

**Title 36**  
**MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY**  
**Subtitle 01 GENERAL PROVISIONS**  
**Chapter 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, 9-1D-01, 9-1E-01, 9-1E-04, ~~[and]~~ 10-205, and 10-219, Annotated Code of Maryland

**.01 Definitions.**

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

B. Terms Defined.

(1) “Agency” means the State Lottery and Gaming Control Agency and, unless the context dictates otherwise, includes the Director and Commission.

(2) Cash.

(a) “Cash” means coins, U.S. currency, money orders, debit cards, ~~[and]~~ checks, gaming chips, gaming tickets, vouchers, or prepaid cards issued or approved by the Agency.

(b) “Cash” does not include credit.

(3) “Commission” means the State Lottery and Gaming Control Commission and, unless the context dictates otherwise, may include staff of the Agency.

(4) “County” means any county in the State of Maryland and the City of Baltimore.

(5) Direct Exclusion.

(a) “Direct exclusion” means the process by which a fantasy competition operator, mobile sports wagering licensee, or online sports wagering operator licensee allows an individual to self exclude from a gaming platform.

(b) “Direct exclusion” does not include:

(i) Voluntary exclusion under COMAR 36.01.03; or

(ii) Mandatory exclusion under COMAR 36.03.07 or COMAR 36.10.10.

~~(5)~~(6) “Director” means the Director of the Agency and includes the Director’s [designees] designee.

(7) “Fantasy competition” has the meaning stated in State Government Article, § 9-1D-01, Annotated Code of Maryland.

(8) “Fantasy competition operator” has the meaning stated in State Government Article, § 9-1D-01, Annotated Code of Maryland.

(9) “Fantasy competition platform” has the meaning stated in COMAR 36.09.01.02

~~[(6)]~~(10) “Final action on a license denial” means:

(a) If, after the Director sends written notice of license denial or recommendation of license denial, an applicant fails to timely request a reconsideration meeting, the date of the written notice of the Director’s written notice;

(b) If, after a reconsideration meeting, an applicant fails to timely request a Commission hearing, the date of the Director’s written notice after the reconsideration meeting; or

(c) If the Commission holds or delegates a hearing on an appeal of the Director’s license denial or reconsideration of license denial, the date of the Commission’s or the Office of Administrative Hearings’ written decision.

~~[(7)]~~(11) “Final action on a sanction” means:

(a) The Commission adopts the Director’s deficiency notice ~~[If after the Director sends a deficiency notice]~~ under COMAR 36.02.02, 36.03.04, 36.06.05, 36.07.02, 36.03.03 or 36.10.08, and a licensee fails to submit a timely, acceptable corrective action plan~~], and the Commission adopts as final the Director’s deficiency notice]~~;

(b) ~~[If the]~~The date of the Commission’s written decision after ~~[-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]~~A decision of the Office of Administrative Hearings;

(ii) A final ~~[judgement]~~judgment under Maryland Rule 2-601; or

(iii) The entry of a mandate under Maryland Rule 8-606.

~~[(8)]~~(12) Gaming Activity.

(a) “Gaming activity” means play of a game, device, activity, or machine that is regulated by the Agency ~~(b) “Gaming activity” includes activities described in [COMAR 36.06 COMAR 36.10.]~~ which is:

(i) Lottery, under COMAR 36.02;

(ii) Video lottery terminals, under COMAR 36.03;

(iii) Table games, under COMAR 36.05;

(iv) Electronic gaming devices, under COMAR 36.06;

(v) Instant bingo machines in Anne Arundel or Calvert Counties, under COMAR 36.07;

(vi) Fantasy competitions, under COMAR 36.09; and

(vii) Sports wagering, under COMAR 36.10.

(b) “Gaming activity” does not include play of a skills-based amusement device under COMAR 36.08.

~~[(9)](13)~~ “Gaming law” means State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland.

(14) Gaming Platform.

(i) “Gaming platform” means 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 players to participate in a gaming activity.

(ii) “Gaming platform” includes a sports wagering platform and a fantasy competition platform.

(15) “Gaming ticket” has the meaning stated in COMAR 36.03.10.02.

