

STAFF AGENDA MEMORANDUM

DATE OF MEETING: March 26, 2026

AGENDA ITEM: Final Action on Proposed Amendments to Agency Regulations

PRESENTER: Jennifer Beskid, Director Legislation and Policy

ISSUE SUMMARY: On August 28, 2025, and October 23, 2025, several proposed amendments to existing Agency regulations were approved by the Commission. These were published in the *Maryland Register* on December 26, 2025 and are attached to this Agenda Item. The proposed amendments affected regulations in:

- COMAR 36.03 – Gaming Provisions
- COMAR 36.05 – Table Games
- COMAR 36.07 – Instant Bingo Machines
- COMAR 36.08 – Skills-Based Amusement Devices
- COMAR 36.10 – Sports Wagering Provisions

Note - COMAR 36.04 - Video Lottery Terminals was also approved at the October 2025 meeting and submitted for publications, but was not published due to a technical error. The regulation was resubmitted as a new action on March 12, 2026.

Public comment on the proposed amendments.

During the 30-day public comment periods for the proposed amendments to the above chapters of regulations, the Agency received comments on certain regulations. All public comments are published on the Agency's website and were provided to the Commission prior to this meeting.

The public comment period has concluded, and Agency Staff has considered all public comments. The proposed amendments are now before the Commission for consideration of Agency Staff's recommendations. If the Commission votes to approve a chapter's amendments for final publication, it will be given final publication in the *Maryland Register*, the amended regulations will take effect 10 days after publication.

We have grouped the regulations according to those on which:

- No comments received;
- Comments received - Agency recommends hold pending clarification; and
- Comments received - no changes recommended.

No Comments Received

The Agency received no public comments on the proposed amendments to the following regulations. Staff recommends the Commission approve all proposed amendments for final publication in the *Maryland Register*.

COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards

- .11 Surveillance System Design Standards.
- .12 Surveillance Department Operating Procedures.
- .38 Jackpot Payout.
- .43 Collection of Cash Storage and Table Game Drop Boxes.

COMAR 36.05.03 Table Game Procedures

- .04 Procedures for Distributing Chips, Coins, and Plaques to a Gaming Table.
- .05 Removing a Value Chip, Coin, or Plaque from a Gaming Table.

COMAR 36.07.04 Instant Bingo Minimum Internal Control Standards

- .14 Jackpot Payout.

COMAR 36.07.06 Technical Standards

- .08 Instant Bingo Machine Additional Requirements.

COMAR 36.08.04 General Standards

- .01 General Standards.

COMAR 36.10.04 Specific Requirements for Sports Wagering Facilities Licensees

- .03 Class A-1 Sports Wagering Facility License.

COMAR 36.10.13 Sports Wagering Licensee Minimum Internal Control Standards

- .29 Bettor Tracking System.
- .34 Collection of Cash Storage and Table Game Drop Boxes.
- .41 Consumer Protection

COMAR 36.10.14 Sports Wagering Requirements and Limitations

- .06 Reserve.

COMAR 36.10.18 Sports Wagering Technical Standards

- .04 Geolocation Systems.

COMMISSION ACTION REQUESTED – MOTIONS FOR:

- 1) Commission approval for final publication in the *Maryland Register* of the above proposed amendments to Agency regulations that were initially published on December 26, 2025 in the *Maryland Register*.

- 2) Commission delegation to Staff the authority to make any non-substantive changes to the approved regulatory amendments that may be necessary to prepare them for publication in the *Maryland Register*.

STAFF RECOMMENDATIONS: Staff recommends approval of both motions.

Comments Received – Agency recommends hold pending clarification.

The Agency received public comments on the proposed amendments to COMAR 36.03, which are *italicized* below. Staff has reviewed and considered the public comments, some of which require clarification from another State agency before moving forward. Staff recommends the Commission take no action on any of the following amendments, pending the Agency receiving the necessary clarification.

COMAR 36.03.06 Enforcement of Voluntary Exclusion Program

Recommendation: Hold pending clarification from DoIT. No Commission action is recommended.

COMAR 36.10.10 Enforcement of Voluntary Exclusion Program

.01 Enforcement.

