

The WQC and its attachments may be viewed at the following link:  
<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800

Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

**Contact:** Mary Phipps-Dickerson at Mary.Phipps-Dickerson@maryland.gov or (410) 901-4033.

[21-18-19]

## DEPARTMENT OF HUMAN SERVICES

**Social Services Administration  
311 W. Saratoga Street  
Baltimore, Maryland 21201**

### STATEMENT OF NEED (SON)

For

**Psychiatric Respite (PR) and Diagnostic Evaluation Treatment Program (DETP) Residential Child Care (RCC) Services**

**Summary Statement**

The Department of Human Services (DHS) proposes to issue a Statement of Need/Request for Proposals ("SON/RFP") for the development of psychiatric respite and diagnostic, evaluation treatment program residential child care ("RCC") programs to serve children in the State of Maryland entrusted to the care and custody of DHS. Below is a summary of the SON/RFP, which will be issued after the closing date for comments.

The **Psychiatric Respite** program will serve youth who are discharged from a psychiatric hospitalization with a placement recommendation for a residential treatment center, less restrictive placement, or diversion from a psychiatric hospitalization.

The population to be served is male, female, and transgendered youth from all areas of the State, ages 13-20. The services to be provided are short-term, 30-day residential program services, with additional staffing and supportive services for children with serious behavioral issues. The number of beds sought for the Psychiatric Respite Program is 25.

Perspective providers shall:

1. Use the following minimum standards that are derived from the currently used Levels of Intensity ("LOI") when responding to the SON/RFP.

Minimum Standard	Level of Intensity
Care and Supervision	High
Clinical Services	High
Education	Moderate
Health and Medical Services	Moderate
Family Support Services	Moderate

2. Have an on-site MSDE approved Type III school or utilize the local school systems when appropriate, to ensure that each school-aged child attends an educational or vocational program in accordance with all applicable federal, State and local laws.
3. Have the ability to serve male, female and transgendered youth ages 13-20.

4. Offer evidence based and/or trauma informed treatment services as well as individual trauma therapy, individual, and group therapy.
5. Provide the Certificate of Need (CON) to the LDSS Case Manager for children recommended for a Residential Treatment Center (RTC).
6. Provide on-site counseling services and appropriate therapeutic modalities necessary to meet the needs of children in care.
7. Ensure that the established IRC/MSDE rate includes all services for this population, including a minimum resident to staff ratio (excluding volunteers and staff not providing direct care and supervision of residents) of **3:1** during waking hours and **8:1** during sleeping hours.

The **DETP** program will provide short-term care, not to exceed ninety (90) calendar days in length, that identifies and facilitates diagnostic services for children in need of stabilization before their transition into a longer-term placement setting. The Diagnostic Assessment shall include a psychiatric, psychological, educational, psycho-social, and medical plan for stabilizing the child and developing a plan to transition and maintain the child in the most appropriate and least restrictive placement to meet that child's needs. The assessment will be completed and submitted within sixty (60) business days of placement to the referring Local Department of Social Services (LDSS).

The population to be served is male, female, and transgendered youth from all areas of the State, ages 13-20. The number of beds sought for the DETP Program is 35.

Perspective providers shall:

1. Use the following minimum standards that are derived from the currently used LOI for SFY 2016 for the group home category when responding to this SON/RFP.

Minimum Standard	Level of Intensity
Care and Supervision	High
Clinical Services	High
Education	Moderate
Health and Medical Services	Moderate
Family Support Services	High

2. Have an on-site MSDE approved Type III school or utilize the local school systems when appropriate, to ensure that each school-aged child attends an educational or vocational program in accordance with all applicable federal, State and local laws.
3. Have the ability to provide a milieu of services offered in diagnostic and evaluation treatment programs in a campus-facility or community-based facility.
4. Have the ability to serve male, female and transgendered youth ages 13-20.
5. Offer evidence based and/or trauma informed treatment services as well as individual trauma therapy, and individual and group therapy.
6. Provide the Certificate of Need (CON) to the LDSS Case Manager for children recommended for a Residential Treatment Center (RTC).
7. Ensure on-site availability to provide nursing and clinical/counseling needs consistent with its treatment model to meet the needs of children in care 24/7.
8. Ensure that DETP programs have a minimum resident to staff ratio (excluding volunteers and staff not providing

direct care and supervision of residents) of **4:1** during waking hours and **8:1** during sleeping hours.

