

CHAPTER 329  
HB 1630-FN-A – FINAL VERSION

5Mar2014... 0409h  
05/15/14 1810s  
4Jun2014... 1926CofC  
4Jun2014... 2023EBA

2014 SESSION

14-2847  
06/03

HOUSE BILL            ***1630-FN-A***

AN ACT                relative to gaming in New Hampshire.

SPONSORS:            Rep. Ames, Ches 9; Rep. Weber, Ches 1; Sen. Rausch, Dist 19

COMMITTEE:          Ways and Means

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ANALYSIS

This bill modifies the laws governing games of chance.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struck through~~].  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to gaming in New Hampshire.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           329:1 Games of Chance. RSA 287-D is repealed and reenacted to read as follows:

2   CHAPTER 287-D

3   GAMES OF CHANCE

4           287-D:1 Definitions. In this chapter:

5                 I. “Applicant” means an individual applying for a license under this chapter.

6                 II. “Bona fide member” means a person who has held full and regular membership in the  
7 charitable organization for a period of not less than 60 days immediately prior to the games of  
8 chance in which such person intends to participate. To qualify as a bona fide member of a charitable  
9 organization, a person shall:

10                   (a) Satisfy all criteria for membership in the charitable organization.

11                   (b) Pay all lawful fees or dues required by the charitable organization.

12                   (c) Not have become a member solely for the purpose of operating games of chance.

13                 III. “Games of chance” means any game involving gambling as defined by RSA 647:2, II, or  
14 any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot  
15 machine or any other device in the nature of a slot machine, 50/50 raffles as defined in RSA 287-A:1,  
16 III, or ice-out contests as defined in RSA 287-D:1, VI.

17                 IV.(a) “Charitable organization” means any bona fide religious, charitable, civic, veterans’, or  
18 fraternal or church organization, including police and firemen’s organizations which shall have been  
19 registered with the secretary of state for at least 2 years.

20                   (b) A charitable organization shall not include auxiliary units, committees, or other  
21 entities organized under the auspices of a charitable organization eligible for licensure under this  
22 chapter, when such auxiliary unit, committee, or other entity is organized for the primary purpose of  
23 conducting games of chance.

24                 V. “Commission” means the racing and charitable gaming commission established under  
25 RSA 284:6-a.

26                 VI. “Ice-out contest” means a contest conducted by a charitable organization whereby a

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1 marker is placed on a frozen lake and the person most closely estimating the day and time the  
2 marker falls through the ice wins 1/2 the contest proceeds collected by the charitable organization.

3 VII. “Game operator” means a primary game operator or a secondary game operator.

4 VIII. “Game operator employer” means a primary game operator or a business entity who  
5 employs, supervises, and controls game operators and who is hired by a charitable organization to  
6 operate games of chance on its behalf. The owner of 10 percent or more of the entity, partner,  
7 managing member, or chief executive of a business entity who serves as a game operator employer  
8 must be licensed as a primary game operator.

9 IX. “Gaming equipment” means a collective reference to table game devices and their  
10 associated equipment.

11 X. “Primary game operator” means any person other than a bona fide member of the  
12 charitable organization, involved in conducting, managing, supervising, directing, or running games  
13 of chance.

14 XI. “Secondary game operator” means any person other than a bona fide member of the  
15 charitable organization, involved in dealing, running a roulette wheel, handling chips, or providing  
16 accounting services or security functions.

17 XII. “Wager” means a monetary agreement between 2 or more persons that a sum of money  
18 or other valuable thing shall be paid to one of them on the happening or not happening of an  
19 uncertain event. Wager may be used synonymously with the term “bet.”

20 287-D:2 Enforcement. The commission, with the assistance of the attorney general and the chief  
21 of police of any city or town where games of chance are held, shall administer and enforce the  
22 provisions of this chapter.

23 287-D:3 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

24 I. The application procedure for games of chance licenses for charitable organizations.

25 II. Information to be required on license applications for games of chance licenses for  
26 charitable organizations.

27 III. The application procedure for games of chance licenses for game operators.

28 IV. Information to be required on license applications for games of chance licenses for game  
29 operators.

30 V. Procedures for a hearing following revocation or denial of any license issued pursuant to  
31 this chapter.

32 VI. The operation of games of chance.

33 VII. The rental or lease of facilities and the leasing or purchasing of equipment for use in  
34 games of chance.

35 VIII. Accountability controls to ensure game integrity, including, but not limited to, cash,  
36 attendance, prizes, income, expense and financial reporting, and recordkeeping to be implemented by

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1 licensed charitable organizations and licensed game operators in addition to requirements set forth  
2 in RSA 287-D:22.

3 IX. Enforcement of this chapter pursuant to RSA 287-D:23 and RSA 287-D:24.

4 X. Background and criminal records checks pursuant to RSA 287-D:11 and RSA 287-D:12.

5 XI. The issuance of subpoenas pursuant to RSA 287-D:25.

6 XII. Administrative orders and fines pursuant to RSA 287-D:23.

7 XIII. Badge specifications, requirements, and fees pursuant to RSA 287-D:9, RSA 287-D:10,  
8 and RSA 287-D:13.

9 XIV. License applications pursuant to RSA 287-D:5 through RSA 287-D:10.

10 XV. Surveillance requirements pursuant to RSA 287-D:15.

11 XVI. Gambling machine investigation and enforcement under RSA 287-D:28.

12 XVII. Other matters related to the proper administration of this chapter.

13 287-D:4 Games of Chance Authorized.

14 I. A charitable organization may conduct games of chance to promote the purpose for which  
15 it was organized, and shall be licensed as provided in this chapter.

16 II. The license shall authorize games of chance of a specified type on specified dates at  
17 specified times and at a specified location including agricultural fairs and other locations where  
18 nonprofit fundraising activities are conducted.

19 III. No license shall be transferable.

20 IV. No person shall be a party to, engage in, or supervise others in the operation of games of  
21 chance in any capacity, unless that person is licensed under this chapter.

22 287-D:5 License Applications; General Requirements and Process.

23 I. All license applications shall be made on the forms supplied by the commission and shall  
24 be submitted to the commission by the individual applicant or an officer, director, or duly authorized  
25 official of the entity seeking a license.

26 II. Proof of authority to submit the application on behalf of the entity may be required by the  
27 commission.

28 III. The applicant shall provide written notice of an application submission to the chief of  
29 police of each city or town where games of chance are held.

30 IV. All applications shall include:

31 (a) The type of license for which applied.

32 (b) The name, address, and telephone number of the applicant.

33 (c) A notarized criminal history record release form, as provided by the New Hampshire  
34 division of state police, department of safety, which authorizes the release of his or her criminal  
35 history record, if any, to the commission.

36 (d) A complete set of fingerprints taken by a qualified law enforcement agency or an

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1 authorized employee of the department of safety. In the event that the first set of fingerprints is  
2 invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to  
3 complete the criminal history records check.

4 (e) The requisite fee for each license.

