

RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Department of Public Safety

RULE IDENTIFIER: RICR: 270-RICR-50-00-1, ERLID: 5884

REGULATION TITLE: Rules and Regulations Governing Games of Chance

RULEMAKING ACTION: Direct Final

If no formal objection is received on or before November 20, 2017, the Department of Public Safety will file the amendment without opportunity for public comment.

TYPE OF FILING: Amendment

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public notice date: October 12, 2017

End of comment period date: November 20, 2017

SUMMARY OF PROPOSED RULE: The purpose of this amendment is to remove outdated information and clarify specific sections:

- 1.1 General Provisions, A. Scope: The Superintendent has changed and listing this information is unnecessary.
- 1.2 Procedures, A. Method of Obtaining Authorization to Promote, Carry On, or Conduct a Game of Chance: this fee is listed in the Rhode Island General Laws and quoting the General Laws is unnecessary.
- 1.3 Conduct of Games, B. Equipment Utilized for Games of Chance: Clarification of allowed equipment with the U.S. Code.
- 1.3 Conduct of Games, C. Specific Games NOT Allowed: Clarification of horse/racing game films.
- 1.3 Conduct of Games, D. Exception with Clear Restrictions: Revised prizes to tokens, and removed the word winners.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by November 20, 2017 to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address:

Lauren Rommal

Department of Public Safety

311 Danielson Pike, North Scituate, RI 02857

Email Address:

Lauren.Rommel@risp.gov

PUBLIC HEARING INFORMATION:

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call (401) 444-1298 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

FOR FUTURE INFORMATION CONTACT:

Lauren Rommal, Principal Assistant Administrator

Department of Public Safety, 311 Danielson Pike, North Scituate, RI, 02857.

Phone Number: (401) 444-1298

Email Address: Lauren.Rommel@risp.gov

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation:

We expect there to be no impact on societal costs or benefits and there will be no cost of compliance.

Authority for This Rulemaking: Pursuant to the provision of R.I. Gen. Laws § 42-7.3-9, and in accordance with the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

Regulatory Findings:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Amendment:

The Department of Public Safety proposes to amend 270-RICR-50-00-1 as follows:

270-RICR-50-00-1

TITLE 270 – Department of Public Safety

CHAPTER 50 – Licensing and Oversight

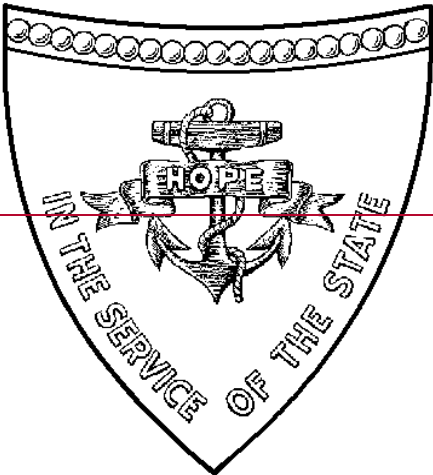
SUBCHAPTER 00 - N/A

PART 1 – Rules and Regulations Governing Games of Chance

~~The State of Rhode Island and Providence Plantations~~

~~DIVISION OF STATE POLICE~~

~~RHODE ISLAND STATE POLICE~~



~~RULES AND REGULATIONS GOVERNING~~

~~GAMES OF CHANCE~~

~~(RAFFLES)~~

~~The Honorable Donald L. Carcieri _____ Colonel Brendan P. Doherty~~

~~Governor _____ Superintendent~~

~~State of Rhode Island _____ Rhode Island State Police~~

~~RULES AND REGULATIONS GOVERNING GAMES OF CHANCE~~

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1.1 General Provisions

A. Scope

1. All games of chance are to be authorized by the Rhode Island State Police. ~~R.I. Gen Laws § 11-19-30.1 Title 11, Chapter 19, Section 30.1~~ specifically enumerated this requirement of authorization by the Rhode Island State Police as well as other specific requirements controlling Games of Chance. ~~_(replaced by Title 11, Chapter 19, Section 36 in 1983).~~ These regulations are ~~the guidelines~~ adopted by the Rhode Island State Police in accordance with the statute providing for dual control of licensing games of chance by the police department of the cities and towns in which the games are to take place and authorization by the Superintendent of the Rhode Island State Police, or his/her designee, of these games of chance.

~~The current Superintendent of the Rhode Island State Police, Colonel Brendan P. Doherty, hereby enacts this revised document as the rules and regulations to conduct games of chance in the State of Rhode Island.~~

B. Organizations Permitted to Promote, Carry On, or Conduct a Game of Chance

1. The only organizations eligible to promote, carry on, or conduct a game of chance are religious, charitable, fraternal, civic, educational, benevolent, philanthropic, humane, patriotic, social service, police, labor, eleemosynary, or veterans' organizations. No other type of organization or any individual is permitted to carry on or conduct a game of chance except as noted in ~~section 1.6~~ section G.

