

1 Title 36
2 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY
3 Subtitle 01 GENERAL PROVISIONS
4 Chapter 01 General

5 Authority: State Government Article, §§9-101—9-111, 9-116, 9-123, 9-1A-01, 9-1A-02, 9-1A-
6 04, 9-1A-24, 9-1D-01, 9-1E-01, 9-1E-04, ~~and~~ 10-205, and 10-219, Annotated Code of
7 Maryland

8 **.01 Definitions.**

9 A. In this title, the following terms have the meanings indicated.

10 B. Terms Defined.

11 (1) “Agency” means the State Lottery and Gaming Control Agency and, unless the context
12 dictates otherwise, includes the Director and Commission.

13 (2) Cash.

14 (a) “Cash” means coins, U.S. currency, money orders, debit cards, ~~and~~ checks, gaming
15 chips, gaming tickets, vouchers, or prepaid cards issued or approved by the Agency.

16 (b) “Cash” does not include credit.

17 (3) “Commission” means the State Lottery and Gaming Control Commission and, unless the
18 context dictates otherwise, may include staff of the Agency.

19 (4) “County” means any county in the State of Maryland and the City of Baltimore.

20 (5) Direct Exclusion.

21 (a) “Direct exclusion” means the process by which a fantasy competition operator,
22 mobile sports wagering licensee, or online sports wagering operator licensee allows an individual
23 to self exclude from a gaming platform.

24 (b) “Direct exclusion” does not include:

25 (i) Voluntary exclusion under COMAR 36.01.03; or

26 (ii) Mandatory exclusion under COMAR 36.03.07 or COMAR 36.10.10.

27 ~~(5)~~(6) “Director” means the Director of the Agency and includes the Director’s ~~designees~~
28 designee.

29 (7) “Fantasy competition” has the meaning stated in State Government Article, § 9-1D-01,
30 Annotated Code of Maryland.

31 (8) “Fantasy competition operator” has the meaning stated in State Government Article, § 9-
32 1D-01, Annotated Code of Maryland.

33 (9) “Fantasy competition platform” has the meaning stated in COMAR 36.09.01.02

1 ~~[(6)]~~(10) “Final action on a license denial” means:

2 (a) If, after the Director sends written notice of license denial or recommendation of
3 license denial, an applicant fails to timely request a reconsideration meeting, the date of the
4 written notice of the Director’s written notice;

5 (b) If, after a reconsideration meeting, an applicant fails to timely request a Commission
6 hearing, the date of the Director’s written notice after the reconsideration meeting; or

7 (c) If the Commission holds or delegates a hearing on an appeal of the Director’s license
8 denial or reconsideration of license denial, the date of the Commission’s or the Office of
9 Administrative Hearings’ written decision.

10 ~~[(7)]~~(11) “Final action on a sanction” means:

11 (a) The Commission adopts the Director’s deficiency notice ~~[If after the Director sends a~~
12 ~~deficiency notice]~~ under COMAR 36.02.02, 36.03.04, 36.06.05, 36.07.02, 36.03.03 or 36.10.08,
13 and a licensee fails to submit a timely, acceptable corrective action plan~~[, and the Commission~~
14 ~~adopts as final the Director’s deficiency notice]~~;

15 (b) ~~[If the]~~The date of the Commission’s written decision after ~~[-Commission holds]~~ a
16 hearing on the Director’s recommendation to impose a sanction~~[, the date of the Commission’s~~
17 ~~written decision]~~; or

18 (c) If a licensee seeks judicial review of the Commission’s sanction, the most recent date
19 of:

20 (i) ~~[The]~~A decision of the Office of Administrative Hearings;

21 (ii) A final ~~[judgement]~~judgment under Maryland Rule 2-601; or

22 (iii) The entry of a mandate under Maryland Rule 8-606.

23 ~~[(8)]~~(12) Gaming Activity.

24 (a) “Gaming activity” means play of a game, device, activity, or machine that is regulated
25 by the Agency ~~(b) “Gaming activity” includes activities described in [COMAR 36.06 COMAR~~
26 ~~36.10.]~~ which is:

27 (i) Lottery, under COMAR 36.02;

28 (ii) Video lottery terminals, under COMAR 36.03;

29 (iii) Table games, under COMAR 36.05;

30 (iv) Electronic gaming devices, under COMAR 36.06;

31 (v) Instant bingo machines in Anne Arundel or Calvert Counties, under COMAR
32 36.07;

33 (vi) Fantasy competitions, under COMAR 36.09; and

34 (vii) Sports wagering, under COMAR 36.10.

