

## **IC 4-32.2-2**

### Chapter 2. Definitions

## **IC 4-32.2-2-1**

### **Definitions**

Sec. 1. The definitions in this chapter apply throughout this article.

*As added by P.L.91-2006, SEC.3.*

## **IC 4-32.2-2-2**

### **"Allowable event"**

Sec. 2. "Allowable event" means:

- (1) a bingo event;
- (2) a charity game night;
- (3) a raffle;
- (4) a door prize drawing;
- (5) a festival;
- (6) a sale of pull tabs, punchboards, or tip boards; or
- (7) any other gambling event approved by the commission under this article;

conducted by a qualified organization in accordance with this article and rules adopted by the commission under this article.

*As added by P.L.91-2006, SEC.3.*

## **IC 4-32.2-2-3**

### **"Bingo"**

Sec. 3. "Bingo" means a game conducted in the following manner:

- (1) Each participant receives at least one (1) card, board, pad, or piece of paper marked off into twenty-five (25) squares that are arranged in five (5) vertical rows of five (5) squares each, with each row designated by a single letter, and each box containing a number, from one (1) to seventy-five (75), except the center box, which is always marked with the word "free".
- (2) As the caller of the game announces a letter and number combination, each player covers the square corresponding to the announced number, letter, or combination of numbers and letters.
- (3) The winner of each game is the player who is the first to properly cover a predetermined and announced pattern of squares upon the card used by the player.

*As added by P.L.91-2006, SEC.3.*

## **IC 4-32.2-2-4**

### **"Bingo event"**

Sec. 4. "Bingo event" means an event at which bingo is conducted by an organization that holds a bingo license or a special bingo license issued under this article.

*As added by P.L.91-2006, SEC.3.*

## **IC 4-32.2-2-5**

**"Bona fide business organization"**

Sec. 5. "Bona fide business organization" means a local organization that is not for pecuniary profit and is exempt from federal income taxation under Section 501(c)(6) of the Internal Revenue Code.

*As added by P.L.91-2006, SEC.3.*

**IC 4-32.2-2-6**

**"Bona fide civic organization"**

Sec. 6. "Bona fide civic organization" means a branch, lodge, or chapter of a national or state organization that is not for pecuniary profit or a local organization that is not for pecuniary profit and not affiliated with a state or national organization whose written constitution, charter, articles of incorporation, or bylaws provide the following:

- (1) That the organization is organized primarily for civic, fraternal, or charitable purposes.
- (2) That upon dissolution of the organization all remaining assets of the organization revert to nonprofit civic or charitable purposes.

*As added by P.L.91-2006, SEC.3.*

**IC 4-32.2-2-7**

**"Bona fide educational organization"**

Sec. 7. "Bona fide educational organization" means an organization that is not for pecuniary profit and that meets the following criteria:

- (1) The organization's primary purpose is educational in nature.
- (2) The organization's constitution, articles, charter, or bylaws contain a clause that provides that upon dissolution all remaining assets shall be used for nonprofit educational purposes.
- (3) The organization is designed to develop the capabilities of individuals by instruction in a public or private:
  - (A) pre-elementary educational development program;
  - (B) elementary or secondary school; or
  - (C) college or university.

*As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.4.*

**IC 4-32.2-2-7.5**

**"Bona fide fraternal organization"**

Sec. 7.5. "Bona fide fraternal organization" means a type of bona fide civic organization that:

- (1) is a branch, lodge, or chapter of a national organization; and
- (2) exists for the common charitable purposes, brotherhood, and other interests of its members.

*As added by P.L.108-2009, SEC.4.*

**IC 4-32.2-2-8**

**"Bona fide political organization"**

Sec. 8. (a) "Bona fide political organization" means a party committee, association, fund, or other organization, whether incorporated or not, organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function (as defined in Section 527 of the Internal Revenue Code).

(b) Except as provided in subsection (c), the term does not include a candidate's committee (as defined in IC 3-5-2-7).

(c) For purposes of IC 4-32.2-4-8 and IC 4-32.2-4-18, the term includes a candidate's committee (as defined in IC 3-5-2-7).

