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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Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before July 11, 2022, 5 p.m.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 July 11, 2022.

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



(2) Provide that any regulation issued under these circumstances may not apply beyond the duration of the President's or Secretary of Health and Human Services' declaration; and

(3) Require carriers offering Medicare supplement plans in Maryland to provide a guaranteed issue period during the 63 days after a public health emergency ends, when certain eligible individuals terminated from Medicaid more than 6 months following the effective date of enrollment in Medicare Part B may enroll in any Medicare supplement policy without underwriting or imposition of a pre-existing condition exclusion.

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 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, or fax to 410-468-2020. Comments will be accepted through August 29, 2022. A public hearing has not been scheduled.

.01 Purpose.

[The purpose of this chapter is to provide safeguards to consumers with respect to their dealings with entities licensed or registered to transact insurance business in the State in the event of a Governor-declared state of emergency or a Presidential declaration of a major disaster or emergency declaration under the Federal Stafford Act.]

The purpose of this chapter is to provide safeguards to consumers with respect to their dealings with entities licensed or registered to transact insurance business in the State in the event of:

A. A Governor-declared state of emergency;

B. A Presidential declaration of a major disaster or emergency declaration under the Federal Stafford Act; or

C. A national or public health emergency that within the Commissioner's discretion affects the State that:

(1) Is issued:

(a) By the President of the United States under §201, 202(d) or 301 of the Federal National Emergencies Act; or

(b) By the Secretary of Health and Human Services under the Federal Public Health Service Act; and

(2) Is based on a serious threat to health resulting from the existence of a deadly agent as defined in Public Safety Article, §14-3A-01, Annotated Code of Maryland.

.03 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(25)

(26) "Specified illness" means an illness, disease, virus, or infection for which:

(a) The Governor has declared or has renewed a declaration of a state of emergency for the State or an area within the State under Public Safety Article, §14-107, Annotated Code of Maryland; [or]

(b) The President of the United States has issued a major disaster or emergency declaration for the State or an area within the State under the federal Stafford Act[.]; or

(c) A national or public health emergency that within the Commissioner's discretion affects the State and is:

(i) Issued by the President of the United States under §201, 202(d), or 301 of the Federal National Emergencies Act or by the Secretary of Health and Human Services under the Federal Public Health Service Act; and

(ii) Based on a serious threat to health resulting from the existence of a deadly agent as defined in Public Safety Article, §14-3A-01, Annotated Code of Maryland.

(27) (text unchanged)

.05 Activation of Regulations.

A. [In the event the Governor has declared or has renewed a declaration of a state of emergency for the State or an area within the State under Public Safety Article, §14-107, Annotated Code of Maryland, or the President of the United States has issued a major disaster or emergency declaration for the State or an area within the State under the Federal Act,] *If an event described in Regulation .01 of this chapter occurs, the Commissioner may activate one or more of the requirements specified in this chapter adopted under this regulation by issuing a bulletin specifying:*

(1)—(4) (text unchanged)

B. A requirement activated under §A or E of this regulation may not:

(1) (text unchanged)

(2) Apply, except as otherwise authorized by §C of this regulation or by Insurance Article, §12-210 or 19-112, Annotated Code of Maryland, beyond the duration of the Governor's or President's declaration or renewal of a state of emergency.

C. A requirement activated under Regulation .01C of this chapter may not apply beyond the duration of the President's or Secretary of Health and Human Services' declaration of a national or public health emergency.

[C.] D.—[E.] F. (text unchanged)

KATHLEEN A. BIRrane
Insurance Commissioner

Title 36

MARYLAND STATE

LOTTERY AND GAMING

CONTROL AGENCY

Notice of Proposed Action

[22-122-P]

The Maryland State Lottery and Gaming Control Agency proposes to:

(1) Amend Regulations .07, .27, and .37 under **COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards;**

(2) Amend Regulation .11 under **COMAR 36.04.01 Video Lottery Technical Standards;**

(3) Amend Regulation .04 under **COMAR 36.10.05 Specific Requirements for Mobile Sports Wagering Licenses;** and

(4) Amend Regulation .06 under **COMAR 36.10.13 Sports Wagering Licensee Minimum Internal Control Standards.**

This action was considered at the Maryland Lottery and Gaming Control Commission open meeting held on May 26, 2022, 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:

Under 36.03.10 Video Lottery Facility Minimum Internal Control Standards:

(a) Regulation .07, clarify to which entity the facility operator files its reports and change the requirement from filing copies of the applicable reports with the Commission to providing the Commission with access to the reports;

(b) Regulation .27, make requirements for obtaining the counter check request form internally consistent with §D(3)(a)(vi) of the regulation; and

(c) Regulation .37, allow facility operators to place a ticket redemption unit in the cashier's cage.

