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HOUSE BILL 350

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Karen C. Bash and Patricia Roybal Caballero

AN ACT

RELATING TO LOTTERIES; AMENDING THE NEW MEXICO LOTTERY ACT;
PROVIDING FOR THE ANONYMITY OF LOTTERY WINNERS; PROVIDING
PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 6-24-13 NMSA 1978 (being Laws 1995,
Chapter 155, Section 13) is amended to read:

"6-24-13. DETERMINATION OF CONFIDENTIAL INFORMATION--
APPLICABILITY OF OPEN MEETINGS ACT--CRIMINAL INVESTIGATIONS.--

A. The authority is specifically authorized to
determine which information relating to the operation of the
lottery is confidential. Such information is limited to trade
secrets and proprietary information; security measures, systems
or procedures; security reports; information concerning bids or
other contract data during the negotiation process, the

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1 disclosure of which would impair the efforts of the authority
2 to contract for goods or services on favorable terms; and
3 information obtained pursuant to investigations that would be
4 protected from public disclosure under the Inspection of Public
5 Records Act. The names, addresses and other personal
6 identifying information of lottery winners shall be
7 confidential and are not subject to disclosure pursuant to the
8 Inspection of Public Records Act.

9 B. The authority is subject to the provisions of
10 the Open Meetings Act; provided that meetings or portions of
11 meetings devoted to discussing information deemed to be
12 confidential pursuant to Subsection A of this section are
13 exempt from the provisions of that act.

14 C. The authority or its authorized agent shall:

15 (1) conduct criminal background investigations
16 and credit investigations on all potential lottery retailers
17 and all lottery vendors prior to the execution of any contract
18 with a lottery retailer or a lottery vendor;

19 (2) supervise ticket validation and lottery
20 drawings;

21 (3) inspect, at times determined solely by the
22 authority, the facilities of any lottery vendor or lottery
23 retailer in order to determine the integrity of the lottery
24 vendor's product or the operations of the lottery retailer in
25 order to determine whether the lottery vendor or the lottery

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1 retailer is in compliance with its contract;

2 (4) report any suspected violations of the New
3 Mexico Lottery Act to the appropriate district attorney, the
4 attorney general or to [~~any~~] a law enforcement agency having
5 jurisdiction over the violation; and

6 (5) upon request, provide assistance to any
7 district attorney, the attorney general or a law enforcement
8 agency investigating a violation of the New Mexico Lottery
9 Act."

10 SECTION 2. A new section of the New Mexico Lottery Act is
11 enacted to read:

12 "[NEW MATERIAL] LOTTERY WINNERS--PROTECTED PERSONAL
13 INFORMATION--PENALTY.--

14 A. The authority, a lottery contractor, the human
15 services department, the taxation and revenue department or an
16 employee of the authority, a lottery contractor, the human
17 services department or the taxation and revenue department
18 shall not disclose or publish the name, address or other
19 personal identifying information of a person who wins a lottery
20 game.

21 B. The prohibition against the disclosure or
22 publication of the name, address or any other personal
23 identifying information of a person who wins a lottery game
24 shall not apply if the person who has won a lottery game
25 consents in writing to the disclosure or publication of that

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1 person's name, address or other personal identifying
2 information.

3 C. The prohibition against the disclosure or
4 publication of the name, address or any other personal
5 identifying information of a person who wins a lottery game
6 shall not apply to disclosure to the human services department
7 or the taxation and revenue department as required pursuant to
8 Sections 6-24-21 and 6-24-22 NMSA 1978.

9 D. A person who violates the provisions of this
10 section by disclosing or publishing information protected
11 pursuant to Subsection A of this section is guilty of a petty
12 misdemeanor and shall be sentenced pursuant to the provisions
13 of Section 31-19-1 NMSA 1978.

14 E. As used in this section, "publish" means to
15 issue information or material in printed or electronic form for
16 distribution or sale to the public."