1 (b) “Gaming activity” does not include play of a skills-based amusement device under
2 COMAR 36.08.

3 ~~[(9)]~~(13) “Gaming law” means State Government Article, Title 9, Subtitle 1A, Annotated
4 Code of Maryland.

5 (14) Gaming Platform.

6 (i) “Gaming platform” means hardware and software used for a website, application,
7 or other platform which is accessible via the internet or mobile, wireless, or similar
8 communications technology that allows players to participate in a gaming activity.

9 (ii) “Gaming platform” includes a sports wagering platform and a fantasy competition
10 platform.

11 (15) “Gaming ticket” has the meaning stated in COMAR 36.03.10.02.

12 ~~[(10)]~~(16) “Lottery”, “Maryland Lottery”, or “State Lottery” means the Agency.

13 (17) Lottery Game.

14
15 (a) “Lottery game” means a game, activity, or other activity that is approved or offered
16 by the Agency for consideration to win a prize by chance in which the:

17
18 (i) Only direct or personal participation by a player is the player’s purchase or receipt
19 of a ticket;

20
21 (ii) Chance to win is determined at random; and

22
23 (iii) Proceeds benefit the State.

24
25 (b) “Lottery game” does not include ~~Unless~~unless otherwise specified by the Director, a
26 promotion.

27 ~~[(11)]~~(18) “Lottery law” means State Government Article, Title 9, Subtitle 1, Annotated
28 Code of Maryland.

29 (19) “Online platform” means an interface using the internet that provides an individual the
30 opportunity to engage in an authorized gaming activity, promotion, or loyalty rewards program.

31 ~~[(12)]~~(20) “Player” means a person who participates in ~~[lottery or]~~ a gaming activity.

32 ~~[(13)]~~(21) ~~[Person.~~

33 ~~(a)]~~ “Person” has the meaning stated in State Government Article §1-101, Annotated
34 Code of Maryland.

35 ~~[(b) “Person” within COMAR 36.02, may include a group of two or more individuals that~~
36 ~~are playing or claiming together.]~~

37 ~~[(14)]~~(22) Prize.

1 (a) “Prize” means:

2 ~~[(a)]~~(i) A monetary award;

3 ~~[(b)]~~(ii) Merchandise; ~~[or]~~

4 (iii) A ticket; or

5 ~~[(e)]~~ (iv) An experience that is [(i) A]a trip; ~~[or]~~

6 ~~[(ii)—An]~~ an outing; or

7 ~~[(iii)—A]~~ a designated activity involving personal participation.

8 (b) “Prize” may include a combination of § B(22)(a) - (d) of this regulation.

9 ~~[(15)]~~(23) “Retailer” or “Lottery retailer” means a ~~[business or]~~ person who has been
10 licensed by the Agency to sell ~~[lottery]~~ tickets.

11 (24) “Share” or “lottery share” means a ticket in which one or more individuals have an
12 ownership interest.

13 ~~[(16)]~~ (25) “Sports wagering” has the meaning stated in State Government Article §9-1E-01,
14 Annotated Code of Maryland, and COMAR 36.10.01.02.

15 ~~[(17)]~~ (26) “Sports wagering law” means State Government Article, Title 9, Subtitle 1E,
16 Annotated Code of Maryland.

17 ~~[(18)]~~ “Submit” means to deliver a document:

18 (a) ~~In a manner that ensures its receipt by the party to whom it is addressed; and~~

19 (b) ~~Which is considered complete only upon actual receipt by that party.]~~

20 (27) “Sports wagering platform” has the meaning stated in COMAR 36.10.01.02.

21 ~~[(19)]~~ (28) “State obligation” means ~~[moneys]~~ money owed ~~[pursuant to-]~~ under:

22 (a) Criminal Procedure Article, §11-616(b) or 11-618, Annotated Code of Maryland;

23 (b) Family Law Article, §10-113.1(a), Annotated Code of Maryland; ~~[or]~~

24 (c) State Finance and Procurement Article, §3-307, Annotated Code of Maryland; or

25 (d) Any other State law.

26 (29) “Submit” means to deliver a document:

27 (a) In a manner that ensures its receipt by the party to whom it is addressed; and

28 (b) Which is considered complete only upon actual receipt by that party.

29 ~~[(20)]~~(30) “Table games” means:

1 (a) ~~[Roulette, baccarat, blackjack, craps, big six wheel, poker, pai gow, and sic bo~~
2 ~~shakers, pai gow tiles, any variation and composites of such games, and other games]~~ A game or
3 composite of a game that the Commission has approved for play in a video lottery facility; and

4 (b) ~~[Gaming tournaments]~~ A gaming tournament in which players compete against one
5 another in ~~[one or more of the games authorized under §B(147(a) of this regulation.]~~ a table
6 game event.

