

Title 36
MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY
Subtitle 01 GENERAL PROVISIONS

Chapter 03 Voluntary Exclusion and Responsible Gaming

Authority: Criminal Law Article, §§12-301.1 and 12-308; State Government Article, §§9-110, 9-1A-24(e), 9-1D-05, 9-1E-04, and 9-1E-11 [§], Annotated Code of Maryland

.01 General.

A. Scope. This chapter establishes a mechanism by which an individual may request to be placed on the Commission's Voluntary Exclusion List of individuals with gambling problems who have requested to self-exclude themselves from [§:

- (1) Video lottery facilities in the State;
- (2) Lottery play in the State;
- (3) Instant bingo facilities under COMAR 36.07 with more than 10 instant bingo machines;
- (4) Participating in fantasy competitions offered by fantasy competition operators registered under COMAR 36.09;
- (5) Participating in sports wagering offered by a sports wagering licensee; or
- (6) Any combination of the five.] a gaming activity or a combination of multiple gaming activities.

B. Definitions.

(1) Unless context or [the individual] regulation dictates otherwise, in this chapter the following terms have the meanings indicated.

(2) Terms Defined.

(a) "Affiliated entity" means an entity sharing ownership or management with a licensee of a gaming activity.

[(a)] (b) "Commission's Voluntary Exclusion List" means the list established by the Commission [as a measure to reduce or mitigate the effects of problem gambling] that allows [individuals with gambling problems] an individual to request to be excluded from participating in certain [lottery and gambling] gaming activities for a specified period of time.

[(b) "Direct exclusion" means the ability of a person to make a request directly to a fantasy sports competition operator or a sports wagering licensee for exclusion from their online services.]

(c) "Sports wagering licensee" means:

- (i) Sports wagering facility licensee;
- (ii) Mobile sports wagering licensee;

(iii) Sports wagering facility operator licensee; and

(iv) Online sports wagering operator licensee.

C. The Commission shall:

(1) Maintain the Commission's Voluntary Exclusion List for individuals who have requested to be excluded from a gaming activity; and [÷

~~(a) Video lottery facilities~~

~~(b) Lottery play in the State;~~

~~(c) Instant bingo facilities with more than 10 instant bingo machines;~~

~~(d) Fantasy competitions offered by registered fantasy competition operators; or~~

~~(e) Participating in sports wagering offered by sports wagering licensees; and]~~

(2) Establish measures to reduce and mitigate the effects of problem gambling.

.02 Application for Placement on the Commission's Voluntary Exclusion List.

A. An individual may obtain an application for placement on the Commission's Voluntary Exclusion List [shall be available through] by:

(1) [Each] Contacting a licensed video lottery facility [upon request to] and requesting an application from Commission staff;

(2) [Each] Contacting a licensed instant bingo facility with more than 10 instant bingo machines and requesting an application that is solely for exclusion from a licensed instant bingo facility; [and]

(3) [The] Contacting the Agency~~[.]; or~~

(4) Obtaining an application online.

B. Information about ~~[applications]~~an application for placement on the Commission's Voluntary Exclusion List shall be available ~~[through]~~ at:

(1) Each licensed video lottery facility;

(2) Each registered fantasy competition operator;

(3) Each sports wagering licensee;

(4) Each licensed instant bingo facility with more than 10 instant bingo machines; and

(5) The Agency.

C. An individual may request to be excluded from:

(1) ~~[The places and activities described in Regulation .01 of this chapter]~~ A gaming activity by submitting a completed application for placement on the Commission's Voluntary Exclusion List to ~~[Commission]~~ Agency staff; and

(2) An instant bingo facility with more than 10 instant bingo machines by submitting a completed application ~~[form]~~ to instant bingo facility staff.

D. ~~[An]~~ A completed application for placement on the Commission's Voluntary Exclusion List shall include:

(1) Sufficient information and documentation to identify ~~[and]~~, exclude ~~[the individual]~~, and contact the individual;

(2) A signature of the individual, which may include the use of a Commission-approved secure electronic means; and

(3) Any other information about the individual that the Commission requires.

