

[First Reprint]

ASSEMBLY, No. 4297

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 22, 2020

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District 11 (Monmouth)

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Senator STEVEN V. OROHO

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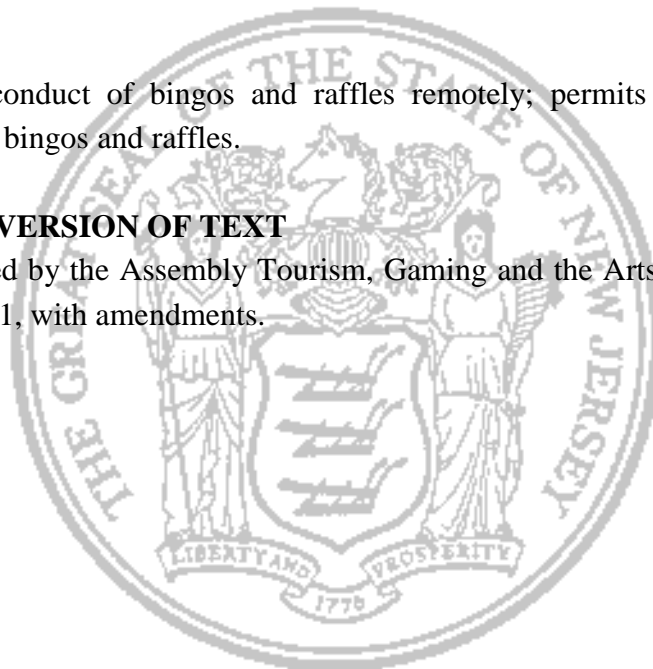
Assemblymen Wirths, Dancer, Senators Bateman and Thompson

SYNOPSIS

Permits conduct of bingos and raffles remotely; permits online sale of tickets for all bingos and raffles.

CURRENT VERSION OF TEXT

As reported by the Assembly Tourism, Gaming and the Arts Committee on March 8, 2021, with amendments.



(Sponsorship Updated As Of: 6/3/2021)

1 AN ACT concerning the conduct ¹and sale of tickets¹ of certain
2 games of chance remotely and amending P.L.1954, c.6 and
3 P.L.1954, c.5.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 2 of P.L.1954, c.6 (C.5:8-25) is amended to read as
9 follows:

10 2. a. It shall be lawful for the governing body of any
11 municipality, at any time after this act shall become operative within
12 such municipality and except when prohibited by this act, to license
13 bona fide organizations or associations of veterans of any war in which
14 the United States has been engaged, churches or religious
15 congregations and religious organizations, charitable, educational and
16 fraternal organizations, civic and service clubs, senior citizen
17 associations and clubs, officially recognized volunteer fire companies,
18 and officially recognized volunteer first aid or rescue squads, to hold
19 and operate games of chance of, and restricted to, the specific kind of
20 game of chance commonly known as bingo or lotto played for prizes
21 with cards bearing numbers or other designations, five or more in one
22 line, the holder covering numbers, as objects, similarly numbered, are
23 drawn from a receptacle and the game being won by the person who
24 first covers a previously designated arrangement of numbers on such a
25 card, by selling shares or tickets or rights to participate in such games
26 and by conducting the games accordingly, when the entire net
27 proceeds of such games of chance are to be devoted to educational,
28 charitable, patriotic, religious or public-spirited uses, and, in the case
29 of organizations or associations of veterans, and senior citizen
30 associations or clubs, to the support of such organizations, and for any
31 such organization, association, church, congregation, society, club, fire
32 company, first aid or rescue squad, or senior citizen association or
33 club, when so licensed, to hold, operate and conduct such games of
34 chance by its active members pursuant to this act and such license, and
35 under such conditions and regulations for the supervision and conduct
36 thereof as shall be prescribed by rules and regulations duly adopted
37 from time to time by the Legalized Games of Chance Control
38 Commission, hereinafter designated as the control commission, not
39 inconsistent with the provisions of this act, but only when the entire
40 net proceeds thereof are devoted to the uses aforesaid and for any
41 person or persons to participate in and play such games of chance
42 conducted under any such license.

43 b. (1) The control commission shall, pursuant to regulations
44 promulgated by it, authorize the use in conducting bingo or lotto of
45 electronic devices that are the functional equivalent of the cards,
46 numbered objects, and receptacle described herein to the extent that

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATG committee amendments adopted March 8, 2021.