Provider General Requirements:

For the Psychiatric Respite Program:

1. the ability to provide psychiatric respite as services as defined in a campus-type facility;
2. the ability to serve male and/or female as well as transgendered youth ages 13-20 years of age;
3. an existing Maryland license to provide residential child care services; or
4. the ability to establish a facility in the state of Maryland by the time of contract award;
5. previous experience serving youth with high level behavioral needs; and
6. Trauma Certified Treatment practice which is preferred over trauma informed.

For the Diagnostic Evaluation and Treatment Program:

1. the ability to provide diagnostic and evaluation treatment services as defined in a campus-type facility;
2. the ability to serve male and/or female as well as transgendered youth ages 13-20 years of age;
3. an existing Maryland license to provide residential child care services;
4. the ability to establish a facility in the state of Maryland by the time of contract award;
5. previous experience serving youth with a complex behavioral needs;
6. Trauma Certified Treatment capacity is preferred over trauma informed.

Opportunity for Public Comment

Comments may be sent to Tennille R. Thomas, Deputy Executive Director for Placement Services and Performance Monitoring, Social Services Administration, Department of Human Services, via email to [Tennille.Thomas@maryland.gov](mailto:Tennille.Thomas@maryland.gov) Comments will be accepted through September 27, 2021. A public hearing has not been scheduled.

[21-18-16]

## DEPARTMENT OF NATURAL RESOURCES

### FISHING AND BOATING SERVICES — PUBLIC NOTICE

#### Commercial Striped Bass Common Pool Hook and Line Fishery Modifications — Effective 8/10/2021

**WHAT THIS NOTICE DOES**

The Secretary of the Maryland Department of Natural Resources announces modifications to the commercial striped bass common pool hook and line fishery. Effective 12:01 a.m. Tuesday, August 10, 2021:

- The season is open August 10, 2021 through August 11, 2021.
- The catch limit is 250 lbs/permittee/week and 500 lbs/vessel/day.
- The catch times remain one hour before sunrise through one hour before sunset.

**WHY THIS IS NECESSARY**

This action is necessary to implement the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Atlantic Striped Bass.

**WHOM THIS NOTICE AFFECTS**

This applies to all individuals who are permitted to participate in the commercial striped bass common pool hook and line fishery in the Chesapeake Bay.

**AUTHORITY**

Code of Maryland Regulations (COMAR) 08.02.15.12

**FOR FURTHER INFORMATION CONTACT:**

Fishing and Boating Services at 410-260-8293

JEANNIE HADDAWAY-RICCIO

Secretary of Natural Resources

[21-18-17]

# General Notices

## Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

### DEPARTMENT OF AGING

**Subject:** Public Meeting  
**Date and Time:** September 17, 2021, 10 a.m. — 12 p.m.  
**Place:** Virtual meeting — please see details below.  
**Add'l. Info:** Regularly Scheduled Meeting of the Maryland Commission on Aging  
 To register, please follow this link:  
<https://roseliassociates.zoomgov.com/meeting/register/vJiscO2rqTsuEn4GXW5fpFwkIPwwH2Q3XIA>  
**Contact:** Rosanne Hanratty (410) 767-0708

[21-18-10]

### CHESAPEAKE BAY TRUST

**Subject:** Public Meeting  
**Date and Time:** September 17, 2021, 10 a.m. — 12 p.m.  
**Place:** Zoom meeting  
**Add'l. Info:** Please call Sarah Higgins for Zoom Link. 410-974-2941 x113  
**Contact:** Sarah Higgins (410) 974-2941

[21-18-27]

### BOARD OF DIETETIC PRACTICE

**Subject:** Public Meeting  
**Date and Time:** September 16, 2021, 10 a.m. — 12 p.m.  
**Place:** Via Google Meet — please see Board's website for details.  
**Contact:** Lenelle Cooper (410) 764-4733

[21-18-09]

### EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

**Subject:** Public Meeting  
**Date and Time:** September 2, 2021, 1 — 3 p.m.  
**Place:** Virtual meeting — please see details below.  
**Add'l. Info:** The State Emergency Medical Services Advisory Council (SEMSAC) meets regularly the 1st Thursday of each month. Due to COVID this meeting will be held virtually. Please call 410-706-5074 for access information.  
**Contact:** Sheilé McAllister (410) 706-4449

[21-18-13]

