

# TITLE XXIV GAMES, AMUSEMENTS, AND ATHLETIC EXHIBITIONS

## CHAPTER 284 HORSE AND DOG RACING

### General Provisions

#### Section 284:1

**284:1 Limitation.** – This chapter shall be construed to apply only to running or harness horse racing, whether live or simulcast, or simulcast dog racing.

**Source.** 1935, 27:18. RL 171:20. RSA 284:1. 1971, 541:1. 2010, 272:1, eff. Jan. 1, 2011.

#### Section 284:2

**284:2 Racing Funds.** – [Repealed 1997, 27:11, I, eff. June 24, 1997.]

#### Section 284:3

**284:3 Employees.** – At least 70 percent of the persons employed by a person, association, or corporation conducting a racing plant or simulcasting under the provisions hereof shall have resided in this state for a period of not less than one year. The provisions of this section shall not apply to the construction of a racing plant or its equipment.

**Source.** 1935, 27:21. RL 171:23. 2009, 144:97, eff. July 1, 2009.

#### Section 284:4

**284:4 Member of the General Court.** – [Repealed 1997, 50:1, eff. July 18, 1997.]

#### Section 284:5

**284:5 Enforcement of Chapter.** – It shall be the duty of the attorney general with the aid of the county attorneys of the several counties to enforce the provisions of this chapter upon notification from the commission of any violations thereof.

**Source.** 1935, 27:26. RL 171:29.

### Racing and Charitable Gaming

#### Section 284:6

**284:6 Established.** – [Repealed 1982, 42:139, eff. June 29, 1982.]

#### Section 284:6-a

**284:6-a Racing and Charitable Gaming; Lottery Commission.** –

I. The regulation of racing and charitable gaming shall be under the authority of the lottery commission established under RSA 284:21-a.

II. The lottery commission shall assume the powers, rights, duties, and responsibilities granted to the racing and charitable gaming commission. The lottery commission shall, in carrying out the purpose of this chapter, use the applicable provisions for horse racing independent of the applicable provisions for simulcast dog racing.

III. The lottery commission shall have all the powers, duties, and rights conferred upon state commissions under the United States Interstate Horseracing Act of 1978 as it currently exists and as it may be amended from time to time.

IV. The lottery commission shall administer RSA 287-E relating to bingo and lucky 7.

[Paragraph IV-a effective September 14, 2016.]

IV-a. The lottery commission shall include a summary in its annual report under RSA 284:11 regarding the financial impact of shared carry-over coverall games to participating charities and the state, and any recommendations it has regarding the continuation of shared carry-over coverall games in New Hampshire.

V. The lottery commission shall administer RSA 287-D, relating to games of chance conducted by charitable organizations.

VI. The lottery commission shall not authorize the use of any electronic gaming device in connection with the acceptance of wagers on running or harness horse racing, whether live or simulcast, or simulcast dog racing, the type of which was not in use prior to January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and devices used for the purposes of gaming, other than wagering on live or simulcast horse racing or simulcast dog racing, whether in physical presence or through the Internet, and such shall include, but not be limited to, video slot machines and other gambling devices which function or are designed to function to emulate a video slot machine or historic racing machine. This section shall not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct of wagering on live or simulcast horse racing or simulcast dog racing, which type of equipment was in service prior to January 1, 2011, with updated or new equipment which are the functional equivalent of the machines which are being replaced, provided the equipment is not an electronic gaming device as described in the previous sentence. This section shall not be interpreted as prohibiting licensees from accepting account wagers in compliance with applicable rules and regulations.

**Source.** 1971, 541:18. 1982, 42:140. 1985, 58:1. 1991, 68:5. 1996, 157:2. 2004, 257:3. 2006, 311:2. 2007, 156:9. 2008, 25:1. 2010, 272:2. 2011, 259:25. 2015, 276:121, eff. July 1, 2015. 2016, 10:3, eff. Sept. 14, 2016.

### **Section 284:6-b**

**284:6-b Games for Charity Study Commission.** – [Repealed 2014, 329:5, eff. Dec. 15, 2015.]

### **Section 284:7**

**284:7 Office.** – [Repealed 2015, 276:136, I, eff. July 1, 2015.]

### **Section 284:8**

**284:8 Assistants.** – The lottery commission is authorized to employ such assistants and employees as it may deem necessary to provide adequate policing and to carry out the purposes hereof at such compensation per racing program as the lottery commission may prescribe, subject to the regulations of the state personnel commission. The lottery commission shall specify the duties to be performed by its assistants and employees and it shall have authority, for cause, to terminate the employment of any member of its personnel, subject to the regulations of the state personnel commission. It shall be unlawful, however, for the lottery commission to appoint to any position under its jurisdiction any state, county, city, or town official or employee, except police officers and public school teachers, whose total annual salary or compensation from said state, county, city, or town exceeds \$1,000.

**Source.** 1933, 62. 1935, 27:4. RL 171:4. 1947, 280:1. 1950, 9:1. RSA 284:8. 1975, 495:2. 1977, 235:1. 2015, 276:127, eff. July 1, 2015.

### **Section 284:9**

**284:9 Expenses.** – [Repealed 2015, 276:136, II, eff. July 1, 2015.]

## Section 284:10

**284:10 Disbursements.** – [Repealed 1997, 27:11, II, eff. June 24, 1997.]

## Section 284:11

**284:11 Report of the Commission.** – [Repealed 2015, 276:136, III, eff. July 1, 2015.]

## Section 284:12

**284:12 Rulemaking.** – The lottery commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. Holding running or harness horse races or meets for public exhibition.

II. [Repealed.]

III. The operation of racetracks on which running or harness horse race meets are held and the facilities where simulcast of running or harness horse racing or dog racing are presented.

IV. The sale of pari-mutuel pools as authorized under RSA 284:22 and RSA 284:22-a.

V. [Repealed.]

VI. Rules of racing for running and harness horse races or meets as provided in RSA 284:19.

VII. Sanctions and penalties imposed on the trainer of record provided in RSA 284:38-a.

VIII. [Repealed.]

IX. Rules for bingo and lucky 7 as authorized under RSA 287-E.

X. Rules for games of chance conducted by charitable organizations under RSA 287-D.

XI. [Repealed.]

**Source.** 1933, 62. 1935, 27:8. RL 171:8. 1947, 280:3. 1949, 226:2. RSA 284:12. 1971, 498:1. 1985, 58:2. 1991, 68:4. 2004, 59:5; 257:4; 261:2. 2006, 311:3. 2008, 25:1. 2009, 144:98. 2010, 272:3, 21, I-III. 2011, 259:24. 2014, 329:3. 2015, 276:127, eff. July 1, 2015.

## Section 284:12-a

**284:12-a License Required; Investigation Fees.** –

I. No person, association, corporation, or any other type of entity shall hold any live running or harness race or meet, or shall conduct any simulcast running or harness horse or dog race or meet, at which pari-mutuel pools are sold without a license from the lottery commission.

II. Investigation fees shall be collected by the lottery commission and shall be continually appropriated to the lottery commission and used by the lottery commission to offset the costs of conducting background checks and monitoring of license applicants and licensees as required under this section, RSA 284:16, RSA 284:16-a, RSA 284:19, RSA 284:20, RSA 284:22, and RSA 284:22-a. Funds received hereunder and not expended for such investigations shall lapse to the special fund established in RSA 284:21-j 2 years after receipt of such funds.

**Source.** 1971, 541:3. 1985, 58:3. 2006, 287:1. 2009, 144:99. 2010, 272:4. 2013, 264:6. 2015, 276:127, eff. July 1, 2015.

## Section 284:13

**284:13 Supervision and Hearings.** –

I. The lottery commission shall have the power to conduct hearings at which all matters pertaining to the administration of the affairs of the commission and all activities conducted under its jurisdiction may be investigated and determined and, under the hand of its chairperson, to issue subpoenas for the attendance of witnesses at such hearings. The lottery commission on its own motion or at the request of any party may cause a complete record to be made of such hearings by a competent reporter or by electronic recording which shall be transcribed at the request and expense of any party desiring the same, and a copy of such transcription shall be furnished to any other party upon the written request and at the expense of such other party. If the record is not transcribed, the lottery commission shall prepare a summary record of the proceedings and evidence. Any member of the lottery commission, or the commission's designee, may administer oaths and affirmations, examine witnesses, and receive testimony and shall forward findings to the full commission as part of the hearing. Disobedience of such subpoenas or false swearing before the lottery commission shall be attended with the same penalties as if such disobedience or false swearing occurred in an action in the superior court. The lottery commission shall have the power and authority to regulate, supervise and check the making of pari-mutuel pools and the distributions therefrom. It shall have the

further power and authority to investigate as to the direct and indirect ownership and control of any licensee, and any expense incurred by the lottery commission in so doing shall be at the expense of such licensee or of the applicant for a license. Any party aggrieved by any final decision entered in proceedings before the lottery commission may, within 10 days after such decision is entered, appeal to the superior court by petition specifying the grounds upon which the decision is claimed to be unreasonable or unlawful. Findings and decisions by the lottery commission shall be deemed to be prima facie lawful and reasonable, and shall not be set aside on appeal unless found to be arbitrary, capricious, unreasonable, or unlawful.

II. The lottery commission may, in accordance with the rules adopted in accordance with RSA 541-A, appoint a hearings officer or hearings officers, as necessary, to preside over such hearings as are required to comply with federal and state statutes and federal or state rules or regulations. The decision of the officer shall not be contrary to rules adopted by the lottery commission pursuant to RSA 541-A. The officer's decision shall be binding on all parties unless such decision is overturned on appeal.

**Source.** 1933, 62. 1935, 27:22. RL 171:25. 1949, 226:8. RSA 284:13. 1975, 263:1. 1996, 157:4. 2015, 276:122, eff. July 1, 2015.

## **Section 284:13-a**

### **284:13-a Temporary Stay Orders. –**

I. The lottery commission may issue a temporary stay order to stay any ruling or penalty which would be incurred by the appellant if the ruling, order, or decision of the judges is allowed to stand prior to a decision in such matter by the lottery commission. The granting of a temporary stay order by the lottery commission shall carry no presumption that the decision of the judges is or may be invalid. The lottery commission may dissolve a temporary stay order at any time.