Under 36.04.01 Video Lottery Technical Standards:

Regulation .11, make the regulation consistent with the State Government Article, §9-1A-22, Annotated Code of Maryland;

Under 36.10.05 Specific Requirements for Mobile Sports Wagering Licenses:

Regulation .04, require a mobile sports wagering licensee to use the U.S. Census Map to verify a bettor's geographic location within the State;

Under 36.10.13 Sports Wagering Licensee Minimum Internal Control Standards:

Regulation .06, change the requirement from filing copies of the applicable reports with the Commission to providing the Commission with access to the reports.

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 James B. Butler, Assistant Deputy Director, Chief of Staff, Maryland Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8781, or email to jbutler@maryland.gov, or fax to 410-230-8727. Comments will be accepted through August 29, 2022. A public hearing has not been scheduled.

Subtitle 03 GAMING PROVISIONS

36.03.10 Video Lottery Facility Minimum Internal Control Standards

Authority: Family Law Article, §10-113.1; State Government Article, §§9-1A-01(u), 9-1A-02, 9-1A-04, and 9-1A-24; Annotated Code of Maryland

.07 Annual Audit and Other Regulatory Reports.

A.—M. (text unchanged)

N. No later than 7 days after the date of filing with the [applicable agency] *Financial Crimes Enforcement Network*, a facility operator shall [file with] *provide* the Commission [a copy of] *with access to* each Suspicious Activity Report-Casino filed under 31 CFR §103.21.

O. (text unchanged)

P. No later than 7 days after the date of filing with the [applicable agency] *Financial Crimes Enforcement Network*, a facility operator shall [file with] *provide* the Commission [a copy of] *with access to* each Currency Transaction Report by Casino filed under 31 CFR §103.22.

Q.—R. (text unchanged)

.27 Counter Check Issuance at a Video Lottery Terminal or Table Game.

A.—C. (text unchanged)

D. A facility operator's internal controls for a counter check exchanged for cash or gaming ticket directly at a video lottery terminal shall include:

(1) (text unchanged)

(2) Procedures and controls addressing the identification of the player which include:

(a) A [slot attendant] *gaming operations supervisor* to obtain the amount of the requested counter check and the player's signature on a one-part counter check request form and transport the counter check request form directly to the cage cashier; and

(b) (text unchanged)

(3) (text unchanged)

E. (text unchanged)

.37 Ticket Redemption Unit.

A. (text unchanged)

B. A facility operator shall locate a ticket redemption unit on the gaming floor, *or cashier's cage*, subject to the surveillance coverage requirements of Regulation .11 of this chapter.

C.—E. (text unchanged)

Subtitle 04 VIDEO LOTTERY TERMINALS

36.04.01 Video Lottery Technical Standards

Authority: State Government Article, §§9-1A-02, 9-1A-04, 9-1A-15, 9-1A-22, and 9-1A-24, Annotated Code of Maryland

.11 Average Payout Percentage.

A. (text unchanged)

B. A video lottery terminal shall have an average payout percentage which:

(1) Is [87] 85 percent or more; and

(2) (text unchanged)

C. Notwithstanding the requirements of §B of this regulation, in no event may a video lottery terminal have a theoretical payout percentage of less than [87] 85 percent.

D. (text unchanged)

E. A facility's gaming floor shall be configured to collectively achieve, at all times, an average payout percentage which:

(1) Exceeds [87] 85 percent; and

(2) (text unchanged)

F.—I. (text unchanged)

Subtitle 10 SPORTS WAGERING PROVISIONS

36.10.05 Specific Requirements for Mobile Sports Wagering Licenses

Authority: State Government Article, §§9-1E-01—9-1E-15, Annotated Code of Maryland

.04 Ongoing Requirements for a Mobile Sports Wagering Licensee.

A. A mobile sports wagering licensee shall:

(1) Use technical and operational measures to prevent online wagering by individuals who are underage or physically located outside the State, including:

(a) (text unchanged)

(b) Geolocation technology to accurately verify a bettor's geographic location within the State as determined by [MD iMAP] *U.S. Census Map*;

(2)—(6) (text unchanged)

B.—C. (text unchanged)

36.10.13 Sports Wagering Licensee Minimum Internal Control Standards

Authority: State Government Article, §§9-1A-02, 9-1A-04, 9-1A-33, 9-1E-01—9-1E-15, Annotated Code of Maryland

.06 Annual Audit and Other Regulatory Reports.

A.—O. (text unchanged)

P. No later than 7 days after the date of filing with the Financial Crimes Enforcement Network, a sports wagering licensee [shall file] *provide* with the Commission [a copy of] *with access to* each Currency Transaction Report filed under 31 CFR §103.22.

Q.—R. (text unchanged)

JOHN A. MARTIN
Director