

Readopt and renumber Pari 1001, effective 9-10-15 (Document #10928), as Lot 7001, cited and to read as follows:

CHAPTER ~~Pari-1~~Lot 7000 BINGO GAMES

Statutory Authority: RSA 287-E:3

PART ~~Pari-1~~Lot 7001 PURPOSE AND SCOPE

~~Pari-1~~Lot 7001.01 Purpose. The purpose of this chapter is to establish requirements for bingo games pursuant to RSA 287-E:1 through RSA 287-E:15.

~~Pari-1~~Lot 7001.02 Scope.

(a) Except as allowed in (b) below, this chapter shall apply to:

- (1) Bingo games held by
 - a. Charitable organizations; and
 - b. Agricultural fairs.
- (2) Distributors and manufacturers of bingo supplies and equipment; and
- (3) Commercial halls where bingo games are held.

(b) Bingo games offered by private campgrounds, hotels or senior citizen organizations shall not require licensure under this chapter when conducted in accordance with RSA 287-E:11-13.

Readopt and renumber Pari 1002.01- Pari 1002.10, effective 9/10/15 (Document #10928), as Lot 7002.01 - Lot 7002.10, cited and to read as follows:

PART ~~Pari-1~~Lot 7002 BINGO DEFINITIONS

~~Pari-1~~Lot 7002.01 "Bingo" means "bingo" as defined in RSA 287-E:1, I, namely "any game, by whatever name called, in which a prize is offered to the person first covering squares in a predetermined design on a card marked into squares for that purpose. 'Bingo' shall not include any game involving a slot machine or any other device in the nature of a slot machine."

~~Pari-1~~Lot 7002.02 "Bingo event" means a gathering at which a series of no fewer than 10 successive bingo games is held within a single day.

~~Pari-1~~Lot 7002.03 "Bona fide member" means "bona fide member" as defined in RSA 287-E:1, III namely "a person who has held full and regular membership in the charitable organization for a period of not less than 60 days immediately prior to the bingo games in which such person intends to participate."

~~Pari-1~~Lot 7002.04 "Bonus" means "bonus" as defined by RSA 287-E:1, III-a, namely "a monetary prize provided by the charitable organization that is awarded in addition to prizes derived from moneys paid by players."

~~Pari-1~~Lot 7002.05 "Card" means a game piece designated to facilitate the game of bingo, consisting of a grid of 5 rows of 5 squares, each column of which is identified by a letters in the following order B-I-N-G-O,

and each square randomly numbered between 1 and 75, with center square designated as a “free space”. A card includes a physical game piece as well as an electronic representation of a card as utilized by a card-minding device system.

~~Pari H~~Lot 7002.06 “Card-minding device system” means an electronic or computerized device and related hardware and software, used to automatically track announced bingo numbers, allowing the simultaneous play of a large number of bingo cards.

~~Pari H~~Lot 7002.07 “Carryover coverall” means “carry-over coverall” as defined in RSA 287-E:1, IV-a, namely “a bingo game in which a prize is awarded to the player who achieves coverall within 50 or fewer balls. If no player achieves coverall, the prize accumulates and is rolled over to successive bingo dates.”

~~Pari H~~Lot 7002.08 “Charitable organization” means “charitable organization” as defined in RSA 287-E:1, V, namely “any bona fide religious, charitable, civic, veterans or fraternal organization which shall have been registered with the secretary of state for at least 2 years and in existence and organized under the laws of this state for at least 2 years in a town or city in this state, and which possesses a tax exempt status under Internal Revenue Code 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is covered under a group ruling issued by the Internal Revenue Service under authority of those section.”

~~Pari H~~Lot 7002.09 “Commercial hall” means “commercial hall” as defined by RSA 287-E: 1, V-a namely “any hall owned or leased by an individual, corporation, realty trust, partnership, association or any other person who rents or leases the hall to a charitable organization for the operation of bingo games, excluding halls owned by any charitable organization or governmental subdivision as specified in RSA 287-E:5, VI.”

Readopt and renumber Pari 1002.10, effective 4/26/16 (Document #11086), as Lot 7002.10 to read as follows:

~~Pari H~~Lot 7002.10 “Commission” means the New Hampshire lottery commission established pursuant to RSA 284:21-a, or its designated staff having authority to perform administrative and clerical functions for the commission.

Readopt and renumber Pari 1002.11 – Pari 1002.13, effective 9/10/15 (Document #10928), as Lot 7002.11-Lot 7002.14 to read as follows:

~~Pari H~~Lot 7002.11 “Concealed face bingo paper” means a single use bingo sheet constructed to hide the card face(s).

~~Pari H~~Lot 7002.12 “Distributor” means any person who sells, leases, offers or otherwise provides, distributes, or services any bingo cards or associated equipment for use or play in this state. This term includes shared carryover coverall service providers.

~~Pari H~~Lot 7002.13 “Free play” means any bingo card, or sheet for a bingo game, other than a winner-take-all or carry-over-coverall, offered by coupon or any other means during a licensed bingo event which only certain persons are awarded for no cost or for a cost less than that listed on the game schedule if that person meets the criteria specified in ~~in~~ the organization’s house rules.

Readopt with amendments and renumber Pari 1002.14, effective 9/10/15 (Document #10928), as Lot 7002.14 to read as follows:

~~Pari H~~Lot 7002.14 “Game schedule” means a written program available to all players prior to the start of any bingo event that describes the name(s), type(s) and order of the game(s) to be played, all prizes to be offered and such other information as specified in ~~Pari 1007.06~~Lot 7005.07.

Adopt Lot 7002.15 to read as follows:

Lot 7002.15 “Gaming consultant” means “gaming consultant” as defined in RSA 287-E1, VI-b, namely “any individual or business entity who is hired by or otherwise receives compensation from a charitable organization to provide gaming related services including consultation, management, assistance with the operation of the bingo game or the sale of lucky 7 tickets, record keeping, filing forms with the commission, advertising, or security and who handles, manages, oversees, or disburses any of the funds derived from the operation of the charitable games.

Readopt and renumber Pari 1002.15, effective 9/10/15 (Document #10928) as Lot 7002.16 to read as follows:

~~Pari 1002.156~~ "Hotel" means "hotel" as defined in RSA 78-A:3, III, namely “an establishment which holds itself out to the public by offering sleeping accommodations for rent, whether or not the major portion of its operating receipts is derived from sleeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished room houses, boarding houses, private clubs, hostels, cottages, camps, chalets, barracks, dormitories, and apartments. The term does not include the following:

(a) A hospital licensed under RSA 151, or a sanitarium, convalescent home, nursing home, or home for the aged;

(b) Any establishment operated by any state or United States agency or institution, except the New Hampshire department of resources and economic development; or

(c) An establishment owned by a nonprofit corporation or association operated exclusively for religious or charitable purposes, and which does not offer sleeping accommodations to the general public.”

Readopt and renumber Pari 1002.16, effective 3/10/17 (Document #12130), as Lot 7002.17 to read as follows:

~~Pari 1002.167~~ “Host hall” means “host hall” as defined by RSA 287-E:1, X, namely, “a commercial hall or charitable organization approved by the commission where a shared carryover-coverall game originates.”

Readopt with amendments and renumber, Pari 1002.17, effective 9/10/15 (Document #10928), as Lot 7002.18 to read as follows:

~~Pari 1002.178~~ “House rules” means instructions adopted by the charitable organization ~~and approved by the commission pursuant to Pari 1007.05(e), which that~~ describes how bingo games are played and won as specified in Lot 7005.06 below.

Readopt and renumber Pari 1002.18, effective 9/10/15 (Document #10928), as Lot 7002.19 to read as follows:

~~Pari 1002.189~~ “Lighted game board” means a large lighted board displaying the numbers 1 through 75 which light up as the numbered balls are announced and placed in a rack.

Readopt and renumber Pari 1002.19, effective 3/10/17 (Document #12130), as Lot 7002.19 to read as follows:

~~Pari 1~~Lot 7002.1920 “Manufacturer” means any person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise makes modifications to any bingo cards, sheets or associated equipment for use or play in this state. This term includes manufacturers of shared carryover coverall equipment.

Readopt and renumber Pari 1002.20, effective 9/10/15 (Document #10928), as Lot 7002.21 to read as follows:

~~Pari 1~~Lot 7002.201 “Mixing machine” means a machine containing 75 numbered balls and a blower attachment blowing air on the balls to mix them up and randomly force one ball at a time up a chute to be drawn.

Readopt and renumber Pari 1002.21, effective 3/10/17 (Document #12130), as Lot 7002.22 to read as follows:

~~Pari 1~~Lot 7002.242 “Participating hall” means “participating hall” as defined by RSA 287-E:1, X, namely, “a commercial hall or charitable organization approved by the commission that receives a simulcast of the shared carryover coverall played at the host hall.”

Readopt and renumber Pari 1002.22 – Pari 1002.24, effective 9/10/15 (Document #10928), as Lot 7002.23 – Lot 7002.25 to read as follows:

~~Pari 1~~Lot 7002.223 "Private campground" means “private campground” as defined in RSA 287-E:1, VIII, namely “privately owned property, open to the public upon payment of a fee, which has been divided into 10 or more defined spaces upon which tents may be erected or recreational vehicles may be parked for the purposes of recreational camping. "Private campground" shall not include manufactured housing parks as defined in RSA 205-A:1 or recreational camps as defined in RSA 149:20.”

~~Pari 1~~Lot 7002.234 “Progressive” means “progressive” as defined in RSA 287-E:1, IX namely “a variation to any bingo game wherein a player receives a prize for achieving coverall in 50 or fewer balls drawn and if no player achieves coverall within 50 or fewer balls drawn, the number of balls drawn shall be increased one ball per bingo event, until it reaches the maximum of 60 balls, where it shall remain until the prize is awarded.”

~~Pari 1~~Lot 7002.245 "Senior citizens organization" means a nonprofit association or club whose members are 55 years of age or older, and which exists for the mutual support and benefit of New Hampshire’s senior citizens.

Readopt and renumber Pari 1002.25 and Pari 1002.26, effective 3/10/17 (Document #12130), as Lot 7002.26 and Lot 1002.27 to read as follows:

~~Pari 1~~Lot 7002.256 “Shared carryover-coverall” means “shared carry-over-cover-all” as defined in RSA 287-E:1, X, namely, “a carry-over-cover-all bingo game conducted at a host hall and exhibited simultaneously to at least one participating hall by means of an electronic simulcast feed for the purpose of playing for a common jackpot with the conduct of the game at the hall under rules adopted by the commission under RSA 541-A.”

~~Pari 1~~Lot 7002.267 “Shared carryover coverall service provider” means a licensed distributor that provides bingo paper, bingo game system equipment, or services for the operation of a shared carryover coverall game.

Readopt and renumber Pari 1002.27 and Pari 1002.28, effective 9/10/15 (Document #10928), as Lot 7002.28 and Lot 7002.29 to read as follows:

~~Pari+Lot 7002.278~~ “Sheet” means a single piece of paper on which 3 or more bingo cards are printed and of a predetermined color used to distinguish it for use with a specific bingo game.

~~Pari+Lot 7002.289~~ “Winner-take-all game” means a game, pursuant to RSA 287-E:7, XIII, in which all money received for the game is awarded, less the 7 percent (%) tax and 7% game reimbursement fee specified in RSA 287-E:7, XIII, to the winner of the game.

Readopt with amendments and renumber Pari 1003.01, effective 3/10/17 (Document #12130) as Lot 7003.01, cited and to read as follows:

PART ~~Pari+Lot 7003~~ LICENSE REQUIREMENTS-APPLICATIONS

~~Pari+Lot 7003.01~~ Licensing Requirements of Manufacturers or Distributor.

(a) Manufacturers and distributors shall not supply or sell bingo paper supplies, electronic bingo player systems, or shared carryover coverall supplies or networking systems in New Hampshire without possessing a current and valid license issued by the commission in accordance with this chapter.

(b) To qualify for licensure as either a manufacturer or distributor, an applicant shall:

- (1) Not have or be in partnership with or employ an officer or director with a felony conviction that has not been annulled by any court within 10 years from the date of application; and
- (2) When applying as a distributor, have a principal place of business located within New Hampshire, as required by RSA 287-E:8-a, IV.

(c) To obtain a license to manufacture bingo paper supplies, electronic bingo player systems, or shared carryover coverall supplies or networking systems, the applicant shall submit the following to the commission:

- (1) A completed and accurate “Application for Manufacturer License” form (~~1/20174/2019~~);
- (2) Payment for the licensing fee of \$5,000 as established by RSA 287-E:8-a, V(b); and
- (3) A copy of bond posted in the amount of \$50,000, payable to the commission and conditioned upon the licensee’s compliance with the rules and laws of the commission, as established by RSA 287-E:8-a, III .

(d) As allowed by RSA 287-E:8-a, V, a manufacturer with a current New Hampshire license to manufacture lucky 7 tickets shall not be required to pay an additional licensing fee under this chapter.

(e) To obtain a license to distribute bingo paper supplies, electronic bingo player systems or shared carryover coverall supplies or networking systems, a distributor shall submit the following to the commission:

- (1) A complete and accurate “Application for Distributor License” form (~~1/20174/2019~~);
- (2) Payment for the licensing fee of \$10,000, pursuant to RSA 287-E:8-a, I; and
- (3) A copy of a bond posted in the amount of \$50,000, payable to the commission and conditioned upon the licensee’s compliance with the rules and laws of the commission, pursuant to RSA 287-E:8-a, III.

(f) As allowed by RSA 287-E:8-a, I and III, a distributor with a current New Hampshire license for distribution of lucky 7 tickets shall be authorized to distribute bingo paper supplies, electronic bingo player systems, and shared carryover coverall supplies and networking systems, and shall not be required to post an additional bond or file for a separate licensing under this chapter.

(g) If at any time, the information provided in accordance with (c)-(d) above changes, or is otherwise found to be inaccurate, the applicant shall submit updated or corrected information to the commission within 15 days of the event that resulted in the change, or discovery of the inaccuracy.

Readopt with amendments and renumber Pari 1003.02, effective 3/10/17 (Document #12130) as Lot 7003.01 to read as follows:

Pari-Lot 7003.02 Licensing Requirements of Charitable Organizations.

(a) Charitable organization shall not hold games of bingo without possessing a current and valid license issued by the commission in accordance with RSA 287-E and this chapter.

(b) To be eligible for licensure, an organization shall meet the definition of a charitable organization as set forth in RSA 287-E:1, V.