II. A bond of \$100 shall be filed with the lottery commission before consideration shall be given to granting a stay. The bond shall be forfeited if the lottery commission considers the appeal frivolous. If the lottery commission does not find the appeal to be frivolous, then the bond filed with the lottery commission shall be returned to the appellant within a reasonable time.

**Source.** 1986, 164:3. 2015, 276:127, eff. July 1, 2015.

## **Section 284:14**

**284:14 Breeding of Horses. –** The lottery commission shall encourage and promote the improvement of the breed of horses in New Hampshire. It may accept donations of thoroughbred, standardbred, or other well-bred stallions by licensees or others to the state for this purpose. It may cooperate with and aid the officials of the University of New Hampshire in furthering this program.

**Source.** 1933, 62. 1935, 27:23. RL 171:26. 2015, 276:127, eff. July 1, 2015.

### **Section 284:14-a**

**284:14-a Breeding of Greyhounds. –** [Repealed 2010, 272:21, IV, eff. Jan. 1, 2011.]

### **Section 284:14-b**

**284:14-b Public Greyhound Racing Kennels [Omitted.] –**

### **Section 284:14-c**

**284:14-c Records of Greyhound Disposition. –** [Repealed 2010, 272:20, II, eff. Jan. 1, 2015.]

### **Section 284:14-d**

**284:14-d Records of Greyhound Injuries. –** [Repealed 2010, 272:20, I, eff. Jan. 1, 2015.]

## **Licenses and Supervision**

## Section 284:15

### **284:15 License. –**

I. Any person, association, or corporation desiring to hold or simulcast a running or harness horse race or meet for public exhibition, at or for which pari-mutuel pools are to be sold, shall apply to said lottery commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the following information:

- (a) The full name and address of the person, association, or corporation.
- (b) If an association, the names and residences of the members of the association.
- (c) If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors and stockholders.
- (d) The exact location where it is desired to conduct or hold races or race meets.
- (e) Whether or not the racing plant is owned or leased, and if leased, the name and residence of the fee owner, or if a corporation, of the directors and stockholders thereof.
- (f) A statement of the assets and liabilities of the person, association, or corporation making such application.
- (g) Such other information as the lottery commission may require.

II. It shall be the responsibility of any license applicant or holder to inform the lottery commission immediately of any material change or anticipated material change in the information required in this section.

III. The lottery commission shall have the power to require, at the applicant's or holder's expense, that any financial information provided under paragraphs I and II be verified by an audit performed by a certified public accountant. The lottery commission shall have the further power to require that as a condition of securing a license or of continuing to hold a license the license applicant or holder make available its books and records so as to permit the lottery commission to perform such independent auditing or financial analysis as the lottery commission may deem necessary. In so doing, the lottery commission may employ certified public accountants and any other financial analysts or investigators necessary to perform said auditing and may bill the license applicant or holder for all costs associated with the auditing.

**Source.** 1935, 27:10. RL 171:10. 1949, 226:4. RSA 284:15. 1977, 28:1. 2006, 287:2. 2009, 144:100. 2015, 276:127, eff. July 1, 2015.

## Section 284:15-a

### **284:15-a Requirements for License to Simulcast Dog Racing. –**

I. Subject to the provisions of RSA 284:15-a, V and VI, any person, association, or corporation desiring to simulcast a dog race at or for which pari-mutuel pools are sold, shall apply to the lottery commission for a license to do so. The application shall be signed and sworn to by the person or executive officer of the association or corporation and shall contain the following information:

- (a) The full name and address of the person, association, or corporation.
- (b) If an association, the names and residences of the members of the association.
- (c) If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors and stockholders.
- (d) The location of the facility where it desires to conduct simulcast dog racing, provided, however, the location of such facility must be a place at which live dog racing was conducted in 2008 and the operator of such facility was licensed by the lottery commission in 2010 to accept pari-mutuel wagers on simulcast races pursuant to RSA 284:22-a.
- (e) Whether or not the facility is owned or leased, and if leased, the name and residence of the fee owner, or if a corporation, of the directors and stockholders thereof.
- (f) A statement of the assets and liabilities of the person, association, or corporation making such application.
- (g) Such other information as the lottery commission may require.

II. It shall be the responsibility of any license applicant or holder to inform the lottery commission immediately of any material change or anticipated material change in the information required in this section.

III. The lottery commission shall have the power to require, at the applicant's or holder's expense, that any financial information provided under paragraphs I and II be verified by an audit performed by a certified public accountant. The lottery commission shall have the further power to require that as a condition of securing a license or of continuing to hold a license the license applicant or holder make available its books and records to permit the lottery commission to perform such independent auditing or financial analysis as the lottery commission may deem necessary. In so doing, the lottery commission may employ certified public accountants and any other financial analysts or investigators necessary to perform auditing and may bill the license applicant or holder for all costs associated with the auditing.

IV. A person, association, or corporation which is issued a license pursuant to RSA 284:16-a may, with the

approval of the lottery commission, accept wagers on simulcast running or harness horse racing.

V. A person, association, or corporation which is issued a license pursuant to RSA 284:16 may, with the approval of the lottery commission, accept wagers on simulcast dog racing.

VI. In the event that a simulcast signal of dog racing is unavailable for an applicant under this section for any reason or cause, such applicant may apply for a license to simulcast horse racing only under this section and the lottery commission may issue such a license under RSA 284:16-a allowing the applicant to simulcast horse racing only.

**Source.** 1971, 541:5. 1995, 130:5. 2009, 144:101. 2010, 272:5. 2015, 276:127, eff. July 1, 2015.

## **Section 284:15-b**

### **284:15-b Disclosure of Information; Expenses of Investigations. –**

I. Any person, association, corporation, or any other type of entity applying for or holding a license issued pursuant to the provisions of this chapter shall file annually, not later than December 31, with the attorney general a complete and detailed written statement, signed under oath, by the applicant or holder of such license, if an individual, or by the officers of the applicant or holder, if a corporation or an association, containing the following information:

(a) The name, residence address, and nature of the ownership interest, including where applicable the number of shares of stock held and, if known, how obtained, of every person who possesses an ownership interest in such license applicant or holder;

(b) The name, address, present principal occupation or employment, and the name and principal business of any corporation or other organization in which such employment is carried on of every director, officer, and holder of 10 percent or more ownership interest in such license applicant or holder;

(c) The name and all information which a license applicant or holder has or might reasonably be expected to have as to any felony convictions of any officer, director, or holder of an ownership interest of any degree; provided, that if the license applicant or holder is an association or corporation in which 25 or fewer individuals or organizations hold an ownership interest or stock, then the information required by subparagraphs (a) and (b) shall be provided by each such interest holder or stockholder, who shall be further required to submit a detailed statement of assets and liabilities on forms prescribed by the attorney general; and

(d) Such information as the commissioner may prescribe by rule or rejection.

II. The attorney general shall have the authority to conduct an investigation on the attorney general's motion into the background of the license applicant or holder, of any person included in paragraph I or of any person or entity upon whom the license applicant or holder relies for financial support. In addition, whenever the lottery commission shall receive an application, it shall refer the application to the attorney general who shall conduct such an investigation. The investigation may be conducted through any appropriate state or federal law enforcement system and may seek information as to the subject's financial, criminal or business background, or any other information which the attorney general, in the attorney general's sole discretion, may find to bear on the subject's fitness to be associated with racing in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. When the lottery commission requests such an investigation, the attorney general shall report the results of such investigation to the lottery commission within 90 days after the receipt of the request. Notwithstanding any other law to the contrary, the results of any such investigation shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general shall have sole discretion to determine the extent to which and the manner in which the results may be reported to the lottery commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such an investigation, the attorney general shall notify the lottery commission whether or not in the attorney general's opinion such person is fit to be associated with racing in New Hampshire. Notwithstanding any other provision of law, no person shall be issued or hold a license if in the opinion of the attorney general such person is not fit to be associated with racing in this state.

III. The expenses of the lottery commission and the office of attorney general in conducting any investigation authorized in this section, including the services of consultants, experts, accountants, and other assistants, shall be a direct charge against the applicant or holder. Total expenses under this paragraph shall not exceed \$50,000, except with the approval of the fiscal committee of the general court.

IV. In any investigation conducted pursuant to paragraph II, the attorney general or any duly authorized justice department staff member may require, by subpoena or otherwise, the attendance of witnesses and the production of such correspondence, documents, books, and papers as the attorney general or staff member deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses. No person shall be excused from testifying or from producing any book or paper in any investigation conducted pursuant to paragraph II upon the ground that such testimony or documentary evidence might tend to incriminate such person; provided that if,

after a claim of privilege, the attorney general, in writing, orders such person to testify or produce documentary evidence, that person shall not be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing which such person, under oath, disclosed or produced. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by such person in such testimony.

**Source.** 1971, 541:22. 1972, 32:2. 1977, 28:2. 1981, 570:6, 7. 1996, 157:5. 2006, 287:3. 2015, 276:127, eff. July 1, 2015.

### **Section 284:15-c**

**284:15-c Local Option.** – [Repealed 2010, 272:21, V, eff. Jan. 1, 2011.]

### **Section 284:15-d**

**284:15-d Penalties.** – Any person who individually or as an officer of a corporation or association knowingly conceals or assists in the concealment, or fails to disclose, information required to be provided as specified in RSA 284:15-b shall be fined not more than \$5,000, or imprisoned for not more than one year or both.