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-9**

##### **"Bona fide religious organization"**

Sec. 9. "Bona fide religious organization" means an organization, a church, a body of communicants, or a group:

(1) organized primarily for religious purposes and not for pecuniary profit that provides to the commission written confirmation that the entity is operating under Section 501 of the Internal Revenue Code or under the Section 501 nonprofit status of the entity's parent organization; and

(2) whose constitution, charter, articles, or bylaws contain a clause that provides that upon dissolution all remaining assets shall be used for nonprofit religious purposes or shall revert to the parent organization for nonprofit religious purposes.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-10**

##### **"Bona fide senior citizens organization"**

Sec. 10. "Bona fide senior citizens organization" means an organization that is not for pecuniary profit and that:

(1) consists of at least fifteen (15) members who are at least sixty (60) years of age;

(2) is organized by the organization's constitution, charter, articles, or bylaws for the mutual support and advancement of the causes of elderly or retired persons; and

(3) provides in the organization's constitution, charter, articles, or bylaws that upon dissolution all remaining assets of the organization shall be used for nonprofit purposes that will support or advance the causes of elderly or retired persons.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-11**

##### **"Bona fide veterans organization"**

Sec. 11. "Bona fide veterans organization" means a local organization or a branch, lodge, or chapter of a state or national organization chartered by the Congress of the United States that is not for pecuniary profit and that:

(1) consists of individuals who are or were members of the armed forces of the United States;

- (2) is organized for the mutual support and advancement of the organization's membership and patriotic causes; and
- (3) provides in the organization's constitution, charter, articles, or bylaws that upon dissolution all remaining assets of the organization shall be used for nonprofit purposes that will support or advance patriotic causes.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-12**

##### **"Charity game night"**

Sec. 12. (a) "Charity game night" means an event at which wagers are placed upon the following permitted games of chance through the use of imitation money:

- (1) A card game approved by the commission.
- (2) A dice game approved by the commission.
- (3) A roulette wheel approved by the commission.
- (4) A spindle approved by the commission.

(b) The term does not include an event at which wagers are placed upon any of the following:

- (1) Bookmaking.
- (2) A slot machine.
- (3) A one-ball machine or a variant of a one-ball machine.
- (4) A pinball machine that awards anything other than an immediate and unrecorded right of replay.
- (5) A policy or numbers game.
- (6) A banking or percentage game played with cards or counters, including the acceptance of a fixed share of the stakes in a game.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-13**

##### **"Commission"**

Sec. 13. "Commission" means the Indiana gaming commission established by IC 4-33-3-1.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-14**

##### **"Department"**

Sec. 14. "Department" means the department of state revenue.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-15**

##### **"Door prize"**

Sec. 15. "Door prize" means a prize awarded to a person based solely upon the person's paid attendance at a charity fundraising event or the purchase of a ticket to attend a charity fundraising event.

*As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.5.*

#### **IC 4-32.2-2-16**

##### **"Door prize drawing"**

Sec. 16. "Door prize drawing" means a drawing to award a door prize.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-17**

##### **"Door prize event"**

Sec. 17. "Door prize event" means an event at which at least one (1) door prize drawing is conducted by an organization that holds a door prize drawing license issued under this article.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-18**

##### **"Executive director"**

Sec. 18. "Executive director" means the executive director of the Indiana gaming commission appointed under IC 4-33-3-18.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-18.5**

##### **"Full-time employee"**

Sec. 18.5. "Full-time employee" means an individual who:

- (1) is and has been employed by a particular qualified organization for at least ninety (90) consecutive days as of the date of the qualified organization's allowable event; and
- (2) works at least an average of thirty-two (32) hours per week or one thousand six hundred sixty-two (1,662) hours per year for the qualified organization in a capacity that is primarily unrelated to the qualified organization's charity gaming operations.

*As added by P.L.227-2007, SEC.6.*

#### **IC 4-32.2-2-18.7**

##### **"Key person"**

Sec. 18.7. "Key person" means any:

- (1) officer;
- (2) director;
- (3) executive;
- (4) employee;
- (5) trustee;
- (6) substantial owner;
- (7) independent owner; or
- (8) agent;

of a business entity that has the power to exercise management or operating authority over the business entity or its affiliates.

