

Emergency Rule
LSA Document #07-874(E)

DIGEST

Temporarily amends [68 IAC 21](#) concerning the conduct of charity gaming activities by qualified organizations licensed by the Indiana Gaming Commission. Authority: [IC 4-32.2-3-3\(b\)](#). *NOTE: The original emergency document, LSA Document #07-602(E), posted at [20071003-IR-068070602ERA](#), effective September 18, 2007, expires December 15, 2007. Effective December 15, 2007.*

SECTION 1. (a) This SECTION supercedes [68 IAC 21-1-16](#).

(b) "Qualified personal property" means personal property leased or owned by a qualified organization, or donated to a qualified organization, that is:

- (1) Designed to be used on a body of water.
- (2) Used to conduct a water race associated with the qualified organization's allowable event in the following manner:
 - (A) Each item of the qualified personal property is marked with a number corresponding to the number on a chance purchased in a water race.
 - (B) The winner of the water race is determined by the number of the item of qualified personal property that crosses a designated finish line on the body of water first.

SECTION 2. (a) This SECTION supercedes [68 IAC 21-2-1](#).

(b) To obtain a license to conduct an allowable event, an organization must submit a written application on the form or forms prescribed by the commission. An application for a license to conduct an allowable event must be received no later than thirty (30) days before the date on which the allowable event is conducted.

(c) The application shall include the following information:

- (1) The name and address of the organization.
- (2) The names and addresses of the officers of the organization.
- (3) The type of allowable event the organization proposes to conduct.
- (4) The physical location where the organization will conduct the allowable event.
- (5) The date or dates and time or times of the proposed allowable event.
- (6) Sufficient facts for the commission to determine that the organization or the organization's incorporation or founding is a qualified organization as defined in [IC 4-32.2-2-24](#), including any of the following:
 - (A) A notice issued by the commission under [68 IAC 21-2-2](#) in which the commission has determined the organization is a qualified organization.
 - (B) Evidence that the organization has been previously determined by the commission to be a qualified organization.
 - (C) The information outlined in [68 IAC 21-2-2\(a\)](#).
- (7) The name or names of each proposed operator and worker and sufficient facts to determine that person is qualified to be an operator or worker, including, but not limited to, the proposed operator's or worker's:
 - (A) address;
 - (B) date of birth;
 - (C) length of membership; and
 - (D) driver's license number or state identification number.
- (8) A sworn statement signed by the presiding officer and secretary of the organization attesting to the eligibility of the organization for a license, including the nonprofit character of the organization.
- (9) A current copy of the organization's membership roster or other proof of membership of each proposed operator or worker.
- (10) A copy of the lease if the organization is renting the premises at which the gaming activity occurs.

(d) If an organization that has been determined by the commission to be a qualified organization does not conduct an allowable event for a period of at least five (5) years, the organization must provide to the

commission the information outlined in subsection (b) before conducting an allowable event.

SECTION 3. (a) This SECTION supercedes [68 IAC 21-2-2](#).

(b) Not later than ninety (90) days before conducting an allowable event under [IC 4-32.2-4-4](#), an organization not yet determined to be a qualified organization must provide to the commission facts sufficient for the commission to make a determination that the organization is a qualified organization as defined in [IC 4-32.2-2-24](#). The information must be submitted on a form prescribed by the commission and must include the following information:

- (1) The organization's Indiana taxpayer identification number.
- (2) A letter from the Internal Revenue Service stating that the organization is exempt from taxation under Section 501 of the Internal Revenue Code.
- (3) Proof that the organization has been in continuous existence for at least five (5) years, if the organization is a bona fide religious, educational, senior citizen, veterans, or civic organization.
- (4) Proof that the organization is a bona fide political organization, if applicable.
- (5) Proof that the organization is a state educational institution, if applicable.
- (6) A copy of the organization's bylaws or articles of incorporation.
- (7) Proof that the organization is in good standing with the department of state revenue.

(c) Upon receipt and verification of the information required in subsection (b), the commission shall issue a notice to the organization that the organization is a qualified organization as defined in [IC 4-32.2-2-24](#).

