

**Title 36 STATE LOTTERY AND
GAMING CONTROL AGENCY**

Subtitle 03 GAMING PROVISIONS

Chapter .07 Mandatory Exclusion

Authority: State Government Article, §§ 9-1A-24(d), Annotated Code of Maryland

.01 General.

This chapter establishes a mechanism by which the Commission:

A. Maintains a list of individuals who are to be mandatorily excluded or ejected from a video lottery facility; and

B. Establishes standards that require a video lottery operation licensee to:

(1) Exclude or eject an individual from the premises of a video lottery facility; and

(2) Ensure that intoxicated individuals and individuals under the age of 21 are not allowed:

(a) To play video lottery terminals or table games; and

(b) In areas of the video lottery facility where video lottery terminals or table games are located.

.02 Definitions

A. In this chapter the following terms have the meaning indicated.

B. Terms Defined.

(1) "Excluded individual" means an individual whose name and identifying information have been placed on the mandatory exclusion list; and

(2) "Mandatory exclusion list" means a list that is maintained by the Commission and identifies those individuals who the Commission has directed be mandatorily excluded or ejected by a video lottery operation licensee from any video lottery operation licensed in the State.

.03 Mandatory Exclusion List

A. The Commission shall establish a mandatory exclusion list.

1
2 B. The Commission shall place on the mandatory exclusion list an individual who:
3

4 (1) Is a career offender;
5

6 (2) Has been convicted of a criminal offense under the laws of the United States
7 or any jurisdiction within the United States that is a criminal offense involving
8 moral turpitude or a gambling offense;
9

10 (3) Would adversely affect the interests of the State, the licensee, or the individual
11 if the individual is present in the establishment of a licensee;
12

13 (4) Is the subject of any administrative or judicial order directing the individual to
14 stay away from a video lottery or other gaming facility;
15

16 (5) Presents a threat to the safety of any individual on the premises of a video
17 lottery facility;
18

19 (6) Engages in, or has a documented history of engaging in, disruption of video
20 lottery or table game play;
21

22 (7) The Commission or a facility operator has a reasonable belief has cheated, or
23 attempted to cheat, at a facility by engaging in conduct including:
24

25 (a) Altering or misrepresenting the outcome of a game or event on which
26 bets have been placed;
27

28 (b) Placing, cancelling, increasing or decreasing a bet based on knowledge
29 that is not available to other players;
30

31 (c) Claiming or collecting a prize from a video lottery facility that the
32 individual did not win or earn or that the individual was not otherwise
33 authorized to claim or collect;
34

35 (d) Manipulating a video lottery terminal, table game, central monitor and
36 control system, associated equipment or software to affect the outcome of
37 a game or bet; or
38

39 (e) Altering the elements of chance or methods of selection or criteria that
40 determine the outcome of a game or bet; or
41

42 (8) Engages in any conduct that would adversely affect public confidence in, or
43 perception of, video lottery or table game operations in the State.
44

45 C. The entry of an individual on the mandatory exclusion list shall include at least the
46 following identifying information:

1
2 (1) Individual's:

3
4 (a) Name, and any nickname or alias;

5
6 (b) Residential address;

7
8 (c) Telephone numbers;

9
10 (d) Gender;

11
12 (e) Physical description, including any birthmarks, scars or tattoos;

13
14 (f) Race or ethnic origin;

15
16 (g) For non-United States citizens, country of origin;

17
18 (h) Photograph; and

19
20 (i) Social Security numbers;

21
22 (2) Date of placement on the mandatory exclusion list;

23
24 (3) Brief statement of the basis for placing the individual on the mandatory
25 exclusion list; and

26
27 (4) Any other information the Commission requires.

28
29 D. The mandatory exclusion list and related records shall be considered a public record
30 under State Government Article, § 10-611, Annotated Code of Maryland.

31
32 **.04 Inclusion on Mandatory Exclusion List**

33
34 A. Upon receipt of information that reasonably indicates an individual meets any criteria
35 under Regulation .03B of this chapter, the Director shall:

36
37 (1) Evaluate the information;

38
39 (2) Ensure that the information required under Regulation .03C of this chapter is
40 complete; and

41
42 (3) Decide whether to place the individual on the mandatory exclusion list.

43
44 B. If the Director places an individual on the mandatory exclusion list, staff shall deliver
45 to the individual by regular U.S. mail a written notice explaining:
46

1 (1) That the individual has been placed on a mandatory exclusion list that will be
2 distributed to all facility operators in the State and be publicly available;

3
4 (2) The factual basis for placing the individual on the mandatory exclusion list;

5
6 (3) The availability of an appeal hearing before the Commission;

7
8 (4) The requirements for filing an appeal;

9
10 (5) That if no appeal is filed, the individual's name shall remain on the exclusion
11 list; and

12
13 (6) That the excluded individual is:

14
15 (a) Prohibited from entering any video lottery facility in the State; and

16
17 (b) Required to surrender any prizes won at a video lottery facility after
18 placement on the mandatory exclusion list.