E. ~~[including]~~ Information on a completed application may include the individual's:

~~[(a)]~~ (1) Name, including any nickname or alias;

~~[(b)]~~ (2) Residential address;

~~[(c)]~~ (3) Date of birth;

~~[(d)]~~ (4) Valid, unexpired, government-issued identification that includes a photograph of the applicant;

~~[(e)]~~ (5) Social Security number or other government-issued identification number~~[-if applicable]~~;

~~[(f)]~~ (6) Gender identity;

~~[(g)]~~ (7) Physical description, including any birthmarks, scars, or tattoos;

~~[(h)]~~ (8) Race or ethnic origin; and

(9) A photograph of the individual.

~~[(i)] Signature, which may include the use of a Commission-approved secure electronic means; and~~

~~[(j)] Signature; and~~

~~[(k)] Any other information about the individual that the Commission requires;~~

(2) F. A completed application shall identify [The]the length of time requested for placement on the Commission's Voluntary Exclusion List, which shall be for:

~~[(a)]~~ (1) At least 2 years; or

~~[(b)]~~ (2) Life;

1 ~~[(3) Information pertaining to problem gambling programs;]~~

2 ~~[(4) G. In the completed application, an applicant shall acknowledge: [Acknowledgment~~
3 ~~that]~~

4 (1) With the applicant's written consent, certain problem gambling programs may contact the
5 applicant;

6 ~~[(5) A signed statement by which the individual declares that the individual:~~

7 ~~(a) Has a gambling problem and is unable to gamble responsibly;]~~ (2) The applicant is
8 knowingly and voluntarily applying for inclusion on the Commission's Voluntary Exclusion
9 List;

10 ~~[(b)]~~ (3) Is sober and informed;

11 ~~[(e) Releases]~~ (4) That the applicant releases and holds harmless the State of Maryland,
12 the Commission, the Agency, and their members, employees, and agents from any liability that
13 may arise from the application or the individual's placement on the Commission's Voluntary
14 Exclusion List;

15 ~~[(d) Acknowledges that]~~ (5) That the Commission is collecting information from the
16 individual that the:

17 ~~[(i)]~~ (a) Individual may request to inspect or correct under General Provisions Article,
18 §4-502, Annotated Code of Maryland;

19 ~~[(ii)]~~ (b) Commission will maintain as sociological information under General
20 Provisions Article, §4-330, Annotated Code of Maryland; and

21 ~~[(iii)]~~ (c) Commission or its licensees may share with entities as provided in
22 Regulation .05 of this chapter;

23 ~~[(e) Authorizes]~~ (6) That the release of information to the persons specified in Regulation
24 .07 of this chapter is permitted;

25 ~~[(f) Acknowledges that the individual will be, for]~~ (7) For the entire term of the requested
26 period of exclusion the individual will be prohibited from participating in each gaming activity
27 selected; ÷

28 ~~(i) Prohibited from entering a video lottery facility and playing table games or a video~~
29 ~~lottery terminal;~~

30 ~~(ii) Prohibited from playing a lottery game;~~

31 ~~(iii) Prohibited from playing an instant bingo machine at an instant bingo facility with~~
32 ~~more than 10 instant bingo machines;~~

33 ~~(iv) Prohibited from participating in a fantasy competition offered by a fantasy~~
34 ~~competition operator registered under COMAR 36.09;~~

(v) Prohibited from participating in sports wagering offered by a sports wagering licensee under COMAR 36.10; or

(vi) Any combination of the five;]

~~(g) Acknowledges that~~ (8) That there is no automatic removal from the Commission's Voluntary Exclusion List; [if the requested period of placement on the Commission's Voluntary Exclusion List was 2 years, the individual will not be removed from the Commission's Voluntary Exclusion List unless the Commission grants the individual's request for removal under Regulation .06 of this chapter;]

~~(h) Acknowledges that~~ (9) That the individual may be subject to criminal charges if, during the period of exclusion, the individual enters a video lottery facility in the State;

