

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

2  
3 **Subtitle 06 ELECTRONIC GAMING DEVICES**

4  
5 **Chapter 01 General**

6  
7 Authority: State Government Article, § 9-110 and Criminal Law Article §§ 12-301 and 12-  
8 301.1, Annotated Code of Maryland

9 **.01 Scope.**

10 | A. This subtitle applies to electronic gaming devices regulated by the ~~Commission~~Commission  
11 under Criminal Law Article, §§ 12-301 – 12-308, Annotated Code of Maryland.

12 B. This subtitle applies to all electronic gaming devices, regardless of whether the device  
13 delivers a game through the Internet or offers Internet or other services.

14 C. This subtitle does not apply to:

15 (1) Slot machines that are subject to regulation by the Comptroller under Criminal Law Article, §  
16 12-304, Annotated Code of Maryland;

17 (2) Lottery devices used by the Agency or, under the authority of the Agency, by a licensed  
18 retailer under State Government Article, Title 9, Subtitle 1, Annotated Code of Maryland;

19 (3) Video lottery terminals or tables games permitted and licensed under State Government  
20 Article, Title 9, Subtitle 1A, Annotated Code of Maryland;

21 (4) Instant bingo machines operated in compliance with Subtitle 07 of this Title; or

22 (5) Paper tip jar gaming where authorized.

23 **.02 Definitions.**

24 A. In this subtitle, the following terms have the meanings indicated.

25 B. Terms Defined.

26 | (1) Electronic Gaming Device

27 | (a+) “Electronic gaming device” means an electronic machine, apparatus, or device that can be  
28 configured to:

29 | (ia) Operate by inserting, depositing, or placing with another person money, a token, or another  
30 object; and

1 ~~(ii)~~ Through the element of chance, the reading of a game of chance, the delivery of a game of  
2 chance, or any other outcome unpredictable by the user, award the user. :-

3 ~~(i)~~ Anything of value other than an award of free play; or

4 ~~(ii)~~ The right to receive anything of value other than an award of free play.

5 (b) “Electronic gaming device” does not include a skills-based amusement devices that is  
6 registered with the Commission and:

7 (i) Awards only free play;

8 (ii) Is a redemption device; or

9 (iii) A merchandiser device that dispenses noncash merchandise or prizes having a wholesale  
10 value of not more than \$30.

11 (2) “Facility” means a location where electronic gaming devices are operated.

12 (3) “Independent certified testing laboratory” means a person engaged in the testing and  
13 verification of electronic gaming devices, skills-based amusement devices and related  
14 equipment, systems and software that:

15 (a) Holds a certificate in good standing for compliance with:

16 (i) International Organization for Standardization # 17025 — General Requirements for the  
17 Competence of Testing and Calibration Laboratories; and

18 (ii) International Organization for Standardization # 17020 — General Criteria for the Operation  
19 of Various Types of Bodies Performing Inspections;

20 (b) Has performed testing and certification of gaming equipment, systems, and software on  
21 behalf of a state within the United States for a period of 5 or more years;

22 (c) Has been approved by the Commission to test and certify equipment, systems, and software  
23 on its behalf; and

24 (d) Meets any additional conditions and requirements specified by the Commission.

25 ~~(34)~~ “Key management” means an individual who owns, controls, operates, or manages an  
26 electronic gaming device at a facility.

27 (5) (a) “Merchandiser device” means a skills-based amusement device by which:

28 (i) a player controls a mechanical or electromechanical claw or other device to retrieve noncash  
29 merchandise or prizes;

1 (ii) Every noncash merchandise or prize within the device must be retrievable during each play;  
2 and

3 (b) A Merchandiser device shall not include a feature that allows for adjustment of the  
4 percentage of successful outcomes or level of skill required for a successful outcome.

5 (6) "Redemption device" means a skills-based amusement device that only issues tickets, tokens  
6 or other objects that represent or that can be converted into noncash merchandise or prizes:

7 (a) At the location where the Redemption device is located;

8 (b) Where the wholesale value per ticket, token, or other object shall not exceed 50 cents;

9 (c) Where the cumulative award per play shall not exceed a wholesale value of \$30;

10 (d) Where tickets, tokens or other objects may be accumulated and converted into noncash  
11 merchandise or prizes; and

12 (e) Where the tickets, tokens or other object nor noncash merchandise or prizes may be readily  
13 converted into cash.

14 (7) "Return" means the ratio of prizes won to the amount wagered.

15 (84) "Skill" means the ability to alter the return by not less than 75% in favor of the player over  
16 a completely random outcome.

17 (95) "Skills-based amusement device" means a machine, apparatus, or device that:

18 (a) Operates or can be made to operate by inserting, depositing, or placing with another person  
19 money, a token, or another object; and

20 (b) Through the element of skill awards the user:

21 (i) Noncash merchandise or prizes ~~of minimal value not whose wholesale value may not to~~  
22 exceed \$340 unless approved by the Commission;

23 (ii) A ticket, token, or other object that represents or that can be converted into noncash  
24 merchandise or prizes whose wholesale value may of minimal value not to exceed \$1030 unless  
25 approved by the Commission; or

26 (iii) The right to receive an item specified in (i) or (ii) above.

27 **.03 Counties.**

28 A. The ~~Commission~~Commission may:

29 (1) Review a county's licensing and regulatory process for electronic gaming devices, and

1 (2) Determine upon review that:

2 (a) The county's licensing and regulatory process for electronic gaming devices is equivalent to a  
3 license from the ~~Commission~~Commission, and

4 (b) A county license for owning, operating, or manufacturing an electronic gaming device in the  
5 county is equivalent to a state license.

6 B. A decision of the ~~Commission~~Commission on the equivalency of a county's licensing and  
7 regulatory process for electronic gaming devices under this Regulation is final and not  
8 appealable.

9 C. Baltimore City and Baltimore County.

10 In addition to the provisions of this Title, applicants for electronic gaming devices to be located  
11 in Baltimore City and Baltimore County shall be required to be licensed by the jurisdiction they  
12 are located in.