SECTION 4. (a) This SECTION supercedes [68 IAC 21-2-7](#).

(b) A full-sized photocopy of the event license is required to be prominently displayed at the facility where the event is being held. The original license must be available for inspection upon request at all times. In addition to the photocopy, a legible sign of at least eight and one-half (8½) inches by eleven (11) inches must be prominently posted near each entrance and registration area at the event, containing the following:

- (1) the name of the qualified organization;
- (2) its license number; and
- (3) the expiration date of the license.

(c) Application for the following licenses may be made by a qualified organization:

(1) A bingo license that permits the licensee to conduct up to three (3) bingo events per calendar week. This license permits the licensee to:

- (A) conduct door prize drawings;
- (B) sell pull-tabs, punchboards, and tip boards; and
- (C) conduct raffle events;

at the bingo event. An organization cannot have more than one (1) bingo event per day. The bingo license is in effect for one (1) year from the date of issuance.

(2) A special bingo license that permits the licensee to conduct one (1) bingo event at only one (1) time and location. This license permits the licensee to:

- (A) conduct door prize drawings;
- (B) sell pull-tabs, punchboards, and tip boards; and
- (C) conduct raffle events;

at the bingo event.

(3) A charity game night license that permits the licensee to conduct one (1) charity game night at one (1) location. A qualified organization may not conduct more than four (4) charity game night events each calendar year. This license permits the licensee to conduct the following:

- (A) card games;
- (B) dice games;
- (C) roulette wheels; and
- (D) spindle games;

and to conduct:

- (E) door prize drawings;
- (F) raffle events; and
- (G) sale of pull-tabs, punchboards, and tip boards;

at the charity game night event.

(4) An annual charity game night license that permits the licensee to conduct charity game night

events on more than one (1) occasion during the period of one (1) year. This license permits the licensee to conduct the following:

- (A) card games;
- (B) dice games;
- (C) roulette wheels; and
- (D) spindle games;

and to conduct:

- (E) door prize drawings;
- (F) raffle events; and
- (G) sale of pull-tabs, punchboards, and tip boards;

at the annual charity game night event.

(5) A raffle license that permits the licensee to conduct a raffle at only one (1) time and location. This license permits the licensee to:

- (A) conduct door prize drawings; and
- (B) sell pull-tabs, punchboards, and tip boards;

at the raffle event.

(6) An annual raffle license that permits the licensee to conduct raffle events on more than one (1) occasion during a period of one (1) year. This license permits the licensee to:

- (A) conduct door prize drawings; and
- (B) sell pull-tabs, punchboards, and tip boards;

at the raffle event.

(7) A door prize license that permits the licensee to:

- (A) conduct one (1) door prize event at only one (1) time and location;
- (B) sell pull-tabs, punchboards, and tip boards; and
- (C) conduct raffle events;

at the door prize event.

(8) An annual door prize license that permits the licensee to conduct door prize events on more than one (1) occasion during a period of one (1) year. This license permits the licensee to:

- (A) conduct raffle events; and
- (B) sell pull-tabs, punchboards, and tip boards;

at the door prize event.

(9) A festival license that permits the licensee to:

- (A) conduct:
 - (i) bingo events;
 - (ii) charity game nights;
 - (iii) one (1) raffle event; and
 - (iv) door prize events; and
- (B) sell:

- (i) pull-tabs;
- (ii) punchboards; and
- (iii) tip boards;

at the festival. Subject to [IC 4-32.2-5-6\(c\)](#), the festival can only be held once a calendar year and cannot exceed four (4) consecutive days. The raffle event conducted at a festival is not subject to any prize limitations.

(10) A PPT license that permits the licensee to sell pull-tabs, punchboards, and tip boards at any time on the premises owned or leased by the qualified organization and regularly used for the activities of the qualified organization every day during a calendar year.