(c) To obtain a bingo license, a charitable organization shall submit the following documentation to the commission:

- (1) A completed Charitable Organization Bingo Application ~~—Charitable Organization—~~ form (4/20169);
 - (2) Supporting documentation, as required by (d) below; and
 - (3) Payment of the licensing fee of \$25 per bingo event, as established by RSA 287-E:4, I.
- (d) A charitable organization shall provide the following supporting documents with a license application:
- (1) One of the following documents confirming the organization's tax exempt status:
 - a. An affirmation letter or letter of determination from the Internal Revenue Service (IRS) that indicates the organizations tax exempt status under 26 USC §501(c)(3), (4), (7), (8), (10), or (19); or
 - b. If the charitable organization is exempt by virtue of a group ruling:
 1. A copy of the group exemption letter issued to the central organization recognizing on a group basis the exemption under section 26 USC §501(c)(3), (4), (7), (8), (10), or (19), of subordinate organizations on whose behalf the control organization has applied for recognition of exemption; and
 2. A letter from the central organization with which the charitable organization is affiliated confirming that the charitable organization is covered under the central organization's group tax exemption;
 - (2) A letter written on the charitable organizations letterhead and signed by an authorized officer of the organization, which describes:
 - a The religious, civic, fraternal, veterans, social clubs, or other charitable purposes of the organization for which the organization is organized;

b. The extent these charitable purposes have been furthered by the organization within the community by goods, services or both in the community; and

c. The dates and descriptions, including location, of activities that the charitable organization has conducted in the 2 year period prior to the date of the application, which have advanced the organization's charitable purpose, but does not include charitable gambling and other activities conducted solely for the purposes of raising funds for the charitable organization;

(3) A current and complete list of all officers within the organization, and bona fide members participating to any degree in the operation of the bingo that ~~has been is~~ signed, dated and certified as accurate by an officer of the organization, and includes the following information for each member listed:

a. The member's full name ~~and date of birth~~;

b. The member's title or position within the organization, with officers being listed first and alphabetically thereafter;

c. The member's contact information, including legal address and phone number;

d. ~~Whether or not the member participates in~~ A description of the duties the member will be responsible for relative to the operation of the bingo event; and

e. ~~For those members listed as participating in the operation of bingo, a~~ affirmation that the member has not been convicted of a felony or misdemeanor as prohibited by RSA 287-E:5, V(c);

(4) A copy of the charitable organization's bingo house rules, which meets the requirements set forth in ~~Pari 1007.05~~ Lot 7005.06 below;

(5) A copy of a game schedule which meets the requirements set forth in ~~Pari 1007.06~~ Lot 7005.07 below;

(6) A copy of the written internal control policies and procedures, required by Lot 7004.04(i), that are in place to ensure effective control over the gaming operation; and if the license is being renewed, any original, signed "Bingo Monthly Financial Report (BMFR)", form (4/2016), as required by Pari 1009.03 below, for any month which has not previously been submitted and which is due or overdue; and

(7) Copies of all written agreements or contracts, including those relative to:

a. Services provided in accordance with RSA 287-E:7, II(~~ab~~); ~~and~~

b. Shared bingo, including agreements between the host and participating halls and the shared carryover coverall service provider;

c. Rental or lease agreement for the facility where the games will be played.

(e) The charitable organization shall submit a license application and related documentation to the commission at least 15 days prior to the first bingo event of the month or year for which the license has been requested.

(f) If at any time, the information provided in accordance with (c) and (d) above changes, or is otherwise found to be inaccurate, the applicant shall submit updated or corrected information to the commission within 15 days of the event that resulted in the change, or discovery of the inaccuracy.

(g) An organization shall immediately notify the commission in the event that it no longer meets the qualifications for licensure, including the loss of its tax exempt status, or failure to maintain its registration with the secretary of state or director of charitable ~~trust~~trust, as required by RSA 287-E:1, V.

Adopt Lot 7003.03 to read as follows:

Lot 7003.03 Licensing Requirements of Gaming Consultants

(a) In accordance with RSA 287-E:7, II(b), no person shall receive compensation for providing gaming related services, as described in (b) below, unless licensed by the commission as a gaming consultant, and the services to be provided are agreed to in writing, in advance of said services being provided.

(b) An individual shall be deemed as providing gaming related services when he or she participate in the management or operation of the charitable gaming event, or handles, manages, oversees, or disburses any of the funds derived from the operation of the charitable gaming event. Such services include:

- (1) Providing consultation;
 - (2) Managing the lucky 7 ticket sales, including:
 - a. Providing direct on-site supervision of the bingo event; or
 - b. Coordinating volunteers;
 - (3) Participating in the operation of the bingo event, including:
 - a. Selling bingo papers and supplies;
 - b. Acting as, or providing assistance to the ball caller; or
 - c. Determining winners or distributing prizes;
 - (4) Providing record keeping services relative to the bingo event;
 - (5) Preparing reports and other forms;
 - (6) Developing or arranging advertising; or
 - (7) Providing security for the bingo event.
- (c) To obtain a gaming consultant license, the individual shall submit the following to the commission:
- (1) A completed and accurate "Gaming Consultant Application" form (4/2019);
 - (2) Copies of all agreements with charitable organizations relative to gaming consultant services, enacted in accordance with (d) below; and
 - (3) Payment of the licensing fee of \$100, as established by RSA287-E:4, II-b.
- (d) Applicants for a gaming consultant license shall submit the application and all related documentation to the commission at least 45 days prior to the services being provided.

(e) If at any time, the information provided in accordance with (d) above changes, or is otherwise found to be inaccurate, the gaming consultant shall submit updated or corrected information to the commission within 15 days of the event that resulted in the change, or discovery of the inaccuracy.

(f) All agreements between the gaming consultant and a charitable organization shall be enacted using the “Standard Form of Agreement for Gaming Consultants” form (3/2019);

(g) The gaming consultant shall submit all amended agreements to the commission prior to the agreement going into effect, and attest in writing that the agreement complies with the requirements set forth in this part.

(h) In accordance with RSA 287-E:7, no individual who has been convicted of a felony or a class A misdemeanor within the previous 10 year, or a class B misdemeanor within the past 5 years and neither of which has been annulled, or who has violated any of the statutes or rules governing charitable gaming in the past in this or any other state shall operate a bingo event or participate in the sale of lucky 7 tickets licensed under this chapter.

Readopt with amendments and renumber Pari 1003.03, effective 9/10/15 (Document #10928), as Lot 7003.04 to read as follows:

~~Pari 1003.03~~ Lot 7003.04 Licensing Requirements of Commercial Halls.

(a) No individual or entity, other than a charitable organization or governmental subdivision, shall lease or rent premises for the conduct of bingo without a commercial hall license issued by the commission.

(b) To obtain a commercial hall license, the individual or entity shall submit the following to the commission:

- (1) A completed and accurate “~~Application for~~ Commercial Bingo Hall Application License” form (~~4/2016~~4/2019);
- (2) Copies of all rental or lease agreements in effect related to the use of the premises for the conduct of bingo games; and
- (3) Payment of the licensing fee of \$250, as established by RSA 287-E:4, II-a.

(c) Applicants for a commercial hall license shall submit the application to the commission at least 45 days prior to any bingo games being conducted in the hall.

(d) If at any time, the information provided in accordance with (b) above changes, or is otherwise found to be inaccurate, the applicant shall submit updated or corrected information to the commission within 15 days of the event that resulted in the change, or discovery of the inaccuracy.

(e) The commercial hall shall submit all amended lease or rental agreements to the commission prior to the agreement going into effect, and attest in writing that the agreement complies with the requirements set forth in this part.

(f) A government subdivision or a charitable organization intending to act as a conduct bingo at its own facility or at a facility owned by another government subdivision or charitable organization, shall submit proof of property ownership, and of its qualification as a government subdivision or charitable organization, as defined in Lot 7002.08.

Readopt with amendments and renumber Pari 1003.04, effective 3-10-17 (Document #12130), as Lot 7003.05 to read as follows:

~~Pari-H~~Lot 7003.045 Licensing Requirements of Host Halls.

(a) Pursuant to RSA 287-E:13-a, to be eligible to act as a host hall for shared bingo games, the applicant must hold a valid bingo license under RSA 287-E:6.

(b) Any commercial hall or charitable organization wishing to act as a host hall shall submit the following documentation to the commission at least 30-days prior to the first proposed game date:

(1) A completed and accurate “~~Application to Act as a~~Shared Carryover Coverall Bingo Host Hall Application” form (~~1/2017~~4/2019);

(2) A network management plan for conducting the shared bingo game that:

a. Ensures proper control and accountability;

b. Preserves the integrity of the game;

c. Is fair and does not systematically disadvantage customers; and

d. Includes details descriptions of the following:

~~a~~1. The technology being used to simulcast the game;

~~b~~2. The card origination, inventory control and distribution systems, which shall include minimum controls to track and monitor the distribution of the papers;

~~e~~3. The method of calling number at the host hall, and transmitting them to each participating hall;

~~d~~4. The house rules;

~~e~~5. The card sales and reporting system;

~~f~~6. Jobs of personnel involved in the conduct and administration of the game;

~~g~~7. The procedure to verify winning cards;

~~h~~8. The financial and inventory control forms that will be used;

~~i~~9. The process for transferring funds between halls;

~~j~~10. The procedure that will be in place for paying the winner(s);

~~k~~11. The security features in place; and

~~l~~12. The plan for the continuation of a game in the event of a communication system failure;

(3) A copy of all written agreements between the host hall and each participating hall, which complies with the requirements of ~~Pari-1008~~Lot 7006.05(a) below; and

(4) A copy of bond posted in the amount of no less than \$50,000 and no more than the highest jackpot prize offered within the previous 24 months payable to the commission and conditioned upon the licensee’s compliance with the rules and laws of the commission, as established by RSA 287-E.

Readopt with amendments and renumber Pari 1003.05, effective 3/10/17 (Document #12130), as Lot 7003.06 to read as follows:

~~Pari 1003.05~~ Lot 7003.056 Licensing Exemptions for Private Campground, Hotels and Senior Citizen Organizations.

(a) In accordance with RSA 287-E:12, a private campground or hotel may conduct bingo games without a license when the private campground or hotel:

- (1) Has been in existence for at least 2 years in the city or town where the games are to be held;
- (2) Was not established solely for the purpose of operating bingo games; and
- (3) Conducts bingo activities in accordance with the conditions set forth in RSA 287-E:12, as follows:
 - a. No more than 2 bingo events shall be held in any one calendar week;
 - b. Only individuals on staff at the campground or hotel shall operate the games;
 - c. Compensation to staff for operating such games shall not come from bingo revenues;
 - d. Only individuals 18 years of age or older who are bona fide guests at the campground or hotel shall be allowed to play bingo;
 - e. The price to be paid for a single card or play shall be \$0.50;
 - f. All revenues received from the sale of bingo cards in any game or series of games in any one calendar day shall be paid out to the players, with the total value of all prizes, tokens or awards used, given, offered, or awarded in connection with any one game on any calendar day shall not exceed a payout value of \$500, or series of games on the same day shall not exceed a payout value of ~~\$1~~2,000; and
 - g. A list of bona fide guests, and the dates of their stay, is maintained by the private campground or hotel for a minimum of 2 years.

(b) In accordance with RSA 287-E:13, a private campground or hotel may conduct special bingo games for children under the conditions specified in (a) above with the following exceptions:

- (1) No games shall be conducted prior to 11:00 a.m. on a weekday, or prior to noon on a Sunday, and all games shall be finished by 8:30p.m. on any day;
- (2) There shall be no charge for play;
- (3) Games shall only be open to individuals under the age of 18, except that individuals over the age of 18 may play the game for the purpose of supervising a child or children. Such individuals shall not be eligible to win a prize, and any cards the adult is playing shall be marked in such a way that the bingo attendant is able to identify it as not eligible to win under this paragraph;
- (4) Nonmonetary prizes may be awarded, but the value of any prize shall not exceed \$2; and
- (5) Prizes shall not be exchanged for money.

(c) In accordance with RSA 287-E:11, any senior citizens' organization may conduct bingo games without a license when:

- (1) The city or town where the games will be held has adopted RSA 287-E; and
- (2) The organization conducts bingo activities in accordance with the conditions set forth in RSA 287-E:11, as follows:
 - a. Games shall be open only to persons 55 years of age or older, unless the rules for senior activities on the premises require a higher minimum age for admission;
 - b. Person under 55 years of age who are assisting persons 55 years or older may be allowed on the premises;
 - c. The price for a single card or play shall not exceed \$0.75; and
 - d. All prizes, tokens, or awards used, given, offered, or awarded during or in connection with this section, in any one game on any one calendar day shall not exceeding \$500; and
- (3) The organization utilizes any revenue remaining after the awarding of prizes, tokens and awards in accordance with (c)(2)d. for the purposes for which it was organized.

Adopt Pari 7003.07 to read as follows:

Pari Lot 7003.07 Criteria for the Approval or Denial of an Application for Licensure.

- (a) The commission shall approve an application and issue the applicable license when:
 - (1) The applicant has been found to meet the requirements for licensure as set forth under RSA 287-E and this chapter.
 - (2) The application has been found to be complete and accurate;
 - (3) The applicable licensing fee has been paid, in accordance with Lot 7003.01-.06 above;
 - (4) If required, a bond has been posted, and a copy of the bond certificate has been submitted to the commission with the application;
 - (5) All documents required by Lot 7003.01-.06 above, including written agreements between licensees, have been submitted, and found to be complete, accurate and in compliance with the requirements set forth in this chapter;
 - (6) In the case of a distributor application, the applicant's principal place of business is located within New Hampshire, as required by RSA 287-E:8-a, IV;
 - (7) In the case of a charitable organization application:
 - a. If the organization was previously licensed, there are no outstanding "Bingo Monthly Financial Reports" (4/2019) due to the Commission per Pari 7007.03 below
 - b. The commission determines that the written internal control procedures are inadequate to preserve the integrity of the games;
 - c. The charity has demonstrated progress in accomplishing its charitable purposes during the 2 year period prior to the date of the application. For the purpose of this subparagraph,

"accomplishing its charitable purposes" means relief of poverty, advancement of education, protection of health, relief from disease, relief from suffering or distress, protection of the environment, conservation of wildlife, advancement of civic, governmental, or municipal purposes, or advancement of those purposes as delineated in the articles of incorporation or the bylaws of the organization; and

d. The organization is in good standing with the director of charitable trust and its central organization, as applicable;

- (8) In the case of a commercial hall application, copies of the rental or lease agreement have been submitted in accordance with Lot 7003.04(b)(2) above, and found to comply with the requirements set forth in Lot 7004.05 below; and
- (9) In the case of a host hall application:
- a. The network management plan complies with Lot 7003.05(b)(2) above; and
 - b. The shared carryover coverall system, obtained through a licensed manufacturer and distributor, meets the requirements of Lot 7005.04.
- (b) The commission shall deny the application when the applicant:
- (1) Does not meet the qualifications for licensure specified in RSA 287-E and this chapter.
 - (2) Has not complied with the application requirements and procedures, as specified in RSA 287-E and this chapter;
 - (3) Has made a materially false statement in the application or in any document that is submitted as part of the application process; or
 - (4) Has not complied with an administrative order or fine issued in accordance with Lot 7008, has a criminal record, as prohibited by RSA 287-E:7,VI, or has had a charitable gaming license suspended or revoked within the past year.