19
20 C. Appeal. An excluded individual may appeal placement on the mandatory exclusion
21 list only by filing a written appeal to the Commission within 10 calendar days after
22 receipt of the notice.

23
24 (1) If the Commission decides that the excluded individual does not meet any
25 criteria under Regulation .03B of this chapter, the individual's name shall be
26 removed from the mandatory exclusion list and the exclusion immediately
27 terminated.

28
29 (2) If the Commission decides that the excluded individual meets any criteria
30 under Regulation .03B of this chapter:

31
32 (a) The individual's name shall remain on the mandatory exclusion list;

33
34 (b) The Commission shall notify all facility operators in the State of the
35 individual's addition to the mandatory exclusion list;

36
37 (c) The individual may seek judicial review of the Commission's decision;
38 and

39
40 (d) The individual may request to be removed from the mandatory
41 exclusion list only as provided in Regulation .06 of this chapter.

42
43 **.05 Removal from mandatory exclusion list.**

44
45 A. After an excluded individual has been on the mandatory exclusion list for at least five
46 years, the individual may request removal from the mandatory exclusion list.

1
2 B. An excluded individual's request under § A of this regulation shall be submitted to the
3 Director in writing and shall include a detailed statement about why there is:

4
5 (1) Good cause for removal of the individual's name from the list; and

6
7 (2) A material change in the individual's circumstances since the individual's
8 name was placed on the list.
9

10 C. The Commission shall hold a hearing on the excluded individual's request for removal
11 from the mandatory exclusion list.
12

13 D. If the Commission:

14
15 (1) Grants the request, it shall:

16
17 (a) Remove the individual from the mandatory exclusion list;

18
19 (b) Deliver to the individual by regular U.S. mail a notice of removal from
20 the mandatory exclusion list; and

21
22 (c) Notify the State's facility operators of the individual's removal from
23 the voluntary exclusion list;
24

25 (2) Denies the request, it shall deliver to the individual by regular U.S. mail a
26 notice that the:

27
28 (a) Request was denied; and

29
30 (b) Individual shall remain on the mandatory exclusion list.
31

32 **.06 Judicial Review**

33
34 The Commission's decision under Regulation .04C(2) and Regulation .06D of this
35 chapter may be subject to judicial review.
36

37 **.07 Enforcement**

38
39 A facility operator shall not:

40
41 A. Knowingly fail to exclude or eject from the facility premises an excluded individual;

42
43 B. Fail to notify the Commission if an excluded individual is excluded or ejected from the
44 facility;
45

46 C. Permit an intoxicated individual or individual under the age of 21 to:

1
2 (1) Play a video lottery terminal or table game; or

3
4 (2) Be in areas of the video lottery facility where video lottery terminals or table
5 games are located; or
6

7 D. Knowingly allow the following individuals to collect a jackpot:

8
9 (1) An excluded individual who has been placed on the mandatory exclusion list;
10 or

11
12 (2) An individual under the age of 21.
13

14 **.08 Facility exclusion plan.**

15
16 A. A facility operator shall establish a plan for identifying and:

17
18 (1) Excluding or ejecting from a facility:

19
20 (a) Excluded individuals;

21
22 (b) Individuals who may be eligible for placement on the mandatory
23 exclusion list; and
24

25 (2) Ensuring that intoxicated individuals and individuals under the age of 21 are
26 not allowed:

27
28 (a) To play video lottery terminals; and

29
30 (b) In areas of the video lottery facility where video lottery terminals or
31 table games are located.
32

33 B. The plan required under § A of this regulation shall include at least the following
34 elements:

35
36 (1) Goals;

37
38 (2) Procedures and deadlines for implementation;

39
40 (3) Identification of facility personnel responsible for implementation;

41
42 (4) Responsibilities of facility personnel identified as responsible for
43 implementation;

44
45 (5) Training for facility personnel on the requirements of this chapter;
46

1 (6) Regular monitoring of the mandatory exclusion list;
2

3 (7) Regular monitoring of other states' mandatory exclusion lists;
4

5 (8) Prompt reports to the Commission about the presence on facility premises of
6 an individual who must be excluded from the facility or prevented from playing
7 video lottery terminals or table games; and
8

9 (9) Any other element required by the Commission.
10

11 C. A facility operator shall submit to the Commission for its approval:
12

13 (1) The exclusion plan required under § A of this regulation at least 60 days
14 before video lottery terminal operations are to commence;
15

16 (2) Any amendments to a facility's exclusion plan to the Commission prior to
17 implementation; and
18

19 (3) An annual report describing the operation of the facility's exclusion plan.
20