

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1098 Session of 2013

INTRODUCED BY PAYNE, TURZAI, CALTAGIRONE, COHEN, HARHAI, KOTIK, MILLARD, MOUL, PASHINSKI, READSHAW, TOOHIL, WHITE, D. COSTA, DEASY, BARBIN, ROZZI, BROOKS, STEPHENS, EVERETT AND FARRY, APRIL 3, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 13, 2013

AN ACT

1 Amending the act of December 19, 1988 (P.L.1262, No.156),
2 entitled, as amended, "An act providing for the licensing of
3 eligible organizations to conduct games of chance, for the
4 licensing of persons to distribute games of chance, for the
5 registration of manufacturers of games of chance, and for
6 suspensions and revocations of licenses and permits;
7 requiring records; providing for local referendum by
8 electorate; and prescribing penalties," further providing for
9 definitions, for major league sports drawing and for
10 licensing of eligible organizations to conduct games of
11 chance.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The definitions of "affiliated nonprofit
15 organization," "major league sports drawing" and "major league
16 sports team" in section 103 of act of December 19, 1988
17 (P.L.1262, No.156), known as the Local Option Small Games of
18 Chance Act, added October 24, 2012 (P.L.1462, No.184), are
19 amended and the section is amended by adding a definition <--

20 DEFINITIONS to read: <--

21 Section 103. Definitions.

1 The following words and phrases when used in this act shall
2 have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 * * *

5 "Affiliated nonprofit organization." An organization
6 established by or affiliated with a Major League Baseball,
7 National Football League, National Hockey League, National
8 Basketball Association or Major League Soccer team, or its
9 affiliate, for the purpose of raising funds for charity, which
10 is qualified for an exemption under section 501(c)(3) of the
11 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
12 101(c)(3)).

13 * * *

14 "HOME GAME." A GAME OF A MAJOR LEAGUE SPORTS TEAM OR ITS <--
15 AFFILIATE, INCLUDING, BUT NOT LIMITED TO, A LEAGUE-SPONSORED
16 GAME, EXHIBITION, REGULAR SEASON GAME, ALL-STAR GAME, PLAY-OFF
17 GAME, AND CHAMPIONSHIP GAME, HELD AT THE HOME FACILITY OF THE
18 MAJOR LEAGUE SPORTS TEAM OR ITS AFFILIATE.

19 ["Major league sports drawing." A 50/50 drawing conducted by
20 an affiliated nonprofit organization at a home game of a major
21 league sports team in which 50% of the money collected from
22 ticket sales from the drawing are offered as the prize and the
23 remaining 50% is retained by the affiliated nonprofit
24 organization sponsoring the drawing for distribution to
25 charitable organizations.]

26 "Major league sports team." A professional team that is a
27 member of Major League Baseball, the National Football League,
28 the National Hockey League, the National Basketball Association
29 or Major League Soccer.

30 * * *

1 "Professional sports drawing." A 50/50 drawing conducted by
2 an affiliated nonprofit organization at a home game of a major <--
3 league sports team, or its affiliate, in which 50% of the money
4 collected from ticket sales from the drawing is offered as the
5 prize and the remaining 50% is retained by the affiliated
6 nonprofit organization sponsoring the drawing for distribution
7 to charitable organizations.

8 * * *

9 Section 2. Section 304.1 of the act, added October 24, 2012
10 (P.L.1462, No.184), is amended to read:

11 Section 304.1. [Major league] Professional sports drawing.

12 (a) General rule.--A person may purchase one or more [major
13 league] professional sports drawing tickets at a home game, and
14 each ticket purchased shall represent one entry in the drawing
15 for a winner. A single ticket shall be randomly chosen as the
16 winner after a certain number of tickets are sold or a specified
17 time period expires as designated by the affiliated nonprofit
18 organization.

19 (b) Frequency.--An affiliated nonprofit organization may
20 conduct no more than one [major league] professional sports
21 drawing per home game.

22 (b.1) Sales restricted.--Tickets for a [major league]
23 professional sports drawing may not be sold in any seating area
24 designated as a family section.

25 (c) Distribution.--The prize amount of a [major league]
26 professional sports drawing shall be 50% of the total amount
27 collected from the sale of [major league] professional sports
28 drawing tickets. The other 50% of the total amount collected
29 from the sale of [major league] professional sports drawing
30 tickets shall be donated within seven days from the date of the

1 drawing by the affiliated nonprofit organization conducting the
2 [major league] professional sports drawing to a designated
3 charitable organization for which the drawing was conducted.

4 (d) Designated charitable organization.--The affiliated
5 nonprofit organization conducting the [major league]
6 professional sports drawing shall disclose to all ticket
7 purchasers the designated charitable organization for which the
8 [major league] professional sports drawing is being conducted.

9 (e) Eligibility.--In order to receive proceeds from a [major
10 league] professional sports drawing, a charitable organization
11 must be in existence and fulfilling its purposes for at least
12 two years prior to the drawing and shall be eligible for
13 exemption under section 501(c)(3) of the Internal Revenue Code
14 of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)). A political
15 subdivision shall not qualify as a charitable organization under
16 this section.

17 (f) Unclaimed prizes.--Any [major league baseball]
18 professional sports drawing prize remaining unclaimed by a
19 winner at the end of the major league sports team's, or its
20 affiliate's, season shall be donated within 30 days from the end
21 of the season by the affiliated nonprofit organization to the
22 designated charitable organization for which the [major league]
23 professional sports drawing was conducted.

24 (g) Applicability.--The limitations under sections 302,
25 303(b), 308 and 704 shall not apply to a [major league]
26 professional sports drawing.

27 Section 3. Section 307(b.1)(5) of the act, amended October
28 24, 2012 (P.L.1462, No.184), is amended to read:

29 Section 307. Licensing of eligible organizations to conduct
30 games of chance.

1 * * *

2 (b.1) Location of games of chance.--

3 * * *

4 (5) For purposes of [major league] professional sports
5 drawings, the facility at which a major league sports team,
6 or its affiliate, conducts its games shall constitute a
7 premises for purposes of this act.

8 * * *

9 Section 4. This act shall take effect in 60 days.