Repeal Pari 1004.01 – Pari 1004.03 effective 9/10/15 (Document #10928), cited as follows:

~~PART Pari 1004 APPROVALS AND DENIALS OF A LICENSE APPLICATION~~

~~Pari 1004.01 Manufacturer and Distributor Approvals and Denials.~~

~~— (a) The commission shall approve an application and issue the applicable distributors or manufacturer license when:~~

- ~~(1) The application is found to be complete and accurate;~~
- ~~(2) All fees have been paid, in accordance with Pari 1003.01(e)(2) or Pari 1003.01(d)(2) above, as applicable;~~
- ~~(3) All bonds have been posted, in accordance with Pari 1003.01(e)(3) or Pari 1003.01(d)(3) above, as applicable, and a copy of bond certificate has been provided to the commission;~~
- ~~(4) When the applicant is a distributor, the applicant's principal place of business is located within New Hampshire, as required by RSA 287 E:8 a, IV;~~

- ~~(5) Neither the applicant nor any partner, officer, or director has been convicted of a felony that has not been annulled by any court, within 10 years from the date of application; and~~
- ~~(6) The applicant otherwise meets the requirements for licensure under RSA 287-E, and this chapter.~~
- ~~(b) The commission shall deny the application if the applicant has:~~
 - ~~(1) Not complied with the application requirements and procedures, as specified in this chapter;~~
 - ~~(2) Made a material false statement in the application or in any document that is submitted as part of the application process; or~~
 - ~~(3) Not otherwise met the qualifications for licensure specified in RSA 287-E, and this chapter.~~

~~Pari 1004.02 Charitable Organizations Approvals and Denials:~~

- ~~(a) The commission shall approve an application and issue a license to the charitable organization to operate bingo games when:~~
 - ~~(1) The application is found to be complete and accurate;~~
 - ~~(2) All supporting documentation required by Pari 1003.02(d) above has been submitted and found to be complete and accurate;~~
 - ~~(3) All fees have been paid, in accordance with RSA 287-E:4, I, and Pari 1103.02(c)(3) above;~~
 - ~~(4) The organization qualifies as a charitable organization, as defined by RSA 287-E:1, V;~~
 - ~~(5) The charity has demonstrated progress in accomplishing its charitable purposes during the 2 year period prior to the date of the application. For the purpose of this subparagraph, "accomplishing its charitable purposes" means relief of poverty, advancement of education, protection of health, relief from disease, relief from suffering or distress, protection of the environment, conservation of wildlife, advancement of civic, governmental, or municipal purposes, or advancement of those purposes as delineated in the articles of incorporation or the bylaws of the organization;~~
 - ~~(6) The organization's house rules comply with the requirements set forth in Pari 1007.05 above;~~
 - ~~(7) The organization's game schedule complies with the requirements set forth in Pari 1007.06;~~
 - ~~(8) When applicable, the organization is in good standing with the director of charitable trust and its central organization; and~~
 - ~~(9) The applicant otherwise meets the requirements for licensure under RSA 287-E and this chapter.~~
- ~~(b) The commission shall deny the application if the applicant has:~~
 - ~~(1) Not complied with the application requirements and procedures, as specified in this chapter;~~
 - ~~(2) Made a material false statement in the application or in any document that is submitted as part of the application process;~~
 - ~~(3) Been found in violation of this chapter, or had its license suspended or revoked within the past year, per RSA 287-E:14; or~~
 - ~~(4) Not otherwise met the qualifications for licensure specified in RSA 287-E, and this chapter.~~

~~Pari 1004.03 Commercial Hall Approvals and Denials.~~~~(a) The commission shall approve an application and issue a license to a commercial hall when:~~

- ~~(1) The application is found to be complete and accurate;~~
- ~~(2) Copies of the rental or lease agreement have been included, in accordance with Pari 1003.03(b)(2) above, and found to comply with the requirements set forth in Pari 1006.05 below;~~
- ~~(3) All fees have been paid, in accordance with RSA 287-E:4, II a, and Pari 1003.03(b)(3) above; and~~
- ~~(4) The applicant otherwise meets the requirements for licensure under RSA 287-E and this chapter.~~

~~(b) The commission shall deny the application if the applicant has:~~

- ~~(1) Not complied with the application requirements and procedures, as specified in this chapter;~~
- ~~(2) Made a material false statement in the application or in any document that is submitted as part of the application process;~~
- ~~(3) Been found in violation of this chapter, or had its license revoked within the past year, per RSA 287-E:14; or~~
- ~~(4) Not otherwise met the qualifications for licensure specified in RSA 287-E, and this chapter.~~

Repeal Pari 1004.04, effective 3/10/17 (Document #12130), as follows:~~Pari 1004.04 Host Hall Approvals and Denials.~~~~(a) The commission shall approve a commercial hall or charitable organization to act as a host hall when the applicant:~~

- ~~(1) Holds a valid bingo license under RSA 287-E:6;~~
- ~~(2) Has submitted a completed application and related documents required by Pari 1003.04(b);~~
- ~~(3) Has developed internal control procedures and record keeping standards that ensure proper control and accountability, and preserves the integrity of the game;~~
- ~~(4) Has established policies for dealing with service interruptions that are fair and do not systematically disadvantage customers; and~~
- ~~(5) Is utilizing a shared carryover coverall system that has been approved by the commission in accordance with Pari 1007.04, and obtained through a licensed manufacturer and distributor.~~

Readopt and renumber Pari 1005.01, effective 1/27/17 (Document #12094), as Lot 7003.08 to read as follows:~~PART Pari 1005 LICENSE EXPIRATIONS~~~~Pari 1005.01~~Lot 7003.08 Expiration of an Issued License.

(a) Licenses issued in accordance with this chapter shall be non-transferable, and shall expire in accordance with the following:

- (1) Distributor or manufacturer licenses shall expire on June 30 following the date of issue;
 - (2) Charitable organization licenses shall expire on the last day of the month for which the license was issued, or for annual licenses, the last day of the year in which it was issued; and
 - (3) Commercial hall licenses shall expire on June 30 following the date of issue.
- (b) All licenses shall be valid only for the activities, location, dates and times as listed on the license.
- (c) Any licensee that ceases to conduct bingo activities shall immediately notify the commission in writing and provide the commission a report as to the disposition of:
- (1) All unused bingo inventory; and
 - (2) Any bingo player systems used by the charity.

Readopt and renumber Pari 1006.01 and Pari 1006.02, effective 9/10/15 (Document #10328), as Lot 7004.01 and Lot 7004.02, cited and to read as follows:

PART ~~Pari 1006~~Lot 7004 RESPONSIBILITIES OF THE LICENSEE

~~Pari 1006~~Lot 7004.01 Responsibilities of All Licensees.

- (a) All licensees shall conduct charitable gaming activities in a manner that ensures:
- (1) The integrity of the game;
 - (2) That the games are fair, secure, and able to be auditable and operate correctly; and
 - (3) That all games are free from corruption, criminal influences, and conflicts of interest.
- (b) Upon request, the licensee shall permit the commission or its designee to examine all bingo related books, records, inventory, or the business or gaming premises as deemed necessary for an ongoing inspection, investigation or audit or to otherwise determine the licensee's compliance with RSA 287-E and this chapter.

~~Pari 1006~~Lot 7004.02 Responsibilities of the Licensed Manufacturer.

- (a) Each licensed manufacturer of bingo paper supplies and electronic bingo player systems shall:
- (1) Ensure that all bingo paper supplies and electronic bingo player systems sold or supplied for use in New Hampshire comply with the standards set forth in this chapter;
 - (2) When selling bingo supplies and systems for use in New Hampshire, only sell to New Hampshire licensed distributors;
 - (3) Develop internal control procedures and recordkeeping standards to ensure proper control and accountability of all bingo supplies and systems sold for use in New Hampshire;
 - (4) Not duplicate the same serial number in a given year on the same series;
 - (5) Include the following information on the exterior of each carton of bingo cards or sheets, or provided via a product code, identifier bar coding or a combination of bar-coding and labeling:
 - a. The type of product;

- b. The quantity of cards or sheets;
- c. The series numbers;
- d. The serial number;
- e. The quantity of cases;
- f. The cut of paper, which describes how many bingo faces are on each paper; and
- g. The color of paper; and

(6) Maintain all relevant records pertaining to bingo related sales, leases or rentals for a period of 2 years, and make such records available to the commission upon request.

(b) Manufacturers of card-minding systems shall provide to the commission all current protocols, usernames, passwords, and any other required information needed to download or otherwise access the system via a remote connection;

(c) Neither the manufacturer, nor any of its employees, shall participate in the bingo games it provides to its customers in New Hampshire.

Readopt and renumber Pari 1006.03, effective 3/10/17 (Document #12130), as Lot 7004.03 to read as follows:

~~Pari 1006~~Lot 7004.03 Responsibilities of the Licensed Distributor.

(a) Each licensed distributor of bingo paper supplies and electronic bingo player systems shall:

(1) Ensure that all bingo paper supplies and electronic bingo player systems sold or supplied for use in New Hampshire comply with the standards set forth in this chapter;

(2) Only supply bingo paper supplies and electronic bingo player systems to licensed charitable organizations;

(3) Immediately return any unauthorized bingo supplies in its possession to the manufacturer;

(4) In accordance with RSA 287-E:8-a, record the sale of all bingo cards or sheets sold by serial number, and listed the serial number on the charitable organization's invoice;

(5) Develop internal control procedures and recordkeeping standards to track and account for bingo supplies and systems it purchases, sells or holds in inventory, including an explanation of any discrepancies;

(6) Maintain all relevant records pertaining to bingo related sales, leases or rentals for a period of 2 years, including the following:

a. Series and serial numbers of bingo cards and sheets;

b. Description of the bingo cards and sheets sold including, but not limited to:

- 1. Color;
- 2. Cut of the paper;
- 3. Quantity; and

- 4. Marketing name;
 - c. The name, address and license number of the charitable organization making the purchase;
 - d. The name of the manufacturer; and
 - e. The quantity of bingo cards or sheets contained in the packaging carton;
- (7) If providing shared carryover coverall services, maintain all agreements, including:
- a. Any agreements with charitable organizations to provide shared carryover coverall game system equipment or services, which shall include the terms and conditions of such agreements and, if applicable, details on the operation of the shared bingo game and distribution of costs and proceeds; and
 - b. Any licensing agreements with other entities for software and hardware developed for conducting shared bingo; and
- (8) Make all records available to the commission upon request during regular business hours.

(b) Neither the distributor, nor any of its employees, shall participate in the bingo games it provides to its customers in New Hampshire.

Readopt with amendments and renumber Pari 1006.04, effective 9/10/15 (Document #10928), as amended effective 3/10/17 (Document #12130), as Lot 7004.04 to read as follows:

~~Pari 1006~~Lot 7004.04 Responsibilities of the Licensed Charitable Organization. Licensed charitable organizations shall:

- (a) Adopt house rules in accordance with ~~Pari 1007.05~~Lot 7005.06 below;
- (b) Prominently display the following documents within the commercial hall or facility in areas that are accessible to and easily seen by the public, including in the immediate area where bingo games are played:
 - (1) The organization's current bingo license, pursuant to RSA 287-E:6;
 - (2) At least one copy of RSA 287-E and this chapter;
 - (3) At least one copy of any house rules that apply; and
 - (4) A copy of the ~~approved-current~~ game schedule;
- (c) Prominently display a sign in the immediate area where the bingo games are played advising the public of the phone number where complaints related to charitable gaming may be made;
- (d) Only compensate for gaming related services when the individual or entity providing the services is a licensed gaming consultants with whom the organization has a written agreement.
- (e) Only reimburse bona fide members of the organization for out-of-pocket expense in an amount not to exceed \$25 per game date when such expenses are itemized and submitted in writing to the organization.
- (f) For each bingo event, designate a member of the charity or engage a gaming consultant to act as the gaming manager, who shall be responsible for:

- (1) Ensuring that the games are conducted in accordance with RSA 287-E and this chapter;

- (2) Controlling the execution of the games, including payouts and the preparation of transaction records; and
 - (3) Remaining on the premises during the bingo event to address and resolve any issues that occur during the bingo event;
- (eg) Only sell bingo supplies and systems that have been:
- (1) Purchased from a licensed distributor, pursuant to RSA 287-E:8-a;
 - (2) Manufactured by a licensed manufacturer, pursuant to RSA 287-E:8-a; and
 - (3) Approved by the commission;
- (fh) Conduct bingo games in accordance with RSA 287-E and this chapter;
- (gi) ~~Establish and institute administrative and accounting procedures and controls to ensure that:~~ Develop, implement and adhere to written internal control policies and procedures designed to ensure effective control over the gaming operation by discouraging and protecting against illicit behavior and safeguarding the integrity of the games. Specifically, the controls shall ensure that:
- (1) Assets are safeguarded;
 - (2) Financial records ~~and transactions~~ are accurate, reliable and permit proper reporting of gaming revenue, fees and taxes;
 - (3) Functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound business practice by competent, qualified personnel, with no individual in a position that would allow them to perpetuate and conceal errors or irregularities in the normal course of duties;
 - (4) Integrity of the game is preserved by preventing unauthorized access, misappropriation, forgery, theft, or fraud; ~~and~~
 - (5) Controls that have been put in place are effective, and that any abnormalities are investigated and addressed;
 - (6) Transactions are performed only in accordance with management's general or specific authorization;
 - (7) Transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes, and to maintain accountability for assets;
 - (8) Recorded accountability for assets is compared with actual assets at reasonable intervals, and appropriate action is taken with respect to any discrepancies; and
 - (9) Accountability for assets is maintained in accordance with generally accepted accounting principles; and
- (hj) Establish and incorporate the following control procedures to provide the maximum accountability for all bingo supplies, systems, revenues and disbursements:
- (1) Control the access and distribution of all bingo supplies;
 - (2) Designate an individual who will control, purchase, track, and account for bingo supplies;

- (3) Develop procedures to track the purchase, storage, and distribution to individuals selling- bingo supplies and their removal from inventory;
- (4) Develop a perpetual inventory tracking system and conduct monthly physical inventory counts to compare and reconcile with that system;
- (5) Develop a receipting system for the sale of the cards and sheets to be completed for each bingo event that includes comparing cash register receipt or manual receipt summaries to calculated sales based on the selling price of the cards and sheets sold, where the calculated sales are based on the quantity of cards and sheets sold, determined by the quantity of cards and sheets issued out of inventory at the beginning of the bingo event, less the quantity of cards and sheets returned to inventory at the conclusion of the event;
- (6) Develop a procedure to record the gross receipts generated from the sale of cards and sheets sold by floor workers. This procedure shall be implemented through such things as an inventory accounting system or a floor worker sales report;
- (7) Limit access to the funds in the bingo bank accounts created in accordance [Pari-1009Lot 7007.01\(a\)](#) to authorized executive members of the organization; and
- (8) Assign an individual, who is independent of the person primarily responsible for the control of the inventory and purchasing of the cards and sheets or responsible for accounting for the funds generated from the sale of cards and sheets, to reconcile the funds deposited into the bingo bank accounts to the funds generated from the sale of cards and sheets;

(k) Retain control over funds jointly held in a cooperative agreement, and ensure that such authority is not extended to a facility owner, or other outside agents

(i) Maintain records pertaining to bingo gaming activities including:

