

§1837-C. Raffle entry by payment management system

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Geolocation technology" means a computer program or data collection system that can be used to identify the geographic location of a person interacting with that computer program or data collection system through the Internet. [PL 2021, c. 636, §3 (NEW).]

B. "Payment management system" means a mobile application or other digital platform and the accompanying computer software used to accept payment for a raffle chance or ticket through the Internet. [PL 2021, c. 636, §3 (NEW).]

[PL 2021, c. 636, §3 (NEW).]

2. Use of payment management system. When conducting a raffle under section 1837-A that is not an Internet raffle, an eligible organization may accept payment for a raffle chance or ticket from a payment management system if:

A. The payment management system is approved by the director under subsection 3; [PL 2021, c. 636, §3 (NEW).]

B. The raffle chance or ticket is purchased by a person who is at least 18 years of age; and [PL 2021, c. 636, §3 (NEW).]

C. The raffle chance or ticket is purchased by a person who is physically located in the State or another state where the purchase of that raffle chance or ticket would be legal under the laws of that state. [PL 2021, c. 636, §3 (NEW).]

If the eligible organization determines that the purchase of a raffle chance or ticket is made in violation of paragraph B or C, the organization shall immediately refund the payment and void the raffle chance or ticket associated with the purchase.

If the eligible organization conducts a raffle in which a winner receives a firearm, the transfer of that firearm to the winner must be processed through a holder of a federal license for a dealer in firearms who is not a dealer in destructive devices under 18 United States Code, Section 923(a)(3)(B).

An eligible organization that fails to comply with this subsection commits a civil violation punishable by a fine of not less than \$500 and not more than \$5,000.

[PL 2021, c. 636, §3 (NEW).]

3. Approval of payment management system. Upon request from an eligible organization, the director may approve a payment management system for use by the organization in conducting a raffle that is not an Internet raffle only if the director determines that the payment management system:

A. Does not permit the extension of credit from the eligible organization to a person who purchases a raffle chance or ticket; [PL 2021, c. 636, §3 (NEW).]

B. Does not permit a person to initiate a transaction to purchase a raffle chance or ticket and finalize the transaction by providing payment by mail; [PL 2021, c. 636, §3 (NEW).]

C. Includes adequate measures to ensure that a person who purchases a raffle chance or ticket is at least 18 years of age; [PL 2021, c. 636, §3 (NEW).]

D. Includes geolocation technology to determine with a reasonable degree of certainty the state in which a person who purchases a raffle chance or ticket is physically located at the time the purchase is made and allows an eligible organization to prevent a person from purchasing a raffle chance or ticket while the person is physically located in a state where the purchase of that raffle chance or ticket would not be legal under the laws of that state; [PL 2021, c. 636, §3 (NEW).]

E. Provides for the immediate refund of any payment to purchase a raffle chance or ticket made by a person who the organization discovers is under 18 years of age at the time of purchase or was physically located in a state where the raffle being conducted is not legally permitted at the time of purchase; [PL 2021, c. 636, §3 (NEW).]

F. Includes adequate measures to protect the privacy and security of payment information submitted by persons who purchase raffle chances or tickets during the purchase process; and [PL 2021, c. 636, §3 (NEW).]

G. Enables the eligible organization to satisfy the record-keeping and reporting requirements in subsection 6 as well as any other requirements established by the Gambling Control Unit by rule. [PL 2021, c. 636, §3 (NEW).]

[PL 2021, c. 636, §3 (NEW).]

4. Payment. A payment management system approved by the director under this section may permit the use of a debit card or other payment method that the eligible organization uses to accept membership dues from out-of-state members and may allow a member of the eligible organization to request that payment for a raffle chance or ticket be made using the member's funds already within the possession of the eligible organization.

[PL 2021, c. 636, §3 (NEW).]

5. Guidance for raffle operators. Upon receipt of a request to approve a payment management system under subsection 3, the director shall provide the eligible organization with a guidance document including any information the director determines necessary to assist the eligible organization in complying with the requirements of this section.

[PL 2021, c. 636, §3 (NEW).]

6. Record-keeping and reporting requirements. In addition to the record-keeping requirements under section 1839, an eligible organization that uses a payment management system to conduct a raffle shall:

A. Retain for a period of 3 years an electronic copy of each receipt for the sale of a raffle chance or ticket sold using the payment management system; [PL 2021, c. 636, §3 (NEW).]

B. Retain for a period of one year a physical copy of each raffle ticket stub generated by the sale of a chance or ticket for a raffle sold using the payment management system; [PL 2021, c. 636, §3 (NEW).]

C. Maintain raffle ticket stubs retained under paragraph A or B separately for each individual raffle; [PL 2021, c. 636, §3 (NEW).]

D. Provide receipts for raffle chances or tickets and raffle ticket stubs retained under this subsection to the Gambling Control Unit on request; and [PL 2021, c. 636, §3 (NEW).]

E. Submit an annual report to the Gambling Control Unit that includes the number of raffles conducted using a payment management system during the year covered by the report and the amount of gross receipts for each of those raffles. [PL 2021, c. 636, §3 (NEW).]

An eligible organization that fails to comply with this subsection commits a civil violation punishable by a fine of not less than \$500 and not more than \$5,000.

[PL 2021, c. 636, §3 (NEW).]

SECTION HISTORY

PL 2021, c. 636, §3 (NEW).

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