A. Definition. [Unless context dictates otherwise, for purposes of this chapter, sports wagering licensee includes:] In this section, sports wagering licensee means:

(1) – (4) (text unchanged)

B. – C. (text unchanged)

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] *The technology* complies with all applicable [State and local] legal requirements; [and]

(2) [Is designed to] *The technology* prevents unauthorized access to confidential records[.]; *and*

(3) *The data may only be accessed by the sports wagering licensee within the continental United States.*

E. (text unchanged)

F. A sports wagering licensee may not:

(1) (text unchanged)

(2) Knowingly fail to exclude *an individual on the voluntary exclusion list* from the part of the premises of a *location where* a sports wagering licensee [where] *conducts* sports wagering [is conducted an individual on the voluntary exclusion list]; or

(3) (text unchanged)

G. *A sports wagering licensee shall:*

(1) *Ensure that an individual on the voluntary exclusion list surrenders an unredeemed item that has monetary value, that the individual won, obtained, or otherwise received; or*

(2) *Update its technology within 72 hours of being notified by the Commission of an individual's placement on or removal from the voluntary exclusion list.*

[G.] H. (text unchanged)

Public comment: Several entities recommended that the Agency modify or remove the proposed amendment specifying that “*data may be accessed by facility operators only from within the continental United States*”, because the limitation would impact their international business model.

Agency Response: The MLGCA believes the intent of the regulation is to limit access to Agency data to the continental United States, not to dictate how operators use or control access to the data within their casino management systems. MLGCA staff has sought clarification from Maryland’s Department of Information Technology (DoIT) and will provide consistent guidance before recommending that the Commission proceed with approving proposed amendments to COMAR 36.10.10.01.

Public comment: DraftKings requests clarification on the use of the term "*unredeemed item that has monetary value*" and whether that includes promotional funds.

Agency Response: The regulation requires that an individual on the voluntary exclusion list surrenders an unredeemed item that has monetary value, that the individual has won, obtained, or otherwise received. Promotional funds do not have monetary value and would not be required to be surrendered.

Recommendation: Agency to hold this regulation pending clarification from DoIT described above. No Commission action is recommended.

Comments Received – Recommendation: No Changes to Proposed Amendments.

The Agency received public comments on the proposed amendments to COMAR 36.03 and 36.10, which are *Italicized* below. Staff has reviewed and considered the public comments, and recommends no changes to the proposed amendments.

COMAR 36.03.06 Enforcement of Voluntary Exclusion Program

.03 Requirements.

A. Definitions.

(1) (text unchanged)

(2) Terms Defined.

(a) – (d) (text unchanged)

(e) *Online advertisement means an advertisement on a website, an application, in social media, or otherwise on the internet, that is intended to encourage video lottery terminal or table game play.* [(e)] (f) (text unchanged)

[(f)] (g) *Underage warning message means the [phrase:] language that prohibits individuals [No patron] under the age of 21 [is permitted] on the [casino] gaming floor.*

B. A facility operator shall:

(1) – (8) (text unchanged)

(9) *Ensure that [the gambling assistance message is conspicuous and readable.] an advertisement does not include language that suggests an outcome is guaranteed or without risk; and*

(10) *Ensure that an advertisement includes a gambling assistance message that:*

(a) *For a printed advertisement, the font height is the greater of:*

(i) *The majority of the text in the advertisement; or*

(ii) *Three percent of the height or width of the advertisement.*

(b) *For a billboard advertisement, the font height of the gambling assistance message shall be at least 5 percent of the height or width, whichever is greater, of the face of the billboard;*

(c) *For a video and television advertisement, the gambling assistance message shall:*

(i) *Be visible for the entire duration of the advertisement, with a font size that is at least 3 percent of the image height or width, whichever is greater; or*

(ii) From the first instance video lottery terminal, table game play or a facility operator is displayed, appear on the final screen for at least the final three seconds of the advertisement with a font height that is at least 8 percent of the image height or width, whichever is greater;

(d) For websites and social media, the gambling assistance message shall:

(i) Be posted on each webpage or profile page, and on any gaming-related advertisement posted on the webpage or profile page, with a font height that is at least the same size as the majority of the text used on the webpage or profile page; or

(ii) Meet the font height and shall comply with the requirements in §B(10)(a) of this regulation.

Public comment: MGM has requested clarification about procedural questions related to the new gambling assistance message requirements.

Agency Response: Staff has provided responses to MGM's questions.

Recommendation: Approve as published, no changes.