~~[(10)](16)~~ “Lottery”, “Maryland Lottery”, or “State Lottery” means the Agency.

(17) Lottery Game.

(a) “Lottery game” means a game, activity, or other activity that is approved or offered by the Agency for consideration to win a prize by chance in which the:

(i) Only direct or personal participation by a player is the player’s purchase or receipt of a ticket;

(ii) Chance to win is determined at random; and

(iii) Proceeds benefit the State.

(b) “Lottery game” does not include ~~Unless~~ unless otherwise specified by the Director, a promotion.

~~[(11)](18)~~ “Lottery law” means State Government Article, Title 9, Subtitle 1, Annotated Code of Maryland.

(19) “Online platform” means an interface using the internet that provides an individual the opportunity to engage in an authorized gaming activity, promotion, or loyalty rewards program.

~~[(12)](20)~~ “Player” means a person who participates in ~~[lottery or]~~ a gaming activity.

~~[(13)](21)~~ ~~Person.~~

~~(a)~~ “Person” has the meaning stated in State Government Article §1-101, Annotated Code of Maryland.

~~[(b) “Person” within COMAR 36.02, may include a group of two or more individuals that are playing or claiming together.]~~

~~[(14)](22)~~ Prize.

(a) “Prize” means:

~~[(a)]~~(i) A monetary award;

~~[(b)]~~(ii) Merchandise; ~~[or]~~

(iii) A ticket; or

~~[(e)]~~ (iv) An experience that is ~~[(i) A]~~ a trip; ~~[or]~~

~~[(ii)—An]~~ an outing; or

~~[(iii)—A]~~ a designated activity involving personal participation.

(b) “Prize” may include a combination of § B(22)(a) - (d) of this regulation.

~~[(15)]~~(23) “Retailer” or “Lottery retailer” means a ~~[business or]~~ person who has been licensed by the Agency to sell ~~[lottery]~~ tickets.

(24) “Share” or “lottery share” means a ticket in which one or more individuals have an ownership interest.

~~[(16)]~~ (25) “Sports wagering” has the meaning stated in State Government Article §9-1E-01, Annotated Code of Maryland, and COMAR 36.10.01.02.

~~[(17)]~~ (26) “Sports wagering law” means State Government Article, Title 9, Subtitle 1E, Annotated Code of Maryland.

~~[(18)]~~ “Submit” means to deliver a document:

~~(a) In a manner that ensures its receipt by the party to whom it is addressed; and~~

~~(b) Which is considered complete only upon actual receipt by that party.]~~

(27) “Sports wagering platform” has the meaning stated in COMAR 36.10.01.02.

~~[(19)]~~ (28) “State obligation” means ~~[moneys]~~ money owed ~~[pursuant to-]~~ under:

(a) Criminal Procedure Article, §11-616(b) or 11-618, Annotated Code of Maryland;

(b) Family Law Article, §10-113.1(a), Annotated Code of Maryland; ~~[or]~~

(c) State Finance and Procurement Article, §3-307, Annotated Code of Maryland; or

(d) Any other State law.

(29) “Submit” means to deliver a document:

(a) In a manner that ensures its receipt by the party to whom it is addressed; and

(b) Which is considered complete only upon actual receipt by that party.

~~[(20)]~~(30) “Table games” means:

(a) ~~[Roulette, baccarat, blackjack, craps, big six wheel, poker, pai gow, and sic bo shakers, pai gow tiles, any variation and composites of such games, and other games]~~ A game or composite of a game that the Commission has approved for play in a video lottery facility; and

(b) ~~[Gaming tournaments]~~ A gaming tournament in which players compete against one another in ~~[one or more of the games authorized under §B(147(a) of this regulation.]~~ a table game event.

~~[(21)]~~(31) “Ticket” ~~[or “lottery ticket”]~~ means a ticket authorized by the Agency that a lottery retailer or the Agency makes available for sale.

~~[(22)]~~(32) “Video lottery” ~~[means gaming or betting conducted using a video lottery terminal.]~~ has the meaning stated in State Government Article, § 9-1A-01, Annotated Code of Maryland.