- (1) Copies of all policies and procedures;
- (2) Any records or documents necessary to track bingo cards and sheets from the date of purchase through the final disposition, including:
 - a. The purchase register which includes the quantity, description, series, serial number, cut, color, date of purchase, cost and purchase invoice number;
 - b. Inventory control records which include the quantity and description, series, serial number, cut, color, and date the bingo cards and sheets placed into, withdrawn from, or returned to, inventory;
 - c. The sales register controls for the cards or sheets sold by individual floor workers, which includes:
 - 1. A record of the quantity of all cards or sheets sold by individual floor workers;
 - 2. The individual's name;
 - 3. The value of the cards or sheets;
 - 4. The type of cards or sheets; and
 - 5. The amount of cash turned in by the individual;

- d. The bingo event report which reflects:
1. The gross receipts;
 2. Prizes paid;
 3. The number of players in attendance; and
 4. The quantity of singles or packets sold with corresponding value of the bingo card or sheet;
- e. For each game, the center number of all winning cards, the quantity of winning cards, the game name or number as described on the game program, and the amount of balls called;
- f. For each progressive game, the amount of balls called and the value of the prize, if carried over;
- g. The record of all prizes paid, with separate listing for those paid by cash from those paid by check;
- h. The daily cash count records which include the amount of cash available for deposit and the amount actually deposited in the bingo bank account; and
- i. The check register which details all deposits and disbursements from the bingo bank account;

(3) Bank statements, check registers, reconciliations, and cancelled checks and bank deposit slips for bingo bank accounts;

(4) The purchase of bingo paper supplies and electronic bingo player systems, including copies of invoices provided by the distributor;

(5) The calculation of charity allocation and state tax;

(6) All written contracts, agreements, leases, rental agreements, or any other statement of understanding;

(7) Work schedules and assignments of all employees, volunteers and bona fide members; and

(8) Copies of by-laws, articles of incorporation and organization chart listing titles, roles, and responsibilities;

~~(j) Prepare general accounting record according to U.S. Generally Accepted Accounting Principles (GAAP) on a double entry system of accounting, maintaining detailed, supporting, and subsidiary records;~~

~~(k)~~ Retain full custody and control over all bank accounts pertaining to bingo and lucky 7 activities;

~~(l)~~ Comply with the financial and reporting requirements set forth in ~~Pari 1009~~Lot 7007 below;

~~(m)~~ Submit ~~a copies~~ of ~~the any~~ written agreements to the commission prior to services being rendered, ~~in accordance with as required by~~ RSA 287-E:7, II(b);

~~(p)~~ Maintain all bingo related records on the premises for a period of 2 years;

~~(q)~~ Notify the commission in writing within 15 days of an event affecting the charitable organization's:

(1) Qualifications for licensure under ~~Pari 1~~Lot 7003.02, such as a change in IRS exemption status; or

(2) Status of good standing with the New Hampshire secretary of state or director of charitable trust, or with the organization's state or national organization;

~~(p)~~ Not allow an individual to serve as both the treasurer and the chairperson of the charitable organization or their designee; and

~~(q)~~ Notify the commission in writing within ~~3 days~~24 hours of cancelling an authorized bingo event, and include the following information in the notification:

(1) The name and contact information of the authorized official of the licensed charitable organization submitting the notification;

(2) The date and location of the cancelled bingo event; and

(3) The reason for the cancellation; ~~and~~

~~(4) Whether or not lucky 7 tickets were sold on this game date.~~

(t) Take actions to ensure compliance with RSA-E:7, VI such that no person who has been convicted of a felony or class A misdemeanor within the previous 10 years, or a class B misdemeanor within the past 5 years, neither of which has been annulled by the court, or who has violated any of the statutes or rules governing charitable gaming in the past in this or any other state are permitted to participate in the operation of a bingo event licensed under this chapter.

Readopt with amendment and renumber Pari 1006.05, effective 9/10/15 (Document #10928), as Lot 7004.05 to read as follows:

~~Pari 1006~~Lot 7004.05 Responsibilities of Licensed Commercial Halls.

(a) The amount of the hall rental to the charitable organization shall not exceed \$510 per player per charitable organization's bingo event.

(b) The commercial hall shall provide, as part of the hall rental fee, the following items and services to the charitable organization:

(1) Hall space;

(2) Tables and chairs sufficient for the conduct of the bingo game;

(3) Bingo equipment necessary for the conduct of the bingo game including, but not limited to:

a. A ball rack;

b. A mixing machine; and

c. A lighted game board;

(4) Utilities, including but not limited to heat, lights, and communication services;

(5) Restroom facilities sufficient for the seating capacity of the hall;

(6) Snow removal; and

- (7) Trash removal and overall janitorial services sufficient to return the hall to a condition clean and proper for conducting business.
- (c) The commercial hall shall maintain all bingo related equipment, specified in (b)(3) above, in proper working order.
- (d) No third party charges shall be assessed to any charitable organization for services set forth in (b) above.
- (e) All agreements between the commercial hall and the charitable organization shall be contained within the lease agreement;
- (f) Participation in and charges for activities such as advertising, free offer of coffee and donuts to customers, security protection for the charitable organization itself, not security for the hall or parking area, consulting or management services, shall be at the discretion of the charitable organization. Failure to participate in these activities shall not constitute grounds for expulsion from the hall.
- (g) The commercial hall shall:
- (1) Submit copies of all leases and rental agreements to the commission in accordance with ~~Pari 1003.03~~Lot 7003.04 (b)(2) above;
 - (2) Allow an staff or other authorized representative of the commission to enter and inspect any facility where bingo games are held for purposes of determining compliance with RSA 287-E and this chapter; and
 - (3) Make all bingo equipment available for inspection or testing by the commission at any reasonable time.
- (h) The licensee ensure that the commercial bingo hall complies with all applicable laws and building codes, including compliance with the Americans with Disabilities Act of 1990 (ADA).

Readopt with amendments and renumber Pari 1006.06, effective 3/10/17 (Document # 12130), as Lot 7004.06 to read as follows:

~~Pari 1006~~Lot 7004.06 Responsibilities of the Host Hall.

- (a) A host hall shall obtain approval from the commission, in accordance with ~~Pari 1004.04~~Lot 7003.07, before holding a shared carryover coverall bingo game.
- (b) The host hall shall only simulcast shared carryover coverall games to participating halls located within New Hampshire and licensed by the commission to hold bingo events.
- (c) The host hall shall be solely responsible for the equipment, the management and the operation of the shared carryover coverall games it provides.
- (d) The host hall shall establish and maintain a separate bank account to which it will deposit all proceeds and pay all of the expenses in connection with the shared carryover coverall bingo operation.
- (e) The host hall and the participating hall, and, if applicable, the participating hall and the licensed charity, shall enter into a written agreement prior to conducting a shared carryover coverall game.
- (f) The host hall shall provide the commission with 30-days advanced written notice of its intent to conduct a shared bingo game.

(g) The notice required by (f) above shall include:

- (1) The names of each participating hall and charitable organizations, and the locations of the caller and remote players;
- (2) The name of the shared carryover coverall service provider responsible for providing and maintaining the equipment used to operate and transmit the game;
- (3) A copy of any written agreements between:
 - a. The host and participating halls;
 - b. The participating hall and the licensed charitable organization if applicable; and
 - c. The host hall and the shared carryover coverall service provider, if applicable;
- (4) The name of the person designated as having a fiduciary responsibility for the game; and
- (5) The name and contact information for the bank where the separate shared carryover coverall funds will be deposited.

(h) The host hall shall maintain all records pertaining to the shared carryover coverall games for a period of at least 2 years, and make such records available to representatives of the commission upon request during regular business hours.

(i) The records required by (h) above shall include:

- (1) Documentation of all prizes paid and information regarding receipt of the prize;
- (2) All financial records, which shall clearly disclose the amount of money the shared carryover coverall operation received and expended, and the purposes for which the host hall spent money;
- (3) Copies of any written contracts or agreements between all parties involved in the shared carryover coverall games including those required by ~~Pari 1003.04~~Lot 7003.(b)(2)-(3) Lot 7003.05(b)(3) above;
- (4) A physical description of the equipment and its cost;
- (5) The name and location of the participating hall where the equipment is installed and the installation date;
- (6) The name of the licensed charitable organizations which will be participating in the shared carryover coverall games at each location, and the game dates;
- (7) The video recording of each drawing in the previous one-year period that shows, at least:
 - a. The ball selection process, including the numbers drawn; and
 - b. All body movements of the caller;
- (8) Information relative to the purchase and distribution of all shared carryover coverall bingo cards, including the date the cards were used; and
- (9) Records of gambling proceeds received from the bingo operation and the use of those proceeds towards the stated purpose of the organization.

(j) The host hall shall retain all recordings of each game for a minimum of 30 days.

(k) The host hall shall submit for review and obtain approval from the commission prior to implementing any changes to the event operating procedures.

Adopt Lot 7004.07 to read as follows:

Lot 7004.07 Responsibilities of the Licensed Gaming Consultant.

(a) The requirements set forth in Lot 7004.04 above shall apply to the licensed gaming consultant when the consultant is acting on behalf of the organization per a written agreement.

(b) In addition to the requirements of (a) above, the licensed gaming consultant shall:

- (1) Provide gaming services in accordance with RSA 287-E, this chapter and the written agreement with the charitable organization;
- (2) Maintain all records for a period of 2 years and make those records available to the commission upon request and within a reasonable time for the purpose of auditing; and
- (3) Permit the commission to examine its books, records, inventory, and business premises for the purpose of determining compliance with RSA 287-E and this chapter, and make such records available to the commission upon request and within a reasonable time.

Readopt with amendments and renumber Pari 1007.01 – Pari 1007.03, effective 9/10/15 (Document #10928) as Lot 7005.01 – Lot 7005.03, cited and to read as follows:

PART ~~Pari 1007~~Lot 7005 BINGO EQUIPMENT, SUPPLIES AND STANDARDS

~~Pari 1007~~Lot 7005.01 Bingo Equipment.

(a) The charitable organization shall:

- (1) Only use bingo equipment that is free of any defects and functioning in proper working order; and
- (2) Furnish or operate bingo equipment in such a manner that each player is given an equal opportunity to win.

(b) Bingo ball machines and other selection devices, flashboards and other display devices, and other bingo equipment used in the selection and display of game numbers shall be designed to produce randomness.

(c) When balls are utilized, the charitable organization shall ensure that the following are true:

- (1) Any characteristics that control the selection of the balls, such as size, shape, weight and balance, are the same for all balls within a given set;
- (2) All the balls within a given set are present, clean and free of defects and otherwise in operating condition before being utilized; and
- (3) Each set of balls in play is distinguishable from all other sets of balls in play.

(d) All mechanical ball blowers, which use air flow for mixing and randomly selecting balls, shall be constructed:

- (1) To allow game participants to view the mixing action of the balls; and

(2) To prohibit any interruption of the mixing action of the balls in an effort to alter the selection of the balls, except when the device is shut off.

(e) When balls are drawn from a barrel, as permitted in accordance with ~~Pari-1008~~ Lot 7006.03(m)-(n) below, the following requirements shall be met:

- (1) At the start of each game, only balls applicable to the game are to be depicted;
- (2) For games with bonus features and additional balls that are selected, balls are to be chosen from the original selection without duplicating an already chosen ball;
- (3) The barrel is not to be re-mixed except as provided by the rules of the game depicted; and
- (4) As balls are drawn from the barrel, they are to be immediately used as directed by the house rules.

~~Pari-1007~~ Lot 7005.02 Bingo Paper Construction Standards.

(a) Cards, and sheets used in the conduct of bingo games shall be designed to be disposable and comply with the following manufacture standards:

- (1) The paper used should be of sufficient weight and quality to:
 - a. Allow for legible numbers and prevent ink from spreading or bleeding through, thereby obscuring other numbers on other bingo cards or sheets, and
 - b. Maintain the original condition and not deteriorate when properly stored and normally handled and protected from environmental elements;
- (2) The manufacturer's name, logo or identifying mark shall appear on each card or sheet;
- (3) Permutation numbers shall be displayed in the center square, at the bottom right corner of each card, or in both places;
- (4) Numbers printed on the card must be randomly assigned;
- (5) Each set of bingo cards or sheets shall bear the same serial number, except that a collation or packet that is made up of a number of sets need not bear the same serial number;
- (6) Bingo cards and sheets assembled in booklets, pads or packets shall be glued, not stapled, in such a way that the papers can be separated without the cards being defaced or similarly damaged; ~~and~~
- (7) All cards and sheets shall contain a sequential serial number;-

(8) The exterior of each carton of bingo paper shall include a listing, a bar coding or a combination of bar-coding and labeling that provides all of the following information:

- a. Type of product;
- b. Quantity of booklets or loose sheets;
- c. Series numbers serial number quantity of cases;

d. Cut of paper;

e. Color of paper; and

f. Product code or identifier;

(9) The information specified in (8)a.-f. above shall also be provided on a packing slip inside each box;

(10) To assist in the audit of the bingo product, each carton of sheets or booklets shall:

a. Include an audit tracking system that will enable the charitable organization to control paper by means other than “series” or “perm” number; and

b. Be divided at established intervals;

(11) A valid verification system, such as a verification book, master control book or an electronic data base, or version thereof, shall be provided and certified by the manufacturer as a true and accurate illustration of the pattern of numbers on every card in each permutation to be used to verify a valid card.

(b) The following construction standards shall apply to concealed-face bingo paper:

(1) A sequential audit number shall be printed on the outside of each card or sheet of concealed-face bingo paper;

(2) To ensure randomness, concealed-face bingo paper shall be shuffled prior to printing the sequential audit number upon the outside of the card;

(3) Concealed-face bingo paper shall be constructed to prevent bingo numbers from being viewed or determined from the outside of the card; and

(4) The sealing or gluing of the concealed-face bingo paper shall not cause any card to be defaced upon opening.

(c) All bingo cards and sheets approved by the commission and in use prior to the effective date of this rule, which have not been subsequently changed or modified, shall be exempt from the requirement in (a)-(b) above, and may remain in use.

(d) A charitable organization may offer special cards that do not meet the requirements of this section when:

(1) The use of the special cards, such as braille card, will allow an individual with a disability to participate in the event;

(2) The organization has adopted house rules that specifically address the availability, use and sale of such cards that ensure that the integrity of the game is being preserved; and

(3) Controls are in place to ensure the use of such cards does not negatively affect the integrity of the game.

Pari 1007Lot 7005.03 Card-minding System Standards.

(a) A card-minding system shall not be sold, leased, or otherwise furnished to any person for use in the conduct of bingo until it has been:

(1) Tested by an authorized independent testing laboratory to ensure that the device and proprietary software conforms to the restrictions and conditions set forth in this chapter; and

(2) Demonstrated to and approved by the commission in accordance with (n) below.

(b) All card-minding system approved by the commission and in use prior to the effective date of this rule, which have not been subsequently changed or modified, shall be exempt from the requirement in (a) above, and may remain in use without being reapproved by the commission.

(c) Except as allowed by (d) below, a card-minding system that has been changed or modified shall not be sold, leased or otherwise furnished to any person for us in the conduct of bingo unless it has undergo additional testing and commission approval in accordance with (a) above.

(d) A manufacturer may conduct routine maintenance activities and replace secondary components of a card-minding device system without prior commission approval or additional testing as long as this activity does not affect the operation of any proprietary software or the manner in which a bingo game is played.