~~[(i) Acknowledges that]~~ (10) That the individual may be ~~[, for the entire term of the requested period of exclusion]~~ excluded from participating in the gaming activity of an affiliated entity; [

~~(i) Banned by a video lottery facility from any of its affiliated facilities in Maryland or other jurisdictions;~~

~~(ii) Removed or precluded from utilizing a video lottery facility's associated sports wagering platform;~~

~~(iii) Banned from video lottery facilities that offers sports wagering;~~

~~(iv) Even if accessed from a different state, removed or precluded from joining or participating in a fantasy competition operator's online platform;~~

~~(v) Banned by a sports wagering facility from any of its affiliated facilities in Maryland or other jurisdictions; or~~

~~(vi) Even if accessed from a different state, removed or precluded from joining or participating in a mobile sports wagering licensee's online platform;]~~

(11) That the individual is responsible for knowing from which properties and gaming platforms the individual is excluded;

~~[(j) Otherwise acknowledges that]~~ (12) That the individual understands the individual's responsibilities and possible ~~[consequences]~~ outcomes associated with being placed on the Commission's Voluntary Exclusion List; and

~~[(k) Is]~~ (13) That the individual is voluntarily applying.

~~[E.] H.~~ Upon receipt of a completed application for placement on the Commission's Voluntary Exclusion List, assigned ~~[Commission]~~ Agency staff may:

(1) Interview the individual in order to ~~[ascertain that the individual]~~ confirm that the:

(a) ~~[Is]~~ Individual is voluntarily applying for exclusion;

(b) ~~[Is]~~ Individual is sober and informed;

(c) ~~[Confirms the information]~~ Information provided in the application is accurate and complete; and

(d) ~~[Is fully]~~ Individual is informed of the ~~[consequences of]~~ outcomes associated with being placed on the Commission's Voluntary Exclusion List; and

(2) Decide whether to ~~[accept the request]~~ grant or deny the individual's application for placement on the Commission's Voluntary Exclusion List ~~[and]~~.

I. After determining whether to grant or deny an application, Agency staff shall either:

~~(1) [place]~~ Place the individual on the Commission's Voluntary Exclusion List; ~~[and] or~~

~~[(3)] (2)~~ Not place the individual on the Commission's Voluntary Exclusion List.

J. Agency staff shall notify the individual: ~~[Deliver to the individual~~

~~by]~~ (a) For placement on the Commission's Voluntary Exclusion List, by [regular] U.S. mail [a written notice of:

~~(a) Placement on the Commission's Voluntary Exclusion List]; or~~

~~(b) [Denial of the application requesting placement on the Commission's Voluntary Exclusion List.]~~ For denial of an application, by U.S. mail or other agreed upon written communication.]

~~[F.]~~ K. Notice to Individual Placed on the Commission's Voluntary Exclusion List.

~~[(4)]~~ The Agency's notice to an individual of placement on the Commission's Voluntary Exclusion List for video lottery facilities, shall include:

~~[(a)]~~ (1) A statement from each video lottery facility informing the individual not to enter the video lottery facility;

~~[(b)]~~ (2) Notice that, if the individual enters a video lottery facility, the individual may be subject to criminal charges;

~~[(c)]~~ (3) Notice that the individual may be ~~[banned]~~ excluded from gaming activity offered by an affiliated entity in Maryland or another jurisdiction. ~~[by a video lottery facility from any of its affiliated facilities in Maryland or other jurisdictions; and~~

~~(d) Notice that the individual may be unable to participate in sports wagering offered by a sports wagering facility operator or online sports wagering operator affiliated with a video lottery facility.~~

~~(2) The Agency's notice of an individual's placement on the Commission's Voluntary Exclusion List for exclusion from participating in fantasy competitions in the State shall include notice that the individual may be excluded from participating in fantasy competitions offered by fantasy competition operators in another jurisdiction;~~

~~(3) The Agency's notice of an individual's placement on the Commission's Voluntary Exclusion List for exclusion from sports wagering in the State shall include:~~

1 ~~(a) Notice that the individual is not permitted in the sports wagering-related areas of a~~
2 ~~sports wagering facility;~~

3 ~~(b) Notice that the individual may be excluded from participating in sports wagering~~
4 ~~offered by a sports wagering licensee in any of its affiliated facilities or platforms in other~~
5 ~~jurisdictions; and~~

6 ~~(e)]~~ (4) Notice that, if the individual enters a video lottery facility that offers sports
7 wagering, the individual may be subject to criminal charges.