### EMERGENCY MEDICAL SERVICES BOARD

**Subject:** Public Meeting  
**Date and Time:** September 14, 2021, 9 a.m. — 12 p.m.  
**Place:** Virtual meeting — please see details below.  
**Add'l. Info:** The State Emergency Medical Services Board (EMS Board) meets regularly the 2nd Tuesday of each month. Due to COVID, the meeting will be held virtually. Please call 410-706-5074 for access information. Part of the meeting may include a closed session.  
**Contact:** E. Fremont Magee (410) 706-8531

[21-18-12]

### COMMISSIONER OF FINANCIAL REGULATION

**Subject:** Public Meeting  
**Date and Time:** September 21, 2021, 2 — 3 p.m.  
**Place:** Via Google Meet — please see details below.  
**Add'l. Info:** Google Meet joining info:  
 Video call link:  
<https://meet.google.com/ahz-mgnk-jsu>  
 Or dial: (US) +1 530-738-1353  
 PIN: 815 799 863#  
 More phone numbers:  
<https://tel.meet/ahz-mgnk-jsu?pin=1097700804795>  
**Contact:** Cindy McCauley (443) 202-0154

[21-18-26]

### MARYLAND DEPARTMENT OF HEALTH

**Subject:** Public Meeting  
**Date and Time:** November 4, 2021, 9 a.m. — 1 p.m.  
**Place:** Virtual meeting—please see details below.  
**Add'l. Info:** Due to the State of Emergency as a result of the 2019 Novel Coronavirus (COVID-19) Pandemic, please be advised that the November 4, 2021, P & T (Pharmacy and Therapeutics) Committee public meeting will be conducted virtually by way of a Webinar.  
 As soon as available, classes of drugs to be reviewed, speaker registration guidelines, and procedure to register to attend the virtual meeting will be posted on the Maryland Pharmacy Program website at:

<https://health.maryland.gov/mmcp/pap/Pages/Public-Meeting-Announcement-and-Procedures-for-Public-Testimony.aspx>

Please submit questions to:  
[mdh.marylandpdlquestions@maryland.gov](mailto:mdh.marylandpdlquestions@maryland.gov).  
**Contact:** Deborah Washington (410) 767-1455

[21-18-30]

### DEPARTMENT OF INFORMATION TECHNOLOGY

**Subject:** Public Meeting  
**Date and Time:** September 15, 2021, 1 — 3 p.m.  
**Place:** 100 Community Pl., 1st Fl., Conf. Rm. B, Crownsville, MD  
**Add'l. Info:** This is a hybrid meeting; to attend virtually, please follow this link:  
[https://www.youtube.com/watch?v=XzZ7p\\_xjww&#8203](https://www.youtube.com/watch?v=XzZ7p_xjww&#8203)  
**Contact:** Cindy Cole (410) 697-9639

[21-18-21]

### DIVISION OF LABOR AND INDUSTRY/MARYLAND OCCUPATIONAL SAFETY AND HEALTH (MOSH) ADVISORY BOARD

**Subject:** Public Hearing  
**Date and Time:** September 20, 2021, 1 — 3 p.m.  
**Place:** Please see specific meeting information below.

**Add'l. Info:** There are a total of four regional Heat Stress Informational Hearings.

In accordance with Labor and Employment Article, Title 5, Subtitle 12, Annotated Code of Maryland, Ch. 308 (H.B. 722), Acts of 2020, Heat Stress Standards, the Commissioner Labor and Industry (Commissioner) is responsible for developing and adopting regulations to protect employees from heat-related stress in the workplace.

Per Labor and Employment Article, §5-1201, Annotated Code of Maryland, the Maryland Occupational Safety and Health Administration (MOSH) will host four regional informational sessions to gain input and feedback from stakeholders. These meetings are open to the public.

Verbal Statements: Interested persons who wish to provide a verbal statement are encouraged to register in advance by visiting the agency's website.  
<https://www.dllr.state.md.us/labor/mosh/>

Registration for Heat Stress Informational Hearings. Additional questions can be directed to Tiffany Jones (TiffanyR.Jones@maryland.gov) or 410-767-2182.

Details and the locations of the four public information sessions are listed below:

**Easton**

Tuesday, September 14, 2021, between 1 p.m.—3 p.m.  
Easton Library  
100 W. Dover Street  
Easton, MD 21601

**Laurel**

Thursday September 16, 2021, between 9:30 a.m.—noon  
Deerfield Run Community Center  
13000 Laurel-Bowie Road  
Laurel, MD 20708

**Hagerstown**

Monday, September 20, 2021, between 1 p.m.—3 p.m.  
Hagerstown Library  
Alice Virginia and David Fletcher Library| Main Library  
Room 309  
100 S. Potomac Street  
Hagerstown, MD 21740

**\*Hunt Valley**

Wednesday, September 22, 2021, between 1 p.m.—3 p.m.  
MOSH Headquarters|  
10946 Golden West Drive,  
Hunt Valley, Maryland 21030

\*NOTE: This is both an in-person and virtual meeting.