**Source.** 1972, 32:1, eff. May 16, 1972.

### **Section 284:16**

**284:16 Issuance of Licenses.** – If the lottery commission is satisfied that all the provisions hereof and the rules and regulations prescribed have been and will be complied with by the applicant and that the financial backing upon which said application is predicated is sound and is committed in support of said application, it may issue a license which shall expire on the thirty-first day of December. The license shall set forth the name of the licensee, the place where the races or race meets or simulcastings are to be held, and the time and number of days during which racing or simulcasting may be conducted by said licensee. Any license issued shall not be transferable nor assignable. Said lottery commission shall have power to revoke any license for good cause upon reasonable notice and hearing. The lottery commission may at any time for cause require the removal of any employee or official employed by any licensee hereunder. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50 percent or more of the voting stock of the corporation and the corporation shall not hold a running or harness horse race or meet for public exhibition without a new license.

**Source.** 1935, 27:11. RL 171:11. 1947, 280:2. RSA 284:16. 1977, 28:3. 2009, 144:102. 2015, 276:127, eff. July 1, 2015.

### **Section 284:16-a**

**284:16-a Issuance of Licenses.** – If the lottery commission is satisfied that all the provisions hereof and the rules and regulations prescribed have been and will be complied with by the applicant and that the financial backing upon which said application is predicated is sound and is committed in support of said application, it may issue a license which shall expire on the thirty-first day of December. The license shall set forth the name of the licensee, the place where the simulcast races or race meets are to be held, and the time and number of days during which simulcast racing may be conducted by said licensee. Any license issued shall not be transferable nor assignable. Said lottery commission shall have power to revoke any license for good cause upon reasonable notice and hearing. The lottery commission may at any time for cause require the removal of any employee or official employed by any licensee hereunder. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50 percent or more of the voting stock of the corporation and the corporation shall not simulcast any racing without a new license.

**Source.** 1971, 541:7. 1977, 28:4. 1995, 130:5. 2004, 59:1. 2009, 144:103. 2010, 272:6. 2015, 276:127, eff. July 1, 2015.

### **Section 284:16-b**

**284:16-b Condition of Licensee.** –

I. The lottery commission shall monitor the condition of its licensees on a continuing basis and shall have the power to revoke, after hearing, any license if in its judgment the condition of the holder thereof does not warrant a

continuation of said license, or, in lieu of revocation, to impose such conditions upon the continued possession of the license as the lottery commission deems reasonably necessary.

II. The lottery commission, after conducting a hearing, may require a licensee to divest itself of any partner, person, sub-corporation, shareholder, or any other entity of the licensee if the lottery commission determines that any partner, person, sub-corporation, shareholder, or any other entity of the licensee is not fit to be associated with racing in this state.

III. The licensee shall notify the lottery commission of any change of, or transfer of any of the owners of the voting stock or other voting interest, if the licensee is privately held. In the case of a publicly-traded entity holding the license, the lottery commission shall be notified of any changes to the board of directors, or when more than 10 percent of the publicly-held shares or other voting interest are closely held by one entity. The licensee shall provide such notice to the lottery commission in writing within 10 days of the occurrence of any such event. On receipt of such notice, the lottery commission shall assess whether the change in ownership affects the licensee's qualifications for continued licensure.

**Source.** 1977, 28:5. 2006, 287:4. 2015, 276:127, eff. July 1, 2015.

### **Section 284:16-c**

**284:16-c License Restricted.** – Notwithstanding any other provision of law, the lottery commission shall not issue a license pursuant to RSA 284:16-a to any applicant if the place where the simulcast dog races are to be presented is within a radius of 40 miles of Belmont, Salem, or Seabrook, New Hampshire, provided that the facilities at which simulcast dog racing was licensed by the lottery commission are exempt from this restriction.

**Source.** 1981, 570:4. 2010, 272:7. 2015, 276:127, eff. July 1, 2015.

### **Section 284:17**

**284:17 Restriction on.** – On and after June 1, 1947, no license shall be issued by the lottery commission under the provisions hereof for holding a race meet in any town unless and until the town at an annual or special meeting called for the purpose has by majority vote approved of the issuance of said license in said town. Provided, however, that nothing herein contained shall be construed or apply to the issuances of licenses by the lottery commission in towns where licensed race meets have heretofore been held under the provisions of this chapter.

**Source.** 1947, 155:1. 2015, 276:127, eff. July 1, 2015.

### **Section 284:17-a**

**284:17-a Restriction on Sunday Racing.** – [Repealed 2010, 272:21, VI, eff. Jan. 1, 2011.]

### **Section 284:17-b**

**284:17-b Sunday Races.** – [Repealed 1986, 164:2, eff. May 28, 1986.]

### **Section 284:17-c**

**284:17-c Restriction on Gambling.** – Notwithstanding any other provision of law, except as provided in RSA 284:22-a and in the introductory paragraph of RSA 284:22, no licensee who holds running horse races shall at the same facility hold any other kinds of races or permit any other type of gambling except harness horse races and activities licensed by the lottery commission.

**Source.** 1981, 570:3. 1985, 58:4. 1987, 69:1, I. 1991, 68:3. 2004, 97:8. 2006, 156:1. 2008, 25:1. 2015, 276:123, eff. July 1, 2015.

### **Section 284:18**

**284:18 Bond of Licensee.** –

I. Every person, association, or corporation licensed under the provisions of the preceding sections hereof, shall, before said license is issued, give a bond to the state in such reasonable sum not exceeding \$300,000, as may be fixed by the lottery commission, with a surety or sureties to be approved by the lottery commission, conditioned to



faithfully make the payments prescribed hereby, including the payment of unclaimed ticket money and vouchers and the compensation of stewards, veterinarians, or judges employed by the state of New Hampshire at any race or meet and that such reimbursement shall include the employer's share of old age survivors insurance (OASI) taxes, and to keep its books and records and make reports as herein provided and to conduct its racing in conformity with this chapter and with the rules and regulations prescribed by the lottery commission.

II. Every person, association, or corporation licensed under the provisions of the preceding sections hereof, shall, before said licensee adopts an account wagering plan on any pari-mutuel pool, give a bond to the state in such reasonable sum not exceeding \$300,000, as may be fixed by the lottery commission, with a surety or sureties to be approved by the lottery commission, conditioned to faithfully make the payments prescribed hereby.

**Source.** 1935, 27:12. RL 171:12. 1949, 226:5. RSA 284:18. 1977, 28:6. 1982, 42:145. 2010, 190:2. 2015, 276:127, eff. July 1, 2015.

## **Section 284:18-a**

**284:18-a Rules of Racing.** – [Repealed 2010, 272:21, VII, eff. Jan. 1, 2011.]

## **Section 284:19**

**284:19 Rules of Racing.** – The lottery commission shall have the power to make and adopt rules of racing including rules providing for the licensing, supervising, disciplining, suspending, fining and barring from racing, on any tracks under the jurisdiction of the lottery commission, of horses, owners, breeders, authorized agents, sub-agents, nominators, trainers, jockeys, jockey apprentices, jockey agents, and any other persons, organizations, associations, or corporations, the activities of whom affect the conduct and operation of running or harness horse races at racetracks under the jurisdiction of the lottery commission. At such tracks no person shall enter a horse or participate in any running or harness horse race or meet as an owner, agent, nominator, trainer, jockey, jockey apprentice, or jockey agent within the state without having first procured from the lottery commission a license so to act, and paying such fees as the lottery commission may determine to be reasonable and proper. The lottery commission, for proper cause, may issue a temporary license for a period not to exceed 10 days to any person to enable such person on behalf of an owner who is not present in this state to enter a horse or so participate in any running or harness horse race or meet. Such licenses may be revoked by the lottery commission at any time for cause.

**Source.** 1949, 226:6, par. 12-a. RSA 284:19. 1975, 140:1. 1996, 157:6. 2015, 276:127, eff. July 1, 2015.

## **Section 284:19-a**

**284:19-a Prohibition.** – No person, association, or corporation shall knowingly employ in any capacity at race tracks under the jurisdiction of the commission any person who has been convicted of violating any state or federal law relative to gambling within a period of 10 years prior to the application for employment. Whoever knowingly violates any of the provisions of this section shall, if a natural person, be guilty of a misdemeanor, and any other person shall be guilty of a felony.

**Source.** 1967, 293:1. 1973, 528:180, eff. Oct. 31, 1973 at 11:59 p.m.

## **Section 284:20**

**284:20 Stewards.** – There shall be at least 3 stewards to supervise each running or harness horse race or meet, conducted under the provisions of this chapter, at which pari-mutuel pools are sold. One of such stewards shall be the official steward of the lottery commission, and the remaining stewards shall be appointed by the person, association, corporation, or any other type of entity conducting the race or meet, subject to the approval of the lottery commission. Said stewards shall be authorized to assess fines and suspend licenses and shall exercise such other powers and perform such duties at each race meet as may be prescribed by the rules and regulations of the lottery commission. Any person who has been assessed a fine or whose license has been suspended may appeal any fine or suspension imposed by the stewards under this section to the lottery commission.

**Source.** 1949, 226:6 par. 12-b. 2006, 287:5. 2015, 276:124, 127, eff. July 1, 2015.

## **Section 284:20-a**

**284:20-a Rights Protected.** – No licensee conducting a race or meet under this chapter, no member of the lottery commission, no steward, judge, or assistant official appointed to act as such pursuant to the provisions of this chapter, shall be liable for damages to any person, association or corporation for any cause whatsoever arising out of or from the performance by such licensee, commissioner, steward, judge or assistant official of such person's duties and exercise of discretion with respect to such duties, so long as such person acted in good faith, without malice or improper motive.

**Source.** 1969, 265:1. 1996, 157:7. 2015, 276:125, 127, eff. July 1, 2015.

### **Section 284:20-b**

**284:20-b Judges.** – [Repealed 2010, 272:21, VIII, eff. Jan. 1, 2011.]

### **Section 284:20-c**

**284:20-c Veterinarians Appointed.** – There shall be a veterinarian appointed by the lottery commission at each race or meet conducted under the provisions of this chapter at which pari-mutuel pools are sold. The governor and council shall approve a rate per performance to be paid to such veterinarians. Said veterinarians shall not be eligible for state fringe benefits. Veterinarians appointed under this section shall exercise such powers and perform such duties at each race or meet as may be prescribed by the rules of the lottery commission.