5 (f) The requisite fee for the criminal records check and the fingerprint check as  
6 established by the department of safety.

7 (g) Certification by the applicant under oath that the information provided on the  
8 application is accurate.

9 (h) Certification under oath that the applicant has not, in any jurisdiction, been  
10 convicted of a felony within the previous 10 years which has not been annulled by a court, or a  
11 misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been  
12 annulled by a court, nor violated the statutes or rules governing charitable gambling.

13 V. Incomplete applications shall be returned to the applicant for completion.

14 VI. Applicants for facilities and game operator employer licenses shall comply with the  
15 provisions of RSA 287-D:12.

16 287-D:6 Charitable Organization License Application; Specific Requirements.

17 I. In addition to the general requirements under RSA 287-D:5, a charitable organization  
18 license application shall include, at a minimum, the following information provided that the  
19 commission may, by rule, establish additional items to be submitted on the application form or  
20 attached to it:

21 (a) The name of each bona fide member of the charitable organization who will  
22 participate in the operation of the games of chance who shall comply with the provisions of RSA 287-  
23 D:5.

24 (b) A list of the names and addresses of the current bona fide members of the charity.

25 (c) The name of the financial institution with at least one branch in New Hampshire and  
26 the corresponding bank account number for the account in which money from the game of chance  
27 will be deposited and withdrawn.

28 (d) If known, the date or dates and location or locations of each game of chance to be  
29 sponsored by the charity.

30 (e) The identity of the licensed primary game operator who will operate the games of  
31 chance for the charity, if applicable.

32 (f) The identity of the licensed facility at which the proposed games will be held, if  
33 applicable.

34 (g) The identity of the licensed game equipment dealer from whom the charitable  
35 organization is buying or renting any equipment, if applicable.

36 (h) Documentation of exemption from federal income tax.

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1 (i) Proof that the religious, civic, fraternal, veterans', or charitable purposes for which it  
2 was organized, other than charitable gambling, are furthered through activities conducted in the  
3 state.

4 (j) Documentation of registration with the director of charitable trusts, if required under  
5 RSA 7:19 through RSA 7:32.

6 II. Applications shall be received by the commission no fewer than 60 days before the first  
7 game date of the year. This requirement may be waived by the commission for good cause shown.

8 III. In addition to the certifications under RSA 287-D:5, the applicant shall certify under  
9 oath that:

10 (a) Only bona fide members of the charitable organization or persons complying with the  
11 requirements of RSA 287-D:14, III, will operate the games of chance.

12 (b) The applicant or any member of the charitable organization who will be participating  
13 in the operation of the games of chance is aware of all statutes and rules applicable to the operation  
14 of games of chance.

15 IV. Only one license shall be issued to each applicant per year to operate games of chance for  
16 10 days, which 10 days need not be consecutive.

17 V. Licenses shall expire on December 31 of each year.

18 287-D:7 Facilities License Application; Specific Requirements.

19 I. Any person or entity other than a charitable organization or governmental subdivision  
20 with a facility at which games of chance are held for 5 or more game dates per calendar year shall be  
21 licensed.

22 II. In addition to the general requirements under RSA 287-D:5, a facilities license  
23 application shall include, at a minimum, the following information provided that the commission  
24 may, by rule, establish additional items to be submitted on the application form or attached to it:

25 (a) Certification of compliance with all of the requirements of RSA 287-D:5.

26 (b) A certificate of good standing from the department of revenue administration.

27 (c) Two passport quality photographs, if the applicant is an individual.

28 III. Only one facilities license shall be issued to each applicant per year.

29 IV. Licenses shall expire on December 31 of each year.

30 287-D:8 Game Operator Employer License Application; Specific Requirements. Any person or  
31 entity other than a charitable organization that employs primary game operators shall be licensed  
32 under this section. In addition to the general requirements under RSA 287-D:5, a game operator  
33 employer license application shall include, at a minimum, the following information provided that  
34 the commission may, by rule, establish additional items to be submitted on the application form or  
35 attached to it:

36 I. Certification of compliance with all of the requirements of RSA 287-D:5.

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1           II. A certificate of good standing from the department of revenue administration.

2           III. Federal tax identification number.

3           IV. Two passport quality photographs, if the applicant is an individual.

4           V. A description of the licensed premises.

5           VI. A list of the known game dates on which the game operator employer will participate  
6 including the name of the game, the location of the game, and the charitable organization holding  
7 the game.

8           VII. A bond for each location where the game operator employer is conducting games of  
9 chance, conditioned upon the licensees running games of chance in conformity with this chapter and  
10 with the rules and regulations prescribed by the commission, in the amount of up to \$500,000 but  
11 not less than \$25,000. The amount of the bond in excess of \$25,000 established for each licensee  
12 shall be based on that licensee's normal outstanding obligations of charity payments and state taxes.

13           287-D:9 Primary Game Operator License Application; Specific Requirements.

14           I. Other than members of a charitable organization, any person who supervises, manages,  
15 advises, or provides consulting to secondary game operators or other primary game operators shall  
16 be licensed under this section. In addition to the general requirements under RSA 287-D:5, a  
17 primary game operator license application shall include, at a minimum, the following information  
18 provided that the commission may, by rule, establish additional items to be submitted on the  
19 application form or attached to it:

20                   (a) The identity of the game operator employer for whom the applicant works.

21                   (b) A list of any other states in which the game operator has been registered or licensed  
22 as a professional fundraiser, professional game operator, or other similar position.

23                   (c) Whether a registration or license listed in subparagraph (b) has been denied,  
24 suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending.

25                   (d) The names and addresses of any individuals with whom the applicant is affiliated in  
26 the fundraising or game operating business.

27                   (e) The name of the financial institution with at least one branch in New Hampshire and  
28 the corresponding bank account number for the account in which money from the game of chance  
29 will be deposited and withdrawn.

30                   (f) Two passport quality photographs.

31           II. The bank account identified in subparagraph I(e) shall be the only account in which the  
32 primary game operator shall deposit and withdraw moneys from games of chance.

33           III. Concurrent with the charitable organization, primary game operators who operate  
34 games of chance on behalf of a charitable organization shall be responsible for all requirements for  
35 which the charitable organization is responsible when a charitable organization operates games of  
36 chance itself.

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1           IV. Unless a provision to the contrary is part of a written agreement in place prior to the  
2 commencement of a game date between the charitable organization and the game operator or game  
3 operator employer, all moneys due to the charitable organization shall be paid over to the  
4 organization no later than 5 business days following the date on which a game was conducted.  
5 Notwithstanding the provisions of any agreement with the charitable organization, the game  
6 operator or game operator employer shall pay over all moneys due to the charitable organization no  
7 later than 15 business days following a game date.

8           V. The provisions of RSA 7:28-c shall not apply to primary game operator licensees.

9           VI. Nothing in this section shall prevent a licensee from working for another game operator  
10 employer. A licensee who works for more than one game operator employer during the licensed  
11 period shall submit a supplemental application with a separate licensing fee, have a separate badge  
12 for each game operator employer, and pay a separate fee for each badge.