(11) A single event or an annual event license for a gambling event approved by the commission under [IC 4-32.2-4-16](#), including, but not limited to:

- (A) A water race license that permits a qualified organization to conduct a water race using qualified personal property in the following manner:
 - (i) Each item of the qualified personal property is marked with a number corresponding to the number on a chance purchased in a water race.
 - (ii) The winner of the water race is determined by the number of the item of qualified personal property that crosses a designated finish line on the body of water first.
- (B) A license that permits a qualified organization to conduct a guessing game.
- (C) Any other gambling event approved by rule of the commission.

SECTION 5. (a) This SECTION supercedes [68 IAC 21-3-1](#).

(b) The following events are allowed:

- (1) A bingo event.
- (2) A charity game night.
- (3) A door prize drawing.
- (4) A festival.
- (5) A sale of pull-tabs, punchboards, or tip boards.
- (6) A raffle event.
- (7) A water race event.
- (8) A guessing game event.
- (9) Any other game of chance conducted as a fundraising activity of a qualified organization and approved by the commission.

(c) A sale of pull-tabs, punchboards, or tip boards may be conducted by a qualified organization at any allowable event. Also, a qualified organization may sell pull-tabs, punchboards, or tip boards at any time on the premises owned or leased by the organization and regularly used by the organization as long as the organization possesses a valid PPT license.

(d) All pull-tabs manufactured or distributed for sale in Indiana must meet the "Standards on Pull-Tabs" adopted by the North American Gaming Regulators Association, October 12, 1991, as amended October 20, 1998, and amended December 12, 2005, which is incorporated by reference. Copies are available from the North American Gaming Regulators Association, 26 East Exchange Street, Suite 500, St. Paul, MN 55101 or <http://www.nagra.org>.

(e) No organization shall conduct any allowable event in which the winner of a prize is determined, in whole or in part, on a sporting event.

SECTION 6. (a) This SECTION supercedes [68 IAC 21-3-2](#).

(b) Except for pull-tabs, punchboards, and tip boards obtained from the state lottery commission, all licensed supplies must originally be obtained from an entity that is licensed by the commission as a manufacturer or distributor.

(c) The purchase of Hoosier Lottery pull-tabs by the qualified organization is only permitted if the qualified organization is licensed by the state lottery commission to sell the items. The provisions of [IC 4-32.2](#) do not apply to the purchase and sale of Hoosier Lottery pull-tabs by a qualified organization.

(d) Only one (1) organization can conduct an event on the same day at the same location.

(e) An allowable event must begin and end within a period of twenty-four (24) consecutive hours.

(f) The lease of a facility for an allowable event must be:

- (1) in writing; and
- (2) between the qualified organization and the owner of the premises, as determined by the property owner of record on the property tax rolls of the county in which the property is located; or
- (3) a valid sublease between the sublessor *[sic]* and sublessee *[sic]*, with written consent of the assignment by the property owner of record, as determined by the property tax rolls of the county in which the property is located.

(g) Except for a festival, an organization must not pay more than five hundred dollars (\$500) per event in total for personal property that may be used by the organization to conduct the event. This includes the rental of tables, chairs, and related equipment owned and leased by the lessor who is leasing the facility to the qualified organization for an allowable event. The rental of tangible personal property cannot be based on the revenue generated by the event. For a festival event, the five hundred dollar (\$500) limitation only applies to the rental of gambling-related equipment and supplies.

(h) A qualified organization may advertise an allowable event. An advertisement in printed media must contain the name and license number, in bold print, of the organization conducting the event. An advertisement in broadcast media must announce, at the end of the advertisement:

- (1) the name of the organization conducting the event; and
- (2) that the qualified organization's license number is on file.

A television announcement of the name and license number of the organization conducting the event may be in the form of an audio or a visual, or both. Temporary signage, such as fliers and marquee

advertisements, must contain the name of the qualified organization conducting the event, but need not include the qualified organization's license number.

(i) An organization cannot sell a pull-tab, punchboard, or tip board ticket for more than one dollar (\$1). Pull-tabs cannot be sold in this state unless a flare accompanies the deal.