(e) If the manufacturer, distributor, charitable organization or commission detects or discovers any defect, malfunction, or problem with the card-minding device system that affects the security or the integrity of the bingo game or card-minding device system, the manufacturer, distributor, or charitable organization shall immediately discontinue its sale, distribution and use until the defect has been corrected or resolved.

(f) A card-minding system shall consist of the following:

(1) A card-minding device that is used by a player to monitor bingo cards played at a bingo event, and which:

a. Provides a means for the player to input or monitor called bingo numbers;

b. Compares the numbers entered or received against the numbers on the bingo cards stored in the memory of the device or loaded or otherwise enabled for play on the device; and

c. Identifies any winning bingo pattern(s) and prize levels; and

(2) A site system that consists of computer hardware, software, and peripheral equipment, that is located at the bingo premises, is controlled by the ~~game operator~~ gaming manager conducting bingo, and interfaces with, connects with, controls, or defines the operational parameters of card-minding devices, and includes the following components:

a. A point of sale station and an internal accounting system and database that is capable of recording the charitable organization's sale of all charitable gaming supplies;

b. A caller station verifier that is able to verify winning cards;

c. Printers;

d. Remote access capability;

e. Proprietary executable software; and

f. Report generation software.

(g) Card-minding devices shall:

- (1) Have a unique, permanent identification number that is coded into the software of the card-minding device, or have a unique identification number secured by password or code and accessible only by use of such password or code;
 - (2) Automatically transmit its identification number to the site system or be known by the site system, to be recorded on the transaction log, each time the device is involved in a transaction with the site system;
 - (3) Be designed in such a manner to allow for one or more of the following daubing features:
 - a. Manual ball call, which requires the player to identify and enter the numbers as they are called, and enable the player to correct numbers entered in error;
 - b. Ball call confirm which requires the broadcast of the ball call information to the card-minding device, and then the player must confirm by performing an action or entering each ball call;
 - c. Semi-auto daub which requires the broadcast of the ball call information to the card-minding device, much like the ball call confirmation except that a single action will daub all outstanding ball calls; or
 - d. Auto daub, which requires the broadcast of the ball call information to the card-minding device;
 - (4) Recognize bingo numbers called and electronically daub all activated bingo cards containing those numbers loaded on the device;
 - (5) Allow the player to cancel or correct any numbers entered in error when the device requires the player to manually enter ball call numbers;
 - (6) Recognize and display all winning bingo patterns achieved;
 - (7) Be programmed to only allow bingo cards purchased and loaded and enabled for play during a bingo event, to be in play during that event;
 - (8) Be programmed to only allow bingo faces sold and loaded and enabled during an open bingo session, to be in play during that open session,
 - (9) Networked in such a manner that addresses issues of confidentiality, integrity and availability.
- (h) A card-minding system shall not:
- (1) Allow a player to modify cards that are loaded and enabled for play;
 - (2) Track and store any winnings from authorized bingo games;
 - (3) Replay any winnings;
 - (4) Be used to credit the player's winnings;
 - (5) Be used to purchase or play lucky 7 tickets;
 - (6) Be used for video confirmation of lucky 7 tickets; and
 - (7) Be used:

- a. To generate or determine the random letters, numbers, or other symbols used in playing the bingo card played with the device's assistance;
 - b. As a receptacle for the deposit of tokens or money in payment for playing the bingo card played with the device's assistance; or
 - c. As a dispenser for the payment of a bingo prize, including coins, paper currency, or a thing of value for the bingo card played with the device's assistance.
- (i) When applicable, a card-minding device utilizing a customer account shall:
- (1) Not permit customers to purchase any bingo equipment other than electronic bingo cards for play on the card-minding device; and
 - (2) Display the account balance at all times.
- (j) The site system shall:
- (1) Be designed so that reports maintained or otherwise available for generation by the card-minding system may be downloaded or accessed at any time by the commission via a remote connection for the verification of the operation, compliance and internal accounting systems;
 - (2) Include an internal accounting system that is capable of recording the charitable organization's sale of card-minding devices and bingo cards and sheets;
 - (3) Be capable of recording and storing:
 - a. All transactions affecting a card-minding device;
 - b. The device ID number for each transaction affecting the card-minding device; and
 - c. The date, time, quantity of electronic bingo cards affected, price per card or package, package number, and transaction number for each of the following transactions:
 1. Loading of cards; and
 2. Voiding of cards;
 - (4) Not allow the exact duplication of cards on 2 different card-minding devices, but may allow electronic bingo cards originally sold on one card-minding device to be reloaded on a different card-minding device, provided that the original device was removed from play and the site system recorded the transaction as a reload;
 - (5) Not be able to engage in any type of sale, void, or reload transaction for a card-minding device unless a functioning card-minding device or a programmable memory device that inserts into a card-minding device is connected with the site system;
 - (6) Ensure that, for voided transactions, all electronic bingo cards are erased or deactivated;
 - (7) Upon completion of each transaction, not allow any transactional information to be changed within the accounting system or database, including date, time, quantity of electronic bingo cards, price per card or package, package number, or other source information;
 - (8) Prevent and identify duplicate device identification numbers;

- (9) Recognize the device identification number of the card-minding device, and record and store that number on the transaction log for each and every transaction that directly affects that device;
 - (10) Have a database backup and recovery system to prevent loss of transactional information in the event of power failures or any disruptive event;
 - (11) Not allow a player or operator to select specific cards from a perm of bingo cards to be sold or played, if such selection provides a material advantage to the player or operator;
 - (12) Record a sequential transaction number or audit tracking number for every transaction, which cannot be changed or reset manually;
 - (13) Be capable of producing:
 - a. A receipt;
 - b. A transaction log; and
 - c. A complete summary report(s) after each bingo event;
 - (14) Not erase or overwrite any of the required bingo event information until its detail information and summary information is transferred to a secondary storage medium;
 - (15) Be capable of storing and printing detailed bingo event reports and summaries on demand, which includes a separation of revenues collected from carry-over coverall and winner-take-all games;
 - (16) Not allow a card-minding device to enable and play more than 108 card faces for any one regular bingo game; and
 - (17) Be capable of maintaining all required reports and information for a period of 2 years.
- (k) If the site system is designed to incorporate the use of a customer account, the system shall include the following requirements:
- (1) All communications regarding transactions between the bingo card-minding device and the site system shall be secured by use of a unique personal identification number (PIN) established by the player;
 - (2) All transactions shall only be processed after the site system confirms the identity of the player;
 - (3) Each transaction made by a player from their customer account shall be recorded, and include the transaction number, transaction dollar amount, time and date, quantity and type of product purchased, and customer's account number;
 - (4) The system shall not be used to track and credit a customer's account with bingo prizes won;
 - (5) Additional funds may be added to the customer's account only at a point-of-sale station;
 - (6) The system shall generate financial reports for customer account activity that includes:
 - a. The customer account number;
 - b. The initial amount of funds placed in the account;

c. Each transaction including quantity and type of bingo product(s) purchased, dollar amount, time and date, any ending balance, bingo worker login information; and

d. If balance was refunded at end of the bingo event, or retained by the organization as other income; and

(7) Provide a receipt for each customer transaction that contains the following disclaimer: "Any funds remaining in your customer account that you do not claim by the end of the bingo event will be kept by the licensed charitable organization. Please allow enough time before the end of the bingo event to claim your funds on your account."

(l) The card-minding system network shall employ sufficient security safeguards to ensure that:

(1) Any restrictions or requirements authorized by the commission or any approved proprietary software are protected from alteration; and

(2) Confidentiality methods guard against data theft during network eavesdropping, or unauthorized usage of the network by non-intended devices and minimizes interference from other networks;

(3) Integrity methods provide delivery of accurate data to system devices; and

(4) Availability methods provide a good functioning network during gaming.

(m) To obtain approval of a card-minding system, a manufacture shall:

(1) Submit the proposed system to an authorized testing laboratory for validation testing, and obtain written certification that confirms the system's complies with this chapter;

(2) Submit a written request for approval of the system along with a copy of the laboratory certification; and

(3) Demonstrate the system to the commission, if requested to do so.

(n) The commission shall approve a card-minding system when the system is found to meet the requirements of RSA 287-E, and this chapter.

(o) When a distributor leases, sells or otherwise furnishes a card-minding system to a licensed charitable organization, the distributor shall provide written notice to the commission that includes:

(1) The distributor's name and contact information;

(2) The name of the licensed manufacturer, model and version number of the card-minding system;

(3) The name of the licensed charitable organization to whom the card-minding system was sold, leased, or otherwise furnished;

(4) The location where the card-minding system will be located;

(5) The expected startup date for use of the card-minding system;

(6) The total number of card-minding devices installed at the bingo premises;

(7) The modem number or IP address and protocol for remote access, if applicable; and

(8) A certification statement from the manufacturer that the remote connectivity is operating properly.

(p) Before the complete removal or hardware up-grade of any card-minding system, the distributor shall supply one copy of the data files to each licensed authorized organization that utilized the card-minding system and maintain one additional copy for a period of 2 years.

Readopt with amendments and renumber Pari 1007.04, effective 3/10/17 (Document #12130), as Lot 7005.04 to read as follows:

~~Pari 1007~~Lot 7005.04 Shared Carryover Coverall Systems for Simulcasting Games.

(a) A shared carryover coverall game shall only be simulcast using audio and video technologies that have been approved by the commission.

(b) The audio and video technology used to link the facilities may include cable, internet, satellite, broadband, or telephone technology, or any other means of electronic transmission that ensures the secure, accurate, and simultaneous transmission of the announcement of numbers or symbols in the game from the host hall to the participating hall(s).

(c) At a minimum, the equipment used to link the facilities shall:

- (1) Record the video and audio of the shared carryover coverall game;
- (2) Support remote sales units that immediately communicate all sales directly to the main shared bingo game system computer;
- (3) Meet the “International Technical Standards for Electronic Gaming Machines” (Version 1.0, 10-28-14) set forth by the International Association of Gaming Regulators (IAGR), where applicable, available as noted in Appendix B;
- (4) Include a backup communication system that allows the participating halls to notify the host hall of any breakdowns in the system; and
- (5) Include an automatic or manual backup system to save all sales, financial, and game data.

(d) To obtain approval of a shared carryover coverall system, a licensed manufacturer shall submit the following:

- (1) A written request to the commission on company letterhead; and
- (2) A copy of the certification from an independent laboratory that includes:
 - a. A detailed description of the equipment and related software applications that were tested, including applicable model number of specific equipment and the software version of the application used for testing;
 - b. A specific reference to the standard being tested and a statement that the equipment meets the standard, including the “International Technical Standards for Electronic Gaming Machines” (Version 1.0, 10-28-14) set forth by the International Association of Gaming Regulators (IAGR), as applicable, available as noted in Appendix B;
 - c. Certification that the systems meets the applicable requirements of RSA 287-E and this chapter; and
 - d. Any additional findings or issues of concerns that might affect the performance or play of the equipment;

(e) The commission shall approve a request submitted in accordance with (~~ed~~) above when the system complies with RSA 287-E and this chapter.

(f) Except as allowed by (~~fg~~) below, a shared carryover coverall system that has been changed or modified shall not be sold, leased or otherwise furnished to any person for us in the conduct of bingo unless it has undergone additional testing and commission approval in accordance with (a)-(~~e~~) above.

(g) A manufacturer may conduct routine maintenance activities and replace secondary components of a card-minding device system without prior commission approval or additional testing as long as this activity does not affect the operation of any proprietary software or the manner in which a bingo game is played.

(h) If the manufacturer, distributor, charitable organization or commission detects or discovers any defect, malfunction, or problem with the card-minding device system that affects the security or the integrity of the bingo game or card-minding device system, the manufacturer, distributor, or charitable organization shall immediately discontinue its use until the defect has been corrected or resolved.

Readopt and renumber Pari 1007.05, effective 9/10/15 (Document #10928), as Lot 7005.05 to read as follows:

~~Pari-1007~~Lot 7005.05 Game Patterns.

(a) Only game patterns that have been approved by the commission shall be used in a game of bingo.

(b) To obtain approval of a bingo game pattern that has not previously been approved by the commission, the charitable organization shall submit a written request to the commission that includes:

- (1) A written description of the proposed game; and
- (2) A sample of the proposed game pattern design.

(c) The commission shall approve a games pattern design if:

- (1) The game can be understood by the player;
- (2) The odds of winning are not weighted against the player;
- (3) The cumulative prize value does not exceed the limit specified in RSA 287-E:7, XI, except for winner-take-all or carryover coverall games; and
- (4) The game otherwise meets the requirements of RSA 287-E and this chapter.

(d) Bingo game patterns approved for one charitable organization may be used by any other charitable organization without additional authorization.

Readopt with amendments and renumber Pari 1007.06, effective 9/10/15 (Document #10928), as Lot 7005.06 to read as follows:

~~Pari-1007~~Lot 7005.06 House Rules.

(a) A charitable organization shall adopt and follow house rules that do not violate RSA 287-E or this chapter, and address a minimum of the following:

- (1) What constitutes a bingo and whether or not the last number called need be involved;

- (2) The responsibility of the bingo player to make it known to the game officials that the player has a bingo;
- (3) Reserved seats;
- (4) The start and end time for purchasing bingo cards;
- (5) Availability, use and sale of special cards for the blind or handicapped;
- (6) Card exchange, if allowed;
- (7) If the charity uses a mixing machine, whether or not the mixing machine will be shut off before a bingo has been verified or during a progressive bonus game;
- (8) Whether or not regular card purchase is necessary to play the winner-take-all game;
- (9) What constitutes an official ball, such as requiring that both the letter and number be announced by the caller before a ball is considered official, even if the ball has been shown on the video monitor;
- (10) Smoking/non-smoking policy which shall comply with RSA 155:66 through RSA 155:70;
- (11) Use of a card-minding device that allows a player to play several cards at the same time;
- (12) The carryover coverall consolation prizes and the manner in which they will be awarded;
- (13) The effective date of the house rules;
- (14) The criteria for awarding the free plays;
- (15) The name of a member of the charitable organization to be contacted by a player with comments, concerns or questions; ~~and~~
- (16) That the bingo game will be conducted in accordance with RSA 287-E and this chapter; ~~and~~
- (17) If applicable, criteria relative to the availability, use and sale of special cards for use by individuals with disabilities.

(b) In addition to the requirement in ~~Pari 1007~~Lot 7003.02(d)(14)d. and (2), the charitable organization shall file any amended house rules with the commission at least 30 days prior to the first bingo event at which the amendments are scheduled to take effect.

(c) The commission shall approve the organization's house rules when such rules comply with the requirements of (a) above and otherwise meets the requirements set forth in RSA 287-E and this chapter.

(d) Prior to the start of the first game of a bingo event, the charitable organization shall ensure that a public announcement is made letting players know where copies of the house rules are located and how copies can be obtained.

Readopt with amendments and renumber Pari 1007.07, effective 3-10-17 (Document #12130), to read as follows:

~~Pari 1007~~Lot 7005.07 Game Schedules.

