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

1 B. The authority is subject to the provisions of
2 the Open Meetings Act; provided that meetings or portions of
3 meetings devoted to discussing information deemed to be
4 confidential pursuant to Subsection A of this section are
5 exempt from the provisions of that act.

6 C. The authority or its authorized agent shall:

7 (1) conduct criminal background
8 investigations and credit investigations on all potential
9 lottery retailers and all lottery vendors prior to the
10 execution of any contract with a lottery retailer or a
11 lottery vendor;

12 (2) supervise ticket validation and lottery
13 drawings;

14 (3) inspect, at times determined solely by
15 the authority, the facilities of any lottery vendor or
16 lottery retailer in order to determine the integrity of the
17 lottery vendor's product or the operations of the lottery
18 retailer in order to determine whether the lottery vendor or
19 the lottery retailer is in compliance with its contract;

20 (4) report any suspected violations of the
21 New Mexico Lottery Act to the appropriate district attorney,
22 the attorney general or to a law enforcement agency having
23 jurisdiction over the violation; and

24 (5) upon request, provide assistance to any
25 district attorney, the attorney general or a law enforcement

1 agency investigating a violation of the New Mexico Lottery
2 Act.

3 D. As used in this section, "protected personal
4 identifier information" means:

5 (1) all but the last four digits of a:

6 (a) taxpayer identification number;

7 (b) financial account number; or

8 (c) driver's license number;

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

11 (3) a social security number."

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

14 "LOTTERY WINNERS--PROTECTED PERSONAL IDENTIFIER
15 INFORMATION--PENALTY.--

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

23 B. The prohibition against the disclosure or
24 publication of the name, address or any other protected
25 personal identifier information of a person who wins a

1 lottery game shall not apply if the person who has won a
2 lottery game consents in writing to the disclosure or
3 publication of that person's name, address or other protected
4 personal identifier information.

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

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

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

19 F. As used in this section, "protected personal
20 identifier information" means:

21 (1) all but the last four digits of a:

22 (a) taxpayer identification number;

23 (b) financial account number; or

24 (c) driver's license number;

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

1 birth; and

(3) a social security number."

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