

## §1001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**1. Applicant.** "Applicant" means a person who has submitted an application for a license. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**1-A. Advance deposit wagering.** "Advance deposit wagering" means a form of pari-mutuel wagering on harness or thoroughbred races in which wagers are made by telephone, via electronic device or in person and the bettor deposits funds in a wagering account administered by an advance deposit wagering licensee from which the advance deposit wagering licensee makes wagers on behalf of the bettor and to which the advance deposit wagering licensee deposits money from winning wagers awarded to the bettor.

[PL 2015, c. 499, §1 (NEW).]

**1-B. Advance deposit wagering licensee.** "Advance deposit wagering licensee" means a person that is chosen by competitive bid and licensed by the board pursuant to subchapter 7 to conduct advance deposit wagering.

[PL 2015, c. 499, §1 (NEW).]

**2. Associated equipment.** "Associated equipment" means any component part used, or intended for use, in a slot machine or table game.

[PL 2013, c. 212, §1 (AMD).]

**3. Beano.** "Beano" has the same meaning as set forth in Title 17, section 311, subsection 1.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**4. Board.** "Board" means the Gambling Control Board established under section 1002.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**5. Business organization.** "Business organization" means a partnership, incorporated or unincorporated association, firm, corporation, limited liability company, trust or other form of business or legal entity other than a financial institution regulated by a state or federal agency that is not exercising control over a licensee.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**5-A. Casino.** "Casino" means a facility licensed in accordance with this chapter, where gambling activities occur, including, but not limited to, the operation of slot machines and table games.

[PL 2011, c. 417, §1 (AMD).]

**5-B. Casino operator.** "Casino operator" means a person who is licensed under this chapter to operate a casino.

[IB 2009, c. 2, §3 (NEW).]

**6. Commercial track.** "Commercial track" has the same meaning as set forth in section 275-A, subsection 1.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**7. Control.** "Control" means the power to exercise authority over or direct the management or policies of a person.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**8. Department.** "Department" means the Department of Public Safety.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**9. Director.** "Director" means the executive director of the board.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**10. Distribute.** "Distribute" means to sell, lease, license, place or otherwise make available for use in the State or to transport into the State for the purpose of selling, leasing, licensing, placing or otherwise making available for use in the State.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**11. Drug user.** "Drug user" has the same meaning as set forth in Title 5, section 20003, subsection 10.

[PL 2017, c. 407, Pt. A, §47 (AMD).]

**12. Person with substance use disorder.** "Person with substance use disorder" has the same meaning as set forth in Title 5, section 20003, subsection 17-A.

[PL 2017, c. 407, Pt. A, §47 (AMD).]

**13. Drug-dependent person.**

[PL 2017, c. 407, Pt. A, §48 (RP).]

**13-A. Electronic facsimile.** "Electronic facsimile" means a game approved by the board that is played in an electronic or electromechanical format that replicates a table game by incorporating all of the characteristics of the game. "Electronic facsimile" does not include a slot machine.

[PL 2013, c. 212, §2 (NEW).]

**14. Fugitive from justice.** "Fugitive from justice" has the same meaning as set forth in Title 15, section 201, subsection 4.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**15. Gambling activity.** "Gambling activity" means off-track betting, pari-mutuel wagering at a race track, high-stakes beano, beano, games of chance or slot machine or table game operation.

[IB 2009, c. 2, §4 (AMD).]

**16. Gambling facility.** "Gambling facility" means a race track, off-track betting facility, high-stakes beano or beano facility, game of chance facility, slot machine facility or casino.

[IB 2009, c. 2, §5 (AMD).]

**17. Gambling services.** "Gambling services" means any goods or services provided to an operator licensed under this chapter or at a gambling facility that are used directly in connection with the operation of a slot machine or table game, including, but not limited to, maintenance, security services or junket services, and excluding slot machine or table game distribution by a slot machine distributor or table game distributor.

[IB 2009, c. 2, §6 (AMD).]

**18. Gambling services vendor.** "Gambling services vendor" means a person who is licensed under this chapter to provide gambling services.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**19. Game of chance.** "Game of chance" has the same meaning as set forth in Title 17, section 1831, subsection 5.