(a) A charitable organization shall only play bingo games as identified on a game schedule ~~approved by the commission pursuant to this section.~~

(b) The game scheduled shall not include games in the following style of play:

(1) Games designed to be conclude quickly for the sole purpose of allowing the operation of electronic Lucky 7 machines, such as games with multiple “wild” or “free” spaces; and

(2) Dealer’s choice games for which the style of play is not disclosed in advance.

~~(bc) To obtain commission approval, the charitable organization shall submit a proposed~~ The game schedule ~~shall that included~~ the following information:

(1) The name of the charitable organization that will be sponsoring the game(s);

(2) The name of the member of the charitable organization, or the gaming consultant designated to act as the gaming manager, in accordance with ~~Pari 1006~~ Lot 7006.04(df). ;

(3) The date(s), day(s) of the week, and time(s) that the game schedule will be in effect;

(4) The location where the proposed game(s) will be held;

(5) The list of all the proposed games in the order in which they will be played;

(6) If the game scheduled includes a shared bingo game, an indication of where the game appears on the schedule, and the name of the host hall and participating halls;

(7) The prices for each card, sheet or packet to be sold, including the number and price for each card, sheet included in each package;

(8) The fee charged for using a card-minding device;

~~(9) Any prizes, tokens or awards to be offered, including door prizes and free play, the criteria for winning, and any factors used to determine the payout of such prizes, tokens or awards; The prizes, tokens or awards, including door prizes and free play offers, to be offered, and any factors used to determine the prize payout structure for each game;~~

(10) The estimated number of players attending; and

(11) Whether prizes are subject to increase or decrease based on actual attendance, and if so, how attendance will affect the prizes.

~~(c) In addition to the requirement in Pari 1003.02(d)(1)e. and (2), t~~The charitable organization shall file any amended game schedule with the commission at least 305 days prior to the first bingo event at which the amendments are scheduled to take effect.

~~(d) The commission shall approve a game schedule or revised game schedule request if the games contained in the request comply with the standards for games set forth in RSA 287-E and this chapter.~~

~~(e) The criteria for awarding each type of free play shall be submitted to the commission prior to offering the free play.~~

Readopt with amendments and renumber Pari 1008.01, effective 9/10/15 (Document #10928), as Lot 7006.01, cited and to read as follows:

PART ~~Pari 1008~~Lot 7006 GAME OPERATIONS

~~Pari-1008~~Lot 7006.01 Documents to be Displayed. The following documents shall be prominently display within the hall in areas that are accessible to and easily seen by the public, including in the immediate area where the bingo games are played:

- (a) The current bingo license of the charitable organization hosting the game;
- (b) The license issued to a commercial hall where the games are conducted, if applicable;
- (c) A copy of the ~~approved current~~ game schedule ~~or revised game schedule~~;
- (d) A sign advising the public of the phone number where complaints related to charitable gamine may be made; and
- (e) At least ~~2~~one copies of each of the following:
 - (1) RSA 287-E;
 - (2) This chapter; and
 - (3) The organization's house rule's developed in accordance with ~~Pari-1007.05~~Lot 7005.06 above.

Readopt and renumber Pari 1008.02, effective 9/10/15 (Document #10928), as Lot 7006.02 to read as follows:

~~Pari-1008~~Lot 7006.02 Auxiliaries.

- (a) Auxiliaries are any group of people functioning in a subsidiary capacity to assist the primary charitable organization.
- (b) Auxiliaries may assist the primary charity in the operation of a bingo game if all of the following are true:
 - (1) The auxiliary has been in existence for 2 years;
 - (2) The auxiliary was not formed for the primary purpose of operating bingo games; and
 - (3) The auxiliary does not hold a bingo license in its own name.

Readopt with amendments and renumber Pari 1008.03 and Pari 1008.04, effective 9/10/15 (Document #10928), as Lot 7006.03 and Lot 7006.04 to read as follows:

~~Pari-1008~~Lot 7006.03 Operations of a Bingo Game.

- (a) Pursuant to RSA 287-E:1, V-a, bingo shall only be played at a licensed commercial bingo hall, or at a facility owned by a charitable organization or governmental subdivision.
- (b) Pursuant to RSA 287-E:7, IX, the charitable organization shall not charge a fee for admission to bingo games.
- (c) The charitable organization shall not charge for any door prize ticket.
- (d) The total value of any individual door prizes shall not:
 - (1) Exceed \$500.00; and
 - (2) Be pro-rated over multiple bingo events to meet the \$500 limit.

(e) Except as allowed by RSA 287-E:10 and RSA 287-E:13, no individuals under 18 years of age shall be allowed in the gaming area while a bingo game is being conducted.

(f) Only individuals authorized in accordance with RSA 287-E:7, I and RSA 287-E:10-13 shall operate bingo games.

(g) When a charitable organization engages the services of one or more gaming consultants, the charitable organization shall ensure that a majority of the individuals participating in the operation of the bingo event are volunteers of the charitable organization.

~~(g)~~ Each person working at a bingo game shall:

(1) Wear an identification badge that shall bear the worker's name and the name of the charitable organization of which that person is a member; and

(2) Be prohibited from purchasing tickets or playing until after they are no longer working, and have returned all revenue and unsold cards in their possession to the organization's chairperson, treasurer or designee overseeing the event.

~~(h)~~ Pursuant to RSA 287-E:7, VIII, the price of a single bingo card, whether sold individually or as part of a sheet or packet, shall not exceed \$1 per card per bingo event. Individual games which offer a multiple prize payout, based on prizes normally offered, shall also not exceed \$1 per card per bingo event.

~~(i)~~ The charitable organization shall allow anyone to purchase a minimum of one card, sheet or packet depending on what is being sold at a particular bingo game and shall not charge anyone more than the maximum price as specified in (h) above.

~~(j)~~ Prior to the calling of the first ball draw of each game, the criteria to win, including the winning game pattern, and the prize amount for each game shall be clearly described and audibly announced.

~~(k)~~ With the exception of concealed-face games, no bingo cards or sheets shall be sold for use in any game after the first ball has been called for that game.

~~(l)~~ Except as allowed by (m) and (n) below, the charitable organizations shall use:

(1) A lighted game board; and

(2) A mixing machine.

~~(m)~~ A charitable organization may request a waiver of the requirements of (l) above, by submitting a written request to the commission, which documents:

(1) That the organization has been conducting bingo for a period of less than 2 years; or

(2) Through financial statements, that the rental or purchase price of the equipment would exceed a good faith estimate of net revenue during the license period.

~~(n)~~ The commission shall approve a request submitted in accordance with (m) above when the commission determines that:

(1) The charitable organization has conducted bingo games for a period of less than 2 years; or

(2) The rental or purchase price of the equipment exceeds a good faith estimate of net revenue during the license period.

(~~ep~~) When a lighted game board and mixing machine are in use, prior to the first bingo game of the day, the caller or operator shall announce that all of the balls are in the rack and are available for inspection by anyone who wishes to inspect the system.

(~~pq~~) The caller or operator drawing the bingo balls during each game shall:

- (1) Draw one ball at a time;
- (2) Have no discretion over which ball is drawn;
- (3) Announce the number drawn simultaneously to all players, in such a manner that a typical player would be able to hear the number being called;
- (4) After each ball is drawn:
 - a. Display the ball in a manner that makes the ball visible to players throughout the gaming area, such as through the use of video monitors; and
 - b. Indicate the ball using the lighted game board, unless the requirement of a lighted game board is waived in accordance with (m) and (n) above; and
- (5) Not use any electronic device capable of receiving communication by voice, text, or email.

(~~qr~~) The charitable organization shall announce the total attendance and total amount of money collected in sales relating to any winner-take-all game prior to the start of any winner-take-all game.

(~~rs~~) As specified in ~~Pari-1109~~Lot 7007.01(c)(9) below, the charitable organization shall issue a separate check for each winner-take-all and bonus prize of \$500 or more. Prizes of less than \$500 may be paid in cash.

(~~st~~) In accordance with RSA 287-E:7, XI, all prizes, tokens, or awards used, given, offered or awarded in connection with any game or series of games conducted at the same bingo event shall not exceed the total value of \$4,000, up to \$500 of which may be provided by the commercial hall, except that:

- (1) In accordance with RSA 287-E:7, XIII, during any game or series of games conducted at any one bingo event by a charitable organization, no more than 4 winner take all games may be conducted in which the total amount paid by the players shall be divided among the winners of that game; and
- (2) In accordance with RSA 287-E:7, XV, a progressive coverall game or a shared carry-over coverall game shall not have a total of prize and bonus combined exceeding \$3,000.

(~~tu~~) The charitable organization may offer prizes including door prizes, tokens or awards, provided that the amount of those prizes, tokens or awards are calculated as part of the daily prize limits specified in (s) above.

(~~uv~~) The value of free plays awarded shall not be included as part of the daily prize limit specified in (s) above.

(~~vw~~) The charitable organization shall include the wholesale cost of any door prize, token or award in the daily prize limit.

(x) Except as required by Lot 7006.04(h), the charitable organization shall have a separate checking account for depositing bingo and lucky 7 revenue at a financial institution in New Hampshire, as required by RSA 287-E:9,IV.

Pari-1008Lot 7006.04 Operations of a Carryover Coverall Game.

(a) The carryover coverall bingo game prize money shall be rolled over to a successive bingo event in the event there is no winner on the original or preceding bingo event.

(b) The carryover coverall bingo game prize money shall accumulate until there is a winner.

(c) If there is no winner on a given bingo event, a pre-designated consolation prize amount shall be awarded to the game winner who first achieves coverall.

(d) No bonus prize shall be included in the carryover coverall bingo game prize payout.

(e) Other bingo game configurations may be played concurrently with the coverall bingo game.

(f) The carryover coverall bingo game shall be a winner-take-all game.

(g) The carryover coverall bingo prize shall:

(1) Be organization specific; and

(2) Not be transferable between charitable organizations playing within a given hall.

(h) As specified in Pari-1009Lot 7007.01(a) below, the charitable organization shall maintain a separate bank account at a financial institution with at least one office in New Hampshire into which all carryover coverall funds are deposited.

(i) Withdrawals from the carryover coverall account shall require the signature of both the charitable organization's treasurer and chairperson or their designee(s).

(j) Prior to completion of the last bingo event played by a charitable organization at a given location, the entire accumulated carryover coverall jackpot shall be awarded unless the commission waives that requirement for good cause shown as specified in (k) and (l) below.

(k) As specified in (j) above, the charitable organization shall submit a written waiver request specifying:

(1) The reason that the carryover coverall jackpot was not awarded on the last bingo event played at a given location; and

(2) The alternate method to be used to award the carryover coverall jackpot including the date and location.

(l) The commission shall approve a request for a waiver submitted in accordance with (k) above when the commission determines that:

(1) The reason that the carryover coverall jackpot was not awarded on the last bingo event played at a given location was:

a. Due to an event beyond the control of the charitable organization;

b. In the best interests of the public; or

c. In the best interests of the charitable organization; and

(2) The carryover coverall jackpot will not be retained by the charitable organization and will be awarded at a licensed bingo game within 30 days of the date the jackpot was supposed to be awarded.

(m) A charitable organization may carryover its carryover coverall bingo game prize from one licensed bingo event to another licensed bingo event regardless of which day or days of the week which the bingo game is operated, provided that:

- (1) Each licensed bingo event, wherein the carryover coverall bingo game prize is operated, shall be at the same location;
- (2) The charitable organization shall post in a prominent place at its location, no less than 730 days in advance, its intention to offer the carryover coverall bingo game prize from one licensed bingo event to another licensed bingo event;
- (3) The charitable organization shall notify the commission, no less than 730 days in advance, of its intention to offer the carryover coverall bingo game prize from one licensed bingo event to another licensed bingo event;
- (4) The operation of the carryover coverall bingo game prize shall not be changed or amended in any way, until the existing jackpot in play is won and fully disbursed; and
- (5) The carryover coverall bingo game prize must remain in the same checking account as was originally designated prior to the carryover from one licensed bingo event date to another licensed bingo event.

(n) In the event the charitable organization's license expires, is not renewed, is suspended, revoked or surrendered, or if the organization permanently terminates its bingo operations or terminates its operations at a particular location before a carryover coverall jackpot is awarded, the organization shall:

- (1) Determine a winner and award the jackpot on the licensee's last authorized bingo event at the location where the carryover coverall was started, regardless of the number of balls called; or
- (2) Allow the jackpot to be awarded at a single bingo event hosted by another licensed charitable organization within 3 weeks of the revocation, the date of which shall be publically advertised for a minimum of one week prior to the event.

Readopt with amendments and renumber Pari 1008.05, effective 3/10/17 (Document #12130), as Lot 7006.02 to read as follows:

~~Pari 1008~~Lot 7006.05 Operations of a Shared Carryover Coverall Game. In addition to the requirements in ~~Pari 1008~~Lot 7008.04 above, a shared carryover coverall game shall comply with the following:

(a) Prior to conducting a shared carryover coverall game, all parties shall enter into written agreements which include:

- (1) The effective dates of the agreement and the protocol for early termination of the agreement;
- (2) The time and day of the week when the games will be shared;
- (3) The location where the game will be simulcast to and from;
- (4) A detailed breakdown of all costs associated with the running of the shared bingo games, including details of how expenses and proceeds of the game are to be allocated among the participating organization;
- (5) A clear indication of the equipment that will be provided by the host hall, and that which the participating hall will provide;

- (6) How game records are to be maintained; and
- (7) The procedure for either party to amend or terminate the conditions of the contract;
- (b) The host hall shall provide a copy of the agreement required by (a) above to the commission:
 - (1) Within 7 calendar days of entering into a new or revised agreement; and
 - (2) At least 30-days prior to first shared carryover coverall game the participating hall will be participating in under the agreement;
- (c) The host hall shall notify the commission within 7 days of any changes to its agreements with any participating hall(s), including the initiation or termination of any such agreements;
- (d) Only one shared carryover coverall game shall be permitted per bingo event, and in conjunction with a complete bingo program;
- (e) In the event that there is no winner:
 - (1) The prize money shall be carried over to the next game date held at the same time and day of the week, and continue to accumulate until there is a winner;
 - (2) A pre-designated consolation prize may be awarded to the first person who achieves coverall; and
 - (3) No bonus prize shall be included in the prize payout;
- (f) The number shall be selected by a live person. A random number generator shall not be permitted;
- (g) Shared carryover coverall shall be played using traditional paper or tangible bingo cards and daubers, and shall not be played using electronic devices, with the exception of card-minding devices;
- (h) A player shall be limited to 18 cards, or “faces”;
- (i) Cards shall not be distributed free, discounted or be included as part of a package sale;
- (j) In the event a connection is interrupted or lost:
 - (1) The game shall be suspended at all participating halls until such time as the live feed is restored, provided the interruption does not cause a competitive disadvantage to some players by reducing their chances of winning; or
 - (2) The game shall be cancelled and the players refunded when the feed is not restored within 2 hours, or the interruption causes a competitive disadvantage to some players by reducing their chances of winning;
- (k) No individual, corporation, partnership, or other legal entity, except the organization authorized to conduct or participate in a remote caller bingo game, shall hold a legally cognizable financial interest in the conduct of that game;
- (l) All prizes, excluding consolation prizes, shall be paid by check within 72 hours of the awarding of the prize;

(m) The receipts of the bingo game shall be used only for charitable purposes. The organization conducting the game shall determine the disbursement of the net receipts of the game; and

(n) Gross revenue, before prizes, shall be distributed as follows:

- (1) The host hall shall retain the profit percentage set by the commission in accordance with RSA 287-E:13-a, which shall not be less than 7%;
- (2) Participating halls shall retain the profit percentage set by the commission in accordance with RSA 287-E:13-a, which shall not be less than 7%;
- (3) Seven percent shall be retained to pay the bingo tax required by RSA 287-E:8; and
- (4) The remainder to be returned to the players as prizes.

