

§1837-B. Internet raffle operator license; approval of Internet raffle system

1. License and approval required. A person may not operate an Internet raffle unless the person is licensed as an Internet raffle operator under subsection 2, the Internet raffle is conducted on behalf of an eligible organization registered under section 1837-A, subsection 7, each payment for a chance or ticket for the Internet raffle is made through an Internet raffle system approved under subsection 4 and the winning chance or chances are selected by an Internet raffle system approved under subsection 4.

[PL 2021, c. 136, §11 (NEW).]

2. Internet raffle operator license. The Gambling Control Unit may issue an Internet raffle operator license to a person, firm, corporation, association or organization. The Gambling Control Unit may not issue an Internet raffle operator license to a business entity unless it is organized under the laws of the State or authorized to transact business or conduct activities in the State. An applicant for an Internet raffle operator license or for renewal of an Internet raffle operator license shall submit an application to the Gambling Control Unit on a form or in a format approved by the Gambling Control Unit. The application must, at a minimum, include the following:

A. The name, primary business location and contact information of the applicant; [PL 2021, c. 136, §11 (NEW).]

B. Disclosure of each person that owns 10% or more of a corporate applicant's equity or voting shares and that has the ability to control the activities of the corporate applicant; each person that directly or indirectly holds a beneficial or proprietary interest in a noncorporate applicant's business operation or that has the ability to control the noncorporate applicant's business operation; and key personnel of the applicant. For purposes of this subsection, "key personnel" means any officer, director, manager or general partner of an applicant that is a business entity and each executive, employee or agent having the power to exercise significant influence over decisions concerning any part of an applicant's relevant business operation; [PL 2021, c. 136, §11 (NEW).]

C. Consent to permit the Executive Director of the Gambling Control Unit to conduct a criminal history record check pursuant to subsection 3 for the applicant and each person disclosed under paragraph B; [PL 2021, c. 136, §11 (NEW).]

D. For the applicant and each person disclosed under paragraph B, a record of previous issuances and denials of or any adverse action taken against a gambling-related license or application under this Title or Title 8 or in any other jurisdiction. For purposes of this paragraph, "adverse action" includes, but is not limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action; and [PL 2021, c. 136, §11 (NEW).]

E. Any additional information required by the Gambling Control Unit by rule. [PL 2021, c. 136, §11 (NEW).]

[PL 2021, c. 136, §11 (NEW).]

3. Criminal history record check. The Executive Director of the Gambling Control Unit shall request a criminal history record check in accordance with this subsection for the applicant and for each person disclosed by the applicant under subsection 2, paragraph B. The director may require a criminal history record check in accordance with this subsection from a licensee seeking to renew a license and for any person the licensee is required to disclose under subsection 2, paragraph B as part of the license renewal application. A criminal history record check conducted pursuant to this subsection must include, at a minimum, a record of public criminal history record information as defined in Title 16, section 703, subsection 8. An applicant must reimburse the director for the actual costs of conducting the criminal history record checks required under this subsection.

[PL 2021, c. 136, §11 (NEW).]

4. Internet raffle system certification. An Internet raffle operator may not conduct an Internet raffle using an Internet raffle system unless it has been examined, tested and approved by the Gambling Control Unit or certified by an independent testing laboratory approved by the Gambling Control Unit. The Internet raffle system operator must pay the cost of the examination, testing and certification before the examination occurs. To be approved by the Gambling Control Unit or certified by an independent testing laboratory, the Internet raffle system:

A. Must prohibit a person from purchasing a chance or ticket for an Internet raffle unless the person opens a raffle account into which the person deposits the funds used to purchase the chance or ticket; [PL 2021, c. 136, §11 (NEW).]

B. May not permit the use of a credit card to purchase a chance or ticket for an Internet raffle or the extension of credit from the Internet raffle operator to a person who purchases a chance or ticket for an Internet raffle; [PL 2021, c. 136, §11 (NEW).]

C. Must ensure that a person who opens a raffle account or who purchases a chance or ticket for an Internet raffle is at least 18 years of age; must provide for the immediate refund of any payment to purchase a chance or ticket for an Internet raffle made by a person whom the Internet raffle operator discovers is under 18 years of age; and must publish and facilitate the use of parental controls that permit adults to exclude minors from access to the system's mobile applications and electronic platforms; [PL 2021, c. 136, §11 (NEW).]

D. Must determine and verify that a person who purchases a chance or ticket for an Internet raffle is physically located within the State at the time the purchase is made; [PL 2021, c. 136, §11 (NEW).]

E. Must select the winning chance or chances in an Internet raffle by means of a cryptographically strong random number generator; [PL 2021, c. 136, §11 (NEW).]

F. Must protect the privacy and security of a raffle account owner's information and all of the raffle account owner's accounts maintained or accessed by the Internet raffle system; [PL 2021, c. 136, §11 (NEW).]

G. Must maintain for at least 3 years after the winner or winners are selected a list of all persons who purchased a chance or ticket for the Internet raffle and the name and contact information of the winner or winners of the Internet raffle; a copy of this list and an exact accounting of all gross revenue from the Internet raffle must be transmitted to the eligible organization on whose behalf the Internet raffle was conducted immediately after the winner or winners are selected; and [PL 2021, c. 136, §11 (NEW).]

H. Must meet any other requirements established by the Gambling Control Unit by rule. [PL 2021, c. 136, §11 (NEW).]

[PL 2021, c. 136, §11 (NEW).]

SECTION HISTORY

PL 2021, c. 136, §11 (NEW).

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