COMAR 36.03.11 Facility Standards

.04 Table Game Surveillance Requirements.

A. Surveillance System. In addition to the surveillance system requirements in Regulation .03 of this chapter and COMAR 36.03.10, a facility operator that offers table games shall have a surveillance system that includes:

(1) (text unchanged)

(2) Stationary cameras dedicated to each table [games, including:] *game offered by the facility, which shall be:*

(a) Except for Craps, Baccarat, Roulette and Big Six Wheel, *for each table game*, at least one stationary camera [for each table game offered by the facility];

(b) [At] *For a Craps table*, at least two stationary cameras [for each Craps table], with one camera covering each end of the table;

(c) [At least two stationary cameras for each Baccarat table, with one camera covering each end of the table;] *For a Baccarat table:*

(i) That is 72 inches or longer, at least two stationary cameras, with one camera covering each end of the table; or

(ii) That is less than 72 inches, at least one stationary camera covering the table;

(d) [At] *For a Roulette table*, at least two stationary cameras [for each Roulette table], with one camera covering the Roulette wheel and one camera covering the Roulette table layout;

(e) [At] *For a Big Six Wheel*, at least two stationary cameras [for each Big Six Wheel], with one camera covering the Big Six Wheel and one camera covering the Big Six Wheel table layout;

(f) – (g) (text unchanged)

B. – D. (text unchanged)

Public comment: MGM has requested the Agency to suspend the change to the table game surveillance requirements until it has assessed its existing coverage.

Agency Response: Staff provided clarification to MGM that the changes to the regulation would not impact MGM's existing surveillance coverage. The changes to this regulation were requested by the operators during the annual regulatory review process, and serve to clarify the regulation without adding any additional requirements.

Recommendation: Approve as published, no changes.

COMAR 36.10.10 Enforcement of Voluntary Exclusion Program

.03 Requirements.

A. Definitions.

(1) (text unchanged)

(2) Terms Defined.

(a) — (d) (text unchanged)

(e) “Online advertisement” means an advertisement that appears on a website, an application in social media, or otherwise on the internet that is intended to encourage sports wagering.

[(e)] (f)—[(f)] (g) (text unchanged)

B. A sports wagering licensee shall:

(1)—(9) (text unchanged)

[(10) Ensure that the gambling assistance message is conspicuous and readable; and]

[(11)] (10) Ensure that an advertisement for sports wagering, video lottery terminal, or table game play does not include language that suggests an outcome is guaranteed or without risk[.]; and

(11) Ensure that advertisements for sports wagering includes a gambling assistance message that complies:

(a) For signs, direct mail materials, posters, and other printed advertisements the font height of the gambling assistance message shall be the greater of:

(i) The same size as the majority of the text in the advertisement; or

(ii) Three percent of the height or width, whichever is greater, of the advertisement;

(b) For billboards, the font height of the gambling assistance message shall be at least 5 percent of the height or width, whichever is greater, of the face of the billboard;

(c) For video and television advertisements:

(i) The gambling assistance message shall be visible for the entire duration of the advertisement, with a font size at least 3 percent of the image height or width;

(ii) The gambling assistance message shall appear from the first instance sports wagering or a licensed operator is displayed or mentioned for not less than 3 seconds, and again on a final screen for the final 3 seconds of the advertisement;

(iii) The font height shall be at least 3 percent of the height or width, whichever is greater, of the image during the advertisement; or

(iv) The font height shall be at least 8 percent of the height or width, whichever is greater, of the image on the final screen; and

(d) For websites and social media:

(i) The gambling assistance message shall be posted on each webpage or profile page, and on any gaming-related advertisement posted on those pages;

(ii) The font height of the gambling assistance message shall be at least the same size as the majority of the text used on the webpage or profile page; and

(iii) For advertisements posted on the webpage or profile page, the font height shall comply with the requirements in §B(11)(a) of this regulation.

Public comment: Several licensees request that the MLGCA amend the proposed changes to COMAR 36.10.10.03(B)(11)(c) to align the font size percentages with other gaming states that require similar marketing regulations.