1 the use of such devices is not inconsistent with any other provision of
2 this act or the provisions of subparagraph A of the New Jersey
3 Constitution, Article IV, Section 7, paragraph 2. Any such electronic
4 device shall comply with specifications prescribed by the commission
5 and shall be approved by the commission prior to use. Such devices
6 shall not include any device into which currency, coins or tokens may
7 be inserted or from which currency, coins or tokens, or any receipt for
8 monetary value, can be dispensed or which, once provided to a person
9 participating in bingo, is capable of communicating with other such
10 devices. Nothing contained in this [section] paragraph shall be
11 construed as allowing electronic devices used by a qualified
12 organization in conducting bingo or lotto to be linked to electronic
13 devices used by any other qualified organization in conducting bingo
14 or lotto.

15 (2) The control commission shall adopt regulations permitting the
16 'supervision and' conduct ' , among persons located in this State,' of
17 bingo or lotto remotely using communication technology in a manner
18 consistent 'with' the provisions of P.L.1954, c.6 (C.5:8-24 et seq.) ' ,
19 to the extent that its application would not violate federal law or
20 regulation, including the use of the United States Postal Service,' and
21 to the extent not inconsistent with the provisions of subparagraph A of
22 the New Jersey Constitution, Article IV, Section 7, paragraph 2. Such
23 technology shall comply with specifications prescribed by the
24 commission and shall be approved by the commission prior to use.
25 '[A licensee conducting bingo or lotto pursuant to this paragraph shall
26 verify that the physical location of each participant, irrespective of the
27 location of any server or intermediate routing of electronic data, is
28 within a municipality in which the majority of voters voting therein
29 voted in favor of the adoption of the provisions of P.L.1954, c.6
30 (C.5:8-24 et seq.) and in which such provisions are still in effect.]'
31 For the purpose of conducting bingo or lotto pursuant to this
32 paragraph, the location of the active member or other person approved
33 by the control commission to hold, operate, or conduct the game shall
34 be deemed the licensed premises 'and the only location at which the
35 bingo or lotto is taking place.

36 c. Tickets for a bingo or lotto may be sold remotely to purchasers
37 physically located within this State, using the Internet or other
38 electronic means, in accordance with this subsection. The sale and
39 purchase of tickets remotely using the Internet or other electronic
40 means shall be deemed to take place only at the location of the bingo
41 or lotto regardless of a purchaser's physical location within this State,
42 provided the personnel of the organization conducting the bingo or
43 lotto, whether or not through a third-party vendor, is located in the
44 location of the bingo or lotto at the time of sale. An organization
45 conducting a bingo or lotto in-person or remotely using the Internet or
46 other electronic means shall establish and adhere to procedures and

1 controls, including, but not limited to, the use of geolocation
2 technology, approved by the commission that ensure, to the greatest
3 extent possible, that bingo or lotto tickets will be sold only to persons
4 physically located in this State¹ .

5 (cf: P.L.2013, c.85, s.1)

6

7 2. Section 2 of P.L.1954, c.5 (C.5:8-51) is amended to read as
8 follows:

9 2. a. It shall be lawful for the governing body of any
10 municipality, at any time after this act shall become operative within
11 such municipality and except when prohibited by this act, to license
12 bona fide organizations or associations of veterans of any war in which
13 the United States has been engaged, churches or religious
14 congregations and religious organizations, charitable, educational and
15 fraternal organizations, civic and service clubs, senior citizen
16 associations and clubs, officially recognized volunteer fire companies,
17 and officially recognized volunteer first aid or rescue squads, to hold
18 and operate the specific kind of game or games of chance commonly
19 known as a raffle or raffles played by drawing for prizes or the
20 allotment of prizes by chance, by the selling of shares or tickets or
21 rights to participate in such game or games and by conducting the
22 game or games accordingly, when the entire net proceeds of such
23 games of chance are to be devoted to educational, charitable, patriotic,
24 religious or public-spirited uses, and in the case of organizations or
25 associations of veterans, and senior citizen associations and clubs to
26 the support of these organizations, and for any such organization or
27 association, church, congregation, society, club, company or squad,
28 when so licensed or without any license when and as hereinafter
29 prescribed, to hold, operate and conduct such game of chance pursuant
30 to this act and such license, in such municipality and to sell shares or
31 tickets or rights to participate in such game or games of chance therein
32 and in any other municipality which shall have adopted this act and
33 under such conditions and regulations for the supervision and conduct
34 thereof as shall be prescribed by rules and regulations duly adopted
35 from time to time by the Legalized Games of Chance Control
36 Commission, hereinafter designated as the control commission, not
37 inconsistent with the provisions of this act, but only when the entire
38 net proceeds thereof are devoted to the uses aforesaid and for any
39 person or persons to participate in and play such games of chance
40 conducted under any such license.