[PL 2009, c. 487, Pt. B, §2 (AMD).]

**20. Gaming employee.** "Gaming employee" means any person connected directly with a gambling facility, including cashiers, change personnel, counting room personnel, hosts, persons who extend credit or offer complimentary services, machine mechanics, security personnel, supervisors or managers. "Gaming employee" also includes employees of a slot machine distributor, table game distributor or gambling services vendor whose duties are directly involved with repair or distribution of slot machines, gaming devices or table games.

[PL 2013, c. 212, §3 (AMD).]

**21. Gross slot machine income.** "Gross slot machine income" means the total value of money, tokens, credits or similar objects or things of value used to actually play a slot machine before payback is distributed to a player.

[PL 2005, c. 663, §2 (AMD).]

**21-A. Gross table game income.** "Gross table game income" means the total value of money, tokens, credits or similar objects or things of value used to actually play a table game before payback is distributed to a player.

[IB 2009, c. 2, §8 (NEW).]

**22. High-stakes beano.** "High-stakes beano" means the activity authorized in Title 17, section 314-A.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**23. Holding company.** "Holding company" means any company that directly or indirectly owns or has the power or right to control a company that holds or applies for a slot machine operator license or a slot machine distributor license, except that a company that has a beneficial ownership of more than 10% of the voting securities of a publicly traded corporation is not a holding company.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**24. Immediate family.** "Immediate family" means spouse, parents and children.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**25. Intermediary company.** "Intermediary company" means a company that is a holding company of a company that applies for a slot machine operator license or a slot machine distributor license or is a subsidiary of a holding company of a company that applies for a slot machine operator license or a slot machine distributor license.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**26. Junket services.** "Junket services" means an arrangement to facilitate the attendance at a gambling facility of customers selected by reason of their propensity to gamble by providing to those customers any consideration, including cash, credits or rebates or reduced charges for goods or services such as transportation, lodging, food, beverages or entertainment. "Junket services" does not include providing common transportation to a gambling facility to the public without limitation to selected customers.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**27. Key executive.** "Key executive" means any executive of a licensee having power to exercise a significant influence over decisions concerning the operation or distribution of slot machines, table games or gambling services.

[PL 2013, c. 212, §4 (AMD).]

**28. License.** "License" means a license issued by the board under this chapter.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**29. Licensee.** "Licensee" means a person granted a license under this chapter.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**29-A. Net slot machine income.** "Net slot machine income" means money, tokens, credits or similar objects or things of value used to play a slot machine minus money, credits or prizes paid out to winners and amounts paid pursuant to section 1036, subsection 1.

[PL 2005, c. 663, §3 (NEW).]

**29-B. Net table game income.** "Net table game income" means money, tokens, credits or similar objects or things of value used to play a table game minus money, credits or prizes paid out to winners.

[IB 2009, c. 2, §10 (NEW).]

**29-C. Net commission.** "Net commission" means the amount of wagers placed via advance deposit wagering after payment of money from winning wagers to winning bettors less a percentage paid to the board for administrative expenses of the board and less an amount retained by the advance deposit wagering licensee.

[PL 2015, c. 499, §2 (NEW).]

**30. Nongambling services.** "Nongambling services" means any goods or services, other than gambling services and slot machine or table game distribution by a slot machine distributor or table game distributor, provided to an operator licensed under this chapter or at a gambling facility, including, but not limited to, hotel concessions, restaurant concessions or food service.

[IB 2009, c. 2, §11 (AMD).]

**31. Operate.** "Operate" means to offer for use.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**32. Owner.** "Owner" means a person who owns or controls, directly or indirectly, 10% or more of a business organization.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**33. Pari-mutuel facility.** "Pari-mutuel facility" means a location at which a person is licensed under chapter 11 to accept pari-mutuel wagers on horse races.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**34. Payback percentage.** "Payback percentage" means the percentage of the total value of money or tokens, credits or similar objects or things of value used to play a slot machine that is returned to players of that slot machine as winnings, prizes or credits.