For information on participating virtually, please visit the Agency's website.

**Contact:** Tiffany R. Jones (410) 767-2182  
[21-18-29]

**MARYLAND STATE LOTTERY AND GAMING CONTROL COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** September 23, 2021, 10 a.m. — 12 p.m.

**Place:** Montgomery Business Park, 1800 Washington Blvd., Ste. 330, Baltimore, MD

**Add'l. Info:** We will be returning to in-person meetings with the September Commission meeting. There will also be a livestream link available the day of the meeting on our website at <https://www.mdgaming.com/commission-meeting-8-26-2021/>. Be advised that masks are required to enter the building.

**Contact:** Kathy Lingo (410) 230-8790  
[21-18-31]

**MARYLAND HEALTH CARE COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** September 23, 2021, 1 — 4 p.m.  
**Place:** Via Teleconference — please see registration information below.  
**Add'l. Info:** All public meetings will be held via teleconference until further notice. Please visit [mhcc.maryland.gov](http://mhcc.maryland.gov) for meeting registration information.  
**Contact:** Valerie Wooding (410) 764-3570  
[21-18-08]

**STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE**

**Subject:** Public Meeting  
**Date and Time:** September 10, 2021, 10 a.m. — 12 p.m.  
**Place:** The State Advisory Council on Quality Care at the End of Life will be meeting in person at the Office of Health Care Quality, 7120 Samuel Morse Dr., 2nd Fl. (Potomac Conference Room), Columbia, MD 21046, and via video conference on September 10, 2021, from 10 a.m. until 12 noon. The videoconference may be accessed as follows:

Join with Google Meet:

[meet.google.com/uva-cpku-vaz](https://meet.google.com/uva-cpku-vaz)

Join by phone: (US) +1 402-381-3312

PIN: 212303189

**Add'l. Info:** The public is welcome to attend the meeting in person or via videoconference. If you are experiencing any COVID-related symptoms, please join the meeting remotely. Anyone that is symptomatic will not be able to attend in person.

**Contact:** Paul Ballard (410) 767-6918  
[21-18-07]

**STATE TREASURER'S OFFICE**

**Subject:** Public Meeting  
**Date and Time:** October 4, 2021, 2 — 4 p.m.  
**Place:** Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm., Annapolis, MD  
**Add'l. Info:** Legislative Review, Revenue Estimates, and Review of Capital Programs  
**Contact:** Christian Lund (410) 260-7920  
[21-18-22]

**STATE TREASURER'S OFFICE**

**Subject:** Public Meeting  
**Date and Time:** October 14, 2021, 1 — 3 p.m.  
**Place:** Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm., Annapolis, MD  
**Add'l. Info:** Review of Tax-Supported Debt and the Size and Condition of Debt of Higher Education Institutions  
**Contact:** Christian Lund (410) 260-7920  
[21-18-23]

**STATE TREASURER'S OFFICE**

**Subject:** Public Meeting  
**Date and Time:** October 18, 2021, 1 — 3 p.m.  
**Place:** Louis L. Goldstein Treasury Bldg., 80 Calvert St., Assembly Rm., Annapolis, MD  
**Add'l. Info:** Recommendation of General Obligation Bond Authorizations  
**Contact:** Christian Lund (410) 260-7920  
[21-18-24]

**BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS**

**Subject:** Public Meeting  
**Date and Time:** September 16, 2021, 10 a.m. — 12:30 p.m.  
**Place:** Via Google Hangouts — please see details below.  
**Add'l. Info:** A portion of this meeting may be held in closed session. The access link to the open meeting is available on the MDE website:  
[https://mde.maryland.gov/programs/permits/environmentalboards/pages/bww\\_meetings.aspx](https://mde.maryland.gov/programs/permits/environmentalboards/pages/bww_meetings.aspx)  
**Contact:** Dee Settar (410) 537-4162  
[21-18-03]

