

VOLUME 44, ISSUE 24

ISSUE DATE: DECEMBER 17, 2012

RULE ADOPTIONS

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
LEGALIZED GAMES OF CHANCE CONTROL COMMISSION**

Adopted Amendments: N.J.A.C. 13:47-3.6, 4.3, 6.11, 6.20, 8.3, 8.10, 8.15, and 8.38

Adopted Repeal: N.J.A.C. 13:47-3.11

Bingo and Raffle; Separate Application and License; Special Senior Citizen Bingo License; Notice to Clerk; Duties of Municipal Clerk; Computation of Fees; Notice of Denial; License Issuance; Frequency and Location of Games; Prohibited Prizes; Amount of Prize Limitation; Maximum Charge; Method of Payment; Printer of Tickets; Certificate; Special Door-Prize Raffle; Instant Raffle Game: Sales; Credit Prohibition; Disposition

Proposed: August 6, 2012 at 44 N.J.R. 2040(a).

Adopted: October 24, 2012 by the Legalized Games of Chance Control Commission, Edward Barrett, Acting Chairperson.

Filed: November 19, 2012 as R.2012 d.199, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 5:8-6.

Effective Date: December 17, 2012.

Expiration Date: December 21, 2014.

Summary of Public Comments and Agency Responses follows:

The official comment period ended October 5, 2012. The Commission received two comments from Debra L. Wentz, Ph.D., Chief Executive Officer, New Jersey Association of Mental Health and Addiction Agencies, Inc.

1. COMMENT: The commenter supports the repeal of reporting requirements for door prizes raffles. The commenter believes that this will reduce burdens on fund-raising events.

RESPONSE: The Commission thanks the commenter for her support.

2. COMMENT: The commenter commends the Commission for emphasizing the dangers of compulsive gambling in the existing regulations and the adopted amendments. The commenter supports the requirement that the 1-800-GAMBLER hotline number be posted at events.

RESPONSE: The Commission thanks the commenter for her support of its existing rules. The Commission points out that the adopted amendments do not address the dangers of compulsive gambling, nor do they require posting of the 1-800-GAMBLER hotline. The requirement, found at N.J.A.C. 13:47-6.14(h), that advertisements for raffles contain the phone number, remains unchanged.

Summary of Agency-Initiated Changes:

N.J.A.C. 13:47-8.38 imposes requirements on the sale of instant raffle games. Subsection (e) refers to "raffle equipment suppliers" instead of "instant raffle equipment suppliers." The Commission has changed N.J.A.C. 13:47-8.38(e) upon adoption so that the subsection refers to "instant raffle equipment suppliers."

At N.J.A.C. 13:47-6.20(b)3 and 8.3(d), the Commission is making a technical change to remove the ".00" from the dollar amounts to conform to the Office of Administrative Law standards.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments and repeal are governed by N.J.S.A. 5:8-6 and are not subject to any Federal requirements or standards.

[page=3075] **Full text** of the adoption follows (additions to the proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

13:47-3.6 Bingo and raffle; separate application and license; special senior citizen bingo license

(a)-(c) (No change.)

(d) In the case of a special door prize raffle, see N.J.A.C. 13:47-8.15, Special door-prize raffle.

(e)-(f) (No change.)

13:47-3.11 (Reserved)

13: 47-4.3 Duties of municipal clerk; computation of fees; notice of denial; license issuance

(a) (No change.)

(b) If the Control Commission has not taken action on the application within 14 calendar days after the municipality has mailed the application and licensing fee to the Control Commission, the application is deemed approved.

(c) (No change.)

SUBCHAPTER 6. GENERAL CONDUCT OF GAMES OF CHANCE

13: 47-6.11 Frequency and location of games

(a) No registered organization shall conduct any game(s) of chance more often than as set forth in this section:

1.-4. (No change.)

5. Off-premises 50-50 cash draw raffles shall not be conducted more often than twice in any calendar month.

6.-10. (No change.)

(b)-(d) (No change.)

13: 47-6.20 Prohibited prizes

(a) (No change.)

(b) A prize consisting of cash or money shall not be offered or awarded except in the case of:

1.-2. (No change.)

3. An instant raffle game having a maximum prize amount of *[\$ 1500.00]* ***\$ 1,500*** for any one ticket, held, operated, and conducted pursuant to N.J.A.C. 13: 47-8;

4.-5. (No change.)

SUBCHAPTER 8. CONDUCT OF RAFFLES

13: 47-8.3 Amount of prize limitation; maximum charge

(a)-(c) (No change.)

(d) No prize having a retail value greater than *[\$ 1500.00]* *\$ 1,500* shall be offered or awarded in any raffle not conducted by drawing.

(e) A single opportunity to participate in any instant raffle game shall not cost more than \$ 3.00.

(f)-(g) (No change.)

13: 47-8.10 Printer of tickets; certificate

(a) (No change.)

(b) (No change in text.)

13: 47-8.15 Special door-prize raffle

(a) A "special door-prize raffle" is one that may be conducted without a license under the following conditions:

1.-5. (No change.)

6. No game of chance other than the special door prize raffle may be held or conducted on the occasion; and

7. All net proceeds of the occasion must be devoted to authorized purposes.

13: 47-8.38 Instant raffle game: sales; credit prohibition; disposition

(a)-(c) (No change.)

(d) Entities selling instant raffle equipment for use in this State must be licensed as instant raffle equipment suppliers.

(e) Licensed ***instant*** raffle equipment suppliers must include the following statement on or attached to invoices for all sales of instant raffle games:

"Sales of instant raffle games in the State of New Jersey are governed by the Raffles Licensing Law, N.J.S.A. 5:8-50 et seq., and the rules governing games of chance, N.J.A.C. 13:47. Only organizations registered with the Legalized Games of Chance Control Commission and holding a valid license from the municipality to conduct instant raffles, or entities licensed by the Commission as ***instant*** raffle equipment suppliers may purchase instant raffle games that are intended for use in New Jersey. Violations are punishable with penalties of up to \$ 7,500 for the first offense and up to \$ 15,000 for second and subsequent offenses. Criminal sanctions may also apply."