8
9 **.03 Direct Exclusion by Operator.**

10 **A. Registered Fantasy Competition Operator.**

11 (1) A registered fantasy competition operator may, on request of an individual, directly
12 exclude the individual from participating in ~~[fantasy competitions]~~ a fantasy competition through
13 its platform.

14 (2) A request for direct exclusion from a fantasy competition operator's platform:

15 (a) Is not an application for placement on the Commission's Voluntary Exclusion List
16 under this chapter;

17 (b) Will not result in placement on the Commission's Voluntary Exclusion List;

18 (c) Is not a record that is maintained by the Commission; and

19 (d) Does not prevent the person from using another fantasy competition platform in
20 Maryland.

21 **B. Mobile Sports Wagering Licensee.**

22 (1) ~~[A] An individual may request direct exclusion from a~~ mobile sports wagering ~~[licensee~~
23 ~~through its sports wagering platform or its online sports wagering operator's platform may, on~~
24 ~~request of an individual, directly exclude the individual from participating in sports wagering on~~
25 ~~its platform]~~ platform.

26 (2) A request for direct exclusion from a mobile sports wagering ~~[licensee's]~~ platform
27 ~~[operated by its online sports wagering operator]:~~

28 (a) Is not an application for placement on the Commission's Voluntary Exclusion List;

29 (b) Will not result in inclusion on the Commission's Voluntary Exclusion List;

30 (c) Is not a record that is maintained by the Commission; and

31 (d) Does not prevent the ~~[person]~~ individual from using another mobile sports wagering
32 platform in Maryland.

33
34 **.04 Voluntary Surrender.**

1 A. In this regulation, the following term has the meaning indicated.

2 B. Term Defined. “Unredeemed item”:

3 (1) Means a token, voucher, check, ticket, chip, coupon, points, or similar item that has
4 monetary value, and that a player has [÷

5 ~~(a) Won by playing a video lottery terminal or table game;~~

6 ~~(b) Inserted into a video lottery terminal;~~

7 ~~(c) Played at a table game;~~

8 ~~(d) Received by converting cash, check or wire transfer at a video lottery facility;~~

9 ~~(e) Won by participating in a fantasy competition offered by a fantasy competition~~
10 ~~operator registered under COMAR 36.09;~~

11 ~~(f) Received by converting cash, check, wire transfer, points, tickets, coupons, or similar~~
12 ~~item or monetary equivalent through a registered fantasy competition operator’s system;~~

13 ~~(g) Won by participating in sports wagering;~~

14 ~~(h) Inserted into sports wagering equipment;~~

15 ~~(i) Received by converting cash, check, wire transfer, or points through sports wagers~~
16 ~~placed with a sports wagering licensee;~~

17 ~~(j) Obtained while playing a lottery game in the State; or~~

18 ~~(k) Won by playing an instant bingo machine at an instant bingo facility with more than~~
19 ~~10 instant bingo machines.] won, obtained, or otherwise received by playing or participating in a~~
20 ~~gaming activity.~~

21 (2) Does not include cash.

22 C. An individual who applies to be placed on the Commission’s Voluntary Exclusion List
23 contractually agrees to:

24 (1) Redeem or liquidate an unredeemed item with monetary value that the individual has:

25 (a) In their possession since being placed on the Commission’s Voluntary Exclusion List;
26 or

27 (b) Received from a fantasy competition, if the individual entered the fantasy competition
28 after placement on the Commission’s Voluntary Exclusion List; and

29 (2) Designate that the proceeds of the item be redeemed and ~~[contributed]~~ distributed to the
30 Problem Gambling Fund established under State Government Article, §9-1A-33(b), Annotated
31 Code of Maryland.