7 ~~[(21)](31)~~ “Ticket” ~~[or “lottery ticket”]~~ means a ticket authorized by the Agency that a lottery
8 retailer or the Agency makes available for sale.

9 ~~[(22)](32)~~ “Video lottery” ~~[means gaming or betting conducted using a video lottery~~
10 ~~terminal.]~~ has the meaning stated in State Government Article, § 9-1A-01, Annotated Code of
11 Maryland.

12 ~~[(23)](33)~~ “Video lottery facility” ~~[means a facility at which players play video lottery~~
13 ~~terminals and table games.]~~ has the meaning stated in State Government Article, § 9-1A-01,
14 Annotated Code of Maryland.

15 ~~[(24)](34)~~ Video ~~[Lottery Terminal]~~ Lottery Terminal.

16 (a) “Video lottery terminal” means any machine or other device that:

17 (i) On insertion of a bill, coin, token, voucher, ticket, coupon, or similar item, or on
18 payment of any consideration is available to play or simulate the play of any game of chance in
19 which the results, including the options available to the player, are randomly determined by the
20 machine or other device; and

21 (ii) By the element of chance, may deliver or entitle the player who operates the
22 machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether
23 the payout is made automatically from the device or in any other manner.

24 (b) “Video lottery terminal” includes a machine or device that:

25 (i) Does not directly dispense money, tokens, or anything of value to winning players;
26 and

27 (ii) Uses an electronic credit system making the deposit of bills, coins, or tokens
28 unnecessary.

29 (c) “Video ~~[Lottery]~~ lottery terminal” means each single position or seat available for use
30 by a player;

31 (d) “Video lottery terminal” does not include an authorized electronic gaming device
32 operated by an eligible organization under Criminal Law Article, Title 12, Subtitle 3, Annotated
33 Code of Maryland.

34 ~~[(25)](35)~~ “Voluntary exclusion program” means the Commission’s Voluntary Exclusion
35 Program established under COMAR 36.01.03.

1 ~~[(26)](36)~~ “Winnings” means the amount won from a ~~[sports]~~ wager or play that is not
2 reduced by a loss.

3 ~~[(27)](37)~~ “Work day” means a day when ~~[Maryland]~~ State government offices are open for
4 business.

5
6 **.02 Rules of Construction.**

7 A. Gender and Number. In interpreting and applying this title, the following rules of construction
8 shall apply:

9 (1) Words denoting one gender pronoun include and apply to ~~[the other gender as well]~~ any
10 other pronoun; and

11 (2) The singular includes the plural and vice versa.

12 B. ~~[Time Computations]~~ Computation of Time.

13 ~~[(1) Computation of time after an act, event, or default applies the following rules:~~

14 ~~(a) In computing any period of time prescribed by this title, the day of the act, event, or~~
15 ~~default after which the designated period of time begins to run is not included;~~

16 ~~(b) If the period of time allowed is more than 7 days, intermediate Saturdays, Sundays,~~
17 ~~and legal holidays are counted;~~

18 ~~(c) If the period of time allowed is 7 days or less, intermediate Saturdays, Sundays, and~~
19 ~~legal holidays are not counted; and~~

20 ~~(d) The last day of the period so computed is included unless it is a Saturday, Sunday, or~~
21 ~~legal holiday, in which event the period runs until the end of the next day that is a work day.~~

22 ~~(2) Computation of time before a day, act, or event applies the following rules:~~

23 ~~(a) In determining the latest day for performing an act that is required by this title to be~~
24 ~~performed a prescribed number of days before a certain day, act, or event, all days preceding that~~
25 ~~day, including intervening Saturdays, Sundays, and legal holidays, are counted in the number of~~
26 ~~days so prescribed; and~~

27 ~~(b) The latest day is included in the determination unless it is a Saturday, Sunday, or legal~~
28 ~~holiday, in which event the latest day is the first preceding day that is a work day.]~~

29 Time is computed as provided in General Provisions Article § 1-302, Annotated Code of
30 Maryland.

31
32 **.03 ~~[Lottery and Gaming Control]~~ Commission.**

33 A. Overview of Commission.

34 (1) The Commission is included in the Agency.

1 (2) The Commission may advise the Director on the administration and operation of the
2 Agency in accordance with the lottery law.

3 (3) ~~[With the assistance of the]~~ The Agency~~;~~ shall assist the Commission ~~[shall regulate]~~
4 carry out its statutory and regulatory obligations.