Agency Response: While a 2% font size may be acceptable in other jurisdictions, standards and expectations continue to evolve in response to accessibility and consumer protection considerations. Increasing the Responsible Gaming (RG) message font size from 2% to 3% improves visibility and readability, particularly for users on smaller screens or with visual impairments. The message may be overlooked at 2%, which does not further the intent of RG requirements and consumer protection standards. A 3% font size provides a proportionate, non-intrusive adjustment that enhances accessibility and compliance without materially impacting the overall user experience. (Sample included for review.)

Public comment: DraftKings requests that the MLGCA provide clarification regarding the use of the term “gambling assistance message” as; “a phrase approved by the Commission to encourage responsible play.” DraftKings requests that the MGLCA provide one specific gambling assistance message it is comfortable with operators utilizing for their marketing assets.

Agency Response: MLGCA would like to preserve some flexibility to adapt RG messaging, as best practices and research evolves by not including specific language in regulation. Prescriptive wording can quickly become outdated or overly restrictive, creating unnecessary regulatory amendments for minor updates. Allowing the Commission to approve or guide language maintains regulatory intent while allowing agile and timely, practical adjustments without compromising consumer protection. The RG Director currently provides operators with approved language to ensure consistency, clarity, and alignment with RG objectives.

Public comment: BetMGM requests that MLGCA include a definition for “Branding” in the regulations to clarify logo-based marketing without advertised sports wagering.

Agency Response: The change is not recommended at this time, but Staff will continue reviewing this matter to determine if future changes are appropriate.

Public comment: BetMGM requests that MGLCA include additional language clarifying that the RG assistance message may still accompany an advertisement in situations of spatial limitations or reduced readability, without being confined directly within the advertisement.

Agency Response: Introducing conditional language based on spatial limitations or reduced readability could create ambiguity about when and how assistance messaging must be applied, increasing compliance complexity and enforcement challenges for both operators and the Commission.

Public comment: FanDuel requests that MLGCA revise the gambling assistance messaging sizing requirements for billboards from the proposed “five percent of the height or width, whichever is greater, of the face of the billboard” to “five percent of the shorter side of the face of the billboard” to ensure the message is legible and fits completely on the billboard.

Agency Response: Maintaining the existing standard of “five percent of the height or width, whichever is greater, of the face of the billboard” avoids unintended reductions in message size on unusually shaped or elongated billboards. Using the greater dimension better ensures consistent prominence and legibility of the RG message across varied billboard formats. The proposed change to the shorter side could result in smaller text on certain displays, undermining the intent of the requirement for visibility and the consumer protections.

Public comment: FanDuel requests that MLGCA revise the gambling assistance message requirements to account for national advertisements.

Agency Response: This was addressed during the annual regulatory review. The current regulations already provide sufficient clarity regarding the inclusion of gambling assistance messages in advertisements. Further amendments are unnecessary and risk introducing confusion or inconsistencies in enforcement. For these reasons, MLGCA does not recommend amending this regulation.

Recommendation: Approve as published, no changes.

COMAR 36.10.18 Sports Wagering Technical Standards

.06 Information Security.

A. (text unchanged)

B. A sports wagering licensee shall:

(1)—(2) (text unchanged)

(3) Ensure that a Commission approved third party described in Regulation .02B of this chapter conducts the testing required in §B(1) and (2) of this regulation; [and]

(4) Ensure that the annual reporting requirement required in §B(1)—(3) of this regulation is submitted to the Commission no later than 120 days after the end of the licensee’s fiscal year;

[4] (5) Perform internal quarterly vulnerability scans[,]; and [retain]

(6) Submit to the Commission documentation of the scan results and the actions taken to resolve identified vulnerabilities.

C.—E. (text unchanged)

Public comment: DraftKings requests that the MLGCA amend the proposed changes to COMAR 36.10.18.06(B)(4), as the proposed regulation language creates an undue regulatory burden on all sports wagering operators due to the already busy system audit reporting schedule during the first quarter of the year. DraftKings suggests MLGCA consider shifting the Information Security System Audit reporting requirement to the third quarter of the year to allow for operators to more easily procure audits during a time of the year that is less busy for regulatory submissions.

Agency Response: Maintaining the proposed language supports alignment with established regulatory timelines and facilitates effective oversight of information security controls.

Recommendation: Approve as published, no changes.

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- 2) Commission delegation to Staff the authority to make any non-substantive changes to the approved regulatory amendments that may be necessary to prepare them for publication in the *Maryland Register*.

STAFF RECOMMENDATIONS: Staff recommends approval of all motions.