

7861.0260 CONDUCT OF LAWFUL GAMBLING.

Subpart 1. **General restrictions.** The following items are general restrictions on the conduct of lawful gambling.

- A. The term "employee" includes a "volunteer."
- B. All playing of lawful gambling must be on a cash basis, in advance of any play. "Cash" means currency, money orders, cashier's checks, or traveler's checks. Cash does not include personal checks, credit cards, or debit cards, except that raffle tickets and certificates of participation may be purchased by personal check or debit card.
- C. At each permitted premises, the organization must have:
 - (1) an inventory list of gambling equipment currently at the site;
 - (2) a clear, physical separation or a tangible divider between the organization's gambling equipment and the lessor's business equipment; and
 - (3) the invoices or true and correct copies of the invoices for the purchase of all gambling equipment at the premises and must make the invoices available for inspection by the board and its agents and the commissioners of revenue and public safety and their agents.
- D. An organization must ensure that its compensated gambling employees are clearly identified by name to the public at all times when conducting lawful gambling.
- E. An organization or organization employee must not engage in any act, practice, or course of operation that manipulates the outcome of any game.
- F. An organization must only conduct lawful gambling at times when the premises is open for the conduct of its regular business.
- G. An organization must not conduct any form of lawful gambling in a manner that tends to deceive the public or affects the chances of winning or losing.
- H. Illegal gambling may not be conducted at a premises for which a licensed organization has a premises permit to conduct lawful gambling.
- I. On leased bingo premises, food and beverages may be dispensed within the permitted premises. Gambling employees of the organization working during a bingo occasion may not provide this service. The organization must not pay for the cost of the food and beverages from the organization's gambling accounts.

Subp. 2. **Posting of information and house rules.** A licensed organization must prominently post the following information at each permitted premises in an area visible to players before they purchase a chance to participate in lawful gambling:

- A. organization name, license number, and premises permit number;

B. notice of problem gambling information that must at a minimum include the toll-free telephone number established by the commissioner of human services;

C. statement that illegal gambling is prohibited;

D. house rules that include at a minimum the policies governing the conduct of lawful gambling at the premises, including any restrictions in addition to those imposed by Minnesota Statutes, section 349.181, on who may not participate in the conduct of lawful gambling at the premises. The house rules must be adequately lighted, legible, and at least 11 inches by 17 inches; and

E. for the conduct of bingo, the information required by this subpart may be contained in the bingo program as an alternative to posting the information.

Subp. 3. **Advertising.** Any promotional material, sign, or advertising of lawful gambling must identify the licensed organization permitted to conduct gambling at the premises and its license number, if the cost is paid by a licensed organization from its gambling account.

Subp. 4. **Prizes awarded; records required.**

A. The value of prizes awarded must not exceed the limits in this subpart or Minnesota Statutes, section 349.211. "Value" means the following:

(1) fair market value of merchandise prizes, which must not be an amount less than the organization paid for the prize. Merchandise prizes purchased by the organization at a discount and donated prizes must be valued at their fair market value and included in the determination of compliance with this subpart or Minnesota Statutes, section 349.211;

(2) fair market value of certificates for merchandise or service;

(3) assessed tax value of real property;

(4) dollar amount of the cash prize. For raffles, cash includes currency, coins, and negotiable instruments; and

(5) actual amount paid for a savings bond.

B. The maximum value of a prize for two or more winning pull-tab combinations including the last sale prize on a single pull-tab must not exceed the limits in Minnesota Statutes, section 349.211, subdivision 2a.

C. A prize must consist of cash, merchandise, certificates for merchandise, certificates for services, gift certificates, or gift cards with the following exceptions and restrictions:

(1) prizes must not consist of lawful gambling equipment;

(2) cash must not be substituted for merchandise prizes, certificates for services, gift certificates, or gift cards which have been won. This does not apply to multiple bingo winners for a merchandise prize that cannot be divided;

(3) coupons redeemable for bingo hard cards, bingo paper sheets, bingo paper sheet packets, bingo paper packages, and the use of an electronic bingo device may be awarded for bingo;

(4) a certificate for merchandise or services must contain:

(a) a complete description, including the value of the merchandise or services to be redeemed by the certificate;

(b) vendor's name from whom the certificate must be redeemed; and

(c) a statement expressly prohibiting the substitution of cash or another type of merchandise or services for the merchandise or services described on the certificate;

(5) for a paddlewheel game played with a table, only cash prizes may be awarded and must be awarded and redeemed through the use of chips; and

(6) for a paddlewheel game played without a table, a cash prize amount may not be a variable multiple of the standard price of a paddlewheel ticket.

D. An organization must pay for in full or otherwise become the owner, without lien or interest of others, of merchandise prizes before winners of the prizes are determined, except as allowed by Minnesota Statutes, section 349.211, subdivision 4, paragraph (b), or for raffles with gross receipts of \$60 or less.

E. When an organization awards a prize that will require registration or licensure by a government agency as a condition of ownership, the organization must use a certificate for merchandise. The winner will be responsible for securing the required registrations or licenses and will be required to give proof of eligibility to receive the prize. An organization is responsible for ensuring that the prize is received by the winner.

F. Cash prizes must be awarded when they are won. This item does not pertain to a progressive bingo prize, linked bingo jackpots, a progressive pull-tab or tipboard jackpot prize, and raffles.