5 ~~[the operation of video lottery terminals and table games in accordance with the gaming~~
6 ~~law.]~~

7 B. Operational Procedures.

8 (1) Meetings.

9 (a) The Commission shall:

10 (i) Determine the times and places of its meetings;

11 (ii) Set its procedures for frequency, notice, and conduct of meetings; ~~[and]~~

12 (iii) Annually elect a chair from among its members~~[-];~~ and

13 (iv) Act only if at least four members concur.

14 (b) The Commission may annually elect a vice chair from among its members.

15 ~~[(e) The Commission may not act unless at least four members concur.]~~

16 (2) Minutes.

17 (a) The Director is the Secretary of the Commission.

18 (b) The Secretary of the Commission shall, as soon as practicable after the Commission
19 meets, prepare minutes of the meeting and make them available to the public as required under
20 §3-306 of the General Provisions Article, Annotated Code of Maryland.

21 C. Powers of Commission. The Commission may:

22 (1) Issue subpoenas to compel attendance of witnesses at any place within the State in the
23 course of any investigation or hearing conducted under the gaming law and sports wagering law;

24 (2) Administer oaths and require testimony under oath before the Commission in the course
25 of any investigation or hearing conducted under the gaming ~~[law and]~~ law, lottery ~~[law]~~ law, and
26 sports wagering law;

27 (3) Serve or cause to be served its process or notices in a manner provided for service of
28 process in civil actions under the Maryland Rules; and

29 (4) Propound written interrogatories.

30

31 **.04 ~~[Lottery and Gaming Control]~~ Agency Director.**

32 A. General Duties. The Director shall:

- 1 (1) Supervise and administer the operation of the Agency;
- 2 (2) Provide assistance to the Commission in the performance of its duties; and
- 3 (3) Advise the Commission about any changes needed to improve the operation or
- 4 administration of the Agency.
- 5 B. Powers of Director.
- 6 (1) The Director has all those powers conferred under State Government Article, Title 9,
- 7 Subtitle 1, Annotated Code of Maryland.
- 8 (2) The Director may:
- 9 (a) Make determinations on all issues relating to the Agency and all of the Agency's
- 10 games, promotions, and special activities;
- 11 (b) Determine that a ~~[game]~~ ticket is void and if the ~~[game]~~ ticket shall be paid; and
- 12 (c) Establish and announce special purchase options which reduce the purchase price of a
- 13 ~~lottery~~ game for a specified period.
- 14 (3) The Director may ~~[determine,]~~ establish and change:
- 15 (a) The number of prize categories;
- 16 (b) The allocation of prize money among prizes;
- 17 (c) The price of ~~lottery~~ games;
- 18 (d) The probability or odds of winning a ~~lottery~~ game; ~~[and]~~
- 19 (e) The amount of winnings a player may accumulate from a subscription as provided in
- 20 COMAR 36.02.06.12.D; and
- 21 ~~[(e)]~~(f) Any other aspect of ~~lottery~~ game play, payment, and implementation.
- 22 (4) The Director may:
- 23 (a) Authorize the Agency to substitute a prize of equivalent value or higher for a prize;
- 24 and
- 25 (b) Approve a winner's request to receive a cash equivalent value or other substitute prize
- 26 for a merchandise or ~~[experiential prize.]~~experience;
- 27 ~~[(5) The Director may determine]~~(c) Determine that a ~~[type of]~~ ticket shall be
- 28 ~~[cancelled]~~canceled; ~~[- including an instant ticket, a multi-jurisdictional ticket, and a draw game~~
- 29 ~~ticket.]~~
- 30 ~~[(6) The Director may disqualify]~~ (d) If a player violates a lottery law or regulation,
- 31 invalidate a ~~[game]~~ ticket, delay a prize award, or issue a refund; or ~~[if a player violates an~~
- 32 ~~Agency law or regulation.]~~

1 ~~[(7) The Director may delegate]~~ (e) Delegate to another individual the performance of any
2 activity, function, or service in connection with the operation of the Lottery.

3
4 **.05 Limitations on Gaming Activity.**

5 Gaming activity may not be engaged in by, and a prize, jackpot, or winnings may not be paid to:

6 A. A Commission member;

7 B. An officer or an employee of the Agency; or

8 C. An individual who lives in the same principal residence as a Commission member or an
9 officer or employee of the Agency and is the officer's, member's or employee's:

10 (1) Spouse or domestic partner;

11 (2) Child;

12 (3) Sibling; or

13 (4) Parent or parent-in-law.