[PL 2013, c. 212, §5 (AMD).]

**35. Person.** "Person" means an individual or a business organization.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**36. Premises.**

[PL 2007, c. 611, §10 (RP).]

**36-A. Promotional credit.** "Promotional credit" means any noncashable electronic thing of value used solely to play a slot machine that is provided by a slot machine operator or a casino operator to customers and approved by the Gambling Control Board. Promotional credits played by slot machine customers have no value attributed to their use for purposes of calculating gross slot machine income, net slot machine income and payback percentage.

[PL 2013, c. 212, §6 (AMD).]

**37. Publicly traded corporation.** "Publicly traded corporation" means a company that is an issuer subject to Section 15(d) of the Securities Exchange Act of 1934, as amended, 15 United States Code, Section 780 or applicable foreign laws or has one or more of the following:

A. Classes of securities registered pursuant to Section 12 of the Securities Exchange Act of 1934, as amended, 15 United States Code, Section 781; or [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Classes of securities registered pursuant to applicable foreign laws that the board finds protect the public interest. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]  
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**38. Registration.** "Registration" means an approval or board action that authorizes a company to be a holding company of a company that holds or applies for a slot machine operator license, a casino operator license, a slot machine distributor license or a table game distributor license or of other persons required to be licensed under this chapter.

[IB 2009, c. 2, §12 (AMD).]

**39. Slot machine.** "Slot machine" means any mechanical, electrical or electronic device, contrivance or machine or other device, contrivance or machine that is available to play upon insertion of money or a token, credit or similar object or thing of value, the play of which by the element of chance may deliver or entitle the person playing the device, contrivance or machine to receive cash, tokens or credits to be exchanged for cash, merchandise or anything of value, whether the payoff is made automatically from the device, contrivance or machine or in any other manner, and includes progressive electronic gaming devices with a payoff that increases as the electronic gaming device is played.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**40. Slot machine distributor.** "Slot machine distributor" means a person who is licensed under this chapter to distribute slot machines and associated equipment for use in the State.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**41. Slot machine facility.** "Slot machine facility" means a facility, not including a casino, at which a slot machine operator operates slot machines.

[IB 2009, c. 2, §13 (AMD).]

**42. Slot machine operator.** "Slot machine operator" means a person, not including a casino operator, who is licensed under this chapter to operate slot machines and associated equipment in the State.

[IB 2009, c. 2, §14 (AMD).]

**43. Subsidiary.** "Subsidiary" means any corporation or company, all or any part of whose outstanding equity securities are owned, subject to a power or right of control, or held, with power to vote, by a holding company or intermediary company.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

**43-A. Table game.** "Table game" means a card game, dice game or other game of chance, including, but not limited to, blackjack, poker, dice, craps, roulette, baccarat, money wheels, wheel of fortune or any electronic facsimile of such a game located in a casino. Table games are governed under this chapter and excluded from the definition of "game of chance" in Title 17, section 330, subsection 2.

[IB 2009, c. 2, §15 (NEW).]

**43-B. Table game distributor.** "Table game distributor" means a person who is licensed under this chapter to distribute table games and associated equipment for use in the State.

[IB 2009, c. 2, §16 (NEW).]

**44. Uniform location agreement.** "Uniform location agreement" means a written agreement in a form prescribed by the board between a slot machine operator or casino operator and a slot machine distributor or table game distributor that governs the terms and conditions of that agreement, including the placement of slot machines or table games on the premises of the slot machine operator or casino operator.

[IB 2009, c. 2, §17 (AMD).]

**45. Work permit.**

[PL 2013, c. 212, §7 (RP).]

#### SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 663, §§2,3 (AMD). PL 2007, c. 611, §10 (AMD). IB 2009, c. 2, §§1-17 (AMD). PL 2009, c. 266, §1 (AMD). PL 2009, c. 487, Pt. B, §2 (AMD). PL 2011, c. 417, §1 (AMD). PL 2013, c. 212, §§ 1-7 (AMD). PL 2015, c. 499, §§1, 2 (AMD). PL 2017, c. 407, Pt. A, §§47, 48 (AMD).

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