

# SENATE BILL 155

C7  
HB 371/21 – W&M

(PRE-FILED)

2lr0733  
CF 2lr0734

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By: **Senator Young**

Requested: October 12, 2021

Introduced and read first time: January 12, 2022

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Lottery – Instant Ticket Lottery Machines – Fraternal Organizations**  
3 **(ITLMs for Homeless Veterans Act)**

4 FOR the purpose of authorizing the Director of the State Lottery and Gaming Control  
5 Agency to issue certain fraternal organizations a license for not more than a certain  
6 number of instant ticket lottery machines for the sale of certain instant lottery  
7 tickets under certain circumstances; providing for the distribution of the proceeds  
8 from certain lottery machine ticket sales by a fraternal organization; declaring the  
9 intent of the General Assembly that the Agency solicit proposals from multiple  
10 vendors for the lease or purchase of instant ticket lottery machines under this Act;  
11 and generally relating to the operation of and proceeds from instant ticket lottery  
12 machines in the State.

13 BY repealing and reenacting, with amendments,  
14 Article – State Government  
15 Section 9–112  
16 Annotated Code of Maryland  
17 (2021 Replacement Volume)

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

20 **Article – State Government**

21 9–112.

22 (a) **(1)** In this section[, “veterans”] **THE FOLLOWING WORDS HAVE THE**  
23 **MEANINGS INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(2) (I) “FRATERNAL ORGANIZATION” MEANS A NONPROFIT**  
2 **ORGANIZATION THAT:**

3                   1.     **IS A BONA FIDE FRATERNAL ORGANIZATION;**

4                   2.     **IS OPERATED UNDER THE LODGE SYSTEM;**

5                   3.     **IS CONDUCTED SOLELY FOR THE BENEFIT OF ITS**  
6 **MEMBERS AND ITS BENEFICIARIES; AND**

7                   4.     **HAS BEEN LOCATED IN A COUNTY IN WHICH THIS**  
8 **SECTION APPLIES FOR AT LEAST 5 YEARS BEFORE THE ORGANIZATION APPLIES FOR**  
9 **A LICENSE UNDER SUBSECTION (B) OF THIS SECTION.**

10                   **(II) “FRATERNAL ORGANIZATION” INCLUDES A SORORAL**  
11 **ORGANIZATION.**

12                   **(III) “FRATERNAL ORGANIZATION” DOES NOT INCLUDE:**

13                   1.     **ANY COLLEGE OR HIGH SCHOOL FRATERNITY OR**  
14 **SORORITY; OR**

15                   2.     **ANY OTHER FRATERNAL OR SORORAL ORGANIZATION**  
16 **THE MEMBERSHIP OF WHICH IS RESTRICTED IN WHOLE OR IN PART TO STUDENTS**  
17 **OR GRADUATES OF AN EDUCATIONAL INSTITUTION OR A PROFESSIONAL SCHOOL.**

18                   **(3) “VENDOR” MEANS A BUSINESS ENTITY THAT:**

19                   **(I) OWNS, SERVICES, AND MAINTAINS INSTANT TICKET**  
20 **LOTTERY MACHINES FOR USE IN ESTABLISHMENTS APPROVED BY THE AGENCY; AND**

21                   **(II) HAS BEEN ESTABLISHED AND OPERATING FOR AT LEAST 5**  
22 **YEARS.**

23                   **(4) “VETERANS’ organization” means an organization that is tax exempt**  
24 **and organized as a veterans’ organization under § 501(c)(19) or § 501(c)(4) of the Internal**  
25 **Revenue Code.**

26                   (b) Except as provided in subsection (d) of this section, in accordance with the  
27 regulations of the Agency and this subtitle, the Director shall issue licenses to the persons  
28 and governmental units that will best serve the public convenience and promote the sale of  
29 State lottery tickets or shares.

30                   (c) Before issuing a license to an applicant, the Director shall consider such

1 factors as:

2 (1) the financial responsibility and security of the applicant and the  
3 business or activity of the applicant;

4 (2) the accessibility of the place of business or activity to the public;

5 (3) the sufficiency of existing licenses to serve the public convenience; and

6 (4) the volume of expected sales.

7 (d) (1) This subsection does not apply in:

8 (i) Caroline County;

9 (ii) Cecil County;

10 (iii) Dorchester County;

11 (iv) Kent County;

12 (v) Queen Anne's County;

13 (vi) Somerset County;

14 (vii) Talbot County;

15 (viii) Wicomico County; and

16 (ix) Worcester County.

17 (2) (i) Subject to subparagraph (ii) of this paragraph, the Director may  
18 issue a license under this subtitle for not more than five instant ticket lottery machines to  
19 an applicant that is a veterans' organization **OR FRATERNAL ORGANIZATION**.