13           VII. The primary game operator license shall expire on the last day of the month of the  
14 licensee's birthday.

15           287-D:10 Secondary Game Operator License Application; Specific Requirements.

16           I. Other than members of a charitable organization, any person who is employed by a game  
17 operator employer or a primary game operator shall be licensed under this section.

18           II. In addition to the general requirements under RSA 287-D:5, a secondary game operator  
19 license application shall include, at a minimum, the following information provided that the  
20 commission may, by rule, establish additional items to be submitted on the application form or  
21 attached to it:

22               (a) A list of any other states in which the game operator has been registered or licensed  
23 as a professional fundraiser, professional game operator, or other similar position.

24               (b) A statement of whether a registration or license listed in subparagraph (a) has been  
25 denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are  
26 pending.

27               (c) The identity of the primary game operators for whom the applicant works.

28               (d) Two passport quality photographs.

29           III. A secondary game operator license shall expire on the last day of the month of the  
30 licensee's birthday.

31           IV. The provisions of RSA 7:28-c shall not apply to secondary game operator licensees.

32           V. Nothing in this section shall prevent a licensee from working for different licensed  
33 entities. A licensee who works for more than one game operator employer during the licensed period  
34 shall submit a supplemental application with a separate licensing fee, have a separate badge for  
35 each game operator employer, and pay a separate fee for each badge.

36           287-D:11 Background Investigations.



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1           I. This section shall apply to applicants for a:

2                 (a) Facilities license.

3                 (b) Game operator employer license.

4           II. Any person, association, corporation, or other type of entity applying for or holding a  
5 license under paragraph I shall file, with an initial application and every 5 years thereafter, with the  
6 attorney general a complete and detailed written statement, signed under oath by the applicant or  
7 holder of such license if an individual, or by the officers of the entity, containing the following  
8 information:

9                 (a) The name, residence address, and nature of the ownership interest including, where  
10 applicable, the number of shares of stock held and if known, how obtained, of every person who  
11 possesses an ownership interest in such entity.

12                (b) The name, address, present principal occupation or employment, and name and  
13 principal business of any corporation or other organization in which such employment is carried on  
14 of every director, officer, and holder of 10 percent or more ownership interest in such entity.

15                (c) Such information as the attorney general may prescribe by rule.

16                (d) Each licensee shall notify the attorney general and the commission of any change of  
17 information required by this paragraph within 10 days of such change.

18           III.(a) The commission shall refer all applications to the attorney general who shall conduct  
19 a background investigation of the license applicant or holder, any person included in paragraph I, or  
20 any person or entity upon whom the license applicant or holder relies for financial support. Any  
21 appropriate state or federal law enforcement system may investigate the subject's financial,  
22 criminal, or business background, or any other information which the attorney general, in the  
23 attorney general's sole discretion, may find to bear on the subject's fitness to be associated with  
24 charitable gaming in New Hampshire, including, but not limited to, the subject's character, personal  
25 associations, and the extent to which the subject is properly doing business in the manner in which it  
26 purports to operate. When the commission requests such an investigation, the attorney general shall  
27 report the results of such investigation to the commission within 90 days after the receipt of the  
28 request. Notwithstanding RSA 91-A, the results of any such investigation shall be confidential and  
29 shall not be subject to disclosure or to public inspection, except that the attorney general shall have  
30 sole discretion to determine the extent to which and the manner in which the results may be  
31 reported to the commission or other state agency or official and, if reported, whether such results are  
32 to retain their confidential character; provided, however, that whenever the attorney general  
33 conducts such an investigation, the attorney general shall notify the commission whether or not in  
34 the attorney general's opinion such person is fit to be associated with charitable gaming in New  
35 Hampshire. No person shall be issued or hold a license if in the opinion of the attorney general such  
36 person is not fit to be associated with charitable gaming in this state.

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1           (b) The attorney general may conduct a background investigation described in  
2 subparagraph (a) on the attorney general’s motion.

3           IV. The expenses of the office of attorney general in conducting any investigation authorized  
4 in this section, including the services of consultants, experts, accountants, and other assistants, shall  
5 be a direct charge against the applicant or holder. Total expenses for each investigation under this  
6 paragraph shall not exceed \$5,000, except with the approval of the fiscal committee of the general  
7 court.

8           V. In any investigation conducted pursuant to paragraph III, the attorney general may  
9 require, by subpoena or otherwise, the attendance of witnesses and the production of such  
10 correspondence, documents, books, and papers as the attorney general deems advisable, and for  
11 purposes of this section, may administer oaths and take the testimony of witnesses. No person shall  
12 be excused from testifying or from producing any book or paper in any investigation conducted  
13 pursuant to paragraph III upon the ground that such testimony or documentary evidence might tend  
14 to incriminate such person; provided that if, after a claim of privilege, the attorney general, in  
15 writing, orders such person to testify or produce documentary evidence, that person shall not be  
16 prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act,  
17 transaction, matter, or thing which such person, under oath, disclosed or produced. No person so  
18 testifying shall be exempt from prosecution or punishment for any perjury committed by such person  
19 in such testimony.

20           287-D:12 Background and Criminal Records Check.

21           I. All applicants for a license pursuant to this chapter shall submit to the commission a  
22 New Hampshire department of safety, division of state police, notarized criminal record release  
23 authorization form.

24           II. Upon receipt of an applicant’s criminal record information, the commission shall make a  
25 determination of eligibility for licensure and whether the applicant is fit to be associated with games  
26 of chance in New Hampshire.

27           III. The applicant shall submit with the release form a complete set of fingerprints taken by  
28 a qualified law enforcement agency or an authorized employee of the department of safety. In the  
29 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of  
30 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2  
31 attempts, a set of fingerprints is invalid due to insufficient pattern, the commission may, in lieu of  
32 the criminal history records check, accept police clearances from every city, town, or county where  
33 the person has lived during the past 5 years.

34           IV. The commission shall submit the criminal history records release form and fingerprint  
35 form to the division of state police which shall conduct a criminal history records check through its  
36 records and through the Federal Bureau of Investigation. Upon completion of the records check, the

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1 division of state police shall release copies of the criminal history records to the commission. The  
2 commission shall maintain the confidentiality of all criminal history records information received  
3 pursuant to this section.

4 V. The commission shall bill the applicant for any fee associated with the criminal or  
5 background record check to cover any fee charged by the department of safety for the criminal  
6 records check in paragraph I or by the Federal Bureau of Investigation for the background check in  
7 paragraph IV.

8 VI. For purposes of licensees, under RSA 287-D:7 or RSA 287-D:8 each owner, partner, or  
9 trustee of the underlying property, or in the case of a corporation, each officer, director, or  
10 shareholder, or in the case of a limited liability company, each manager or member, shall comply  
11 with all of the requirements of this section.