32
33 **.05 The Commission’s Voluntary Exclusion List.**

1 The Commission shall:

2 (1) From whom it has received a completed application requesting to be excluded as
3 provided in Regulation .01B of this chapter;

4 (2) Whose request for placement on the Commission's Voluntary Exclusion List has been
5 accepted under Regulation .02 of this chapter.

6 B. Provide the Commission's Voluntary Exclusion List for video lottery facilities to ~~[a]~~all video
7 lottery ~~[facility]~~ facilities, with periodic updates ~~[, to assist the video lottery facility in identifying~~
8 ~~excluded individuals]~~;

9 C. Enter the Commission's Voluntary Exclusion List for lottery play into the ~~[Agency's control~~
10 ~~system]~~ Lottery Central System to ensure that an excluded individual's prizes over \$600 on a
11 ticket will be surrendered under Regulation .04 of this chapter;

12 D. Provide the Commission's Voluntary Exclusion List for individuals who have self-excluded
13 from instant bingo to an instant bingo facility with more than 10 instant bingo machines, with
14 periodic updates ~~[, to assist the facility in identifying excluded individuals]~~;

15 E. Provide the Commission's Voluntary Exclusion List for individuals who have self-excluded
16 from participating in fantasy competitions ~~[in the State]~~ to ~~[a]~~all registered fantasy competition
17 ~~[operator]~~operators, with periodic updates ~~[, to assist the fantasy competition operator in~~
18 ~~identifying excluded individuals]~~; and

19 F. Provide the Commission's Voluntary Exclusion List for individuals who have self-excluded
20 from participating in sports wagering ~~[in the State]~~ to sports wagering facility licensees and
21 mobile sports wagering licensees, with periodic updates, to assist them in identifying excluded
22 individuals.

23 G. Provide anonymized information from the Commission's Voluntary Exclusion List to the
24 Department of Health in accordance with Health General Article §§ 5-1001 – 5-1009, Annotated
25 Code of Maryland.

26
27 **.06 Removal from the Commission's Voluntary Exclusion List.**

28 A. After an individual has been on the Commission's Voluntary Exclusion List for at least 2
29 years, the individual may request that the Commission remove the individual from the list.

30 B. An individual shall submit their request under §A of this regulation in writing to the
31 Commission accompanied by documentation that the individual has:

32 (1) Completed:

33 (a) A problem gambling treatment or prevention program approved by the Commission;
34 or

1 (b) A healthy decision-making program that is sponsored or approved by the
2 Commission, with a licensed professional counselor or other person approved by the
3 Commission;

4 (2) Executed an authorization and release to be removed from the ~~[voluntary exclusion list]~~
5 Commission's Voluntary Exclusion List; and

6 (3) Complied with any requirements deemed necessary by the Commission.

7 C. The Commission is not required to hold a hearing in order to review the request for removal.

8 D. If the Commission:

9 (1) Grants the request, it shall:

10 (a) Deliver to the individual by email or regular mail a notice of removal from the
11 Commission's Voluntary Exclusion List; and

12 (b) Notify the State's video lottery facilities, instant bingo facilities with more than 10
13 instant bingo machines, registered fantasy competition operators, sports wagering facility
14 licensees, and mobile sports wagering licensees, or update the ~~[Agency's central system]~~ Lottery
15 Central System with the individual's removal from the Commission's Voluntary Exclusion List;
16 or

17 (2) Denies the request, it shall deliver to the individual by email or regular mail a notice that
18 the:

19 (a) Request was denied; and

20 (b) Individual shall remain on the Commission's Voluntary Exclusion List.

21
22 **.07 Access to the Commission's Voluntary Exclusion List.**

23 (text unchanged)

24
25 **.08 Responsible Gaming Program.**

26 A. The Commission may establish a responsible gaming program.

27 B. A responsible gaming program established by the Commission under §A of this regulation
28 shall be designed to:

29 (1) Reduce or mitigate the effects of problem gambling in the State; and

30 (2) Maximize the access of ~~[individuals who have a gambling problem to]~~ problem gambling
31 resources by an individual who has a gambling problem.