Readopt with amendments and renumber Pari 1008.06, effective 9/10/15 (Document #10928), as Lot 7006.06 to read as follows:

~~Pari 1008~~Lot 7006.06 Bingo Games Conducted at Agricultural Fairs.

(a) A charitable organization may operate bingo at an agricultural fair when designated to do so by the organization conducting the fair.

(b) In accordance with RSA 287-E:10, bingo games shall only be conducted on those days during which the agricultural fair holds its annual bona fide agricultural exhibition.

(c) All applicable provisions of RSA 287-E and this chapter shall apply to bingo games conducted at agricultural fairs, with the following exceptions:

- (1) As allowed by RSA 287-E:10, IV, individuals under 18 years of age may be admitted to the premises on which the bingo games are being conducted when accompanied and supervised by a parent or legal guardian, however, these individuals shall not be permitted to play; and
- (2) In accordance with RSA 287-E: V, there are no limits on the total value of prizes, tokens or awards given for any game or series of games.

(d) The charitable organization shall indicate on its application submitted in accordance with ~~Pari 1008~~Lot 7003.02 above which bingo events, if any, will be held at an agricultural fair.

(e) In accordance with RSA 287-E:10, VII, the organization conducting the agricultural fair shall not charge a higher ground rent, a concession fee or any other fees to the licensed charitable organization designated to operate the bingo games than it would charge for the same or similar location for other types of concessions on the fair grounds.

Readopt with amendments and renumber Pari 1008.07, effective 9/10/15 (Document #10928), as Lot 7006.07 to read as follows:

~~Pari 1008~~Lot 7006.07 When Lucky 7 Tickets are Sold in Conjunction with a Bingo Event.

(a) A charitable organization may sell lucky 7 tickets in conjunction with a bingo event, as allowed by RSA 287-E:20 - 21, and ~~Pari 1008~~Lot 7106.03, only when:

- (1) Authorized by the commission, as indicated on the organization's bingo and lucky 7 licenses; and
- (2) The games qualify as a bingo event as defined by ~~Pari 1~~Lot 7002.02.

(b) If the bingo event is cancelled or the required games are not completed, the charitable organization shall notify the commission in writing within ~~3 days~~24 hours of the cancellation, as required by ~~Pari 1006.04(e)~~ Lot 7004.04(s). Failure to comply with this requirement shall result in the organization forfeiting its right to a refund of the license fee for that game date.

(c) Lucky 7 tickets are intended to enhance and not take the place of bingo games, and as such no charitable organization shall cancel bingo events or otherwise fail to host viable bingo events for the sole purpose of allowing the sale of lucky 7 tickets to take place.

(d) Lucky 7 tickets shall not be sold at a bingo event that is not licensed by the commission, such as a senior bingo as described in RSA 287-E:11.

Readopt with amendments and renumber Pari 1009, effective 9/10/15 (Document #10928), as Lot 7007 to read as follows:

PART ~~Pari 1009~~Lot 7007 FINANCIAL AND REPORTING REQUIREMENTS

~~Pari 1009~~Lot 7007.01 Financial Requirements for Charitable Organizations.

(a) Pursuant to RSA 287-E:9, IV, the charitable organization shall maintain the following separate checking accounts at a financial institution with at least one office in New Hampshire for the deposit and disbursement of all income relating to bingo and lucky 7, except cash prizes awarded at the games:

- (1) A checking account solely for depositing bingo and lucky 7 revenue; and
 - (2) A checking account solely for depositing carryover coverall revenue.
- (b) The charitable organization shall only use the funds in the account specified in (a)(1) above for:
- (1) Expenditures related to bingo or lucky 7; or
 - (2) Disbursement of bingo or lucky 7 proceeds for a charitable purpose for which the organization is created.
- (c) The charitable organization shall:
- (1) Deposit all receipts from bingo, except for cash used to make prize pay-outs of less than \$500 per prize, and the amount retained as a cash back, into the bingo account within 2 days of the bingo event;
 - (2) Not commingle bingo and lucky 7 funds with other funds of the charitable organization;
 - (3) Separately identify money deposited from bingo and lucky 7 revenue;
 - (4) Pay all expenses by consecutive numbered checks or electronic funds transfer;
 - (5) Not withdraw funds by withdrawal slip or by writing checks payable to "cash";
 - (7) Not transfer or deposit any funds, other than bingo or lucky 7 revenues, into the account specified in (a)(2) above, except as allowed by (8) below;

(8) Transfer the 7% reimbursement fee specified in ~~Pari-1008~~Lot 7007.02(d) below from the account specified in (a)(2) above to the account specified in (a)(1) above;

(9) Pay all prizes of \$500 or more by preprinted, consecutively numbered checks from the account specified in (a)(1) above; and

(10) Retain all cancelled checks for payment of expenses and prizes for at least 2 years.

(d) A charitable organization shall:

(1) Maintain complete and accurate financial documentation related to the operation of bingo games with sufficient detail to enable preparation and verification of the monthly financial reports required by ~~Pari-1009~~Lot 7007.03 below;

(2) Keep the bank statements for the bingo account on the premises where the tickets are sold;

(3) Retain financial documentation, including receipts and invoices, relative to all revenue and expenses contained in the financial reports required in ~~Pari-1009~~Lot 7007.03 below, and all cancelled checks for payment of expenses and prizes, for at least 2 years;

(4) For items provided or donated at no cost to the organization, obtain and retain documented evidence from the donor that no costs was incurred by the organization; and

(5) Make all financial and account records, and inventory available upon request for inspection by the commission or its authorized representative.

~~Pari-1009~~Lot 7007.02 Bingo Tax and Game Reimbursement Fee.

(a) Except for bingo games licensed under RSA 287-E:10 through RSA 287-E:13 and for prizes awarded under RSA 287-E:7, XV, the charitable organization shall deduct and submit to the commission a tax equal to 7 percent of the total amount collected from participants in any game, including any winner take all game, conducted in accordance with RSA 287-E:7, XIII.

(b) All charitable organizations shall deduct and submit to the commission a 7% tax for all progressive coverall games pursuant to RSA 287-E:7, XV based on the total amount contributed by the charitable organization.

(c) The charitable organization shall submit the 7% tax required in (a) and (b) above to the commission as part of the monthly financial report pursuant to ~~Pari-1009~~Lot 7007.03 below.

(d) In accordance with RSA 287-E:7, XIII(e), a game reimbursement fee equal to 7 percent of the total amount collected from participants in a winner take all game shall be paid to the charitable organization operating the game.

(e) The charitable organization shall disburse all the monies received in winner-take-all games, except for the 7% tax and the 7% reimbursement fee as specified in (a)-(d) above.

(f) The charitable organization shall disburse all the monies received in bonus games to the winners, except for the 7% tax as specified in (a)-(c) above.

(g) The charitable organization shall not deduct any monies other than the tax and, if applicable, the fee described in (d) above, from winner-take-all and bonus game prize pools for any other purpose whatsoever.

(h) Charitable organizations that include winner-take-all cards or sheets as part of a package sold for a single price shall not discount the value of the winner-take-all cards and sheets when figuring the amount to be assessed for total sales, tax and payout.

(i) The value of any winner-take-all cards and sheets sold in packages sold for use with a card-minding device shall be recorded at the same dollar amount as those sold for use without a card-minding device.

~~Pari 1009~~Lot 7007.03 Reporting Requirements for Charitable Organizations.

(a) Each licensed charitable organization shall complete and submit a “Bingo Monthly Financial Report (BMFR)” (~~4/2016~~4/2019) to the commission to document the organization’s income and expenses with regard to bingo activities.

(b) A licensed charitable organization shall submit a report for each month in which the organization held a valid bingo license.

(c) Pursuant to RSA 287-E:9, I, the charitable organization shall submit the monthly report required by (a) above:

(1) Within 15 days after the expiration of each license when the license is issued on a monthly basis in accordance with RSA 287-E:6, II(a); or

(2) Within 15 days after the last game of the month when the license is issued on an annual basis in accordance with RSA 287-E:6, II(b).

(d) Failure to submit a BMFR within the timeframe noted in (c) above, shall subject the charitable organization to ~~a suspension of the organization’s license per Pari 1005.02(a)(7)~~penalties per Lot 7008 below.

(e) If a licensee has been identified through inspection, audit, or other means as having deficiencies in complying with statutory or regulatory requirements or having ineffective internal controls, the commission shall impose restrictions or additional recordkeeping and financial reporting requirements.

Readopt with amendments and renumber Pari 1010, effective 1/27/17 (Document #12094), as Lot 7008,cited and to read as follows:

PART ~~Pari 1010~~Lot 7008 PENALTIES

~~Pari 1010~~Lot 7008.01 Imposition of Penalties.

(a) Pursuant to RSA 287-E:14 and RSA 287-E:25, disciplinary measures available to sanction misconduct shall include:

(1) Imposition of an administrative order or fine;

(2) Suspension of a license for a period of up to one year; and

(3) Revocation of a license.

(b) Other than the immediate suspension of a license, the commission shall impose disciplinary sanctions only:

(1) After prior notice to the licensee and the opportunity for him or her to be heard per the requirements of RSA 541-A:30, II; or

- (2) By agreement in a settlement between the commission and the licensee made pursuant to SwLot 200.
- (c) The commission shall provide all notices, and conduct all hearings in accordance with the requirements set forth in RSA 541-A, Sw-Lot 200, and this part, as applicable.
- (d) The commission shall apply the following factors to determine which sanction or combination of sanctions to impose:
 - (1) The seriousness of the offense;
 - (2) Prior disciplinary record(s);
 - (3) Previous and subsequent patterns of conduct;
 - (4) Acknowledgment of his or her wrongdoing;
 - (5) Willingness to cooperate with the commission;
 - (6) Action taken to correct the problem;
 - (7) The purpose of the rule or statute that was violated;
 - (8) The potential harm to public health, safety and welfare; and
 - (9) The nature and extent of the enforcement activities required of the commission as a result of the offense.
- (e) The commission shall select appropriate sanction(s) by choosing the sanction(s) most likely to:
 - (1) Protect public health, safety or welfare;
 - (2) Prevent future misconduct;
 - (3) Correct the attitudinal, educational, or other deficiencies which led to the misconduct;
 - (4) Encourage the responsible practices of operating a charitable gaming event; and
 - (5) Insure the integrity of charitable gaming in New Hampshire.

~~Pari 1010~~Lot 7008.02 Administrative Fines.

- (a) Pursuant to RSA 287-E:14, I, when the commission imposes an administrative order or fine upon a person or entity for a violation of RSA 287-E or this chapter, the order shall be scaled to reflect the scope of the violation for each offense.
- (b) When the commission has determined that a violation or violations of RSA 287-E, or this chapter have occurred, the commission shall send a written notice of the proposed fine(s), by certified mail or hand delivery, to the person, entity, applicant or licensee of the commission's intent to assess a fine.
- (c) The written notice required under (b) above shall contain the following information:
 - (1) The violation(s) alleged by the commission and the facts on which the allegations are based;
 - (2) The statutory section(s) that authorize(s) the commissioner to impose a fine;

- (3) The amount of the fine for each violation sited and the total amount of fine(s) being sought; and
- (4) The respondent's right to request an adjudicative hearing prior to the imposition of the fine.

(d) In accordance with RSA 287-E:14, II, any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under RSA 287-E or this chapter.

~~Pari-1010~~Lot 7008.03 Administrative Fine Schedule.

(a) For the purposes of this section, a "minor violation" means conduct, action, or failure to act by any person, entity, applicant, or licensee that was not:

- (1) Of a nature, quality, or extent to effect or potentially effect the integrity of the charitable game(s) being conducted;
- (2) Of a nature, quality or extent to cause or potentially cause harm to the interest of the state or the charitable organization;
- (3) A knowing, willful, or intentional violation;
- (4) A violation that is chronic or part of a continuing pattern or practice of the licensee;
- (5) An indication of a recalcitrant violator or one that has engaged in a pattern of neglect or disregard with respect to applicable regulatory requirements;
- (6) An act that enabled the violator to benefit economically from the noncompliance; or
- (7) Intended to hinder the ability of the commission to determine compliance with any other applicable local, state or federal regulation, information request, order or other requirement.

(b) Minor violations shall include, but not be limited to:

- (1) Failing to prominently display documents, as required by ~~Pari-1006~~Lot 7004.04(b);
- (2) Failing to make an announcement prior to the start of the game letting players know where to find copies of the house rules, and how copies can be obtained, as required by ~~Pari-1007.05~~Lot 7005.06 (d);
- (3) Allowing individuals under the age of 18 on the premises where bingo is being conducted, as prohibited by ~~Pari-1008~~Lot 7006.03(e); or
- (4) Failing to wear a properly issued identification badge, as required by ~~Pari-1008~~Lot 7006.03(g).

(c) The commission shall impose a fine of no less than \$25, and no more than \$500 per minor violation committed by any person, entity, applicant or licensee.

(d) For the purposes of this section, a "moderate violation" means conduct, action, or failure to act by any person, entity, applicant, or licensee that exceeds the strict definition of a minor violation, as define in (a) above, but do not meet the level of severity of a major violation, as define in (g) below.

(e) Moderate violations shall include, but not be limited to:

- (1) Failing to submit any reports by the due date. Each different type of report or record requested but not provided shall constitute a separate violation subject to a separate fine;
- (2) Operating a game not specifically listed on the game schedule;
- (3) Operating a game on a different date than the dates authorized by the license, without approval of the commission;
- (4) Failing to maintain the bingo equipment in proper, working order, as required by ~~Pari-1006~~Lot 7004.05(c);
- (5) Failing to display the ball in a manner that makes the ball visible to players throughout the gaming area, or indicating the ball using a lighted game board as required by ~~Pari-1008~~Lot 7006.03(p)(4); or
- (6) Committing 3 or more minor violations within 2 years.

(f) The commission shall impose a fine of no less than \$250, and no more than \$1,500 per moderate violation committed by any person, entity, applicant or licensee.

(g) A “major violation” means conduct, action or failure to act by any person, entity, applicant, or licensee that is:

- (1) Of a nature, quality, or extent to effect or potentially effect the integrity of the charitable game(s) being conducted;
- (2) Of a nature, quality or extent to cause or potentially cause harm to the interest of the state or the charitable organization;
- (3) A knowing, willful or intentional violation;
- (4) A violation that is chronic or part of a continuing pattern or practice of the licensee;
- (5) An indication of a recalcitrant violator or one that has engaged in a pattern of neglect or disregard with respect to applicable regulatory requirements;
- (6) An act that enabled the violator to benefit economically from the noncompliance; or
- (7) Intended to hinder the ability of the commission to determine compliance with any other applicable local, state or federal regulation, information request, order or other requirement.