**Source.** 1982, 42:144. 2015, 276:127, eff. July 1, 2015.

### **Section 284:20-d**

**284:20-d Compensation of Stewards, Judges, and Veterinarians.** – Compensation of the lottery commission veterinarian, and of the official state steward or associate judges of the lottery commission shall be reimbursed to the state by the person, association, corporation, or any other type of entity conducting the race or meet, and such reimbursement shall include the employer's share of OASI taxes. The lottery commission may establish the salaries of the state steward and associate judges. Payments to the state required under this section shall be made no later than 30 calendar days after receipt of billing from the lottery commission. Failure to make payments in the time prescribed shall subject the licensee to a civil forfeiture of up to \$50 for each day the payments are overdue, at the discretion of the lottery commission.

**Source.** 1982, 42:144. 1990, 259:1. 2006, 287:7. 2008, 25:1. 2015, 276:127, eff. July 1, 2015.

### **Section 284:20-e**

**284:20-e Payment for Laboratory Testing.** – [Repealed 2007, 263:166, eff. April 1, 2008.]

### **Section 284:20-f**

**284:20-f Background and Criminal Records Check.** –

I. Each applicant for a license pursuant to this chapter and rules adopted by the lottery commission shall submit to the lottery commission with his or her license application a background and criminal record release authorization form provided or approved by the lottery commission.

II. Upon receipt of an applicant's background and criminal record information, the lottery commission shall make a determination of eligibility for licensure.

**Source.** 2006, 287:8. 2008, 25:1. 2015, 276:127, eff. July 1, 2015.

### **Section 284:20-g**

**284:20-g Contracting and Payment for Laboratory Testing.** –

I. Beginning April 1, 2008, the lottery commission shall contract with a qualified laboratory to provide laboratory testing services for the lottery commission on horses that perform live at racetracks authorized to conduct live racing in the state. The lottery commission shall issue a request for proposals for such services that sets forth the terms and conditions of the proposed service contract, including the requirements of this section, laboratory qualifications, cost per test, and such other information determined to be relevant by the lottery commission. The lottery commission

shall present the contract to the attorney general for review and, upon approval by the attorney general, the proposal shall be submitted to the governor and council for approval. The contract shall expire no later than June 30 of the second year of a biennium. Such laboratory test service agreement shall provide that the laboratory shall send each licensee an invoice for such testing in accordance with paragraph III.

II. The total cost of any contract under this section shall not exceed \$300,000 annually. In the event that the aggregate cost of testing exceeds \$300,000 based solely upon an increase in live racing within the state, the lottery commission may request an increase in the maximum contract amount from the governor and council.

III. Each licensee shall pay the laboratory for the cost of each laboratory test conducted pursuant to the laboratory test service contract on the horse that performed live at the licensee's track. The laboratory shall provide the licensee with an invoice for such costs within 10 days after the end of each month in which the licensee conducts live racing and the licensee shall pay the invoice within 30 days after receipt of that invoice. Each invoice shall specify the number of tests conducted during the prior month, the identity of the animal tested, the results of each test, and the cost of each test.

**Source.** 2007, 263:165. 2008, 25:1. 2010, 272:8. 2015, 276:127, eff. July 1, 2015.

## **Section 284:21**

**284:21 Penalty.** – Except in cases when another penalty is provided in this chapter, any person, association, or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting, of any running or harness horse race, whether live or simulcast, or simulcast dog race or meet for public exhibition, at which pari-mutuel pools are sold, without a license duly issued by the lottery commission, or any person, association, or corporation who violates any of the provisions of this chapter, or who violates any of the rules and regulations prescribed by the lottery commission, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

**Source.** 1935, 27:13. RL 171:13. 1949, 226:7. RSA 284:21. 1971, 541:6. 1973, 528:181. 2010, 272:9. 2015, 276:127, eff. July 1, 2015.

# **Lottery**

## **Section 284:21-a**

**284:21-a State Lottery Commission.** – There shall be and hereby is created a state lottery commission consisting of 3 members who shall be appointed and may be removed for cause by the governor with the advice and consent of the council. One member shall be appointed for one year, one for 2 years and one for 3 years, and upon the expiration of their terms of office their successors shall be appointed for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term. No member of the commission shall have any pecuniary or other interest in any supplier or agent to the commission or in any licensee licensed under the provisions of this chapter.

**Source.** 1963, 52:1. 1985, 295:4. 2004, 97:8; 257:6. 2007, 156:10, eff. Aug. 17, 2007.

## **Section 284:21-b**

### **284:21-b Organization.** –

I. The commissioners shall select one from their number to be chairperson and another to be secretary of the commission. Two of the members of the commission shall constitute a quorum to do business. It shall be the duty of the secretary to keep a record of all proceedings of the commission and to preserve all books, documents, papers and records addressed to its care.

II. The commissioners shall appoint an executive director who shall receive the annual salary prescribed by RSA 94:1-a. The lottery executive director shall hold office for a term of 4 years. If a vacancy shall occur, it shall be filled for the remainder of the term. The lottery executive director may be removed by the commission for cause. Upon the effective date of this paragraph, the person who was the executive director shall commence the beginning of the first 4-year term, subject to renewal.

**Source.** 1963, 52:1. 1996, 157:8. 2015, 276:196, eff. July 1, 2015.

## **Section 284:21-c**

**284:21-c Bond.** – Members of the commission shall give bond to the state in such amount as shall be determined under the provisions of RSA 93-B.

**Source.** 1963, 52:1; 200:2. 2007, 112:2, eff. Aug. 10, 2007.

### **Section 284:21-d**

**284:21-d Compensation.** – Each member of the commission shall receive a salary in accordance with RSA 94:1-a, II and shall be allowed reasonable expenses, including transportation, incurred in the performance of the member's duties.

**Source.** 1963, 52:1. 1996, 157:9. 2007, 112:1, eff. Aug. 10, 2007.

### **Section 284:21-e**

**284:21-e Office.** – The commission shall have an office in Concord or in a municipality that borders Concord.

**Source.** 1963, 52:1. 2007, 292:1, eff. Sept. 1, 2007.

### **Section 284:21-f**

**284:21-f Disbursements.** – The compensation of the commissioners, expenses of the commissioners, compensation of assistants and other necessary expenses of the commission, including suitable furniture, equipment, supplies and office expense shall be charged to and paid out of the funds received under the provisions of this subdivision, provided that no payment shall be made until sufficient money has been received under the provisions of this subdivision to cover said payments. The state lottery commission shall submit an operating budget based on accounting units or other budgetary units required by the general court. The commission shall submit its budget in the same format and at the same time as other state agencies. However, the commission is authorized to transfer funds between line items within and among any budgetary unit. The commission shall submit reports annually 60 days after the close of each fiscal year to the fiscal committee of the general court detailing all transfers made during the last fiscal year and the reasons for them.

**Source.** 1963, 52:1. 2007, 292:2. 2012, 247:4, 27, eff. Aug. 17, 2012.

### **Section 284:21-g**

**284:21-g Report of the Commission.** – The commission shall make an annual report to the governor including therein an account of its actions, receipts derived under the provisions of this subdivision, the practical effects of the application thereof, and any recommendation for legislation which the commission deems advisable. Such report shall be submitted on or before February 1 and the commission shall not be required to submit a separate report under RSA 20:7.

**Source.** 1963, 52:1. 2007, 112:3. 2015, 259:19, eff. July 1, 2015.

### **Section 284:21-h**

**284:21-h Authorization; Sale of Tickets; Advertising.** –

I. The lottery commission is hereby authorized:

(a) To conduct public drawings at such intervals and in such places within the state as the commission may determine.

(b) [Repealed.]

(c) To conduct pure lotteries if the commission determines that such program will best accomplish the purposes of this subdivision.

(d) To participate in any international, national, or multistate pure lotteries.

II. Tickets for such pure lotteries:

(a) Shall be sold by the lottery commission (1) in state liquor stores and the state liquor commission is hereby directed to cooperate with the lottery commission in the sale of such tickets, and (2) within the enclosure of any track where a race or race meet is conducted by license issued under this chapter and the lottery commission is authorized to request and accept cooperation of the licensee in the sale of such tickets therein.

(b) May be sold by the lottery commission in the following locations: Branch offices of the commission, to be established at the information area adjacent to the Hampton toll station and the Hooksett toll station, and commission's office in Concord. Each branch office at the Hooksett and Hampton toll stations will be in a new building to be constructed by the department of transportation in accordance with their design and specifications. The lottery commission is hereby authorized to contract with the department of transportation for the construction of these buildings, the cost of which will be a charge against lottery revenue. Tickets sold at any of the locations provided for by this subparagraph shall be sold only by lottery commission employees or through automatic ticket dispensing machines.

(c) May be sold by the lottery commission in the following locations:

(1) At, within, or upon the following premises owned or controlled by the state: Franconia State Park, Hampton Beach State Park, Mount Sunapee State Park, and Crawford Notch State Park. The state agency responsible for the operation of these locations shall have regulatory powers over the sales and advertising of lottery tickets at the above locations.

(2) At, within, or upon the following premises owned or controlled by a political subdivision of the state: Weirs Beach, provided, however, that the voters of the city of Laconia have signified their approval of the sale of lottery tickets in said city pursuant to the provisions of RSA 284:21-k at the biennial election of November, 1966 and so signify biennially thereafter. The lottery commission shall obtain prior permission from the administrative authorities for this location before selling tickets at, within, or upon these premises.

(d) May be sold by or for the lottery commission at designated locations, other than grounds and campuses of public and private schools, colleges, and universities, by persons, whether natural, associate, or corporate, authorized to sell such tickets on a 5 percent commission basis for services rendered. The commission shall pay a 10 percent commission on those sales made during a fiscal year which exceed the sales made during the previous fiscal year. The lottery commission shall report quarterly to the fiscal committee of the general court on commissions paid under this subparagraph. All sales shall be subject to the rules and regulations of the commission provided:

(1) [Repealed.]

(2) That voters of the towns and cities in which sales outlets are located, have signified approval of lottery ticket sales pursuant to RSA 284:21-k.