(j) An organization may not permit a person less than eighteen (18) years of age to play or participate in an allowable event. However, a person less than eighteen (18) years of age may play or participate in nongambling activities associated with an allowable event. A qualified organization is prohibited from allowing an individual less than eighteen (18) years of age to serve food or drinks to participants in the area where the gaming is occurring.

(k) A sign printed with a font size legible from a distance of at least ten (10) feet must be prominently posted near each entrance and registration area throughout the event stating that the operators and workers are not allowed to accept tips.

(l) An organization may employ not more than three (3) nonmember Indiana law enforcement officers or private detectives properly licensed in Indiana to perform security services during an allowable event. An organization may not use more than three (3) security personnel unless the organization has prior written approval of the executive director or the executive director's designee.

(m) Neither the operator nor a worker is permitted to participate in the allowable event that is being held. An operator is prohibited from being an operator for more than one (1) qualified organization in a calendar month. A manufacturer, distributor, or an officer or employee of a manufacturer or distributor is prohibited from being an operator or worker at any allowable event.

(n) To obtain express authorization for an exemption from a normal prize limit where permissible in [IC 4-32.2](#), a qualified organization must submit a written application on a form prescribed by the commission stating the date, time, and location of the event at least forty-five (45) days before the date of the event. The authorization to exceed the normal prize limits must be prominently displayed at the time and location of the event.

(o) An organization may dispose of any unused bingo supplies, punchboards, pull-tabs, tip boards, and any other licensed supplies specified by the commission by shredding, burning, or otherwise destroying them. The organization must notify the commission that such items are to be destroyed thirty (30) days in advance of the destruction and must provide the following information:

- (1) The date the items were destroyed.
- (2) The manner of destruction.
- (3) A description of the items destroyed.
- (4) The quantity of items destroyed.
- (5) The serial numbers of the items destroyed.
- (6) The trade name of the items.
- (7) The reason for destruction.

Destruction of any unused licensed supplies must be certified by one (1) officer of the qualified organization.

(p) If an organization has lost any licensed supplies through theft, fire, flood, or other disaster, the organization must notify the commission in writing of such loss and provide the following information within ten (10) days of discovering the loss:

- (1) The date the items were lost.
- (2) The manner of loss and a description of the items lost.
- (3) The serial numbers of the items lost.
- (4) The trade name of the items.
- (5) Copies of all insurance forms submitted for the loss.
- (6) Any police department or fire department reports created in connection to the loss.
- (7) Any other information required by the commission or the executive director.

(q) A serial number consisting of at least five (5) alpha characters or numeric characters, or both, must be printed on each concealed face bingo card manufactured and sold.

(r) Seal card winners must provide their printed name, signature, date of birth, and some form of

identification, such as a driver's license or state issued identification card, to redeem a prize valued at more than fifty dollars (\$50).

(s) A charitable organization may not conduct an allowable event on or through the Internet.

(t) An organization may:

- (1) accept only United States currency and coin from players when conducting an allowable event; and
- (2) not extend credit to any player.

(u) Publication of notice required by [IC 4-32.2-4-5\(c\)](#) and [IC 4-32.2-4-7.5\(c\)](#) shall be made no later than fifteen (15) days after the applicant has received notice that it has been determined by the commission to be a qualified organization.

(v) Protest letters referenced in [IC 4-32.2-4-5\(e\)](#) and [IC 4-32.2-4-7.5\(e\)](#) opposing the issuance of an initial annual bingo or annual charity game night license, respectively, must be received by the commission not later than fifteen (15) days after the last publication required by [IC 4-32.2-4-5\(c\)](#) and [IC 4-32.2-4-7.5\(c\)](#), respectively.

SECTION 7. (a) This SECTION supercedes [68 IAC 21-3-3](#).

(b) All calendars must be identical in form and include the following:

- (1) The number of the license issued by the commission.
- (2) The name and address of the sponsoring organization.
- (3) The price of the calendar.
- (4) Places for the purchaser to enter his or her name and address.
- (5) The date or dates, time or times, and place or places of the drawings.
- (6) All designated prize dates and corresponding prizes.