12 287-D:13 License Fees. The application fee for:

13 I. A charitable gaming license shall be \$25 per game date.

14 II. A facility license shall be \$250 per year.

15 III. A game operator employer license shall be \$750 per year.

16 IV. A primary game operator license shall be \$500 per year.

17 V. A secondary game operator license shall be \$30 per year.

18 VI. Each original or replacement identification badge shall be \$10.

19 287-D:14 Operation of Games of Chance.

20 I. No more than 2 licensed charitable organizations may conduct games of chance at any one  
21 location on any date.

22 II. No agreement between a charitable organization and any other licensee shall be valid  
23 unless such agreement is in writing and has been approved by the commission. The commission  
24 shall create standardized contracts.

25 III.(a) Only persons licensed under this chapter shall operate games of chance; except that,  
26 if all bona fide members of a charitable organization are under 18 years of age, adult officers or  
27 directors of the charitable organization or parents or legal guardians of bona fide minor members,  
28 who have been authorized by the officers or directors of the charitable organization, shall operate the  
29 games. Proof of bona fide membership shall be required for any person not subject to licensure.

30 (b) Notwithstanding subparagraph (a), if, by reason of the established criteria for  
31 membership, all bona fide members of the charitable organization are physically or mentally  
32 disabled, or both, the officers, directors, or authorized officials of the charitable organization may  
33 designate individuals to conduct the operation of games of chance on behalf of said charitable  
34 organization. Individuals so designated are subject to all applicable provisions of this chapter, and  
35 the designation of such individuals is subject to the approval of the commission.

36 (c) Notwithstanding subparagraph (a), all charitable organizations that conduct games

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1 of chance for charitable purposes may allow spouses, sons, and daughters of bona fide members who  
2 are at least 18 years of age to assist with the operation of the games of chance. These spouses, sons,  
3 and daughters are subject to all applicable provisions of this chapter, and are subject to the approval  
4 of the commission.

5 (d) Notwithstanding subparagraph (a), all charitable organizations that conduct games  
6 of chance for charitable purposes may employ, by means of a written agreement, a licensed game  
7 operator employer or a licensed primary game operator.

8 IV. No compensation shall be paid to any operator of a game of chance unless agreed to in  
9 advance in writing by the charitable organization.

10 V. No operator shall require additional fees not specifically allowed under this chapter as a  
11 condition of contracting with the operator for game dates.

12 VI. No one under the age of 18 years shall be admitted to the premises on which games of  
13 chance are being conducted, except when the games are being conducted at a carnival. Proof of age  
14 shall be produced upon request of the commission or commission's agents. When games of chance  
15 are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on  
16 which the games are being conducted when accompanied and supervised by a parent or legal  
17 guardian; but persons under the age of 18 shall not be permitted to play games of chance at a  
18 carnival.

19 VII. Games of chance may be conducted Monday through Saturday between the hours of  
20 11:00 a.m. and 1:00 a.m. the following day, and on Sunday between the hours of noon and 1:00 a.m.  
21 Monday.

22 VIII. No person operating a game of chance and no person who has leased a facility or sold  
23 or leased game of chance paraphernalia or related equipment to a charitable organization for use  
24 during games of chance shall participate or play in any game conducted at that location on that date.

25 IX. No person who has in any jurisdiction been convicted of a felony within the previous 10  
26 years which has not been annulled by a court, or a misdemeanor involving falsehood or dishonesty  
27 within the previous 5 years which has not been annulled by a court, or who has violated the statutes  
28 or rules governing charitable gambling in the past year shall operate a game of chance licensed  
29 under this chapter, or rent, lease, sublease, or otherwise provide any hall or game of chance  
30 paraphernalia for the conduct of games of chance licensed under this chapter.

31 X. Only the treasurer of the charitable organization or a bona fide member of the charitable  
32 organization designated by the treasurer shall handle any monetary transactions related to the  
33 game of chance.

34 XI. A member of the sponsoring charitable organization shall be present and on site at least  
35 once per day during the operation of any game of chance and shall file with the commission an  
36 affidavit attesting to the member's presence at the site during the operation of any games of chance.

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1 The sponsoring charitable organization member shall not be employed by the game operator.

2 XII.(a) On game dates where the charitable organization operates the games, the charitable  
3 organization shall deposit cash and proceeds from a game of chance into the account required under  
4 this chapter. All expenses, including prizes of \$500 or more and equipment and hall rental fees shall  
5 be paid by check from said account. The treasurer of the charitable organization shall document all  
6 prizes awarded as prescribed in rules adopted by the commission.

7 (b) On game dates when the licensed game operator operates the games, the licensed  
8 game operator shall deposit cash and proceeds from a game of chance into the account required  
9 under this chapter. All expenses, including equipment and hall rental fees shall be paid by check or  
10 electronic fund transfers from the account described in RSA 287-D:9, I(e). The licensed game  
11 operator shall document all prizes awarded as prescribed in rules adopted by the commission. Prizes  
12 of \$500 or more shall be paid by check from the account described in RSA 287-D:9, I(e).

13 XIII. All game of chance paraphernalia or related equipment used in conducting games of  
14 chance shall be subject to inspection and approval by the commission.

15 XIV. The charitable organization shall keep a record of all persons participating in the  
16 operation of a game of chance, including but not limited to, the date and location of the game and the  
17 person's name, address, telephone number, and type of participation in the game.

18 XV. For games of chance where chips have no monetary face value, the charitable  
19 organization may offer any number of games per licensed event in which each player may spend up  
20 to \$150 per game including buy-ins and re-buys.

21 XVI. Notwithstanding paragraph XV, the charitable organization may offer one game per  
22 licensed event in which each player may spend up to \$250 for the game including buy-ins and re-  
23 buys.

24 XVII. For games of chance where chips have no monetary face value, the payback in prizes  
25 shall not exceed 80 percent of the total amount collected from players.

26 XVIII. A games of chance licensee shall not play any games of chance on a licensed game  
27 date unless all games of chance to be played have been approved by the commission and have been  
28 identified on an approved game schedule.

29 XIX. The charitable organization may amend or supplement the list of members who will  
30 participate in the operation of a game of chance up to 10 working days prior to any particular game.

31 XX. At least 45 days prior to each game date, the charitable organization shall submit the  
32 date and location of the game of chance, if this information has not already been submitted to the  
33 commission under RSA 287-D:6, I(d).

34 XXI. Every game operator employer shall develop house rules and submit such rules to the  
35 commission for approval.

36 XXII. Every game operator employer shall maintain list of manufacturers and distributors

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1 detailing the type of gaming equipment purchased from each. The information shall be detailed  
2 enough to permit the commission to research the origin and any piece of gaming equipment.

3 287-D:15 Surveillance Requirements.

