THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 290 Session of 2021

INTRODUCED BY WARNER, REESE, DAVANZO, R. BROWN, DIAMOND, GLEIM, HILL-EVANS, JAMES, MCNEILL, MILLARD, MIZGORSKI, OWLETT, PISCIOTTANO, ROTHMAN, STRUZZI, BOBACK, STAMBAUGH, COX, MALAGARI, SNYDER, ECKER, KAIL, BERNSTINE, SAPPEY, KLUNK AND ROZZI, JANUARY 27, 2021

AS REPORTED FROM COMMITTEE ON GAMING OVERSIGHT, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 24, 2021

AN ACT

Amending the act of December 19, 1988 (P.L.1262, No.156), entitled "An act providing for the licensing of eligible organizations to conduct games of chance, for the licensing of persons to distribute games of chance, for the registration of manufacturers of games of chance, and for suspensions and revocations of licenses and permits; requiring records; providing for local referendum by electorate; and prescribing penalties," in miscellaneous provisions, providing for games of chance operations during COVID-19 disaster emergency.

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

Section 1. The act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, is amended by adding a section to read:

Section 3102. Games of chance operations during COVID-19 disaster emergency.

(a) Operations.--Notwithstanding the provisions of section 307(b.2), during the COVID-19 disaster emergency, a licensed eligible organization may:
(1) conduct or operate games of chance at the licensed
eligible organization's operating site or other authorized
premises or location or via a publicly accessible Internet
website or social media platform; and

(2) accept debit cards, credit cards or other electronic
payment methods for playing games of chance on a publicly
accessible Internet website or social media platform.

(b) Definitions. As used in this section, the term "COVID-
19 disaster emergency" means the proclamation of disaster
emergency issued by the Governor on March 6, 2020, published at
50 Pa.B. 1644 (March 21, 2020), any renewal of the proclamation
of disaster emergency or any other proclamation of disaster
emergency related to the novel coronavirus, known as COVID-19,
issued by the Governor in accordance with 35 Pa.C.S. § 7301(c).

SECTION 3102. GAMES OF CHANCE OPERATIONS DURING COVID-19

(A) OPERATIONS.--NOTWITHSTANDING THE PROVISIONS OF SECTION
307(B.2), DURING THE COVID-19 DISASTER EMERGENCY, OR UNTIL MAY
1, 2022, WHICHEVER IS LATER, AN ELIGIBLE ORGANIZATION MAY
CONDUCT AND REVEAL THE WINNER OF RAFFLES AND DRAWINGS VIA AN
INTERNET-BASED CONFERENCING SOFTWARE APPLICATION IN A MANNER
OTHERWISE IN ACCORDANCE WITH THIS CHAPTER.

(B) RAFFLES AND DRAWINGS.--THE FOLLOWING SHALL APPLY TO A
RAFFLE OR DRAWING AUTHORIZED UNDER SUBSECTION (A):

(1) AN ELIGIBLE ORGANIZATION MAY USE A MOBILE PAYMENT
SERVICE FOR THE CONDUCT OR OPERATION OF THE RAFFLE OR DRAWING
IN ACCORDANCE WITH SUBSECTION (C). AN ELIGIBLE ORGANIZATION
MAY NOT ACCEPT CREDIT CARDS FOR THE CONDUCT OR OPERATION OF
THE RAFFLE OR DRAWING.
(2) An eligible organization may only use an Internet-based conferencing software application in the conduct of the raffle or drawing limited to the reveal of the winner of the raffle or drawing.

(3) The reveal of the winner of the raffle or drawing shall not use or display animation in identifying the winner.

(4) The reveal of the winner of the raffle or drawing shall not use or display moving or still images in identifying the winner.

(5) The reveal of the winner of the raffle or drawing shall not use, make or display a graphic presentation in identifying the winner.

(6) The reveal of the winner of the raffle or drawing shall not use or be completed with the aid of a slot machine, hybrid slot machine or skill slot machine as defined in 4 Pa.C.S. § 1103 (relating to definitions).

(7) The reveal of the winner of the raffle or drawing shall not use or be completed with the aid of a video gaming terminal as defined in 4 Pa.C.S. § 3102 (relating to definitions).

(8) The reveal of the winner of the raffle or drawing shall not use or be completed with the aid of an electronic video monitor or a simulated gambling program as defined in 18 Pa.C.S. § 5513(F) (relating to gambling devices, gambling, etc.).