*As added by P.L.227-2007, SEC.7.*

#### **IC 4-32.2-2-19**

##### **"Licensed supply"**

Sec. 19. "Licensed supply" refers to any of the following:

- (1) Bingo cards.
- (2) Bingo boards.

- (3) Bingo sheets.
- (4) Bingo pads.
- (5) Pull tabs.
- (6) Punchboards.
- (7) Tip boards.
- (8) Any other supplies, devices, or equipment designed to be used in allowable events designated by rule of the commission.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-20**

##### **"Marketing sheet"**

Sec. 20. "Marketing sheet" means additional information published about a wagering game that describes winnings.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-20.5**

##### **"Member"**

Sec. 20.5. "Member" means any of the following:

- (1) An individual entitled to membership in a qualified organization under the bylaws, articles of incorporation, charter, or rules of the qualified organization.
- (2) A member of the qualified organization's auxiliary.
- (3) In the case of a qualified organization that is a public or nonpublic school (as defined in IC 20-18-2-12), any of the following:
  - (A) A parent of a child enrolled in the school.
  - (B) A member of the school's parent organization.
  - (C) A member of the school's alumni association.
  - (D) An employee of the school.
  - (E) An officer of the school.
  - (F) A student enrolled in the school.
- (4) A member of a qualified organization's board of directors or board of trustees.

*As added by P.L.91-2006, SEC.3. Amended by P.L.1-2007, SEC.20; P.L.227-2007, SEC.8.*

#### **IC 4-32.2-2-21**

##### **"Operator"**

Sec. 21. "Operator" means an individual who is:

- (1) designated under IC 4-32.2-5-1.5 to serve as the operator for an allowable event; and
- (2) responsible for conducting an allowable event for a qualified organization under this article in accordance with Indiana law.

*As added by P.L.91-2006, SEC.3. Amended by P.L.95-2008, SEC.3.*

#### **IC 4-32.2-2-21.5**

##### **"PPT license"**

Sec. 21.5. "PPT license" refers to a license issued to a qualified organization under IC 4-32.2-4-16.5.

*As added by P.L.227-2007, SEC.9.*

**IC 4-32.2-2-22**

**"Pull tab"**

Sec. 22. "Pull tab" means either of the following:

(1) A game conducted in the following manner:

(A) A single folded or banded ticket or a two-ply card with perforated break-open tabs is bought by a player from a qualified organization.

(B) The face of each card is initially covered or otherwise hidden from view, concealing a number, letter, symbol, or set of letters or symbols.

(C) In each set of tickets or cards, a designated number of tickets or cards have been randomly designated in advance as winners.

(D) Winners, or potential winners if the game includes the use of a seal, are determined by revealing the faces of the tickets or cards. The player may be required to sign the player's name on numbered lines provided if a seal is used.

(E) The player with a winning pull tab ticket or numbered line receives the prize stated on the flare from the qualified organization. The prize must be fully and clearly described on the flare.

(2) Any game played in a similar fashion as a game described in subdivision (1) that is approved by the commission.

*As added by P.L.91-2006, SEC.3.*

**IC 4-32.2-2-23**

**"Punchboard"**

Sec. 23. "Punchboard" means a card or board that contains a grid or section that hides the random opportunity to win a prize based on the results of punching a single section to reveal a symbol or prize amount.

*As added by P.L.91-2006, SEC.3.*

**IC 4-32.2-2-23.5**

**"Qualified drawing"**

Sec. 23.5. "Qualified drawing" means a random drawing to award one (1) or more prizes that is conducted in the manner required by IC 4-32.2-5-26.

*As added by P.L.108-2009, SEC.5.*

**IC 4-32.2-2-24**

**"Qualified organization"**

Sec. 24. (a) "Qualified organization" refers to any of the following:

(1) A bona fide religious, educational, senior citizens, veterans, or civic organization operating in Indiana that:

(A) operates without profit to the organization's members;

(B) is exempt from taxation under Section 501 of the

Internal Revenue Code; and

(C) satisfies at least one (1) of the following requirements:

(i) The organization has been continuously in existence in Indiana for at least five (5) years.

(ii) The organization is affiliated with a parent organization that has been in existence in Indiana for at least five (5) years.