(e) Owners of retail establishments who have been convicted of a felony within the previous 10 years which has not been annulled by a court, or a misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been annulled by a court, shall not be allowed to sell lottery tickets in their retail establishment.

III. No tickets shall be sold at any locations to minors.

III-a. (a) Any owner of a retail establishment or sale outlet who sells or distributes any substance containing a synthetic drug as defined in RSA 359-O:2 shall be guilty of a violation.

(b) The lottery commission shall deny an application for issuance or renewal of a license, or suspend or revoke a license, when the commission finds that the applicant or owner of a retail establishment or sale outlet is guilty of selling or distributing any substance containing a synthetic drug. In case of an appeal, the license of an owner of a retail establishment or sale outlet may be suspended at the discretion of the commission during the pendency of such appeal.

IV. The lottery commission is authorized to advertise the sale of tickets at each sales location and through other advertising media as the commission deems necessary to increase lottery sales.

V. [Repealed.]

VI. The commission shall not authorize the use of any electronic gaming device in any game, lottery, or other offering which was not in use by the commission on or before January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and device used for the purpose of gaming, whether in physical presence or through the Internet, and shall include video slot machines and other gambling devices which function or are designed to emulate a video slot machine or other gambling machine, historic racing machine, and computer technology to reveal instant ticket winners. This section shall not be interpreted to prohibit the commission from replacing offerings, games, or equipment which were in service prior to January 1, 2011 with new offerings, games, or equipment which are the functional equivalent of those offerings, games, or equipment which are being replaced.

VII. The lottery commission may develop and implement an employee recognition program for monetary incentives to promote increased sales and compensate lottery sales representatives based upon performance and funded from an existing lottery budget line item. The incentive program shall be implemented through rules adopted by the lottery commission in accordance with RSA 541-A. The lottery commission shall report quarterly to the fiscal committee of the general court on the status of the incentive program.

**Source.** 1963, 52:1; 200:3. 1965, 200:1. 1967, 42:1; 304:1. 1971, 287:2; 536:1, 2; 573:1. 1973, 484:1. 1975, 361:1. 1977, 462:1, 2. 1995, 308:95. 2002, 108:1. 2004, 97:4, 8; 257:34. 2005, 277:1. 2006, 233:1-3, 7, I. 2007, 112:4-9; 311:1, 2. 2011, 224:90; 259:26. 2015, 204:4, eff. July 6, 2015; 276:17, eff. July 1, 2015.

## Section 284:21-hh

**284:21-hh Insurance Authorized.** – The commission is hereby authorized to purchase such insurance as it may deem necessary or desirable to insure itself, the state of New Hampshire and its ticket sales agents against any claims which may arise out of the acts or omissions of any such agent in connection with or in any way related to the sale of tickets. Such insurance shall be purchased on behalf of the commission by the department of administrative services, division of procurement and support services.

**Source.** 1979, 491:1. 2014, 327:66, eff. Aug. 2, 2014.

## Section 284:21-i

### **284:21-i Administrative and Rulemaking Provisions.** –

I. The lottery commission shall be empowered to employ such technical assistants and employees to carry out the provisions of this subdivision as the governor and council shall authorize. Such assistants and employees shall receive compensation at rates to be established by the personnel commission. No employee of the commission shall have any pecuniary or other interest in any supplier or agent to the commission or in any licensee licensed under this chapter.

II. The lottery commission shall adopt rules under RSA 541-A after public hearing relative to:

- (a) Holding and conducting drawings and the sale of tickets for such drawings;
- (b) [Repealed.]
- (c) Establishing:
  - (1) The price for which tickets for drawings shall be sold; not to exceed \$30 per ticket.
  - (2) The method by which tickets sold for drawings shall be determined to be winning tickets.
  - (3) The money or prizes to be awarded holders of winning tickets.

[Paragraph II(c)(4) contingently repealed by 1996, 157:14, I, effective as provided by 1996, 157:14, I(a), I(b).]

(4) The assignment ability of winning tickets, including appropriate consumer protection provisions.

III. In establishing the money or prizes to be awarded the holders of winning tickets, the lottery commission shall be governed by the primary purpose of the lottery and sweepstakes, to raise revenue for the benefit of public education. They shall conduct such studies and make such investigations, either directly or through their agents, as will apprise them of prizes and money awarded to the holders of winning tickets in similar drawings wherever held. They shall fix the prizes and amounts of money to be awarded winners in such manner as will yield the largest net revenue for the benefit of public education, bearing in mind the expenses to be incurred, and all other factors which tend to influence net revenue.

IV. The commission shall adopt a uniform set of rules under RSA 541-A and after public hearing applicable to all instant sweeps games, including, but not limited to, how prizes are claimed and how tickets are validated. The commission may establish the following requirements without adopting rules under RSA 541-A, provided such requirements are printed clearly on the tickets issued by the commission:

- (a) The name of the game;
- (b) The cost of the ticket;
- (c) The amount of instant prizes;
- (d) The method for determining winning tickets which is unique to that particular game.

V. (a) The commission shall adopt rules under RSA 541-A and after public hearing relative to daily numbers games, including, but not limited to:

- (1) Rules of the game.
- (2) Types of bets.
- (3) Prize payments for each type of bet.
- (4) Ticket validity, including the appeal process to the commission for decisions made by representatives of the commission appointed by the commission to carry out its rules.
- (5) Requirements of ticket agents.

(b) The commission or its designee may establish the following requirements relative to daily numbers games without adopting rules under RSA 541-A, provided that the commission or its designee gives notice of said requirements in a newspaper or daily statewide publication at least 24 hours in advance of taking any action:

- (1) Limitation on the number of bets.
- (2) Conduct of drawings, including cancellation and rescheduling of drawings.
- (3) Cost of tickets.

VI. The lottery commission shall adopt a uniform set of rules under RSA 541-A and after public hearing

applicable to all games administered by the Multi-State Lottery Association, including, but not limited to, how prizes are claimed and how tickets are validated. The commission may establish the following characteristics without adopting rules under RSA 541-A, provided that the commission or its designee gives notice of said characteristics in a public announcement at least 10 business days in advance of taking any action:

(a) Conduct of drawings.

(b) The numbers and or symbols chosen from a set or sets of designated numbers or symbols to determine prize winners.

(c) Prize value of each prize category for standard or promotional drawings.

(d) The price of each bet.

(e) The frequency of the drawings.

**Source.** 1963, 52:1; 200:1. 1967, 304:2. 1977, 462:3. 1985, 295:3. 1986, 164:4. 1996, 157:10. 2000, 217:1. 2004, 97:5; 257:7. 2005, 82:1. 2006, 233:4-6, 7, II. 2007, 263:4, 5. 2009, 117:1, eff. Aug. 21, 2009.

## **Section 284:21-ii**

**284:21-ii Rules and Regulations; Lucky 7 Tickets.** – [Repealed 1981, 444:4, eff. July 1, 1981.]

## **Section 284:21-j**

### **284:21-j Establishment.** –

I. The state treasurer shall credit all moneys received from the lottery commission under RSA 284, RSA 287-D, and RSA 287-E, and interest received on such moneys, to a special fund from which the treasurer shall pay all expenses of the commission incident to the administration of this subdivision and all administration and enforcement expenses of racing and charitable gaming under RSA 284, RSA 287-D, and RSA 287-E. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA 198:39.

II. Notwithstanding any other provision of law, if the expenditure of additional funds over budget estimates is necessary for the proper functioning of the lottery commission, the commission may request, with prior approval of the legislative fiscal committee, that the governor and council authorize the transfer of funds from the sweepstakes fund for expenses related to retirement and health benefits.

**Source.** 1963, 52:1. 1965, 239:15. 1967, 421:1. 1973, 148:1. 1981, 444:3. 1983, 417:3. 1985, 244:9. 1987, 201:1. 1989, 414:2. 1997, 137:1. 1999, 17:45. 2002, 224:1. 2004, 97:6; 257:8. 2006, 311:4. 2008, 25:1. 2011, 224:87. 2015, 276:126, eff. July 1, 2015.

## **Section 284:21-jj**

### **284:21-jj Lottery Commission Funds.** –

I. Notwithstanding any provision of law to the contrary, in order to allow the lottery commission to efficiently handle its funds, the commission is authorized to have service fees paid to banks and sales outlets deducted from lottery receipts and, with the approval of governor and council, to have prizes paid by sales outlets from lottery receipts so long as full accountability is assured. The commission is authorized to enter into agreements with banks as to the charges for services rendered. Lottery funds shall be deposited in commercial banks throughout the state. These funds shall be transferred on a weekly basis to the state treasurer.

II. Notwithstanding any provision of law to the contrary, in order to allow the lottery commission to efficiently distribute instant tickets, the commission may have instant ticket delivery fees deducted from lottery receipts. The commission is authorized to enter into agreements or contracts with third parties for instant ticket delivery service. Such agreements or contracts shall have the prior approval of governor and council.

**Source.** 1977, 129:1. 2004, 97:8. 2005, 177:59, eff. July 1, 2005.

## **Section 284:21-k**

### **284:21-k Sale; Local Option.** –

I. Whether or not the lottery commission may continue to sell tickets in a city or town shall be determined as provided in RSA 663:7 and 8.

II. Recounts of any votes taken pursuant to RSA 663:7 shall be subject to RSA 660:13 through 15.

**Source.** 1963, 52:1. 1967, 304:3. 1971, 287:1. 1979, 436:6. 2004, 97:8, eff. July 10, 2004.

## **Section 284:21-kk**

**284:21-kk Recount.** – [Repealed 1979, 436:7, III, eff. July 1, 1979.]

## **Section 284:21-l**

**284:21-l Effect on Other Laws.** – All acts and parts of acts inconsistent with the provisions of this subdivision are hereby amended to the extent of the provisions of this subdivision.

