# Title 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

## Subtitle 01 GENERAL PROVISIONS

### Chapter 03 Voluntary Exclusion and Responsible Gaming

#### Authority: State Government Article, §§9-110 and 9-1A-24(e), **Criminal Law Article, §§ 12-301.1 and 12-308,** Annotated Code of Maryland

### .01 General.

A. This chapter establishes a mechanism by which an individual may request to be placed on a list of individuals with gambling problems who have been voluntarily excluded from:

(1) Video lottery facilities in the State; ~~or~~

(2) Lottery play in the State; ~~or~~

(3) ~~Both.~~ **Instant bingo facilities under COMAR 36.07 with more than 10 instant bingo machines; or**

**(4) Any combination of the three.**

B. The Commission shall:

(1) Maintain a list of individuals who have requested to be excluded from video lottery facilities**,** ~~and~~ lottery play in the State**, and instant bingo facilities with more than 10 instant bingo machines**; and

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

### .02 Application for Voluntary Exclusion.

A. An application for voluntary exclusion shall be available at:

(1) Each licensed video lottery facility upon request of Commission staff; ~~and~~

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

~~(2)~~ **(3)** The Agency’s offices.

B. An individual may request to be excluded from a video lottery facility**,** ~~or~~ lottery play in the State**, or an instant bingo facility with more than 10 instant bingo machines** by submitting a completed application form to Commission staff.

C. **An individual may request to be excluded from an instant bingo facility with more than 10 instant bingo machines by submitting a completed application form to instant bingo facility staff.**

**D.** An application for voluntary exclusion shall include:

(1) The individual’s:

(a) Name, including any nickname or alias;

(b) Residential address;

(c) Date of birth;

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

(e) Gender;

(f) Physical description, including any birthmarks, scars, or tattoos;

(g) Race or ethnic origin;

(h) Signature; and

(i) Any other information about the individual that the Commission requires;

(2) The length of requested period of placement on the voluntary exclusion list, which shall be for:

(a) At least 2 years; or

(b) Life;

(3) Information pertaining to ~~the Problem Gambling Fund~~ **problem gambling** programs ~~established under State Government Article, §9-1A-33(b)(4), Annotated Code of Maryland~~; and

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

(a) Has a gambling problem and is unable to gamble responsibly;

(b) Is sober and informed;

(c) Releases **and holds harmless** the State **of Maryland, the Agency, and their employees, and agents** from any liability that may arise from the application or the individual’s placement on the voluntary exclusion list;

(d) Acknowledges that the Commission is collecting information from the individual that the:

(i) Individual may request to inspect or correct under ~~State Government Article, §10-625~~ **General Provisions Article, § 4-502**, Annotated Code of Maryland; and

(ii) Commission will maintain as sociological information under ~~State Government Article, §10-617(c)~~ **General Provisions Article, § 4-330**, Annotated Code of Maryland;

(e) Authorizes the release of information to the persons specified in Regulation ~~.07~~ **.06 of this chapter**;

(f) Acknowledges that the individual will be, for the entire term of the requested period of exclusion:

(i) Prohibited from entering a video lottery facility or playing table games or a video lottery terminal in the State;

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

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

~~(iii) Both~~ **(iv) Any combination of the three**;

(g) Acknowledges that if the requested period of placement on the voluntary exclusion list was 2 years, the individual will not be removed from the voluntary exclusion list unless the Commission grants the individual’s request for removal under Regulation .05 of this chapter;

(h) Acknowledges 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; ~~and~~

(i) Otherwise acknowledges that the individual understands the individual’s responsibilities and possible consequences associated with being placed on the State’s voluntary exclusion list~~.~~**; and**

**(j) Is voluntarily applying.**

~~D~~ **E**. Upon receipt of a completed application for voluntary exclusion, trained Commission staff shall:

(1) Interview the individual in order to ascertain that the individual:

(a) Is voluntarily applying for exclusion;

(b) Confirms the information provided in the application; and

(c) Is fully informed of the consequences of being placed on the voluntary exclusion list.

(2) Decide whether to grant the request for voluntary exclusion; and

(3) Deliver to the individual by regular ~~U.S.~~ mail a written notice of:

(a) Placement on the voluntary exclusion list; or

(b) Denial of the request for voluntary exclusion.

**F. Notice to Excluded Individual.**

**The Agency’s notice of an individual’s placement on the voluntary exclusion list for video lottery facilities shall include:**

**(1) A statement from each video lottery facility informing the individual not to enter the video lottery facility; and**

**(2) Notice that, if the individual enters a video lottery facility, the individual shall be subject to a criminal trespass charge.**

### .03 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, 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; ~~or~~

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

**(e) Obtained while trying to play a lottery game in the State; or**

**(f) Won by playing an instant bingo machine at an instant bingo facility with more than 10 instant bingo machines.**

(2) Does not mean cash.

C. An individual who applies to be placed on the voluntary exclusion list may contractually agree to:

(1) Redeem or liquidate an unredeemed item with monetary value that the individual has received since being placed on the voluntary exclusion list; and

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

### .04 Voluntary Exclusion List.

The Commission shall**:**

**A.** ~~establish~~ **Establish** and maintain a list of individuals from whom it has received a completed application for voluntary exclusion~~.~~**;**

1. **Provide the voluntary exclusion list to a video lottery facility, with periodic updates, to assist the video lottery facility in identifying an individual to be excluded;**
2. **Enter the voluntary exclusion list for lottery play into the Agency’s control system to ensure that an excluded individual’s winnings over $600 will be surrendered under Regulation .03 of this chapter; and**
3. **Provide the voluntary exclusion list to an instant bingo facility with more than 10 instant bingo machines, with periodic updates, to assist the facility in identifying excluded individuals.**

### .05 Removal from Voluntary Exclusion List.

A. After an individual has been on the voluntary exclusion list for at least 2 years, the individual may request that the Commission remove the individual from the list.

B. An individual’s request under §A of this regulation shall be submitted to the Commission in writing and shall be accompanied by documentation that the individual has:

(1) Completed:

(a) A problem gambling assessment with a professional who is licensed by the State to conduct problem gambling assessments or who is otherwise approved by the Commission and fulfilled any recommended treatment;

(b) A problem gambling treatment and prevention program ~~established under Health-General Article, Title 19, Subtitle 8, Annotated Code of Maryland~~ **approved by the Commission**; or

(c) 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; and

(3) Complied with any other 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 ~~U.S.~~ mail a notice of removal from the voluntary exclusion list; and

(b) Notify the State’s ~~facility operators~~ **video lottery facilities, instant bingo facilities with more than 10 instant bingo machines, or update the Agency’s central system** of the individual’s removal from the voluntary exclusion list; or

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

(a) Request was denied; and

(b) Individual shall remain on the voluntary exclusion list.

### .06 Access to Voluntary Exclusion List.

A. All records pertaining to an individual’s placement on the voluntary exclusion list are sociological information under ~~State Government Article, §10-617(c)~~ **General Provisions Article, §4-330**, Annotated Code of Maryland.

B. Access to records pertaining to an individual’s placement on the voluntary exclusion list shall be limited to disclosures authorized under ~~State Government Article, §10-611, et seq.~~ **General Provisions Article, Title 4**, Annotated Code of Maryland, ~~and~~ COMAR 36.03.06**, and Regulation .04 of this chapter**.

### .07 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~~, including treatment resources that are established under State Government Article, §9-1A-33, Annotated Code of Maryland~~.