

SENATE BILL 647

C7

2lr2685
CF HB 759

By: **Senators Young and Hough**

Introduced and read first time: February 3, 2022

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: March 4, 2022

CHAPTER _____

1 AN ACT concerning

2 **Frederick County – Electronic Tip Jar Machines – Authorization and**
3 **Regulation**

4 FOR the purpose of authorizing a person authorized to operate a tip jar in Frederick County
5 to operate an electronic tip jar machine if the person obtains a gaming permit for the
6 machine from the county; and generally relating to electronic tip jar machines in
7 Frederick County.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 12–301.1 and 13–1301
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Law
15 Section 13–1302
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2021 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 12-301.1.

2 (a) In this subtitle, "Commission" means the State Lottery and Gaming Control
3 Commission.

4 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection **AND**
5 **SUBSECTION (F) OF THIS SECTION** and consistent with the provisions of this title and
6 Title 13 of this article, the Commission shall certify and regulate the operation, ownership,
7 and manufacture of an electronic gaming device authorized under this subtitle.

8 (2) This section does not apply to:

9 (i) the ownership or operation of slot machines that are subject to
10 regulation by the Comptroller under § 12-304 of this title; and

11 (ii) paper tip jar gaming where authorized.

12 (3) (i) This paragraph applies only in Baltimore City and Baltimore
13 County.

14 (ii) If a local law enforcement agency refuses to enforce a provision
15 regarding the legal operation of amusement games, the Commission shall refer the matter
16 to the appropriate office of the State's Attorney.

17 (c) The Commission shall adopt regulations that:

18 (1) define lawful and unlawful electronic and mechanical equipment used
19 in connection with gaming devices that are consistent with this title;

20 (2) approve and license electronic gaming devices authorized under State
21 law;

22 (3) approve and license owners, operators, and manufacturers of electronic
23 gaming devices authorized under State law;

24 (4) establish procedures for the license application and renewal processes
25 required under this section; and

26 (5) establish license fees, effective on July 1, 2016, that are sufficient to
27 cover the direct and indirect costs of licensure required under this section.

28 (d) (1) The Commission may determine:

29 (i) that a county's licensing and regulatory process for electronic
30 gaming devices is equivalent to the State licensing and regulatory process required under
31 this section; and

1 (ii) that a county license for owning, operating, or manufacturing an
2 electronic gaming device in that county is equivalent to a State license.

3 (2) If the Commission does not make a determination under paragraph (1)
4 of this subsection, the regulations and licensing requirements of the Commission shall
5 supersede:

6 (i) the application of any county fees or regulations and licensing
7 requirements for electronic gaming devices under this subsection; or

8 (ii) a requirement for a county license for owning, operating, or
9 manufacturing an electronic gaming device under this subsection.

10 (e) **[An] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, AN**
11 **electronic gaming device that is not licensed or otherwise operated in compliance with the**
12 **provisions of this section as of January 1, 2013, is an illegal gaming device that may not**
13 **legally operate in the State.**

14 **(F) (1) IN FREDERICK COUNTY, A PERSON AUTHORIZED TO OPERATE A**
15 **TIP JAR IN THE COUNTY UNDER § 13–1305 OF THIS ARTICLE MAY OPERATE AN**
16 **ELECTRONIC TIP JAR MACHINE IN THE COUNTY IF THE PERSON OBTAINS A GAMING**
17 **PERMIT FOR EACH MACHINE FROM THE COUNTY IN ACCORDANCE WITH § 13–1304**
18 **OF THIS ARTICLE.**

19 **(2) THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY**
20 **ADOPT REGULATIONS FOR THE OPERATION OF AND ISSUANCE OF PERMITS FOR**
21 **ELECTRONIC TIP JAR MACHINES UNDER TITLE 13, SUBTITLE 13 OF THIS ARTICLE.**

22 **[(f)] (G) (1) There is a Maryland Amusement Game Advisory Committee.**

23 (2) The Advisory Committee shall advise the Commission on the conduct
24 and technical aspects of the amusement game industry, including recommendations for the
25 legality of skills-based amusement games.

26 (3) The Advisory Committee consists of:

27 (i) the following members appointed by the Governor:

28 1. two members selected from a list of five names submitted
29 by the Maryland Amusement and Music Operators Association;

30 2. one member who is a local government official selected
31 from a list of names submitted by the Maryland Association of Counties and the Maryland
32 Municipal League;

33 3. one member who is a local law enforcement officer; and

1 4. one citizen representative; and

2 (ii) the Director of the Commission, or the Director's designee, who
3 shall serve as a nonvoting member of the Advisory Committee.

4 (4) The Governor shall designate the chair of the Advisory Committee.

5 (5) The Commission shall provide staff for the Advisory Committee.

6 (6) A member of the Advisory Committee:

7 (i) may not receive compensation as a member of the Advisory
8 Committee; but

9 (ii) is entitled to reimbursement for expenses under the Standard
10 State Travel Regulations, as provided in the State budget.

11 13-1301.

12 **(A) In this subtitle[, "gaming event"] THE FOLLOWING WORDS HAVE THE**
13 **MEANINGS INDICATED.**

14 **(B) "GAMING EVENT" includes:**

15 (1) a bazaar;

16 (2) a carnival;

17 (3) a raffle;

18 (4) a tip jar; and

19 (5) a punchboard.

20 **(C) "TIP JAR" INCLUDES AN ELECTRONIC TIP JAR MACHINE AUTHORIZED**
21 **UNDER § 12-301.1 OF THIS ARTICLE.**

22 13-1302.

23 This subtitle applies only in Frederick County.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2022.