**Source.** 1963, 52:1, eff. June 29, 1963.

## **Section 284:21-m**

**284:21-m Special Taxes.** – If the governor and council so authorize, the lottery commission may add to the selling price authorized under RSA 284:21-i an amount not in excess of the amount of any tax levied against the proceeds in the hands of said commission, and the commission may pay such taxes out of such proceeds, but only under protest. In paying any such tax the commission is instructed to assert with its protest, in addition to such other reasons as it may deem appropriate, the contention of the state of New Hampshire that taxes may not lawfully be imposed upon the type of state revenue raising measures for educational purposes as is represented by the provisions of this subdivision.

**Source.** 1963, 200:4. 2004, 97:8, eff. July 10, 2004.

## **Section 284:21-n**

**284:21-n Constitutionality.** – If any clause, sentence, paragraph or part of this subdivision shall, for any reason, be judged invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Source.** 1963, 200:4, eff. July 1, 1963.

## **Section 284:21-o**

**284:21-o Purchase of Tickets for a Fee Prohibited.** – No person shall engage in the business of purchasing or offering to purchase a sweepstakes or lottery ticket or tickets for, in behalf of, or in the name of another for a fee or service charge which shall make the ultimate cost of such ticket or tickets to the registered owner thereof greater than the legal price of such ticket or tickets as established by the lottery commission under the authority of this subdivision. Whoever violates the provisions of this section shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

**Source.** 1965, 63:1. 1967, 304:4. 1973, 528:182. 2004, 97:7. eff. July 10, 2004.

## **Section 284:21-p**

**284:21-p Effect on Other Laws.** – RSA 647 shall not apply to the sale of lottery and sweepstakes tickets provided for by this subdivision.

**Source.** 1965, 63:1. 1967, 304:5. 1973, 40:2, eff. Nov. 1, 1973.

## **Section 284:21-q**

**284:21-q Unclaimed Prize Money.** – The lottery commission shall hold unclaimed prize money on a winning ticket for one year after the prize money is awarded. If there is no claim to the money during the one year, or if the lottery commission is unable to locate the holder of a winning ticket during the one year, the lottery commission shall pay the money to the state treasurer at the end of the one year. The state treasurer shall deposit the money into the special fund set up under RSA 284:21-j. A person who has a claim on the prize money after the money has been paid to the treasurer shall make a claim to the legislature for payment.



**Source.** 1965, 230:1. 1971, 536:3. 1996, 157:11. 2004, 97:8, eff. July 10, 2004.

### **Section 284:21-r**

**284:21-r Winnings Tax Exempt.** – [Repealed 2009, 144:251, eff. July 1, 2009.]

### **Section 284:21-rr**

**284:21-rr Winnings Tax Exempt.** – Notwithstanding any other provisions of law to the contrary, a recipient of any money or prize awarded pursuant to the provisions of RSA 284:21-i shall be exempt from any tax imposed thereon by the state of New Hampshire.

**Source.** 2011, 47:2, eff. May 23, 2011.

### **Section 284:21-s**

**284:21-s Incentive Awards for Ticket Sellers.** – The lottery commission is authorized to pay cash incentives, at a rate established by the commission but not to exceed \$75,000 for a winning ticket, as an inducement to employees and agents authorized to sell tickets pursuant to RSA 284:21-h, II(d).

**Source.** 1973, 484:2. 1977, 455:1. 1997, 137:2. 2004, 97:8. 2007, 311:3, eff. Sept. 11, 2007. 2016, 231:1, eff. Aug. 8, 2016.

### **Section 284:21-t**

**284:21-t Lucky 7 Tickets.** – [Repealed 1981, 444:4, eff. July 1, 1981.]

### **Section 284:21-u**

[RSA 284:21-u repealed by 2016, 148:1, I, effective January 1, 2017.]

**284:21-u Prohibition on Future Employment.** –

I. No commissioner, executive director, assistant director, or games manager of the lottery commission shall accept any employment, including work as a consultant or lobbyist, with any ticket or on-line vendor holding a valid contract with the commission or any such vendor bidding on a contract with the commission until 2 years after such person shall become separated from the commission.

II. No ticket or on-line vendor holding a valid contract with the commission or bidding on a contract with the commission shall employ any commissioner, executive director, assistant director, or games manager of the commission until 2 years after such employee has become separated from the commission. Any such vendor who violates the provisions of this paragraph shall be barred from bidding on any future contract with the commission for 5 years after such violation.

**Source.** 1987, 57:1. 1996, 157:12. 2004, 97:8, eff. July 10, 2004.

### **Section 284:21-v**

**284:21-v Child Support Intercept.** – The lottery commission and the department of health and human services shall initiate an on-line data system to effect the withholding of child support arrearages from all lottery prizes subject to Federal Tax Form W-2g reporting requirements. The full cost of such on-line data system shall be borne by the department of health and human services. Upon notice from the department of health and human services that an arrearage amount exists, the lottery commission shall withhold such amount from any lottery prize payments and redirect such payments to the department of health and human services in full or partial satisfaction of the arrearage. The lottery commission and the department of health and human services shall adopt rules under RSA 541-A after public hearing relative to withholding prize money from lottery claimants having child support arrearages. The lottery commission shall also provide, by rule, safeguards against the disclosure or inappropriate use of any personally identifiable information regarding any person obtained pursuant to this section.

**Source.** 1993, 85:1. 1995, 310:181. 2004, 97:8, eff. July 10, 2004.

# Pari-Mutuel Pools, and Distribution of Tax Thereon

## Section 284:22

**284:22 Pari-Mutuel Pools.** – During the calendar years of 1941-2029, a licensee under this chapter may sell pari-mutuel pools in accordance with this chapter and rules adopted by the lottery commission. Pari-mutuel pools shall be sold within the enclosure of the racetrack where a licensed race or race meet is held or as provided in RSA 284:22-a, and not elsewhere.

I. The lottery commission on all win, place, and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the lottery commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 26 percent of each dollar wagered in such pools and not more than 27 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live running horse races after written notice to the lottery commission and, in the absence of written notice, at the rate of 26 percent of each dollar wagered in such pools. Except as provided in RSA 284:22-a, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 8 1/4 percent of each dollar wagered in all pari-mutuel pools, said 8 1/4 percent to be paid by the licensee out of the lottery commission on such pools. In addition to the above lottery commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the lottery commission. The lottery commission shall distribute such breakage to the licensee which paid such breakage to supplement purses of live races conducted by the licensee at the location from which such breakage was paid. Each licensee shall pay the tax provided for in RSA 284:23.

II. The lottery commission on all win, place, and show pari-mutuel pools at tracks or race meets at which harness horse races are conducted for public exhibition, including those conducted by agricultural fairs, shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the lottery commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of not less than 25 percent of each dollar wagered in such pools and not more than 26 percent of each dollar wagered in such pools as determined from time to time by the licensee which conducts live harness horse racing after written notice to the lottery commission and, in the absence of such written notice, at the rate of 25 percent of each dollar wagered in such pools. In addition to the above lottery commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage", shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2 and 1/4 shall be paid to the lottery commission. The lottery commission shall distribute such breakage to the licensee which paid such breakage. Each licensee shall pay the tax provided for in RSA 284:23.

III. For the purposes set forth in this section, an "agricultural fair" means an association which provides for and pays premiums of \$5,000 or more, annually, as is determined by the commissioner of agriculture, markets, and food, in accordance with RSA 284:25.

IV. Subject to the provisions of RSA 284:22-a, V, the lottery commission on all win, place, and show pari-mutuel pools at tracks or race meets at which simulcast dog races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools; and the lottery commission on all other pari-mutuel pools at such tracks or race meets shall be at the rate of 27 percent of each dollar wagered in such pools. In addition to the above lottery commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10, known as "breakage," shall be retained by the licensee, 1/4 paid to the state treasury for the use of the state and 1/4 shall be paid to the lottery commission. Each licensee shall pay the tax provided for in RSA 284:23.

**Source.** 1935, 27:14. 1939, 15:1. 1941, 155:1. RL 171:15. 1943, 83:1. 1945, 117:1. 1949, 24:1; 190:1. 1953, 117:1. RSA 284:22. 1955, 74:1. 1957, 122:1. 1961, 34:1. 1967, 53:1. 1970, 5:14. 1971, 173:1; 498:2; 541:11. 1973, 306:1, 2, 4, I, II. 1974, 13:1; 42:2, 4. 1976, 52:1, 5, I. 1977, 93:1, 2. 1979, 119:1. 1981, 570:5. 1985, 58:5, 6; 282:2. 1986, 4:1. 1987, 69:2. 1988, 92:1; 291:1, 2. 1989, 219:1-3. 1991, 68:1. 1992, 16:1; 185:3. 1993, 358:83-85. 1994, 5:1, 2. 1995, 130:5. 1997, 27:1-5; 351:64. 2004, 59:2. 2008, 25:1. 2010, 272:10, 22. 2015, 276:127, eff. July 1, 2015.

## Section 284:22-a

### **284:22-a Pari-Mutuel Pools on Simulcast Racing.** –

I. In this section:

(a) "State" means each state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any territory or possession of the United States.

(b) "Simulcast" means a licensee's receipt of the transmission of races conducted at a racetrack other than the licensee's racetrack and which races are exhibited simultaneously at the licensee's racetrack by television or other means of electronic reproduction with the conduct of such races at the point of origin and on which races the licensee sells pari-mutuel pools.

(c) "Licensee" means

(1) Any individual, association, partnership, joint venture, corporation, or other organization or other entity which holds a license under RSA 284 to conduct a live running or harness horse race meet, or if the election is made pursuant to RSA 284:22-a, II(c), licensee means the individual, association, partnership, joint venture, corporation, or other organization or entity which applies for a license under RSA 284 to conduct simulcasting at a facility at which live running or harness horse racing was conducted in 2008, or

(2) The individual, association, partnership, joint venture, corporation, or other organization or other entity which applies for a license pursuant to RSA 284:15-a to conduct simulcasting at a facility at which live dog racing was conducted in 2008 and at which facility a license was issued to an applicant for 2010 to simulcast running and harness horse racing and dog racing.