C. Certain Persons Exempt

1. An individual or group of individuals determined to meet special requirements that can be construed as a temporary organization organized exclusively for the purpose of relief to an individual, or group of individuals, who are suffering from extreme financial hardship as a result of an illness, disability, accident or disaster. Such temporary organization, and/or its principals, shall be allowed to conduct one raffle within a 12-month period and must specify the individual or individuals by name, giving a detailed description of the reason for such application. The entire proceeds of any such raffle, without any deductions whatsoever, must be turned over to the named beneficiary(ies).

D. Definition of a Game of Chance

1. A game of chance is any game in which the element of chance predominates over the element of skill in the possibility of winning a prize with pecuniary consideration being involved to participate.

E. Necessary Criteria for Organizations to be Deemed Eligible to Promote, Carry On, or Conduct a Game of Chance

1. For the purpose of operating games, the enumerated organizations, namely religious, charitable, fraternal, civic, educational, benevolent, philanthropic, humane, patriotic, social service, police, labor, eleemosynary or veterans' organizations, should be registered as a non-profit organization from the State of Rhode Island in existence for a period of at least one year prior to their request for authorization to promote, carry on, or conduct a game of chance. The non-profit organization should be in full compliance with all of the requirements of the corporate laws of the State of Rhode Island.

F. Membership Requirements for Persons Conducting Games of Chance

1. It is mandatory that any and all persons conducting games of chance for organizations that have been duly authorized and licensed be bona fide members of this organization for at least one year prior to their participation in this game of chance. The membership records of the organization authorized and licensed to conduct a game of chance must be filed with the Superintendent of the Rhode Island State Police prior to authorization and any and all records pertaining to membership must be made available to the Superintendent of the Rhode Island State Police, or his/her designee, upon request.

G. Political Committees Exempt from 20 Week Club and Raffles

1. [R.I. Gen. Laws §Section 11-19-1.1](#) ~~of the Rhode Island General Laws~~ entitled "Lotteries Permitted," reads as follows: "Any state, city, town, ward, or district committee elected pursuant to the provisions of Title 17 or certified candidates, but not both, as defined in Title 17, shall be allowed to conduct that lottery commonly known as a 'twenty (20) week club' or conduct a raffle once within a twelve (12) month period subsequent to notification to the Rhode Island Lottery Commission."

H. Restrictions on Prizes Given Out to Winners of Games of Chance

1. No individual or organization, whether religious, charitable, fraternal, civic, educational, benevolent, philanthropic, humane, patriotic, social service, police, labor, eleemosynary, veterans, or temporary, is allowed to give out as a prize(s) for games of chance they are licensed to conduct any real estate, either building or land, or interest in real estate.
2. The transfer of any prizes consisting of alcohol or weapons must be in conformance with existing state law.

I. Restrictions on Use of Internet for Licensed Games of Chance

1. The Internet may be used as a vehicle for advertising only for licensed games of chance. An organization that has obtained a license for games of chance may advertise said game(s) on the Internet. No purchasing of tickets or chances may take place via the Internet. Any participant(s) must purchase tickets by mail or in person.

1.2 Procedures

A. Method of Obtaining Authorization to Promote, Carry On, or Conduct a Game of Chance

1. Application for a license to conduct a game of chance for a specific date or dates shall in the first instance be made to the police department of any city or town in which such games are to take place and be conducted. Said application for a license must set forth the name of the organization,

the names, dates of birth, and resident addresses of the principal officers and persons conducting such game and other additional terms and conditions as the police department of said city or town may prescribe.

2. The city or town police department shall investigate this application and then forward the completed application along with the information from their investigation to the Superintendent of the Rhode Island State Police who shall consider it for authorization under the terms of the enabling statute and these rules and regulations.
3. The Rhode Island State Police, through its Superintendent or his/her designee, shall act upon the application for authorization and shall forward its determination back to the city or town police department with specific recommendations, ~~with a~~ No license shall being issued by the police department if authorization is denied by the Superintendent of the Rhode Island State Police or his/her designee.
4. In the event that the Superintendent of the Rhode Island State Police, or his/her designee, grants authorization, the city or town police department may grant a license with any limitation it may wish to impose on the operation of the game of chance.
5. Upon issuance of said license by the local police department, a copy of the license shall be forwarded to the Superintendent of the Rhode Island State Police. Application to the local or city police department shall be made at least sixty (60) days before the commencement of said game.
6. The chief of police is responsible for forwarding said application to the Superintendent of the Rhode Island State Police thirty (30) days prior to the commencement of said game.
7. The charitable organization shall apply for approval pursuant to this section and shall pay to the Rhode Island State Police an application fee ~~of five (5) dollars~~, as provided for in [R.I. Gen. Laws § Rhode Island General Laws 11-19-37](#).