4 I.(a) A game operator employer conducting games of chance at a facility that is required to  
5 be licensed pursuant to RSA 287-D:7 shall conduct and record, at the expense of the game operator  
6 employer, video surveillance that allows clear, unobstructed views of cashier transactions, table  
7 games where cash wagers are accepted, and the counting of money from storage boxes removed from  
8 a gaming table. A game operator employer shall be exempt from this provision if the games of  
9 chance are conducted in a temporary location for 4 days or fewer, provided that an alternative  
10 method of surveillance is approved by the commission.

11 (b) Surveillance shall include the customer, the employee, and the surrounding area and  
12 shall monitor and record with sufficient clarity to identify employees and customers in all areas  
13 where currency is counted, verified, sorted, stacked, or stored, including monitoring and recording all  
14 table game drop boxes, safes, and counting surfaces, and all cashier personnel. The counting surface  
15 area shall be continuously monitored and recorded by a dedicated camera during the count.

16 (c) Access to the surveillance equipment shall be limited to management personnel,  
17 designated employees, state regulators, and other persons authorized in accordance with the  
18 surveillance policy.

19 (d) The game operator employer shall ensure at least one person at the facility while  
20 games of chance are being conducted is trained in the use of the equipment, knowledge of the games,  
21 and all applicable regulations.

22 (e) Each camera required by these regulations shall be installed in a manner that will  
23 prevent it from being readily obstructed, tampered with, or disabled by customers or employees.

24 (f) Reasonable effort shall be made to repair each malfunction of surveillance system  
25 equipment required by the standards in this section within 72 hours after the malfunction is  
26 discovered, provided any such malfunction shall be reported to the commission immediately.

27 (g) In the event of a dedicated camera malfunction, the game operator employer or the  
28 surveillance person shall immediately provide alternative camera coverage or other security  
29 measures.

30 II. The surveillance system, at a minimum, shall:

31 (a) Have an auxiliary or backup power source available and capable of providing  
32 immediate restoration of power to all elements of the surveillance system.

33 (b) Include date and time generators that possess the capability to display the date and  
34 time of recorded events on all digital recordings. The displayed date and time shall not significantly  
35 obstruct the recorded view.

36 (c) Utilize cameras that possess the capability of having a picture displayed on a monitor

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1 and recorded.

2 (d) Include sufficient numbers of monitors and recorders to simultaneously display and  
3 record multiple table games and count room activities, and record the views of all dedicated cameras  
4 and motion-activated cameras.

5 (e) Record at 30 frames per second or its equivalent.

6 III.(a) All digital records of coverage provided by cameras required by this section shall be  
7 retained for a minimum of 45 days except as otherwise provided in this paragraph.

8 (b) Recordings involving suspected or confirmed gaming crimes, unlawful activity, or  
9 actions of investigations by management personnel shall be retained indefinitely until released by  
10 the commission and a copy of any report and video shall be forwarded to the commission.

11 (c) Duly authenticated copies of digital records shall be provided to the commission upon  
12 request.

13 (d) Multiple recordings shall be made to avoid any loss of images in the event of a  
14 hardware failure.

15 (e) A recording library log, or comparable alternative procedure approved by the  
16 commission, shall be maintained to demonstrate compliance with the storage, identification, and  
17 retention standards required in this section.

18 (f) All recordings not otherwise required to be retained may be destroyed after a period  
19 of 45 days, unless the commission provides written notice to retain certain video recordings.

20 287-D:16 Wagers. No single wager by a player, on any game of chance, shall exceed the amount  
21 of \$4.

22 287-D:17 Equipment; Inspection.

23 I. All devices and equipment used to conduct games of chance shall be subject to inspection  
24 by duly authorized law enforcement or commission officials.

25 II. No mechanism or device, which can be used to regulate odds, shall be permitted to  
26 operate games of chance and no progression in any form shall be permitted in the operation of any  
27 such game.

28 287-D:18 Equipment; Ownership and Rental.

29 I. If a charitable organization operates games of chance itself, such games of chance shall be  
30 conducted with equipment that is:

31 (a) Owned absolutely;

32 (b) Used without payment or any compensation therefor by the charitable organization;

33 or

34 (c) Rented at a fixed fee only from a dealer in such equipment who has his or her  
35 principal place of business in this state and who is licensed by the commission.

36 II. Any contract for the rental of equipment for games of chance shall be independent of any

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1 contract for the rental of a facility. No contract for the rental of equipment for games of chance shall  
2 be contingent upon the charitable organization's agreement that it will contract with a particular  
3 business for a particular facility or equipment.

4 III. If a charitable organization's games of chance are operated through a primary game  
5 operator, the charitable organization shall not be charged for the use of any equipment.

6 287-D:19 Facilities; Rental.

7 I. If a charitable organization operates games of chance itself, such games of chance shall be  
8 conducted within a facility that is:

9 (a) The charitable organization's primary meeting place, whether owned absolutely or  
10 rented;

11 (b) Used by the charitable organization without payment or any compensation; or

12 (c) Rented by the charitable organization for the express purpose of conducting games of  
13 chance; provided that:

14 (1) The charitable organization shall only rent a facility by means of a fixed rental  
15 payment, and such agreement shall be approved by the commission.

16 (2) The fixed rental payment shall not be based on a percentage of what the  
17 charitable organization receives from the game of chance and it shall reflect fair rental value of the  
18 property for any use, not only as a place to hold a game of chance.

19 (3) Any contract for the rental of a facility for a game of chance shall be independent  
20 of any contract for the rental of equipment. No contract for the rental of a facility for a game of  
21 chance shall be contingent upon the charitable organization's agreement that it will contract with a  
22 particular business for a particular facility or equipment.

23 II.(a) If a charitable organization contracts for services from a game operator employer  
24 licensed under RSA 287-D:8, the game operator employer shall provide equipment and shall not  
25 charge the charitable organization for such equipment. No charitable organization shall receive less  
26 than 35 percent of the gross revenues from any games of chance minus any prizes paid and rental  
27 charge under subparagraph (b).

28 (b) If a game operator employer charges rent, such charge shall be by written agreement  
29 and shall be a fixed payment, not based on a percentage of what the charitable organization receives  
30 from the game of chance, and shall reflect fair rental value of the property for any use, not only as a  
31 place to hold a game of chance.

32 (c) Any service or rental agreement entered into by the charitable organization shall be  
33 submitted with the charitable organization's license application for review by the commission.

34 (d) Under no circumstances shall a charitable organization sustain any loss from games  
35 of chance, such that its share of the gross revenues minus any prizes paid, and any rent paid or due,  
36 is less than zero dollars, during a license period with a single game operator.



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1 (e) All contracts between a game operator employer and a charitable organization to  
2 conduct games of chance under this chapter shall contain the following language: “This agreement  
3 represents the entire agreement between the parties. No charge or fee of any kind that is not  
4 contained in this agreement shall be paid by the charity.”

5 (f) No fee for any service which is required by or provided by the game operator employer  
6 or primary game operator shall be allowed.

7 287-D:20 Prizes.