(C) Verification Requirements.--In order to use a mobile payment service under subsection (b)(1) for the conduct or operation of the raffle or drawing, an eligible organization shall take all of the following actions:

(1) Employ a mechanism to detect the physical location
OF A PARTICIPANT WHO BUYS A TICKET FOR THE RAFFLE OR DRAWING
AND BLOCK AN INDIVIDUAL LOCATED OUTSIDE OF THIS COMMONWEALTH
FROM PARTICIPATING IN THE RAFFLE OR DRAWING. THE ELIGIBLE
ORGANIZATION MAY NOT ACCEPT PAYMENT FROM AN INDIVIDUAL
LOCATED OUTSIDE OF THIS COMMONWEALTH.

(2) EMPLOY A MECHANISM TO VERIFY A PARTICIPANT'S
IDENTITY AND RECORD THE DOCUMENT NUMBER OF THE PARTICIPANT'S
GOVERNMENT-ISSUED CREDENTIAL OR EMPLOY ANY OTHER METHODOLOGY
FOR REMOTE, MULTI-SOURCED IDENTITY AUTHENTICATION, INCLUDING
THE USE OF A THIRD PARTY OR GOVERNMENT DATABASE.

(3) EMPLOY A MECHANISM TO VERIFY THAT A PARTICIPANT IS
AT LEAST 18 YEARS OF AGE AND BLOCK AN INDIVIDUAL UNDER 18
YEARS OF AGE FROM PARTICIPATING IN THE RAFFLE OR DRAWING. THE
ELIGIBLE ORGANIZATION MAY NOT ACCEPT PAYMENT FROM AN
INDIVIDUAL UNDER 18 YEARS OF AGE.

(4) REQUIRE A PARTICIPANT TO AFFIRM THAT THE INFORMATION
PROVIDED BY THE PARTICIPANT UNDER THIS SUBSECTION IS
ACCURATE.

(5) RECORD A PARTICIPANT'S ACKNOWLEDGMENT THAT THE
INFORMATION PROVIDED BY THE PARTICIPANT UNDER THIS SUBSECTION
IS ACCURATE.

(D) EXPIRATION.--THE AUTHORITY GRANTED UNDER THIS SECTION
SHALL AUTOMATICALLY EXPIRE UPON EXPIRATION OR TERMINATION OF
THE COVID-19 DISASTER EMERGENCY BY EXECUTIVE ORDER, PROCLAMATION
OR OPERATION OF LAW, OR MAY 1, 2022, WHICHEVER IS LATER.

(E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:
"COVID-19 DISASTER EMERGENCY." THE PROCLAMATION OF DISASTER
EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT
20210HB0290PN1049
50 PA.B. 1644 (MARCH 21, 2020), ANY RENEWAL OF THE PROCLAMATION OF DISASTER EMERGENCY OR ANY OTHER PROCLAMATION OF DISASTER RELATED TO THE NOVEL CORONAVIRUS, KNOWN AS COVID-19, ISSUED BY THE GOVERNOR IN ACCORDANCE WITH 35 PA.C.S. § 7301(C) (RELATING TO GENERAL AUTHORITY OF GOVERNOR).

"DRAWING." A 50/50 DRAWING, DAILY DRAWING OR WEEKLY DRAWING.

"INTERNET-BASED CONFERENCING SOFTWARE APPLICATION." ANY OF THE FOLLOWING:

1. A SOFTWARE APPLICATION THAT ALLOWS FOR THE TRANSMISSION OF AUDIO AND VISUAL COMMUNICATIONS BETWEEN USERS OVER THE INTERNET, INCLUDING ZOOM, MICROSOFT TEAMS, SKYPE OR AN EQUIVALENT APPLICATION.

2. A SOCIAL NETWORKING APPLICATION THAT ALLOWS FOR THE TRANSMISSION OF AUDIO AND VISUAL COMMUNICATIONS BETWEEN USERS OVER THE INTERNET, INCLUDING FACEBOOK LIVE OR PERISCOPE.

"MOBILE PAYMENT SERVICE." A SERVICE IN WHICH A MONEY PAYMENT IS MADE ELECTRONICALLY THROUGH A MONEY TRANSFER SERVICE, INCLUDING VENMO, PAYPAL, CASH APP OR AN EQUIVALENT MONEY TRANSFER SERVICE.

Section 2. This act shall take effect immediately.