B. Display of License

1. Every licensed organization shall prominently display its license in any area visible to the general public that utilizes the facilities of this organization.

C. Bingo or Beano Games

1. Bingo or Beano Games shall continue to be licensed pursuant to the statutory provisions of [R.I. Gen. Laws § Title 11, Chapter 19, Section 30, et. seq.](#)

D. Proceeds of Games of Chance

1. ——— The entire proceeds of the charges for admission to and participation in such games of chance that have been duly licensed, after deducting expenses for rent, heat, light, prizes, and equipment, and other reasonable expenses, shall be applied and expended exclusively for charitable purposes and for no other purposes whatsoever. Any organization that is otherwise eligible for authorization and licensed to operate a game of chance shall not be authorized nor issued a license if the proceeds, after legally cognizable expenses are deducted, are not used exclusively for charitable purposes. Within sixty (60) days of the completion of the duly licensed game of chance, the organization shall file a complete report with the local police department and the Superintendent of the Rhode Island State Police. The report shall contain the gross amount of money or other consideration received, a final statement of expenses, and the uses to which the net profit is to be applied.

1.3 Conduct of Games

A. Location and Persons Involved

1. Locations at which games of chance are conducted must be the location specified in the application for a license and this location must be accessible for all members of the Rhode Island State Police personnel in order to confirm the information contained in the application and to ascertain that the rules and regulations as set forth herein are being followed by the licensed organization. Every person or organization who obtains a license for a game of chance consents to allow members of the state and/or local police into the facility wherein the game is taking place while the game is taking place, and further agrees that all records related to said game shall be produced to the state and/or local police upon demand.
2. The conduct of games of chance by the licensed organization can only be carried out and conducted by bona fide members of the organization serving without any compensations whatsoever, as their name appears on the application. Should any third parties participate in the conduct of the games of chance under the guise of a licensed organization or under the guise of being a bona fide member, when in fact, he or she is not, then this shall be grounds for immediate revocation of the organization's license to conduct a game of chance.
3. No person under the age of eighteen (18) years old shall participate in a game of chance.
4. A license issued pursuant to these regulations shall not be transferable or extendible to third parties.

B. Equipment Utilized for Games of Chance

1. ~~Equipment used in the operation of a game of chance by a duly licensed organization shall be in compliance with the requirements of [Transportation of Gambling Devices, 15 U.S.C. Title 15, Chapter 24 of the U.S. Code](#) which deals with gambling devices and the Gambling Device Act of 1962. No equipment for the operation of a game of chance by a duly licensed organization shall be utilized that has not been either purchased, rented, or obtained from an individual or organization that has been licensed to furnish or sell said equipment by the Superintendent of the Rhode Island State Police, or his/her designee. Only that equipment that is specifically licensed by the Superintendent of the Rhode Island State Police, or his/her designee, shall be utilized in any manner whatsoever in the conduct of games of chance in the State of Rhode Island.~~ Any violation of this rule will subject those persons to arrest and prosecution under the State's gambling statutes.

C. Specific Games NOT Allowed

1. Dice game; commonly known as "craps"
2. Roulette
3. Pull-tab lottery tickets
4. Horse or racing/competition game films
5. Shell Games
6. Chuck-a-Luck - simple dice game
7. Blackjack - card game
8. Over and Under - simple dice game
9. Big 6 Wheel
10. Color Wheel
11. Horse Wheel
12. Beat the Dealer - simple dice game
13. Dice Wheel
14. Red and Black Wheel
15. Merchandise Wheel

16. Poker - card game
17. Texas Hold' Em
18. Any games of chance not specifically authorized by the Superintendent of the Rhode Island State Police

D. Exception with Clear Restrictions

1. A license may be issued for any or all of the above games of chance if, and only if, there is absolutely no consideration exchanged between guest(s) and host(s) at any time for the full duration of the game(s) of chance or the event or events in which they are included. The host of the game(s) of chance shall provide all money necessary for all of the expenses. These expenses include, but are not limited to, production, payment of service hired to produce, food and beverages served during game(s) of chance, event or events during which games(s) of chance are played, and all ~~tokens prizes~~ awarded to ~~winner(s) or~~ participant(s) of the game(s) of chance.

24. Definition of Consideration

a. Consideration, for the purposes of this sub-section, is defined as anything of value necessary to participate in the games, any donation of value to the host, or any fees collected to cover entertainment, food, beverages or expenses.

E. Games ALLOWED

1. Only games of chance authorized by the Rhode Island State Police shall be permitted. The authorized games of chance are:

a1. Raffle

b2. (#) Week Club

c3. Exceptions as described above in section D: Exception with Clear Restrictions in 3.3(a)