14 ~~[D. A person whose name appears on a Voluntary Exclusion Program list under COMAR~~
15 ~~36.01.03.]~~

16 ~~[E.]~~ D. The Agency ~~[shall]~~ may conduct periodic reviews ~~[to ensure compliance with this~~
17 ~~Regulation.]~~ of prizes paid in excess of \$600 by reviewing data available to the Agency.

18
19 **.06 Code of Conduct.**

20 A. Definitions.

21 (1) In this regulation, the following terms have the meanings indicated.

22 (2) Terms Defined.

23 (a) "Agency employee" means an employee of the Agency ~~[who is designated as a public~~
24 ~~official under State Government Article, §15-103, Annotated Code of Maryland].~~

25 (b) "Code of conduct" means the document that identifies activities prohibited for
26 employees of the Agency and Commission members.

27 ~~[(b)]~~ (c) "Complaint" means the submission of a communication to the Agency or the
28 Commission alleging a violation of a law, regulation, or the code of conduct ~~[established by the~~
29 ~~Director].~~

30 ~~[(e)]~~ (d) "Conflict of interest" means a situation in which a personal interest of a
31 Commission member or an Agency employee ~~[may be contrary to the public interest in an~~
32 ~~anticipated Commission action or decision]~~ may compromise the individual's judgment,
33 decisions or actions.

1 ~~(d)~~(e) “Ex parte communication” means a ~~[direct or indirect]~~written or oral
2 communication that happens without the knowledge, consent, or presence of all parties involved
3 involving ~~[between a Commission member or Agency employee and another person regarding~~
4 ~~an issue in]~~ a matter that is pending before the Commission~~[, if the communication is made~~
5 ~~outside the presence of an opposing person]~~.

6 ~~(e)~~(f) “Recusal” means ~~[nonparticipation of]~~that a Commission member or an Agency
7 employee does not participate in a specific matter ~~[before the Commission]~~.

8 B. Establishment and Compliance.

9 (1) The Director shall establish a code of conduct ~~[for members of the Commission and~~
10 ~~Agency employees]~~.

11 (2) Commission ~~[Members of the Commission]~~ members and Agency employees shall
12 comply with the code of conduct.

13 (3) A violation of the code of conduct constitutes a violation of this regulation.

14 (4) The Agency or Commission may report a violation to the State Ethics Commission.

15 (5) An Agency employee who violates the code of conduct may be subject to disciplinary
16 action.

17 C. Recusal of a Commission ~~[Members]~~Member.

18 (1) A Commission member may not participate in a Commission ~~[proceeding in matters in]~~
19 matter in which the member:

20 (a) Has a conflict of interest; or

21 (b) ~~[Cannot]~~For any reason, is unable to participate fairly and impartially.

22 (2) A Commission member’s familiarity with a person does not, of itself, require recusal of
23 the Commission member.

24 (3) A Commission member who is recused from a matter before the Commission may not:

25 (a) Participate in the Commission’s discussion or vote on the matter; or

26 (b) Discuss the matter or the Commission’s review of the matter with ~~[members of the~~
27 ~~Commission or another person]~~a Commission member or any other person.

28 (4) A Commission member who is recused from a hearing, discussion, or voting on a matter
29 shall:

30 (a) If in person, physically leave the ~~[room during hearings, discussion, or voting on the~~
31 ~~matter to ensure nonparticipation.]~~meeting; or

32 (b) If remote, disconnect from the virtual meeting.

1 (5) The Commission shall document the recusal of the Commission member in the minutes
2 of the Commission meeting from which the member was recused.

3 D. ~~[Complaints]~~ Allegation of a Violation of the Code of Conduct.

4 (1) A Commission member against whom a complaint is ~~[filed]~~ made shall follow §C(3) and
5 (4) of this regulation ~~[for Commission discussion and voting related to the complaint].~~

6 (2) Upon receipt of a complaint, the Commission may:

7 (a) Direct the Agency to investigate; or

8 (b) Refer the complaint to appropriate unit of State government.

9 (3) An Agency employee who has a conflict of interest pertaining to the Commission
10 member who is the subject of the complaint may not participate in an investigation of the
11 complaint.

12 (4) The Commission member who is the subject of the complaint may not participate in any
13 Commission activity until the complaint is resolved.

14 E. Confidentiality.

15 (1) A Commission member or Agency employee may not discuss ~~[confidential matters]~~ a
16 confidential matter with a person other than:

17 (a) A Commission member;

18 (b) An Agency employee;

19 (c) The Attorney General's Office;

20 (d) A witness; or

21 (e) Another person authorized by law to be involved in the case.

22 (2) In the case of an ex parte communication, the Commission member shall follow the
23 provisions of State Government Article, §10-219, Annotated Code of Maryland.