~~[(23)]~~(33) “Video lottery facility” ~~[means a facility at which players play video lottery terminals and table games.]~~ has the meaning stated in State Government Article, § 9-1A-01, Annotated Code of Maryland.

~~[(24)]~~(34) Video ~~[Lottery Terminal]~~ Lottery Terminal.

(a) “Video lottery terminal” means any machine or other device that:

(i) On insertion of a bill, coin, token, voucher, ticket, coupon, or similar item, or on payment of any consideration is available to play or simulate the play of any game of chance in which the results, including the options available to the player, are randomly determined by the machine or other device; and

(ii) By the element of chance, may deliver or entitle the player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner.

(b) “Video lottery terminal” includes a machine or device that:

(i) Does not directly dispense money, tokens, or anything of value to winning players; and

(ii) Uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary.

(c) “Video ~~[Lottery]~~ lottery terminal” means each single position or seat available for use by a player;

(d) “Video lottery terminal” does not include an authorized electronic gaming device operated by an eligible organization under Criminal Law Article, Title 12, Subtitle 3, Annotated Code of Maryland.

~~[(25)]~~(35) “Voluntary exclusion program” means the Commission’s Voluntary Exclusion Program established under COMAR 36.01.03.

~~[(26)]~~~~(36)~~ “Winnings” means the amount won from a ~~[sports]~~ wager or play that is not reduced by a loss.

~~[(27)]~~~~(37)~~ “Work day” means a day when ~~[Maryland]~~ State government offices are open for business.

## **.02 Rules of Construction.**

A. Gender and Number. In interpreting and applying this title, the following rules of construction shall apply:

(1) Words denoting one gender pronoun include and apply to ~~[the other gender as well]~~ any other pronoun; and

(2) The singular includes the plural and vice versa.

B. ~~[Time Computations]~~ Computation of Time.

~~[(1) Computation of time after an act, event, or default applies the following rules:~~

~~(a) In computing any period of time prescribed by this title, the day of the act, event, or default after which the designated period of time begins to run is not included;~~

~~(b) If the period of time allowed is more than 7 days, intermediate Saturdays, Sundays, and legal holidays are counted;~~

~~(c) If the period of time allowed is 7 days or less, intermediate Saturdays, Sundays, and legal holidays are not counted; and~~

~~(d) The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is a work day.~~

~~(2) Computation of time before a day, act, or event applies the following rules:~~

~~(a) In determining the latest day for performing an act that is required by this title to be performed a prescribed number of days before a certain day, act, or event, all days preceding that day, including intervening Saturdays, Sundays, and legal holidays, are counted in the number of days so prescribed; and~~

~~(b) The latest day is included in the determination unless it is a Saturday, Sunday, or legal holiday, in which event the latest day is the first preceding day that is a work day.]~~

Time is computed as provided in General Provisions Article § 1-302, Annotated Code of Maryland.

## **.03 ~~[Lottery and Gaming Control]~~ Commission.**

A. Overview of Commission.

(1) The Commission is included in the Agency.

(2) The Commission may advise the Director on the administration and operation of the Agency in accordance with the lottery law.

(3) ~~[With the assistance of the]~~ The Agency~~;~~ shall assist the Commission ~~[shall regulate]~~ carry out its statutory and regulatory obligations.

~~[the operation of video lottery terminals and table games in accordance with the gaming law.]~~

#### B. Operational Procedures.

##### (1) Meetings.

(a) The Commission shall:

(i) Determine the times and places of its meetings;

(ii) Set its procedures for frequency, notice, and conduct of meetings; ~~[and]~~

(iii) Annually elect a chair from among its members~~[-];~~ and

(iv) Act only if at least four members concur.

(b) The Commission may annually elect a vice chair from among its members.

~~[(c) The Commission may not act unless at least four members concur.]~~

##### (2) Minutes.

(a) The Director is the Secretary of the Commission.

(b) The Secretary of the Commission shall, as soon as practicable after the Commission meets, prepare minutes of the meeting and make them available to the public as required under §3-306 of the General Provisions Article, Annotated Code of Maryland.