II. (a) During the calendar years 1941-2029, a licensee may sell pari-mutuel pools on races held at racetracks other than at the facility of the licensee, if any, provided:

(1) Such sales are within the enclosure of the facility at which the licensee holds a license;

(2) Wagers are made on races which are exhibited by television or other electronic reproduction at licensee's facility simultaneously with the conduct of each such race at its point of origin with the agreement or approval of the racetrack which provides the transmission of the races to be simulcast and the racetrack which conducts the races to be simulcast;

(3) Unless the licensee makes the election pursuant to RSA 284:22-a, II(c), the licensee which holds a license to conduct live harness or running horse racing has scheduled at least 50 calendar days of live harness and/or running horse racing in the calendar year such licensee simulcasts; and

(4) The licensee obtains the consents and approvals set forth in RSA 284:22-a, III.

(b) [Repealed.]

(c) Notwithstanding subparagraph II(a), an individual, association, partnership, joint venture, corporation, or other organization or entity may be issued a license to conduct simulcasting without conducting live racing provided such person or entity makes such election with the approval of the commission and such person or entity either held a license on January 1, 2009 under this chapter to conduct a race meet or seeks to conduct simulcasting without conducting live racing at a facility at which live racing was authorized to be conducted in 2009.

(d) Notwithstanding subparagraph II(a), an individual, association, partnership, joint venture, corporation, or other organization or entity may be issued a license to conduct simulcasting without conducting live horse racing at a location in Cheshire county, provided such person or entity applies for, and is issued, a license to conduct live horse racing at such location in Cheshire county, complies with other provisions of this chapter with regard to application and issuance of such license, makes such election with the approval of the commission, and such person or entity has submitted an economic development plan to the commission to conduct a live horse racing meet in Cheshire county within 36 months of the granting of a license. If no live horse racing is conducted within the 36-month period the license to receive simulcast wagers shall be revoked. The commission shall adopt regulations regarding the criteria of the proposed economic development plan prior to issuance of any approval.

III. A licensee may sell pari-mutuel pools on races held at other appropriately licensed racetracks, whether such racetracks are in the state of New Hampshire or outside the state of New Hampshire with the agreement or approval of the racetrack which provides the transmission of the races to be simulcast and the racetrack which conducts the races to be simulcast. A licensee may sell pari-mutuel pools under RSA 284:22-a on the same types of races that it conducts live at its racetrack with the approval of the commission. A licensee may sell pari-mutuel pools under RSA 284:22-a on types of races different from the types of races conducted live at the licensee's racetrack, or if such licensee holds a license pursuant to RSA 284:15-a and RSA 284:16-a, or the licensee makes the election pursuant to RSA 284:22-a, II(c) with respect to live running or harness horse racing, provided such licensee obtains the approval from the commission and the municipality in which the licensee operates its facility had approved the issuance of a license to conduct harness or running horse racing and/or dog racing, whether live or simulcast, in such municipality either prior to enactment of RSA 284:22-a or subsequent to enactment of RSA 284:22-a.

IV. A licensee which has scheduled less than 50 calendar days of live racing in a calendar year may simulcast on a day on which live racing is scheduled at the licensee's race track, without conducting live racing, provided that the live racing program is cancelled due to weather or other conditions which produce unsafe conditions at the racetrack of the licensee. The determination to cancel a live program based upon weather or the condition of the racetrack shall be made by the licensee, and notice shall be provided to the commission. Notwithstanding the foregoing, a licensee which has scheduled less than 50 calendar days of live racing shall be limited to no more than 10 such cancellations in a calendar year.

V. (a) A licensee may sell pari-mutuel pools for simulcast races for races held at racetracks within or outside the state of New Hampshire in accordance with RSA 284:22-a, II, within the enclosure of said licensee's racetrack or a

licensee, with the written agreement with the licensee which conducts or transmits the race which is to be simulcast, may sell a common pari-mutuel pool in conjunction with the licensee which conducts or transmits the race which is to be simulcast. In the event of common pools, the licensee which conducts or transmits the race shall pay the tax required under RSA 284:23 for the portion of the common pool actually contributed at said licensee's racetrack and the licensee which simulcasts shall pay the tax due under RSA 284:23 for the portion of the common pool actually contributed at said licensee's racetrack.

(b) A licensee may sell pari-mutuel pools for simulcast races for races held at racetracks outside the state of New Hampshire in accordance with RSA 284:22-a, II, within the enclosure of said licensee's racetrack or said licensee, with the written agreement with the entity which conducts the race which is to be simulcast, may sell a common pari-mutuel pool in conjunction with the entity which conducts the race which is to be simulcast. In the event of such common pools, the commission shall be in the amount established by the law of the state in which the race to be simulcast is actually conducted, provided, however, the licensee shall pay the tax as provided under RSA 284:23.

VI. Racing officials, as defined in the rules adopted by the commission, any employee or owner of the entity which provides the totalizator system to the licensee, and any person responsible for the operation of the electronic reproduction equipment which receives the simulcast shall be prohibited from participating in wagering, directly or indirectly, on simulcast races shown at the licensee's racetrack.

VII. The provisions of RSA 284:15-c, RSA 284:16-a, RSA 284:16-c, RSA 284:17, RSA 284:17-a, and RSA 284:17-c shall not apply to simulcast and pari-mutuel pools under RSA 284:22-a, except as specifically provided in RSA 284:22-a.

VIII. RSA 284:22, I, II, III, and IV shall apply according to the type of race on which the simulcast wagers are made, excepting, however, interstate common pools as provided in RSA 284:22-a, V(b) and that the provisions made for purses made in RSA 284:22, I shall not apply to simulcast races. The commission on simulcast race pools shall be available to the simulcasting licensee to satisfy obligations to the racing association originating or transmitting such simulcast races or to the horsemen's group of such association.

**Source.** 1991, 68:2. 1992, 16:2, 3, 5. 1994, 143:3. 2004, 59:3. 2006, 156:2-4. 2009, 144:104, 105. 2010, 272:11-14. 2012, 256:2, eff. June 18, 2012.

## **Section 284:23**

### **284:23 Tax. –**

I. (a) Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of the total contributions to all pari-mutuel pools conducted, made, or sold at any such race or meet licensed under this chapter. The amounts so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to simulcast a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to 1 1/4 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such simulcast race or simulcast race meet by such person, association, or corporation licensed to simulcast such races. The amount so paid to the state treasurer shall be for the use of the state.

(c) Any amounts so paid to the state treasurer by any person, association, or corporation licensed to simulcast a running horse race or running horse meet under this chapter collected in Cheshire county shall be held in escrow for a period of not more than 36 months by the state treasurer. If any person, association, or corporation licensed under this chapter has commenced to hold a live race meet within the 36-month period the escrowed amounts shall be paid to the lottery commission to offset any expenses incurred for the services required to hold such meet. If there is no live race meet within the 36-month period all sums so escrowed shall be for the use of the state.

II. (a) Each person, association, or corporation licensed to conduct a harness horse race or harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of all total contributions to all pari-mutuel pools in a calendar day. The amount so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to simulcast a harness horse race or simulcast a harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to 1 1/4 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such simulcast race or race meet by such person, association, or corporation licensed to simulcast such races. The amount so paid to the state treasurer shall be for the use of the state.

(c) Any amounts so paid to the state treasurer by any person, association, or corporation licensed to simulcast a harness horse race or harness horse race meet under this chapter collected in Cheshire county shall be held in escrow for a period of not more than 36 months by the state treasurer. If any person, association, or corporation licensed under this chapter has commenced to hold a live race meet within the 36-month period the escrowed amounts shall be paid to the lottery commission to offset any expenses incurred for the services required to hold such meet. If there is no live race meet within the 36-month period all sums so escrowed shall be for the use of the state.

III. (a) [Repealed.]

(b) Each person, association or corporation licensed to simulcast a dog race or simulcast a dog race meet under this chapter shall pay to the state treasurer a sum of money equal to 1 1/2 percent of all pari-mutuel pools conducted, made, or sold at such simulcast race or simulcast race meet by such person, association, or corporation licensed under this chapter. The amount so paid to the state treasurer shall be for the use of the state.

(c) Any amounts so paid to the state treasurer by any person, association, or corporation licensed to simulcast a dog race or meet under this chapter collected in Cheshire county shall be held in escrow for a period of not more than 36 months by the state treasurer. If any person, association, or corporation licensed under this chapter has commenced to hold a live race meet within the 36-month period the escrowed amounts shall be paid to the lottery commission to offset any expenses incurred for the services required to hold such meet. If there is no live race meet within the 36-month period all sums so escrowed shall be for the use of the state.

IV. Each person, association, or corporation licensed to conduct a race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located for each day of racing, whether such day includes live racing only, simulcast racing only, or a combination thereof, the fees assessed in subparagraphs (a) and (b) below, based upon the aggregate pari-mutuel pools conducted, made, or sold by such person, association, or corporation on each such day. This rate is provided if said person, association, or corporation has a license to conduct races or race meets for more than 10 days during the year for which the license is issued. If said person, association, or corporation has a license to conduct races or race meets for 10 days or less, the per diem fee shall be determined by the lottery commission.

(a) Each Weekday including Saturday

Pari-mutuel pool Fee  
Under \$300,000 \$ 300 per day  
\$300,000 or more \$ 350 per day

(b) Each Sunday

Pari-mutuel pool Fee  
Under \$350,000 \$ 400 per day  
\$350,000 but under \$500,000 \$ 800 per day  
\$500,000 or more \$1,200 per day

V. [Repealed.]

VI. [Repealed.]

VII. For the purposes of this chapter, "racing program" means live racing with any number of individual races as determined by the lottery commission. A live race or racing program may include a combined live and simulcast race where the combination contains at least one more live race to simulcast in the same combination. Any such live racing program or combined racing program upon which a separate tax is paid may constitute a live racing performance day.