(c) Each calendar sold by an organization shall include a separate identification number, printed on both the purchaser's and the organization's portion of the calendar, numbered consecutively in relation to the other calendars for the same drawing.

(d) No calendar may exceed ten dollars (\$10) in cost for each month covered by the calendar.

(e) Tickets for a calendar raffle may not be offered for sale more than one hundred eighty (180) days before the raffle drawing.

(f) A calendar relating to a specific calendar raffle may not be sold after a drawing has taken place for any date on the calendar.

(g) The calendar shall be printed with the prize amount for each date on which a drawing will be conducted.

(h) A calendar may be sold that designates a prize amount for a maximum of three (3) specifically designated days per week on not more than two (2) consecutive days.

(i) The calendars sold for a specific calendar raffle shall have identical drawing dates printed on all calendars sold.

(j) A licensed organization may not change:

- (1) any date on which a prize will be awarded; or
- (2) the amount of the designated prize;

after the organization has begun the sale of calendars.

(k) A licensed organization shall place a ticket or stub that has been drawn for a specific date back into the container so that the purchaser of that ticket or stub will have a chance to win again on all subsequent drawing dates.

(l) The purchaser of a calendar need not be present at the drawing to win a prize.

(m) The organization that holds a calendar raffle drawing shall furnish a list of prize winners to each calendar holder who provides the organization with a self-addressed stamped envelope and requests the list.

(n) A licensed organization, which has sold a calendar for a specific calendar raffle and subsequently decides not to conduct one (1) or more drawings printed on the calendar, shall refund the pro rata share directly attributable to the canceled drawing to each purchaser, unless such refund is waived in writing by the purchaser.

(o) A licensed organization may not deduct from a refund to a purchaser a handling charge or other amount relating to the expense incurred by the organization in the sale of a calendar.

SECTION 8. (a) This SECTION supercedes [68 IAC 21-4-1](#).

(b) A qualified organization must maintain records of all financial aspects of each allowable event adequate for the commission to conduct oversight as authorized and required by [IC 4-32.2](#) and to report such information to the commission on forms prescribed by the commission. The organization must set up a separate and segregated bank account to account for all proceeds and expenditures of the allowable event. The records that must be kept and the information that must be submitted on the forms prescribed by the commission include, but are not limited to, the following:

- (1) Gross receipts from each type of activity conducted at each allowable event.
- (2) Prize payouts.
- (3) Net receipts to the organization.

Included in the organization's financial records must be any rental costs associated with conducting the allowable event, including, but not limited to, a facility lease and the lease of tangible personal property.

(c) The appropriate financial forms prescribed by the commission must be provided as follows:

- (1) All annual license holders must submit the forms prescribed by the commission not more than thirty (30) days after the expiration of the annual event license.
- (2) All special event license holders must submit the forms prescribed by the commission not more than ten (10) days after the special event is concluded.
- (3) All qualified organizations conducting an allowable event under [IC 4-32.2-4-3\(a\)](#) must submit the forms prescribed by the commission annually, one (1) year after the date of the first allowable event of a calendar year. If the value of all prizes awarded for a single event exceeds one thousand dollars (\$1,000), or exceeds an aggregate of a total of three thousand dollars (\$3,000) for all allowable events at any point during the calendar year, a qualified organization shall submit the forms prescribed by the commission within ten (10) days of exceeding the limit.

(d) The commission shall be granted unrestricted access to all records, including, but not limited to, the following:

- (1) Membership information.
- (2) Financial records.
- (3) Receipts for the purchase or lease of all licensed supplies.

(e) A qualified organization must retain the following records for four (4) years from the conclusion of the allowable event:

- (1) All documents associated with allowable events.
- (2) All other documents kept in the regular course of allowable events.

SECTION 9. This document expires on _____, 2008.

LSA Document #07-874(E)

Filed with Publisher: December 12, 2007, 11:09 a.m.

Posted: 12/19/2007 by Legislative Services Agency

An [html](#) version of this document.