#### C. Powers of Commission. The Commission may:

(1) Issue subpoenas to compel attendance of witnesses at any place within the State in the course of any investigation or hearing conducted under the gaming law and sports wagering law;

(2) Administer oaths and require testimony under oath before the Commission in the course of any investigation or hearing conducted under the gaming ~~[law and]~~ law, lottery ~~[law]~~ law, and sports wagering law;

(3) Serve or cause to be served its process or notices in a manner provided for service of process in civil actions under the Maryland Rules; and

(4) Propound written interrogatories.

#### **.04 ~~[Lottery and Gaming Control]~~ Agency Director.**

##### A. General Duties. The Director shall:

- (1) Supervise and administer the operation of the Agency;
- (2) Provide assistance to the Commission in the performance of its duties; and
- (3) Advise the Commission about any changes needed to improve the operation or administration of the Agency.

B. Powers of Director.

(1) The Director has all those powers conferred under State Government Article, Title 9, Subtitle 1, Annotated Code of Maryland.

(2) The Director may:

- (a) Make determinations on all issues relating to the Agency and all of the Agency's games, promotions, and special activities;
- (b) Determine that a [game] ticket is void and if the [game] ticket shall be paid; and
- (c) Establish and announce special purchase options which reduce the purchase price of a lottery game for a specified period.

(3) The Director may ~~[determine,]~~ establish and change:

- (a) The number of prize categories;
- (b) The allocation of prize money among prizes;
- (c) The price of lottery games;
- (d) The probability or odds of winning a lottery game; ~~[and]~~
- (e) The amount of winnings a player may accumulate from a subscription as provided in COMAR 36.02.06.12.D; and
- ~~[(e)]~~(f) Any other aspect of lottery game play, payment, and implementation.

(4) The Director may:

- (a) Authorize the Agency to substitute a prize of equivalent value or higher for a prize; and
- (b) Approve a winner's request to receive a cash equivalent value or other substitute prize for a merchandise or ~~[experiential prize.]~~ experience;

~~[(5) The Director may determine.]~~ (c) Determine that a ~~[type of]~~ ticket shall be ~~[cancelled]~~ canceled; ~~[-, including an instant ticket, a multi-jurisdictional ticket, and a draw game ticket.]~~

~~[(6) The Director may disqualify]~~ (d) If a player violates a lottery law or regulation, invalidate a [game] ticket, delay a prize award, or issue a refund; or ~~[if a player violates an Agency law or regulation.]~~



~~[(7) The Director may delegate]~~ (e) Delegate to another individual the performance of any activity, function, or service in connection with the operation of the Lottery.

### **.05 Limitations on Gaming Activity.**

Gaming activity may not be engaged in by, and a prize, jackpot, or winnings may not be paid to:

A. A Commission member;

B. An officer or an employee of the Agency; or

C. An individual who lives in the same principal residence as a Commission member or an officer or employee of the Agency and is the officer's, member's or employee's:

(1) Spouse or domestic partner;

(2) Child;

(3) Sibling; or

(4) Parent or parent-in-law.

~~[D. A person whose name appears on a Voluntary Exclusion Program list under COMAR 36.01.03.]~~

~~[E.]~~ D. The Agency ~~[shall]~~ may conduct periodic reviews ~~[to ensure compliance with this Regulation.]~~ of prizes paid in excess of \$600 by reviewing data available to the Agency.

### **.06 Code of Conduct.**

A. Definitions.

(1) In this regulation, the following terms have the meanings indicated.

(2) Terms Defined.

(a) "Agency employee" means an employee of the Agency ~~[who is designated as a public official under State Government Article, §15-103, Annotated Code of Maryland].~~

(b) "Code of conduct" means the document that identifies activities prohibited for employees of the Agency and Commission members.

~~[(b)]~~ (c) "Complaint" means the submission of a communication to the Agency or the Commission alleging a violation of a law, regulation, or the code of conduct ~~[established by the Director].~~

~~[(e)]~~ (d) "Conflict of interest" means a situation in which a personal interest of a Commission member or an Agency employee ~~[may be contrary to the public interest in an anticipated Commission action or decision]~~ may compromise the individual's judgment, decisions or actions.