8 I. In games where chips have no monetary value, 3 percent of all funds collected from  
9 players, less moneys used by the commission to fund authorized personnel expenses and related  
10 costs, shall be paid to the state treasurer to be deposited into the special fund established in RSA  
11 284:21-j. Such payments shall be made once per month not later than the 5th day of the month for  
12 the funds collected in the previous month.

13 II. In games where chips have monetary value, 10 percent of the rake or house winnings and  
14 other moneys collected by the game operator that are not paid out as prizes to players, less moneys  
15 used by the commission to fund authorized personnel expenses and related costs, shall be paid to the  
16 state treasurer for deposit into the special fund established in RSA 284:21-j. Such payments shall be  
17 made once per month not later than the 5th day of the month for the funds collected in the previous  
18 month.

19 287-D:21 Agency Not Permitted. No charitable organization shall act as an agent for conducting  
20 a game of chance, where it is unlawful for the charitable organization’s principal to conduct such a  
21 game.

22 287-D:22 Financial Reports, Inspections, and Other Records.

23 I.(a) A charitable organization shall submit a complete financial report for all game dates  
24 licensed under RSA 287-D:4 to the commission on forms approved by the commission within 15 days  
25 of the end of each month during which a game of chance was held. Such report shall be completed by  
26 the treasurer of the charitable organization or a duly authorized officer, director, or official of the  
27 charitable organization who shall certify such accounting under oath; or

28 (b) A licensed primary game operator under contract to conduct games of chance on  
29 behalf of a charitable organization shall prepare and submit the financial reports required under  
30 subparagraph (a). In such case the charitable organization shall not be required to submit such  
31 report. Such report shall be completed by the primary game operator who shall certify such  
32 accounting under oath.

33 II. The financial report shall include:

34 (a) A complete statement of all revenues and expenses.

35 (b) A record of the amount of prizes awarded.

36 (c) The names and addresses of the members who participated in the games of chance.

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1           (d) The name and address of any fundraising counsel or game operator involved in  
2 conducting the games of chance.

3           III. The charitable organization shall retain canceled checks for the payment of expenses  
4 and prizes for a period of 2 years.

5           IV. All financial reports filed by charitable organizations shall be maintained by the  
6 commission for a period of one year from the date of filing and shall be open to public inspection.

7           V. All records pertaining to the games of chance shall be maintained by the treasurer of the  
8 charitable organization or other duly authorized director, officer, or official of the charitable  
9 organization and shall be made available to the commission, the attorney general, or the chief of  
10 police of any city or town where games of chance are held upon request. The commission may audit,  
11 review, or inspect any and all financial records, books, documentation, and bank accounts in the  
12 name of the charitable organization that pertain to games of chance.

13           VI. A charitable organization shall maintain complete and accurate documentation of all  
14 revenues and expenses contained in the financial reports for at least 2 years from the date the  
15 financial report is filed.

16           VII. For the purpose of this section “records pertaining to the games of chance” means at a  
17 minimum, the following information, provided that the commission may, by rule, establish  
18 additional items:

19           (a) A policies and procedures manual governing gaming activities, procedures related to  
20 the operation of a game, including play, surveillance, security, revenue collection, and accounting for,  
21 reporting, and auditing the results produced.

22           (b) Documentation of information technology procedures and controls, including  
23 monitoring systems for security incidents, data back-up, and maintenance of systems to ensure  
24 integrity of games.

25           (c) A formal bookkeeping system.

26           (d) Bank statements, check registers, reconciliations, and cancelled checks for games of  
27 chance bank accounts.

28           (e) Bank deposit slips for the games of chance bank account.

29           (f) Invoices for all games of chance related purchases.

30           (g) Pre-numbered 3-part, table credit and fill slips.

31           (h) Pit game table reconciliation sheets.

32           (i) Cash poker table reconciliation sheets.

33           (j) Cage accountability form summarizing daily cage activities.

34           (k) Cage inventory count sheets supported by employee signatures.

35           (l) Inventory transfer to and from cage documentation sheets.

36           (m) Chip inventory documentation forms, including purchase, receipt, balances on hand,

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1 storage, and destruction.

2 (n) Tournament sign-in or registration sheets, buy-in, re-buy, and add-on documentation  
3 slips.

4 (o) Tournament reconciliation sheets.

5 (p) Documentation for all prize and promotional payouts.

6 (q) Digital surveillance logs.

7 (r) Documentation of the calculation of charity allocation and state tax.

8 (s) All written contracts, agreements, leases, rental agreements, or any other statement  
9 of understanding regarding the operation of games of chance.

10 (t) Employee information, work schedules, sign-in sheets, time cards, and table  
11 assignments.

12 (u) Written manuals for surveillance systems, gaming computer programs, and  
13 accounting programs.

14 (v) Organization chart listing titles, roles, and responsibilities.

15 287-D:23 Penalties.

16 I. In addition to any other penalties provided by law, any person who violates RSA 287-D  
17 shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

18 II. Each day on which a game of chance is played in violation of RSA 287-D shall constitute a  
19 separate offense.

20 III. The commission may suspend or revoke the license of any licensee who violates any  
21 provision of this chapter or for just cause shown. Any licensee whose license is revoked shall not be  
22 eligible for licensure for a period of up to one year from the date of revocation.

23 IV.(a) Any person who purposely or knowingly makes a false entry in any report required  
24 under this chapter which results in a reduction of revenues due to a charitable organization shall be  
25 guilty of a class A felony.

26 (b) Any person who recklessly or negligently makes a false entry on any report required  
27 under this chapter which results in a reduction of revenues due to a charitable organization shall be  
28 guilty of a class A misdemeanor.

29 (c) Any game operator employer or game operator who fails to remit to a charitable  
30 organization all revenues due under this chapter shall be guilty of a class A felony.

31 V. Any game operator employer or game operator who fails to pay the charitable  
32 organization all moneys required by this chapter shall be guilty of a class B felony for any amount  
33 less than \$500, and a class A felony for any amount equal to or greater than \$500.

34 VI. Any person who violates any provision of RSA 637 in a manner that deprives the  
35 charitable organization of any moneys required by this chapter, notwithstanding the penalties set  
36 forth in RSA 637:11, shall be guilty of a class B felony for any amount less than \$500, and a class A

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1 felony for any amount equal to or greater than \$500.

2 VII. In addition to any other penalty imposed under this chapter, a charitable organization  
3 that suffers a loss caused by the violation of any provision of this chapter may bring a civil action for  
4 actual damages suffered. If the court finds that the violation was committed purposefully or  
5 knowingly, it shall award enhanced compensatory damages of not less than 2 times the amount of  
6 actual damages suffered, and may award up to 3 times the amount of actual damages suffered. In  
7 any civil action, the prevailing party shall be awarded court costs and reasonable attorney's fees. No  
8 waiver of the provisions of this paragraph shall be enforceable.

9 VIII. The commission may issue an order requiring any person or organization to comply  
10 with this chapter or any rule adopted pursuant to this chapter, and may require such remedial  
11 measures as may be necessary.