(h) Major violations shall include, but not be limited to:

- (1) Establishing, maintaining, operating, or otherwise offering a bingo event without a license, or with a suspended license;
- (2) Falsifying a bingo license;
- (3) Failing to make available any records required by the commission for investigation, monitoring or licensing purposes, as required by ~~Pari-1009~~Lot 7007.01(d)(5);

- (4) Furnishing or making false or misleading statements or reports to the commission, or directing, requiring or knowingly allowing another member or personnel of the organization or entity to furnish or make false or misleading statements or report to the commission;
- (5) Failing to cooperate during any visit authorized under RSA 287-E or this chapter;
- (6) Failing to maintain a separate checking account at a NH financial institute for bingo and lucky 7 activities, as required by ~~Pari-1009~~Lot 7007.01(a); or
- (7) Committing 5 or more minor violations or 3 or more moderate violations within 2 years.
- (i) The commission shall impose a fine of no less than \$1,000, and no more than \$5,000 per violation of each major violation committed by any person, entity, applicant or licensee.
- (j) In determining the actual amount of a fine, the commission shall consider:
- (1) The degree of non-compliance;
 - (2) Prior history of violations of the same or similar nature;
 - (3) The consequences of the violation, including the economic impact to the state and other affected parties;
 - (4) The nature and persistence of the violation;
 - (5) The extent of any remedial or corrective action taken;
 - (6) The good or bad faith exhibited by the cited individual(s);
 - (7) Evidence that the violation was willful;
 - (8) The extent to which the individual cooperated with the board's investigation;
 - (9) The cost of any investigation or hearing conducted by the commission;
 - (10) The licensee's ability to pay a fine assessed by the commission; and
 - (11) Any other mitigating or aggravating factors.
- (k) Except as otherwise noted, the penalties prescribed in (a)-(j) above shall be imposed for each day that the person, entity, applicant, or licensee is not in compliance, beginning with the date that the notification described in ~~Pari-1010.01(a)~~Lot 7008.02(b) above is issued and continuing for each day of non-compliance, or until the date of compliance.
- (l) Payment of any imposed administrative fine to the commission shall meet the following requirements:
- (1) If the recipient of a notice described in ~~Pari-1010.01(a)~~Lot 7008.02(b) above waives or is deemed to have waived his or her right to an adjudicative hearing, the respondent shall pay the fine by the date specified in the notice, which shall not be less than 15 days from the date of the notice of the proposed fine;
 - (2) If an adjudicative hearing is conducted and the commission's decision to assess a fine is upheld, the fine shall be due and payable within 10 calendar days of the date of the decision, or such longer time period as is specified in the decision;

(3) Payment shall be made in the form of personal check or money order which is made payable to “Treasurer, State of New Hampshire,” or cash in the exact amount due;

(4) Any payment submitted to the treasury department in the form of a check or money order and returned to the state for any reason shall be processed in accordance with RSA 6:11-a; and

(5) Cash, money order, or certified check shall be required when any past payment to the commission by personal check has been returned for insufficient funds.

(m) Nonpayment of a fine by a licensee or respondent in contravention of an order, agreement or promise to pay, shall be a separate ground for discipline by the commission or a basis for denying a subsequent license or renewal application or a basis for judicial action seeking to collect the fine.

(n) If a licensee or respondent fails to pay a fine in accordance with (l) above, the fine shall be \$100, plus an additional fine of \$50.00 per day for each day for which the commission does not receive payment in full.

(o) If a licensee corrects and then subsequently repeats a violation for which a fine was previously issued in accordance with (a)-(n) above, the fine shall be doubled from that of the previous fine such that, for example, an original fine of \$100 shall become \$200 for the first time the offense is repeated, \$300 for the second time the offense is repeated, \$400 for the third time the offense is repeated, and so on.

~~Pari 1010~~ Lot 7008.04 License Revocation, Suspension, and Refusal to Renew.

(a) The commission shall revoke, suspend, or refuse to renew a license when, based upon the facts of the case, imposition of an administrative fine would not protect the public’s interests.

(b) If a reason exists, as set forth in (c) below, to suspend, revoke, or refuse to renew a license the commission shall notify the licensee in writing of:

(1) The intended action;

(2) The reason(s) for the intended action;

(3) The licensee’s right to request an adjudicative hearing to show compliance with all lawful requirements for the retention of the license, and that such a request must be filed within 15 days of the date of the notice; and

(4) In the case of a notice of suspension, notification that if the deficiencies are not corrected within the specified time, the license shall be deemed revoked.

(c) Except as allowed by (g) below, the commission shall proceed to revoke a license if the commission determines that one or more of the following reasons for revocation exist:

(1) Failure to comply with the conditions of the license or this chapter, such as a charitable organization’s failure to maintain federal tax exempt status or a manufacturer or distributor allowing the required bond to lapse;

(2) Failure to take corrective action following the suspension of a license;

(3) An inability or unwillingness to comply with RSA 287-E, as it applies to bingo, or this chapter, as demonstrated by a pattern of violations;

(4) Failure to comply with the requirements set for in this chapter or any commission order to submit records, bank statements, or any other paraphernalia associated with the operation of bingo games;

- (5) Providing false information to the commission, including willfully and knowingly making false statements or makes false entries in any books or records with respect to any transaction connected with the holding, operating, and conducting of any bingo event;
 - (6) Failure to remit any license fees or other amounts due to the state;
 - (7) Hindering or obstructing an authorized representative of the commission in the performance of official duties, such as refusing to access to the premises, or failing to produce any books, records or documents for review;
 - (8) Failure to comply with the terms and conditions of an administrative order issued by the commission;
 - (9) Failing to pay any administrative, civil, or criminal penalties owed to the commission;
 - (10) Any conduct by the licensee that undermines the public confidence in charitable gaming or serves the interest of organized gambling or crime and criminals in any manner;
 - (11) Manipulating the outcome of any game or otherwise compromising the integrity of the game;
 - (12) Participating in illegal activities including possessing illegal gambling equipment, or permitting illegal gambling in the premises;
 - (13) Willfully and knowingly conducting business with unauthorized entities;
 - (14) Any material violation of RSA 287-E or this chapter; or
 - (15) Operating without a valid gaming license in any state or commonwealth in the United States.
- (d) Upon the effective date of the revocation, the licensee shall immediately cease holding itself out to the public as a licensee of the commission, and cease engaging in any act for which licensing is required.
- (e) Failure to comply with (d) above shall constitute separate grounds for further disciplinary action.
- (f) In accordance with RSA 287-E:14, any licensee whose license is revoked shall be ineligible for licensure for a period of up to one year from the date of revocation.
- (g) If a license has been revoked, the commission shall not issue a subsequent license until:
- (1) The passage of the amount of time specified in the revocation order;
 - (2) The licensee submits an application in accordance with this chapter;
 - (3) The licensee demonstrates that the cause for revocation no longer exist; and
 - (4) The licensee demonstrates that any corrective actions that were ordered by the commission have been fully implemented.
- (h) The commission shall proceed to suspend a license if the commission determines that one or more reasons to revoke as license, as described in (c) above, exist, but:
- (1) The licensee did not act with intent to deceive; and
 - (2) The deficiency(ies) can be corrected to conform to applicable requirements.

(i) Upon the effective date of the suspension, the licensee shall immediately cease engaging in any act for which a license is required until the commission grants reinstatement pursuant to (l) below.

(j) Failure to comply with (i) above, shall constitute separate grounds for further disciplinary action.

(k) The minimum period for suspension shall be that amount of time necessary for the licensee to take corrective action ordered by the commission and return to compliance.

(l) The commission shall reinstate a suspended license when:

(1) The licensee submits to the commission a written request for the license to be reinstated with documentation demonstrating that all of the corrective actions ordered by the commission have been taken; and

(2) The commission determines that all corrective actions have, in fact, been taken and the licensee has returned to compliance.

(m) If the commission does not grant the request for reinstatement it shall so notify the petitioner and provide the opportunity for a hearing.

(n) A suspension shall have no effect upon the expiration of a license.

(o) If, after receiving a request for renewal of a license, the commission has information that indicates that a reason, as set forth in (c) above, exists to refuse to renew the license, the commission shall inform the licensee of the information and offer an opportunity for the licensee to respond to the information prior to a decision being made on the application for renewal.

(p) The commission shall not issue a license until such time as the reason(s) for the refusal to renew have been corrected.

~~Pari-1010~~Lot 7008.05 Immediate License Suspension.

(a) When the commission receives information indicating that a licensee has supplied false or incomplete information or has engaged in misconduct that poses an immediate danger to the public's welfare, the commission shall issue an order pursuant to RSA 541-A:30, III, that sets forth the alleged misconduct and immediately suspends the license for up to 10 working days pending commencement of an adjudicatory proceeding. If commenced within 10 working days, the suspension shall continue until there is a decision in the proceeding.

(b) Suspension orders under this section shall include the notice of hearing pursuant to ~~Sw~~Lot 200.

(c) No hearing date established in a proceeding conducted under this section shall be postponed at the request of the licensee unless the licensee also agrees to continue the suspension period pending issuance of the commission's final decision.

~~Pari-1010~~Lot 7008.06 Appealing a Decision.

(a) Any person aggrieved by the commission's decision to deny, suspend, or revoke a license may appeal the decision by submitting a request for an administrative hearing in accordance with (b) below.

(b) Within 15 days of the date on the notice issued pursuant to ~~Pari-1010~~ Lot 7008.02(c) above, the recipient of the notice shall submit a written response to the commission that indicates that the recipient either:

(1) Waives their right to an adjudicative hearing; or

(2) Requests an adjudicative hearing.

(c) If the commission receives a written request for an adjudicative hearing in accordance with (b) above, the commission shall proceed in accordance with the provisions of RSA 541-A, and ~~Sw~~Lot 200 as they apply to adjudicative proceedings.

(d) If a recipient of a notice fails to submit a response in accordance with (b) above, the recipient will be deemed to have waived the right to an adjudicative hearing, and the penalty will be affirmed.

(e) If any participant who receives notice of an adjudicative hearing fails to appear at the hearing, the hearings officer shall hear the evidence and testimony of the participant(s) attending the hearing and render an opinion based thereon.

~~Pari 1010~~Lot 7008.07 Rehearings.

(a) Except as provided in (b) below, within 30 days after any order or decision has been made by the commission, any party to the action or proceeding before the commission, or any person directly affected thereby, may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order.

(b) Pursuant to RSA 287-E:15, any person aggrieved by a decision of the commission to deny, suspend, or revoke a bingo license may apply to the commission for a rehearing within 15 business days from the date of the decision.

(c) In accordance with RSA 541:4, such motion shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable.

(d) In accordance with RSA 541:5, upon the filing of such motion for rehearing, the commission shall within 10 days either grant or deny the same, or suspend the order or decision complained of pending further consideration, and any order of suspension shall be upon such terms and conditions as the commission shall prescribe.

(e) Pursuant to RSA 541:3 and RSA 541:4, the commission shall grant a rehearing when the party states good reason for such relief and demonstrates that a decision is unlawful or unreasonable. Good reason may be shown by identifying specific matters that were overlooked or mistakenly conceived by the deciding tribunal, or by identifying new evidence that could not have been presented in the underlying proceeding. A motion for rehearing that does not meet these standards shall be denied.

(f) In accordance with RSA 541:6, within 30 days after the motion for a rehearing is denied, or, if the motion is granted, then within 30 days after the decision of such hearing, the moving party may appeal by petition to the supreme court.

~~Pari 1010~~Lot 7008.08 Subpoenas.

(a) In accordance with RSA 287-E:14-a, the commission shall, pursuant to (b) below, issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings held by the commission.

(b) The commission shall issue a subpoena for the attendance of witnesses or the production of evidence upon a showing that:

(1) The testimony or evidence is necessary, relevant and non-repetitive; and

- (2) The witness or evidence cannot be voluntarily obtained.

Readopt and renumber Pari 1011.01, effective 9/10/15 (Document #10928), as Lot 7009 to read as follows:

PART ~~Pari 1011~~Lot 7009 WAIVER OF RULES

~~Pari 1011~~Lot 7009.01 Waiver of Rules.

(a) A person may request the commission to grant a waiver from the application of a rule provided the requirements of this section are met.

(b) A request for a waiver shall:

- (1) Be in writing;
- (2) Include the specific reference to the rule(s) by number for which a waiver is being sought;
- (3) Explain the fact which the person relies upon to support the request for a waiver including:
 - a. Why a waiver is necessary;
 - b. The alternatives proposed by the requestor; and
 - c. Why the requestor believes that the waiver being requested meets the criteria in (c) below; and
- (4) Specify the period of time for which the waiver is sought.

(c) The commission shall grant the waiver if:

- (1) The purpose of the rule would be satisfied by the alternative method proposed;
- (2) The waiver does not result in any material prejudices;
- (3) Granting the waiver does not conflict with any applicable statute.

(d) The commission shall render a decision to grant or deny the request for a waiver within 45 days of the filing of the request.

(e) The commission shall notify the person in writing within 10 days of the decision to grant or deny the request in writing.

(f) The applicant or licensee's subsequent compliance with the alternatives approved in the waiver shall be considered equivalent to complying with the rule from which waiver was sought.

(g) Waivers shall not be transferable.

(h) When a licensee wishes to renew the waiver beyond the approved period of time, the licensee shall apply for a new waiver by submitting the information required by (a) above:

(i) The request to renew a waiver shall be subject to (b) through (e) above.

APPENDIX A: STATUTES IMPLEMENTED

Rule	Specific State Statute the Rule Implements
Lot 7001	RSA 287-E:2; and RSA 287-E:3, XIV
Lot 7002	RSA 287-E:1; and RSA 287-E:3, XIV
Lot 7003	RSA 287-E:3, I-II-a; RSA 287-E:4; RSA 287-E:5; RSA 287-E:6; RSA 287-E:8-a; and RSA 287-E:15
Lot 7004	RSA 287-E:3, V, VII, XII-XIV, and XV; RSA 287-E:7; and RSA 287-E:13-a
Lot 7005	RSA 287-E:3, XII, IX and XV; and RSA 287-E:8-a
Lot 7006	RSA 287-E:3, V- XII and XV; RSA 287-E:7; and RSA 287-E:13-a
Lot 7007	RSA 287-E:3, XII and XV; and RSA 287-E:9
Lot 7008	RSA 287-E:3, IV, XV and XVI; RSA 287-E:14; RSA 287-E:14-a; and RSA 287-E:15
Lot 7009	RSA 287-E:3, XV

APPENDIX B: INCORPORATION BY REFERENCE

Rule	Title	Obtain At
Lot 7005.04(c)(3) and Lot 7005.04(d)(2)b.	International Technical Standards for Electronic Gaming Machines, version 1.0 (10-28-14)	Available free of charge on the International Association of Gaming Regulators' (IAGR) website found at: https://iagr.org/sites/default/files/International%20Technical%20Standards%20for%20EGM%20%2828Oct2014%29.pdf