~~(d)~~(e) “Ex parte communication” means a ~~[direct or indirect]~~written or oral communication that happens without the knowledge, consent, or presence of all parties involved involving ~~[between a Commission member or Agency employee and another person regarding an issue in]~~ a matter that is pending before the Commission~~[, if the communication is made outside the presence of an opposing person]~~.

~~(e)~~(f) “Recusal” means ~~[nonparticipation of]~~that a Commission member or an Agency employee does not participate in a specific matter ~~[before the Commission]~~.

#### B. Establishment and Compliance.

(1) The Director shall establish a code of conduct ~~[for members of the Commission and Agency employees]~~.

(2) Commission ~~[Members of the Commission]~~ members and Agency employees shall comply with the code of conduct.

(3) A violation of the code of conduct constitutes a violation of this regulation.

(4) The Agency or Commission may report a violation to the State Ethics Commission.

(5) An Agency employee who violates the code of conduct may be subject to disciplinary action.

#### C. Recusal of a Commission ~~[Members]~~Member.

(1) A Commission member may not participate in a Commission ~~[proceeding in matters in]~~ matter in which the member:

(a) Has a conflict of interest; or

(b) ~~[Cannot]~~For any reason, is unable to participate fairly and impartially.

(2) A Commission member’s familiarity with a person does not, of itself, require recusal of the Commission member.

(3) A Commission member who is recused from a matter before the Commission may not:

(a) Participate in the Commission’s discussion or vote on the matter; or

(b) Discuss the matter or the Commission’s review of the matter with ~~[members of the Commission or another person]~~ a Commission member or any other person.

(4) A Commission member who is recused from a hearing, discussion, or voting on a matter shall:

(a) If in person, physically leave the ~~[room during hearings, discussion, or voting on the matter to ensure nonparticipation.]~~ meeting; or

(b) If remote, disconnect from the virtual meeting.

(5) The Commission shall document the recusal of the Commission member in the minutes of the Commission meeting from which the member was recused.

D. ~~[Complaints]~~ Allegation of a Violation of the Code of Conduct.

(1) A Commission member against whom a complaint is ~~[filed]~~ made shall follow §C(3) and (4) of this regulation ~~[for Commission discussion and voting related to the complaint].~~

(2) Upon receipt of a complaint, the Commission may:

- (a) Direct the Agency to investigate; or
- (b) Refer the complaint to appropriate unit of State government.

(3) An Agency employee who has a conflict of interest pertaining to the Commission member who is the subject of the complaint may not participate in an investigation of the complaint.

(4) The Commission member who is the subject of the complaint may not participate in any Commission activity until the complaint is resolved.

E. Confidentiality.

(1) A Commission member or Agency employee may not discuss ~~[confidential matters]~~ a confidential matter with a person other than:

- (a) A Commission member;
- (b) An Agency employee;
- (c) The Attorney General's Office;
- (d) A witness; or
- (e) Another person authorized by law to be involved in the case.

(2) In the case of an ex parte communication, the Commission member shall follow the provisions of State Government Article, §10-219, Annotated Code of Maryland.

**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;

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

~~[(4) A signed statement by which the individual declares that the individual:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(iv) Prohibited from participating in a fantasy competition offered by a fantasy 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:

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

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

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

### **.03 Direct Exclusion by Operator.**

#### **A. Registered Fantasy Competition Operator.**

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

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

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

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

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

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

#### **B. Mobile Sports Wagering Licensee.**

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

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

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

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

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

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

### **.04 Voluntary Surrender.**

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

B. Term Defined. “Unredeemed item”:

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

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

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

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

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

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

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

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

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

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

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

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

(2) Does not include cash.

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

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

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

or

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

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

#### **.05 The Commission’s Voluntary Exclusion List.**

The Commission shall:

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

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

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

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

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

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

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

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

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

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

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

(1) Completed:

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

or

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

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

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

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

D. If the Commission:

(1) Grants the request, it shall:

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

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

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

(a) Request was denied; and

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

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

(text unchanged)

#### **.08 Responsible Gaming Program.**

A. The Commission may establish a responsible gaming program.

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

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

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