(iii) The organization has reorganized and is continuing its mission under a new name on file with the Indiana secretary of state and with a new tax identification number after having satisfied the requirements set forth in either item (i) or (ii).

(2) A bona fide political organization operating in Indiana that produces exempt function income (as defined in Section 527 of the Internal Revenue Code).

(3) A state educational institution (as defined in IC 21-7-13-32).

(b) For purposes of IC 4-32.2-4-3, a "qualified organization" includes the following:

(1) A hospital licensed under IC 16-21.

(2) A health facility licensed under IC 16-28.

(3) A psychiatric facility licensed under IC 12-25.

(4) An organization defined in subsection (a).

(c) For purposes of IC 4-32.2-4-10, a "qualified organization" includes a bona fide business organization.

(d) Evidence that an organization satisfies subsection (a)(1)(C)(iii) includes:

(1) evidence of the organization's continued use of a service mark or trademarked logo associated with the organization's former name;

(2) evidence of the continuity of the organization's activities as shown in the federal income tax returns filed for the organization's five (5) most recent taxable years;

(3) evidence of the continuity of the organization's activities as shown by the five (5) most recent annual external financial reviews of the organization prepared by a certified public accountant; or

(4) any other information considered sufficient by the commission.

*As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.10; P.L.108-2009, SEC.6.*

#### **IC 4-32.2-2-25**

##### **"Qualified recipient"**

Sec. 25. "Qualified recipient" means:

(1) a hospital or medical center operated by the federal government;

(2) a hospital licensed under IC 16-21;

(3) a hospital subject to IC 16-22;

(4) a hospital subject to IC 16-23;

(5) a health facility licensed under IC 16-28;

- (6) a psychiatric facility licensed under IC 12-25;
- (7) an organization described in section 24(a) of this chapter;
- (8) an activity or a program of a local law enforcement agency intended to reduce substance abuse;
- (9) a charitable activity of a local law enforcement agency; or
- (10) a veterans' home.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-26**

##### **"Raffle"**

Sec. 26. "Raffle" means the selling of tickets or chances to win a prize awarded through a random drawing.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-27**

##### **"Raffle event"**

Sec. 27. "Raffle event" means an event at which at least one (1) raffle is conducted by an organization that holds a raffle license issued under this article.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-27.5**

##### **"Substantial owner"**

Sec. 27.5. "Substantial owner" means:

- (1) a person holding at least a five percent (5%) ownership interest; or
- (2) an institutional investor holding at least a fifteen percent (15%) ownership interest;

in a business entity.

*As added by P.L.227-2007, SEC.11.*

#### **IC 4-32.2-2-28**

##### **"Tip board"**

Sec. 28. "Tip board" means a board, a placard, or other device that is marked off in a grid or columns, with each section containing a hidden number or numbers or other symbols that determine a winner.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-29**

##### **"Veterans' home"**

Sec. 29. "Veterans' home" means any of the following:

- (1) The Indiana Veterans' Home.
- (2) The VFW National Home for Children.
- (3) The Indiana Soldiers' and Sailors' Children's Home.

*As added by P.L.91-2006, SEC.3.*

#### **IC 4-32.2-2-29.5**

##### **"Volunteer ticket agent"**

Sec. 29.5. "Volunteer ticket agent" means a person acting on behalf of a qualified organization that:

- (1) receives no compensation from the qualified organization;
- (2) sells tickets to an allowable event held under a license issued under IC 4-32.2-4-8, IC 4-32.2-10, or IC 4-32.2-4-12, or a single event license issued under IC 4-32.2-4-16; and
- (3) does not assist the qualified organization in conducting the allowable event in any other way.

*As added by P.L.104-2011, SEC.2.*

#### **IC 4-32.2-2-30**

##### **"Worker"**

Sec. 30. (a) Except as provided in subsection (b), "worker" means an individual who helps or participates in any manner in conducting or assisting in conducting an allowable event under this article.

(b) The following are not considered workers for the purposes of this article:

- (1) A patron dealing euchre cards under IC 4-32.2-5-14(b).
- (2) A volunteer ticket agent.

*As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.12; P.L.95-2008, SEC.4; P.L.104-2011, SEC.3.*