20 (ii) A veterans' organization **OR FRATERNAL ORGANIZATION** that  
21 is issued a license under this subsection shall locate and operate its instant ticket lottery  
22 machines at its principal meeting hall in the county in which the veterans' organization **OR**  
23 **FRATERNAL ORGANIZATION** is located.

24 (3) **(I)** After deduction of any commission and validation prize payout  
25 as provided under § 9–117 of this subtitle, a veterans' organization issued a license under  
26 this subsection shall credit the remaining receipts from the sale of tickets from instant  
27 ticket lottery machines to the State Lottery Fund established under § 9–118 of this subtitle.

28 **(II) AFTER DEDUCTION OF A VALIDATION PRIZE PAYOUT, A**

1 FRATERNAL ORGANIZATION ISSUED A LICENSE UNDER THIS SUBSECTION SHALL  
 2 REMIT THE RECEIPTS FROM THE SALE OF TICKETS FROM INSTANT TICKET LOTTERY  
 3 MACHINES TO THE AGENCY TO BE DISTRIBUTED AS PROVIDED IN SUBPARAGRAPH  
 4 (III) OF THIS PARAGRAPH.

5 (III) ON A PROPERLY APPROVED TRANSMITTAL, THE AGENCY  
 6 SHALL PAY THE FOLLOWING AMOUNTS FROM THE PROCEEDS OF SALES OF TICKETS  
 7 FROM INSTANT TICKET LOTTERY MACHINES OPERATED BY A FRATERNAL  
 8 ORGANIZATION:

9 1. 10% TO THE HOMELESSNESS SOLUTIONS PROGRAM  
 10 IN THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, TO BE USED,  
 11 IN CONSULTATION WITH THE DEPARTMENT OF VETERANS AFFAIRS, TO ASSIST  
 12 VETERANS AND FAMILIES OF VETERANS, WITH PRIORITY GIVEN TO:

13 A. WOMEN VETERANS WHO ARE HOMELESS OR AT RISK  
 14 OF HOMELESSNESS;

15 B. SINGLE-PARENT VETERAN FAMILIES; AND

16 C. VETERANS WHO ARE VICTIMS OF DOMESTIC  
 17 VIOLENCE; AND

18 2. FROM THE REMAINING PROCEEDS OF SALES OF  
 19 TICKETS FROM INSTANT TICKET LOTTERY MACHINES OPERATED BY A FRATERNAL  
 20 ORGANIZATION:

21 A. 50% TO THE FRATERNAL ORGANIZATION;

22 B. TO THE AGENCY, AN AMOUNT NECESSARY TO PAY FOR  
 23 THE PURCHASE OR LEASE OF THE INSTANT TICKET LOTTERY MACHINES; AND

24 C. ANY REMAINING AMOUNT TO THE GENERAL FUND OF  
 25 THE STATE.

26 (IV) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, WHEN  
 27 THE AGENCY SOLICITS PROPOSALS FOR THE PURCHASE OR LEASE OF INSTANT  
 28 TICKET LOTTERY MACHINES UNDER SUBPARAGRAPH (III)2B OF THIS PARAGRAPH,  
 29 THE AGENCY SOLICIT PROPOSALS FROM MULTIPLE VENDORS.

30 (4) (i) Subject to subparagraph (ii) of this paragraph, a veterans'  
 31 organization issued a license under this subsection shall purchase or lease the instant  
 32 ticket lottery machines to be used by the veterans' organization.

1                   (ii) An organization may not use receipts from the sale of tickets  
2 from instant ticket lottery machines that would otherwise be credited to the State Lottery  
3 Fund for the costs of purchasing or leasing instant ticket lottery machines.

4                   (5) The Director may adopt regulations to implement the provisions of this  
5 subsection that include restricting the location of instant ticket lottery machines in areas  
6 of a veterans' organization's **OR FRATERNAL ORGANIZATION'S** public meeting hall that  
7 is accessible to the public.

8                   (6) The Agency shall ensure that the element of chance in the conduct of  
9 the gaming through the instant ticket lottery machines established under this subsection  
10 is consistent with the holding in the case of Chesapeake Amusements Inc. v. Riddle, 363  
11 Md. 16 (2001), in that the element of chance must be wholly within the pre-printed instant  
12 lottery ticket, and that player enhancements in an instant ticket lottery machine may not  
13 affect the element of chance being wholly within the pre-printed instant lottery ticket.

14           (e) The Director may not issue a license to:

15                   (1) a person or governmental unit to engage in business primarily as a  
16 licensed agent; or

17                   (2) an individual who is under the age of 21 years.

18           (f) The Commission may hear and decide an appeal of a denial of a license.

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
20 1, 2022.