

The Maryland Center of Excellence on Problem Gambling (the Center) is pleased to submit these comments to the Maryland Lottery and Gaming Control Agency (the Agency) on the proposed regulations published in the Maryland Register on December 2, 2024. The Center is a program of the University of Maryland School of Medicine and funded by the Problem Gambling Fund through the Maryland Department of Health, Behavioral Health Administration, to promote healthy and informed choices regarding gambling and problem gambling. Data from the 2022 Prevalence Study showed that 4% of Marylanders were identified as disordered gamblers (this includes both problem gamblers (less severe) or probable pathological gamblers (more severe)). The burden of gambling problems is not limited to the gambler. A gambling problem can be very harmful to an individual and the ones they love. It can cause financial problems, as well as physical and mental health issues, often placing a burden on the gambler's family, social networks, and the communities they live in. For every problem gambler, it is estimated that six or more other individuals are affected financially, socially, and psychologically. Problem gambling is a public health concern, increasing instances of incarceration, bankruptcies, crime, homelessness, domestic violence, child maltreatment, and more. As an organization focused on public health and problem gambling, we value the problem gambling protections that have been included in the regulations and are providing the following comments as ways to further enhance these protections.

COMAR 36.01.01.17 defines "lottery game" and states that proceeds benefit the State which is presumably the General Fund. The Maryland Problem Gambling Fund (PGF) was established primarily to provide funding for problem gambling treatment and prevention programs and is funded by video lottery terminal operator fees and unclaimed sports betting prizes. The 2022 Maryland Gambling Prevalence study shows that Lottery games are the most common gambling types amongst Marylanders who have ever gambled and yet the Lottery has never paid into the PGF. Even so, PGF funds are used to help Marylanders who are being harmed by all types of gambling, including Lottery games. Lottery proceeds should go, in part, to the PGF and not only the State General Fund.

COMAR 36.01.01.03 charges the Lottery and Gaming Control Agency (Agency) to assist the Lottery and Gaming Control Commission (Commission) to carry out its statutory and regulatory obligations. The Commission serves as an independent advisory board to the Agency. Per the Commission's Code of Conduct, the Commission is legally responsible for regulating the operation of the State's Gaming Program, which includes traditional lottery, video lottery terminals, table games, instant ticket lottery machines operated by veterans' organizations, electronic gaming devices, and instant bingo machines. Contrast that with the Agency which operates the Maryland Lottery and provides oversight of the state's six casinos and other ancillary gaming programs. The Agency is an operator, a member of the gambling industry – no different than the casinos and sportsbooks. There should be more separation between the regulatory agency (Commission) and the industry (Agency) because this current setup looks like

the Agency is regulating itself. The Agency should not be assisting the Commission, just as no other member of the industry should be assisting the Commission.

COMAR 36.01.01.05 lists people who cannot participate in gaming activity. The proposed amendment removes “a person whose name appears on a Voluntary Exclusion Program list under COMAR 36.01.03” from the list. The Center recommends keeping this line in because it is true that such a person should not engage in gaming activity and is not included anywhere else in this regulation.

COMAR 36.01.03.02 states that an individual may obtain an application online to be placed on the Commission’s Voluntary Exclusion List. The Center supports making the application so readily available and requests that the application be fully completed online so that a person does not have to enter a gaming facility to sign up.

COMAR 36.01.03.02(G) states that an applicant agrees to, among other things, the release of information to certain people. The Center currently only receives contact information from people who request to be contacted when completing the application. This leads to a good number of helpseekers not being able to take full advantage of all the assistance the State provides. The Center recommends switching the application to an opt-out process where a person is automatically contacted by a Peer Support Recovery Specialist unless the individual specifically asks not to be. This will vastly increase the number of Marylanders who receive assistance.

COMAR 36.01.03.02(K) holds that the Agency’s notice to an individual of placement on the Commission’s Voluntary Exclusion List for video lottery facilities includes notice that the individual “may be” excluded from gaming activity offered by an affiliated entity in Maryland or another jurisdiction. The Center requests changing the language to “will be excluded” because once on the Voluntary Exclusion list, a person should not be allowed to participate in these types of activities.

COMAR 36.01.03.08(B)(2) explains that a responsible gaming program established by the Commission is designed to maximize problem gambling resource access to an individual who has a gambling problem. The Center recommends including significant others and family because it is not only the individual who suffers from disordered gambling and not only the individual who needs assistance from these types of programs.

COMAR 36.02.01.02 discusses the Lottery sponsoring an event. This type of sponsorship should be banned as it is against public policy. Banning industries that harm people’s health from advertising, promotion, and sponsorship are very common ways to protect the public’s health – we see this regularly with tobacco, cannabis, and alcohol. The more aware and appreciative young people are of gambling advertising, promotion, and sponsorship, the more likely they are to engage. It is common knowledge that gambling has the potential to become an addictive, and sometimes deadly, activity. Allowing for sponsorship only serves to unnecessarily increase potential harm to Marylanders.

COMAR 36.02.02.03(C) lists things a retailer is not permitted to do. The Center supports all the limitations set on the license, especially not allowing tickets to be sold over the phone or internet because this helps to ensure a person is of age to gamble.

COMAR 36.02.02.10 states that the Director may impose sanctions on a retailer or take action on a license for selling lottery tickets over the Internet. The Center agrees with this regulation and wants to confirm that the Agency likewise cannot sell over the internet.

COMAR 36.02.03.02 lists retailer obligations. The Center recommends that prominently posting responsible gambling messaging be included in the regulation.

COMAR 36.02.03.03 and 36.02.09.04 both effectively prevent a retailer from selling to an individual under the age of 18. Maryland law is inconsistent in its age restrictions on gambling – some being 21 and others being 18. The state should be consistent in creating a legal gambling age, just as the state has done with other addictive activities such as smoking and drinking, and change this requirement to 21 instead of 18.

COMAR 36.02.03.04. says that nothing prevents a person from giving a ticket as a gift. The Center agrees that Maryland law does not prohibit giving a ticket as a gift but would like to refer to the Lottery's gift responsibly messaging that "Lottery tickets should never be given to anyone under the age of 18." Research has shown that children who participate in potentially addictive activities are more likely to have difficulty moderating their participation as they grow older. In light of the Lottery and the state's commitment to responsible gambling, the Center recommends removing this language from the regulation.

The Center appreciates the opportunity to comment on these proposed regulations and looks forward to continued coordination with the Maryland Lottery and Gaming Control Agency. Should the Agency have any questions, please feel free to contact Mary Drexler at mdrexler@som.umaryland.edu or 667-214-2124.

A handwritten signature in black ink, appearing to read "Mary Drexler". The signature is fluid and cursive, with a large initial "M" and "D".

Mary Drexler, MSW
Director of Operations
Maryland Center of Excellence on Problem Gambling
Office Direct: 667-214-2124
Cell Phone: 860-798-9086
Email: mdrexler@som.umaryland.edu