12 IX. The commission may impose an administrative fine scaled to reflect a violator's prior  
13 history of noncompliance with laws pertaining to games of chance and the scope and severity of the  
14 violation, after notice and hearing, pursuant to rules adopted under RSA 541-A, for any violation of  
15 this chapter, any rule adopted under this chapter, any license issued pursuant to this chapter, or any  
16 order issued pursuant to this chapter, or upon any person who makes or certifies to a material false  
17 statement relative to any application or report required by this chapter. In determining the amount  
18 of a fine, the commission may take into consideration all relevant circumstances, including: the  
19 degree of noncompliance, the extent of harm caused by the violation, the nature and persistence of  
20 the violation, the time and cost associated with the investigation by the state, and the economic  
21 impact of the violation on the state or the charitable organization conducting or sponsoring the  
22 game. No administrative fine imposed under this paragraph shall preclude the imposition of other  
23 penalties as provided by law. Rehearings and appeals from a decision of the commission under this  
24 paragraph shall comply with RSA 541. Fines imposed by the commission shall be as follows:

25 (a) The fine for a minor violation shall be not less than \$25 and not more than \$500 per  
26 violation. A minor violation shall be one where the commission determines that the potential for  
27 harm to the interests of the state and the charitable organization, as well as the integrity of  
28 charitable gaming is minor and may include, but is not limited to, the failure of a game operator, a  
29 game operator employer, charitable organization, or charitable organization member to:

- 30 (1) Wear a properly issued badge;
- 31 (2) Post 2 copies of the laws and rules;
- 32 (3) Have a diagram available for each table where games of chance are being played  
33 indicating the type of game being played, the bet amount, the buy-in amount, and the re-buy  
34 amounts as applicable; or
- 35 (4) Publicly display the name of the charitable organization.

36 (b) The fine for a moderate violation shall be not less than \$250 and not more than

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1 \$1,500 per violation. A moderate violation shall be one where the commission determines that the  
2 potential for harm to the interests of the state and the charitable organization, as well as the  
3 integrity of charitable gaming is moderate and may include, but is not limited to, a game operator,  
4 game operator employer, charitable organization, or charitable organization member:

- 5 (1) Filing a late financial report;
- 6 (2) Operating a game not specifically listed on the game schedule;
- 7 (3) Operating a game on a different date than licensed without approval of the  
8 commission;
- 9 (4) Committing 3 or more minor violations within 2 years; or
- 10 (5) Knowingly operating a game of chance without a representative of the charitable  
11 organization present as specified in RSA 287-D:14, XI.

12 (c) The fine for a major violation shall be not less than \$1,000 and not more than \$5,000  
13 per violation. A major violation shall be one where the commission determines that the potential for  
14 harm to the interests of the state and the charitable organization, as well as the integrity of  
15 charitable gaming is major and shall include, but is not limited to, a game operator, game operator  
16 employer, charitable organization, or charitable organization member:

- 17 (1) Operating a game of chance without a license;
- 18 (2) Operating a game of chance without having the personnel or officials required;
- 19 (3) Purposely operating a game of chance without a representative of the charitable  
20 organization present as specified in RSA 287-D:14, XI;
- 21 (4) Operating a game of chance with game operators who are not licensed;
- 22 (5) Failing to establish or maintain a New Hampshire bank account; or
- 23 (6) Committing 5 or more minor violations or 3 or more moderate violations within 2  
24 years.

25 (d) The commission may suspend any part of a fine for just cause.

26 X. All fines imposed by the commission shall be deposited in the special fund established  
27 pursuant to RSA 284:21-j.

28 287-D:24 Rehearing and Appeal. Any person aggrieved by a decision of the commission issued  
29 pursuant to this chapter may apply to the commission for a rehearing within 15 business days of the  
30 decision. Rehearings and appeals shall be governed by RSA 541.

31 287-D:25 Subpoenas. The commission may issue subpoenas for witnesses and for documents  
32 relative to investigations or adjudicatory hearings held by the commission. The attorney general  
33 shall assist the commission in matters pertaining to the enforcement of subpoenas.

Unlawful Gambling Machines

35 287-D:26 Purpose. The general court finds use of gambling machines is pervasive statewide  
36 with little or no oversight by the state. The general court also finds that redemption slot machines

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1 are frequently a front for unlawful gambling, and the use of such machines siphons money away  
2 from legal, charitable gambling to the detriment of the state’s charities. Therefore the general court  
3 is establishing an administrative investigation and enforcement ability in addition to existing  
4 criminal prosecution.

5 287-D:27 Definitions. For purposes of this subdivision:

6 I. “Antique gambling machine” means any device or equipment at least 25 years old which is  
7 in the possession of a collector and which is not maintained or operated for gambling purposes.

8 II. “Collector” means a person who for nostalgic reasons, monetary investment, or personal  
9 interest acquires antique gambling machines as defined in paragraph I for personal display or  
10 retention.

11 III. “Family entertainment center” means a place of business having at least 50 games or  
12 devices designed and manufactured only for bona fide amusement purposes on premises which are  
13 operated for the entertainment of the general public and tourists as a bona fide entertainment  
14 facility and not having more than 15 percent of the total games or machines being redemption slot  
15 machines or redemption poker machines.

16 IV. “Gambling” means to risk something of value upon a future contingent event not under  
17 one’s control or influence, upon an agreement or understanding that something of value will be  
18 received in the event of a certain outcome. For the purposes of this paragraph, the phrase  
19 “something of value” shall include a sweepstakes ticket or other item obtained in conjunction with  
20 the purchase of goods or services that entitles the holder to a share or chance in a sweepstakes  
21 where, but for the opportunity to enter the sweepstakes, the value of purchased goods or services is  
22 insufficient to justify the purchase or the inducement to purchase the goods or services.

23 V. “Gambling machine” means any device or equipment that is capable of being used to play  
24 sweepstakes or games of chance and which discharges money, or anything that may be exchanged for  
25 money, cash equivalent, debit card, merchandise credit card, or opportunities to enter sweepstakes  
26 or play games of chance, or displays any symbol entitling a person to receive such a prize.

27 VI. “Redemption slot machine” or “redemption poker machine” means any device or  
28 equipment that operates by means of the insertion of a coin or token and that may entitle the person  
29 playing or operating the game or machine to additional chances or free plays, or to receive points or  
30 coupons which may be exchanged for merchandise only, excluding alcoholic beverages, money, cash  
31 equivalent, debit card, merchandise credit card, or opportunities to enter sweepstakes or play games  
32 of chance, and provided the value for such points or coupons does not exceed 2-1/2 cents for each  
33 credit on the game or machine.

34 VII. “Sweepstakes” means any game, advertising scheme or plan, or other promotion which,  
35 with or without payment of any consideration, a person may enter to win or become eligible to  
36 receive any prize, the determination of which is based upon chance. For purposes of this chapter, the

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1 term includes only those sweepstakes that an entrant can enter, play, or otherwise interact with  
2 using a gambling machine furnished by the sweepstakes operator or an affiliate or person under  
3 contract with the operator, in an establishment controlled by, affiliated with, or contracting with the  
4 operator.

