

1 SENATE BILL 360

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Peter Wirth and Larry A. Larrañaga

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10 AN ACT

11 RELATING TO GAMING; PROHIBITING PERSONS UNDER TWENTY-ONE YEARS
12 FROM PURCHASING NEW MEXICO LOTTERY TICKETS OR FROM ENGAGING IN
13 PARI-MUTUEL WAGERING.

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

16 Section 1. Section 6-24-15 NMSA 1978 (being Laws 1995,
17 Chapter 155, Section 15) is amended to read:

18 "6-24-15. LOTTERY TICKETS--SALES.--

19 A. The price of each lottery ticket shall be
20 clearly stated on the ticket. No person shall sell a ticket at
21 a price other than at the price established by the authority
22 unless authorized in writing by the chief executive officer.
23 No person other than a lottery retailer shall sell lottery
24 tickets, but this subsection shall not be construed to prevent
25 a person who may lawfully purchase tickets from making a gift

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1 of lottery tickets. Transactions between individuals on a
2 nonprofit basis are permissible. Nothing in the New Mexico
3 Lottery Act shall be construed to prohibit the authority from
4 designating certain of its agents or employees to sell or give
5 lottery tickets directly to the public.

6 B. Lottery tickets may be given by merchants as a
7 means of promoting goods or services to customers or
8 prospective customers.

9 C. Tickets shall not be sold to or purchased by
10 individuals under [~~eighteen~~] twenty-one years of age. [~~Persons~~
11 ~~under eighteen years of age may receive lottery tickets as~~
12 ~~gifts.~~]

13 D. Tickets may be purchased only with cash or a
14 check and shall not be purchased on credit.

15 E. The names of elected officials shall not appear
16 on any lottery ticket."

17 Section 2. Section 60-1A-15 NMSA 1978 (being Laws 2007,
18 Chapter 39, Section 15) is amended to read:

19 "60-1A-15. PARI-MUTUEL WAGERING AUTHORIZED--GAMBLING
20 STATUTES DO NOT APPLY.--

21 A. A racetrack licensee may conduct pari-mutuel
22 wagering on live horse races or on simulcasted horse races.

23 B. Pari-mutuel wagering may be conducted only on
24 the licensed premises where a live horse race is conducted or
25 where a simulcast horse race is televised or projected on the

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1 racing grounds of the licensed premises of a racetrack
2 licensee.

3 C. Individuals under twenty-one years of age shall
4 not engage in pari-mutuel wagering on the licensed premises of
5 a racetrack licensee.

6 [~~E.~~] D. The sale to patrons present on the licensed
7 premises of a racetrack licensee of pari-mutuel tickets or
8 certificates is not gambling as defined in Section 30-19-2 or
9 30-19-3 NMSA 1978.

10 [~~D.~~] E. Placing a wager while on the licensed
11 premises of a racetrack licensee is not placing a bet pursuant
12 to Section 30-19-1 NMSA 1978.

13 [~~E.~~] F. The licensed premises of a horse racetrack
14 is not a gambling place as defined in Section 30-19-1 NMSA
15 1978."

16 Section 3. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2009.