

1 SENATE BILL 198

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Pat Woods

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10 AN ACT

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

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

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

18 "6-24-13. DETERMINATION OF CONFIDENTIAL INFORMATION--
19 APPLICABILITY OF OPEN MEETINGS ACT--CRIMINAL INVESTIGATIONS.--

20 A. The authority is specifically authorized to
21 determine which information relating to the operation of the
22 lottery is confidential. Such information is limited to trade
23 secrets and proprietary information; security measures, systems
24 or procedures; security reports; information concerning bids or
25 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 protected personal
6 identifier information of lottery game 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 Act.

9 D. As used in this section, "protected personal
10 identifier information" means:

11 (1) all but the last four digits of a person's
12 taxpayer identification number, financial account number or
13 driver's license number;

14 (2) all but the year of a person's date of
15 birth; and

16 (3) a person's social security number."

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

19 "[NEW MATERIAL] LOTTERY WINNERS--PROTECTED PERSONAL
20 IDENTIFIER INFORMATION--PENALTY.--

21 A. The authority, a lottery contractor, the human
22 services department, the taxation and revenue department or an
23 employee of the authority, a lottery contractor, the human
24 services department or the taxation and revenue department
25 shall not disclose or publish the name, address or other

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1 protected personal identifier information of a person who wins
2 a lottery game.

3 B. The prohibition against the disclosure or
4 publication of the name, address or any other protected
5 personal identifier information of a person who wins a lottery
6 game shall not apply if:

7 (1) the person who has won a lottery game
8 consents in writing to the disclosure or publication of that
9 person's name, address or other protected personal identifier
10 information; or

11 (2) disclosure to the human services
12 department or the taxation and revenue department is required
13 pursuant to Sections 6-24-21 and 6-24-22 NMSA 1978.

14 C. A person who violates the provisions of this
15 section by disclosing or publishing information protected
16 pursuant to Subsection A of this section is guilty of a petty
17 misdemeanor and shall be sentenced pursuant to the provisions
18 of Section 31-19-1 NMSA 1978.

19 D. As used in this section:

20 (1) "protected personal identifier
21 information" means:

22 (a) all but the last four digits of a
23 person's taxpayer identification number, financial account
24 number or driver's license number;

25 (b) all but the year of a person's date

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1 of birth; and

2 (c) a person's social security number;

3 and

4 (2) "publish" means to issue information or
5 material in printed or electronic form for distribution or sale
6 to the public."

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