5 287-D:28 Investigation and Enforcement. The commission shall investigate and enforce this  
6 subdivision relating to gambling machines and shall have statewide jurisdiction whether or not  
7 persons or entities are licensed by the commission. The commission may seek administrative search  
8 warrants as required, and may issue subpoenas as provided in RSA 287-D:25.

9 287-D:29 Gambling Machines Not Authorized. A person shall be in violation of this subdivision  
10 if such person conducts, finances, manages, supervises, directs, or owns all or part of a business, and  
11 such person or business possesses or promotes gambling on a gambling machine.

12 287-D:30 Fines and Forfeiture. Any person who violates this subdivision shall be fined not less  
13 than \$5,000 per day for each gambling machine used or intended for use, and all implements,  
14 equipment, and apparatus used in violation of this subdivision shall be forfeited.

15 287-D:31 Exceptions. This subdivision shall not apply to:

16 I. Dispenser devices approved by the commission which are located at the regular meeting  
17 place of, or at a facility owned, leased, or utilized by, a charitable organization licensed under  
18 RSA 287-E:20.

19 II. Bona-fide redemption slot machines or redemption poker machines at a family  
20 entertainment center.

21 III. Cruise ships which are equipped with gambling machines whose primary purpose is  
22 touring. Any such cruise ship shall be allowed to temporarily enter New Hampshire coastal waters  
23 and ports for up to 48 hours, provided that all gambling machines on board are not in use or capable  
24 of being used while in New Hampshire coastal waters and ports. For the purposes of this paragraph  
25 “cruise ship” means any vessel which is capable of providing overnight accommodations for 500 or  
26 more people.

27 IV. An antique gambling machine in the possession of a collector which is not maintained or  
28 operated for gambling purposes.

29 329:2 Gambling. Amend RSA 647:2, II(f) to read as follows:

30 (f) “Redemption slot machine” or “redemption poker machine” means any device or  
31 equipment which operates by means of the insertion of a coin or token and which may entitle the  
32 person playing or operating the game or machine the opportunity of additional chances or free plays  
33 or to receive points or coupons which may be exchanged for merchandise only, excluding ~~cash and~~  
34 alcoholic beverages, **money, cash equivalent, debit card, merchandise credit card, or**  
35 **opportunities to enter sweepstakes or play games of chance**, provided the value for such points  
36 or coupons does not exceed 2-1/2 cents for each credit on the game or machine.

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1           329:3 Rulemaking Reference Repeal. RSA 284:12, XI, relative to surveillance requirements for  
2 games of chance, is repealed.

3           329:4 New Section; Study Commission Established; Gaming for Charity. Amend RSA 284 by  
4 inserting after section 6-a the following new section:

5           284:6-b Games for Charity Study Commission.

6           I. There is hereby established a games for charity study commission to ensure integrity and  
7 public confidence in the conduct and regulation of gaming for the benefit of charity in  
8 New Hampshire. The games for charity study commission shall consist of the following members:

9                   (a) The attorney general, or designee.

10                   (b) The commissioner of the department of safety, or designee.

11                   (c) The chairperson of the racing and charitable gaming commission, or designee.

12                   (d) One member of the senate, appointed by the president of the senate.

13                   (e) One member of the house of representatives, appointed by the speaker of the house of  
14 representatives.

15                   (f) Three public members, appointed by the governor, one of whom shall be appointed to  
16 serve as the chairperson of the commission.

17           II. Legislative members of the commission shall receive mileage at the legislative rate when  
18 attending to the duties of the commission.

19           III. The games for charity study commission shall undertake a comprehensive analysis of all  
20 gaming activities for the benefit of charity in New Hampshire that are authorized by RSA 287-D and  
21 RSA 287-E to determine the most appropriate system for sustaining ongoing resources to charities  
22 from gaming in New Hampshire, including a determination as to whether the continued existence of  
23 such authorized games of chance for charity is in the best interest of the citizens of New Hampshire,  
24 and, if the games for charity study commission finds that such continued existence is not in the best  
25 interest of the citizens, identification of an alternative system for providing comparable resources to  
26 charities, and, if the games for charity study commission finds that such continued existence if  
27 modified is in the best interest of the citizens, identification of legislative changes that would  
28 accomplish the necessary modification in the games of chance for charity system. The games for  
29 charity study commission shall assess:

30                   (a) Revenue impact on the state, charitable organizations, facility owners, game operator  
31 employers, primary game operators, secondary game operators, and equipment dealers if the  
32 authorized games of chance for charity system is ended.

33                   (b) Oversight and enforcement costs and sufficiency of taxes and fees to pay for such  
34 costs.

35                   (c) Projected oversight and enforcement costs should they be improved to satisfy best  
36 practice regulatory standards.



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- 1 (d) Alternative funding mechanisms for charitable organizations.  
2 (e) The role of game operator employers and primary game operators.  
3 (f) The prospect of limiting the growth or phasing out of games for charity.  
4 (g) The prospect of improving and expanding the games of chance for charity system to  
5 enhance resources for charities.

6 IV. Meetings of the commission shall be called by the chairperson. All meetings of the  
7 commission shall be open to the public and subject to RSA 91-A.

8 V.(a) The commission shall notice all proceedings and shall make and keep a record of all  
9 proceedings held at public meetings of the commission. A verbatim record of those proceedings shall  
10 be prepared by the commission. A copy of the record shall be made available to any person upon  
11 request and payment of the costs of preparing the copy.

12 (b) The commission shall maintain such other files and records as the commission  
13 determines are necessary.

14 (c) All records, information, or data maintained or kept by the commission shall be  
15 maintained or kept at the office of the racing and charitable gaming commission.

16 VI. The racing and charitable gaming commission shall cooperate with the commission and  
17 shall provide data and information to the commission upon request. The commission shall be  
18 administratively attached to the racing and charitable gaming commission pursuant to RSA 21-G:10.

19 VII. The commission shall submit draft legislation with supporting regulations and a report  
20 to the general court by December 15, 2015, containing its findings and recommendations regarding  
21 gaming for the benefit of charities in New Hampshire. Such report shall contain such  
22 recommendations to the general court for 2016 legislation as the commission deems necessary to  
23 address charitable gaming issues and opportunities identified by the commission.

24 329:5 Repeal. RSA 284:6-b, relative to the games for charity study committee, is repealed.

25 329:6 Effective Date.

26 I. Section 4 of this act shall take effect 60 days after its passage.

27 II. Section 5 of this act shall take effect on December 15, 2015.

28 III. The remainder of this act shall take effect on July 1, 2015.

29

30 Approved: August 4, 2014

31 Effective Date: I. Section 4 shall take effect October 3, 2014.

32 II. Section 5 shall take effect December 15, 2015.

33 III. Remainder shall take effect July 1, 2015.