**BOARD OF WELL DRILLERS**

**Subject:** Public Meeting  
**Date and Time:** September 22, 2021, 9 a.m. — 12 p.m.  
**Place:** Via Google Hangouts — please see details below.  
**Add'l. Info:** A portion of this meeting may be held in closed session. The access link to the open meeting is available on the MDE website:  
[https://mde.maryland.gov/programs/permits/environmentalboards/pages/meeting\\_of\\_theboard\\_ofwelldrillers.aspx](https://mde.maryland.gov/programs/permits/environmentalboards/pages/meeting_of_theboard_ofwelldrillers.aspx)  
**Contact:** Duane M Johnson (410) 537-4466  
[21-18-01]

**WORKERS' COMPENSATION COMMISSION**

**Subject:** Public Meeting  
**Date and Time:** September 9, 2021, 9:30 — 10:30 a.m.  
**Place:** 10 E. Baltimore St., 3rd Fl., Baltimore, MD  
**Add'l. Info:** Portions of this meeting may be held in closed session.  
**Contact:** Amy S. Lackington (410) 864-5300  
[21-18-04]

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## **Title 10 Maryland Department of Health**

### **Part 1**

- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

### **Part 2**

- 09 Medical Care Programs

### **Part 3**

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Swimming Pools and Spas
- 18 Human Immunodeficiency Virus (HIV) Infection and Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

### **Part 4**

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Maryland Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

### **Part 5**

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine

### **Part 6**

- 53 Board of Nursing – Electrology Practice Committee
- 54 Special Supp Nutrition Prg for Women, Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program Profess.
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies
- 60 Board of Environmental Health Specialists
- 61 Health Enterprise Zone Initiative
- 62 Natalie Laprade Medical Marijuana Commission
- 63 Community-Based Behavioral Health Programs and Services
- 64 Practice of Licensed Direct-Entry Midwives
- 65 Board of Massage Therapy Examiners

- 66 Office of the Inspector General
- 67 Maryland HealthChoice Program
- 68 Community Health Workers

## **Title 11 Department of Transportation**

### **Part 1**

- 01 Office of the Secretary
- 02 Transportation Service Human Resources System
- 03 Maryland Aviation Administration
- 04 State Highway Administration
- 05 Maryland Port Administration
- 06 Maryland Transit Administration
- 07 Maryland Transportation Authority
- 08 State Rail Safety Oversight
- 09 Vacant
- 10 Vacant

### **Part 2**

- 11 Motor Vehicle Administration – Administrative Procedures
- 12 MVA – Licensing of Businesses and Occupations
- 13 MVA – Vehicle Equipment
- 14 MVA – Vehicle Inspections
- 15 MVA – Vehicle Registration
- 16 MVA – Vehicle Operations
- 17 MVA – Driver Licensing and Identification Documents
- 18 MVA – Financial Responsibility Requirements
- 19 MVA – School Vehicles
- 20 MVA – Motorcycle Safety Program
- 21 MVA – Commercial Motor Vehicles
- 22 MVA – Preventive Maintenance Program
- 23 MVA – Drivers' Schools, Instructors & Driver Education Program

## **Title 26 Department of the Environment**

### **Part 1**

- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

### **Part 2**

- 08 Water Pollution
- 09 Maryland CO<sub>2</sub> Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

### **Part 3**

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances — Radioactive Hazardous Substances
- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

### **Part 4**

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under Federally Approved Program
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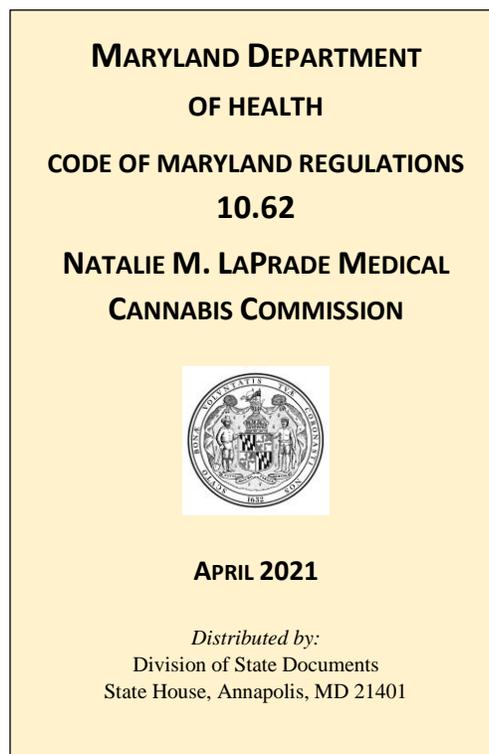
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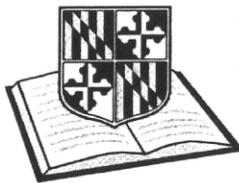
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