**Source.** 1935, 27:15. 1939, 15:2. RL 171:16. 1945, 117:2. RSA 284:23. 1955, 74:2. 1957, 122:2. 1959, 181:4. 1967, 53:2. 1970, 5:15. 1971, 541:12, 13. 1973, 306:3; 562:1. 1974, 13:2-4. 1976, 52:2. 1977, 93:3-5; 134:1; 176:1, 2. 1979, 35:1; 119:2, 3; 122:1-3. 1981, 462:5; 570:2. 1982, 42:146-148. 1985, 72:8; 170:1; 180:1. 1986, 4:2. 1987, 154:1; 252:3, 4, 6, I-III. 1988, 291:3, 4. 1989, 219:4, 6. 1992, 16:4; 185:3. 1994, 5:3-5; 253:1, 2. 1995, 224:1, 2. 1997, 27:6-9; 351:65. 2008, 25:1; 285:21, IV. 2010, 272:21, IX, X. 2012, 256:1. 2015, 276:127, eff. July 1, 2015.

## Section 284:24

**284:24 Payment.** – Payments made under RSA 284:23 shall be made no later than 3 calendar days after each racing day. Failure to make payments in the time prescribed shall subject the licensee to a civil forfeiture of \$50 for each day the payments are overdue.

**Source.** 1935, 27:16. RL 171:17. RSA 284:24. 1986, 164:5, eff. May 28, 1986.

## Section 284:25

**284:25 Distribution to Agricultural Fairs.** – [Repealed 1987, 252:6, IV, eff. July 1, 1987.]

## Section 284:25-a

**284:25-a Distribution for Physical Improvements at Agricultural Fairs.** – [Repealed 1987, 252:6, V, eff. July 1, 1987.]

### **Section 284:26**

**284:26 Reports as to Basis of Distribution.** – [Repealed 1987, 252:6, VI, eff. July 1, 1987.]

### **Section 284:27**

**284:27 Audit by Commissioner of Revenue Administration of Accounts of Agricultural Fairs.** – [Repealed 1987, 252:6, VII, eff. July 1, 1987.]

### **Section 284:28**

**284:28 Report of Audit.** – [Repealed 1987, 252:6, VIII, eff. July 1, 1987.]

### **Section 284:29**

**284:29 Records for Purpose of Audit.** – [Repealed 1987, 252:6, IX, eff. July 1, 1987.]

### **Section 284:30**

**284:30 Failure to Keep Records.** – [Repealed 1987, 252:6, X, eff. July 1, 1987.]

### **Section 284:31**

**284:31 Unclaimed Ticket Money.** – On or before January 31 of each year every person, association, or corporation conducting a race or race meet, whether live racing or simulcast racing, hereunder shall pay to the state treasurer all moneys collected during the previous year of pari-mutuel pool tickets and vouchers which have not been redeemed. The books or records of said person, association, or corporation, which clearly show the tickets entitled to reimbursement in any given race, live or simulcast, shall be forwarded to the lottery commission. Such moneys shall become a part of the special fund established in RSA 284:21-j. The state treasurer shall pay the amount due on any ticket or voucher to the holder thereof from funds not otherwise appropriated upon an order from the lottery commission. Pari-mutuel tickets and vouchers which remain unclaimed after 11 months shall not be paid. Vouchers shall be remitted to the state treasurer on January 31 of the calendar year, 24 months after the year of the unclaimed voucher.

**Source.** 1935, 27:17. RL 171:19. RSA 284:31. 1957, 165:1. 1969, 42:1. 1971, 7:1. 1976, 52:3. 1990, 259:2. 1991, 4:13. 1992, 185:2. 2011, 259:1. 2013, 264:7. 2015, 276:127, eff. July 1, 2015.

### **Section 284:32**

**284:32 Records of Receipts.** – [Repealed 1997, 27:11, III, eff. June 24, 1997.]

### **Section 284:32-a**

**284:32-a Annual Financial Statements Required.** – Every person, association, or corporation conducting a race or race meet, except those conducted by agricultural fairs, shall annually submit to the lottery commission on or before June 1 an annual financial report of the entity licensed to conduct the race or race meet. The report shall include, at a minimum, a balance sheet, an income statement, a statement of changes in retained earnings, a statement of changes in financial position and the applicable notes to those financial statements for the prior year's operations of the person, association, or corporation, audited by a public accountant or certified public accountant licensed to practice in the state of New Hampshire in accordance with RSA 309-A. Said audit and the auditor's report shall conform to generally accepted auditing standards as prescribed by the American Institute of Certified Public Accountants.

**Source.** 1977, 483:1. 1983, 13:2. 2015, 276:127, eff. July 1, 2015.

## **Section 284:32-b**

### **284:32-b Penalty for Failure to Submit. –**

I. Every person, association or corporation required to submit an annual statement pursuant to RSA 284:15-b or an annual financial report pursuant to RSA 284:32-a who fails to submit such statement or report within the required time period shall be subject to a civil forfeiture of up to \$500 for each day of a continuing violation. Civil forfeitures shall be levied under this section by the state lottery commission, shall be collected by the attorney general, and shall be deposited in the special fund established in RSA 284:21-j. Such civil penalty shall be in addition to and not a substitute for any other civil or criminal penalty provided by law, including RSA 284:21.

II. The lottery commission shall notify in writing the attorney general and the fiscal committee of the general court whenever any person, association or corporation fails to submit such statement or report within the required time period and shall also include in said notice the amount of any civil forfeiture levied pursuant to this section. In the event that the lottery commission grants an extension of time in which to file such statement or report, the lottery commission shall notify in writing the attorney general and the fiscal committee of the general court of such extension, the legal basis for granting the extension, and the reason the extension was granted.

**Source.** 1983, 13:1. 1997, 27:10. 2008, 25:1. 2013, 264:8. 2015, 276:127, eff. July 1, 2015.

## **Section 284:33**

**284:33 Minors. –** No minor, whether attending a race or employed in any manner on or about a race track, shall be permitted to participate in any pari-mutuel pool or be admitted to any pari-mutuel enclosure.

**Source.** 1935, 27:20. RL 171:22.

## **Section 284:34**

**284:34 Effect on Other Laws. –** RSA 338 and RSA 647 shall not apply to pari-mutuel pools provided for by this chapter.

**Source.** 1935, 27:25. RL 171:28. RSA 284:34. 1971, 541:17. 1973, 40:1, eff. Nov. 1, 1973.

## **False Entries; Names of Horses**

### **Section 284:35**

**284:35 False Entry. –** No person shall knowingly enter or cause to be entered for competition, or knowingly compete with, any horse under any other than its true name, or out of its proper class, for any purse, prize, premium, stake or sweepstakes offered to the winner of a contest of speed.

**Source.** 1895, 73:1. PL 189:6. RL 231:5. RSA 284:35. 1971, 541:14. 2010, 272:15, eff. Jan. 1, 2011.

### **Section 284:36**

**284:36 Name. –** The name of any horse for the purpose of entry for competition or performance in any contest of speed, shall be the name under which said horse has been registered and has publicly performed, and shall not be changed, except as provided by the code of printed rules of the society or association under which the contest is advertised to be conducted.

**Source.** 1895, 73:2. PL 189:7. RL 231:6. RSA 284:36. 1971, 541:15. 2010, 272:16, eff. Jan. 1, 2011.

### **Section 284:37**

**284:37 Penalty. –** Any person violating any provision of RSA 284:35 or 36 shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

**Source.** 1895, 73:2. PL 189:8. RL 231:7. RSA 284:37. 1973, 528:183, eff. Oct. 31, 1973 at 11:59 p.m.

# Tampering With Horses or Dogs

## Section 284:38

**284:38 Malicious Interference With Horses.** – Any person who willfully or maliciously attempts to or does interfere with, tamper with, injure, or destroy by the use of narcotics, drugs, stimulants, or appliances of any kind used by any horse for the purpose of racing, whether such horse is the property of such person or another, or who willfully or maliciously causes, instigates, counsels, or in any way aids or abets any such interference, tampering, injury, or destruction shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person. The owner of any race horse engaged in racing within this state that is found to have been stimulated or doped, or any entry of which such horse is a part, shall be denied any part of the purse offered for such race, and the purse shall be distributed as in the case of a disqualification.

**Source.** 1939, 71:1. RL 171:14. RSA 284:38. 1971, 541:16. 1973, 528:184. 2010, 272:17, eff. Jan. 1, 2011.

## Section 284:38-a

### **284:38-a Trainer as Insurer.** –

I. The trainer of record shall be responsible for and shall be the insurer of the condition of any horses used for the purposes of racing, which such trainer of record enters to race. In this section, "trainer of record" means the person registered and identified as trainer of such horse used for the purpose of racing in the records of the lottery commission.

II. The lottery commission may impose sanctions or penalties upon the trainer of record resulting from the condition of the horse entered in a race failing to comply with the rules of the lottery commission. Any person aggrieved by a decision by the lottery commission, shall have the right to appeal the decision to the full lottery commission. Any appeal to the lottery commission shall be in accordance with RSA 284:13.

**Source.** 2004, 59:4. 2008, 25:1. 2010, 272:18. 2015, 276:127, eff. July 1, 2015.

# Trespassing

## Section 284:39

### **284:39 Rights of Licensee.** –

I. Any licensee under this chapter may refuse admission to, or eject from, the grounds or the enclosure of the racetrack or facility where a licensed live race or race meet or is being held or where licensed simulcasting is held, any person or persons whose presence or conduct, in the sole judgment of the licensee, is inconsistent with the orderly and proper conduct of the live or simulcast race meet, or is detrimental to the sport of racing, whether or not such presence or offensive conduct is associated with gambling.

II. The phrase "grounds or the enclosure of the racetrack or facility" means all real or personal property used by the licensee in the operation of the racetrack and the facilities for simulcasting, including without limitation, the parking lots, grandstands, stables, barn areas, and buildings at the racetrack or facility.

**Source.** 1959, 210:4. 1987, 176:1. 1992, 185:1. 2010, 272:19, eff. Jan. 1, 2011.

## Section 284:40

**284:40 Penalty.** – Any person or persons within said enclosure without right or to whom admission has been refused or who has previously been ejected shall be guilty of a misdemeanor.

**Source.** 1959, 210:4. 1973, 528:185, eff. Oct. 31, 1973 at 11:59 p.m.