G. Merchandise prizes must be displayed in full view of the players in the immediate vicinity of the game and must not be redeemed for cash or converted into cash. When the winner of a merchandise prize is determined, the organization must immediately remove the prize from the display and award it to the winner. This requirement does not apply to raffles.

H. All prizes must be awarded consistent with current federal and state laws.

I. All merchandise prizes must be accounted for in a format prescribed by the board that includes at a minimum the following information:

- (1) date the organization acquired the merchandise;
- (2) fair market value of the merchandise;
- (3) complete inventory of prize merchandise; and
- (4) documentation on how the fair market value was determined.

J. For leased permitted premises, an organization may not purchase merchandise prizes from the lessor, except that an organization may purchase from the lessor a certificate for merchandise or gift card to be redeemed for food or beverages at the premises if:

- (1) the certificate or card value has a redeemable monetary cash value;
- (2) the certificate or card does not contain restrictions on its redemption, such as requiring a purchase of food or beverage of equal or greater value or redeemable for a specific item;
- (3) the certificate or card may be redeemed at any time during the regular business hours of the permitted premises; and
- (4) the cost to the organization is 50 percent or less of the redeemable cash value of the certificate or card.

Subp. 5. Prize receipts required.

A. When a prize is awarded, the organization must complete a prize receipt in a format prescribed by the board for the following:

- (1) a bingo prize valued at \$100 or more;
- (2) a bingo game where the value of the prize cannot be determined and verbally announced to players prior to the beginning of the game;
- (3) a winning pull-tab or tipboard ticket valued at \$50 or more, or for any prize for redeeming the last ticket sold in a pull-tab or tipboard game for which the distributor has modified the flare to contain a last sale prize of \$20 or more. The winning ticket, and winning seal tab if any, must be stapled to the prize receipt; and
- (4) a paddlewheel prize valued at \$50 or more, and the winning ticket must be stapled to the prize receipt.

B. A prize receipt must include at a minimum the following, in a legible format and in ink:

- (1) the organization's name and address;
- (2) the name of the gambling premises;

- (3) the game serial number of the game from which the prize was won;
- (4) the name of the game;
- (5) the date the prize was won;
- (6) the dollar amount of the cash prize or the fair market value for a merchandise prize;
- (7) the winner's complete name and address, and driver's license number, including state of license registration:
 - (a) if the winner does not have a driver's license, the winner's complete name and address must be obtained from another form of picture identification belonging to the winner; or
 - (b) if a bingo winner does not have a driver's license or other form of picture identification, the prize receipt must contain the name and address of the winner, and a driver's license or other form of picture identification, including the complete name and address, and the signature in ink, of another person playing bingo during that occasion; and
- (8) signatures, in ink, of the winner and the gambling employee or volunteer paying the winner.

Subp. 6. **Storing and securing equipment.** Gambling equipment may be stored on the leased permitted premises. Gambling equipment must be secured in an area that is under the organization's control.

Subp. 7. **Return of defective pull-tab or tipboard game to distributor or revenue.**

A. If, before being put into play, a pull-tab or tipboard game is determined not to be manufactured according to the standards in part 7864.0230, the organization must return the game to the distributor. The game must be returned within seven business days of determining that the standards, including the following, were not met:

- (1) serial number or form number of the tickets does not match the serial number or form number on the flare;
- (2) all tickets do not have the same serial number in a deal;
- (3) game has the same serial number and form number as another game manufactured by that manufacturer, in the organization's inventory;
- (4) geographic outline of the state of Minnesota as required by Minnesota Statutes, section 349.163, subdivision 5, does not appear on the flare for that game;
- (5) bar code required by Minnesota Statutes, section 349.163, subdivision 5, does not appear on the flare for that game;

(6) prize amount on a ticket does not correspond to the prize amount listed on the flare;

(7) ticket price does not correspond to the price listed on the flare; or

(8) a game was received from a distributor with the manufacturer's seal broken.

B. If, during the play of a pull-tab or tipboard game, the game is determined not to be manufactured according to the standards in part 7864.0230, the organization must immediately remove the game from play and report it as a played game on the tax return.

(1) The organization must return the game to the distributor with documentation that the game does not meet the standards, including but not limited to item A, subitems (4) to (7).

(2) For a game not manufactured in compliance with item A, subitem (1), (2), or (3), the organization must surrender the game to the commissioner of revenue.

C. If, after a pull-tab or tipboard game is removed from play, the game is determined not to be manufactured according to the standards in part 7864.0230, the organization must report the game as played on the tax return.

(1) The organization must return the game to the distributor with documentation that the game does not meet the standards, including but not limited to item A, subitems (4) to (7).

(2) For a game not manufactured in compliance with item A, subitem (1), (2), or (3), the organization must surrender the game to the commissioner of revenue.

D. The organization must keep any game that is returned by the distributor as a played game.

Subp. 8. **Return of defective linked bingo paper to linked bingo game provider.** Within seven business days of determining that linked bingo paper was not manufactured according to part 7864.0230, the organization must return the linked bingo paper to the linked bingo game provider with documentation that the paper does not meet the standards.

Statutory Authority: *MS s 14.055; 349.12; 349.151; 349.154; 349.155; 349.16; 349.162; 349.163; 349.1635; 349.165; 349.166; 349.167; 349.169; 349.17; 349.1711; 349.1721; 349.173; 349.19; 349.191; 349.211*

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