41 b. The control commission may adopt regulations authorizing
42 licensees to hold events known as:

43 "armchair races" at which wagers are placed on the outcome of
44 previously-filmed horse races and wagerers do not know the results in
45 advance, when the prize awarded consists of merchandise or raffle
46 tickets only, and not cash; and

1 "casino nights" at which players use chips or script purchased from
2 the licensee to wager in games of chance known as blackjack,
3 under/over, beat-the-dealer, chuck-a-luck, craps, roulette, bingo or
4 similar games approved by the commission, when the chips or script
5 are redeemable for merchandise or raffle tickets only, and not for cash.

6 The regulations shall establish the frequency with which these
7 events may be held, the rules of the games, the specific type and value
8 of prizes which may be offered, the qualifications of the individuals
9 conducting the games and other requirements which the commission
10 may deem pertinent.

11 c. No license shall be required for the holding, operating or
12 conducting of a raffle for a door prize of merchandise of the total retail
13 value of \$200.00 or less, or a higher amount as established by
14 regulation of the control commission, for which no extra charge is
15 made at an assemblage, if the proceeds of such assemblage are devoted
16 to the uses described in this section.

17 d. The control commission shall adopt regulations permitting the
18 'supervision and' conduct ' , among persons located in this State, ' of
19 raffles remotely ' , to the extent that such raffles may practically be
20 conducted remotely, ' using communication technology in a manner
21 consistent 'with' the provisions of P.L.1954, c.5 (C.5:8-50 et seq.) ' ,
22 to the extent that its application would not violate federal law or
23 regulation, including the use of the United States Postal Service, ' and
24 to the extent not inconsistent with the provisions of subparagraph A of
25 paragraph 2 of Section 7 of Article IV of the New Jersey Constitution.
26 Such technology shall comply with specifications prescribed by the
27 commission and shall be approved by the commission prior to use.
28 '[A licensee conducting a raffle pursuant to this subsection shall
29 verify that the physical location of each participant, irrespective of the
30 location of any server or intermediate routing of electronic data, is
31 within a municipality in which the majority of voters voting therein
32 voted in favor of the adoption of the provisions of P.L.1954, c.5
33 (C.5:8-50 et seq.) and in which such provisions are still in effect.]' For
34 the purpose of conducting raffles pursuant to this subsection, the
35 location of the active member or other person approved by the control
36 commission to hold, operate, or conduct the game shall be deemed the
37 licensed premises 'and the only location at which the bingo or lotto is
38 taking place' . This subsection shall not be applicable to raffles
39 conducted pursuant to section 1 of P.L.2018, c.79 (C.5:8-51.6).

40 'e. Tickets for a raffle may be sold remotely to purchasers
41 physically located within this State, using the Internet or other
42 electronic means, in accordance with this subsection. The sale and
43 purchase of tickets remotely using the Internet or other electronic
44 means shall be deemed to take place only at the location of the raffle
45 regardless of a purchaser's physical location within this State,
46 provided the personnel of the organization conducting the raffle,
47 whether or not through a third-party vendor, is located in the location
48 of the raffle at the time of sale. An organization conducting a raffle in-

1 person or remotely using the Internet or other electronic means shall
2 establish and adhere to procedures and controls, including, but not
3 limited to, the use of geolocation technology, approved by the
4 commission that ensure, to the greatest extent possible, that raffle
5 tickets will be sold only to persons physically located in this State.¹

6 (cf: P.L.2015, c.80, s.1)

7

8 3. The rules and regulations established pursuant to this act,
9 P.L. , c. (pending before the Legislature as this bill) shall be
10 effective immediately upon filing with the Office of Administrative
11 Law for a period not to exceed 18 months, and may, thereafter, be
12 amended, adopted or readopted in accordance with the provisions of
13 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
14 et seq.).

15

16 4. This act shall take effect immediately.