

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 331 Session of 2021

INTRODUCED BY R. BROWN, HILL-EVANS, OWLETT, SCHLOSSBERG, MERSKI, CIRESI, LONGIETTI, NEILSON, FREEMAN, STRUZZI, SCHLEGEL CULVER AND GUZMAN, JANUARY 29, 2021

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 28, 2022

AN ACT

1 ~~Authorizing certain financial institutions to conduct savings~~ <--
2 ~~promotion programs.~~

3 AMENDING TITLE 12 (COMMERCE AND TRADE) OF THE PENNSYLVANIA <--
4 CONSOLIDATED STATUTES, PROVIDING FOR LEGITIMATE CANNABIS-
5 RELATED BUSINESS AND INCENTIVE-BASED SAVINGS PROGRAM; AND
6 IMPOSING A PENALTY.

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

9 ~~Section 1. Short title.~~ <--

10 ~~This act shall be known and may be cited as the Incentive-~~
11 ~~based Savings Program Act.~~

12 ~~Section 2. Legislative intent.~~

13 ~~The intent of this act is to authorize and provide a~~
14 ~~regulatory framework for financial institutions to conduct~~
15 ~~savings promotion programs to encourage robust saving habits and~~
16 ~~improve financial literacy.~~

17 ~~Section 3. Definitions.~~

18 ~~The following words and phrases when used in this act shall~~
19 ~~have the meanings given to them in this section unless the~~

1 ~~context clearly indicates otherwise:~~

2 ~~"Eligible financial institution." Any of the following:~~

3 ~~(1) an insured credit union; or~~

4 ~~(2) an insured depository institution.~~

5 ~~"Eligible individual." An individual who:~~

6 ~~(1) is at least 18 years of age;~~

7 ~~(2) is a member or customer of the eligible financial~~
8 ~~institution conducting the savings promotion program; and~~

9 ~~(3) maintains a qualified account with the eligible~~
10 ~~financial institution conducting the savings promotion~~
11 ~~program.~~

12 ~~"Insured credit union." As defined in section 101 of the~~
13 ~~Federal Credit Union Act (48 Stat. 1216, 12 U.S.C. § 1752).~~

14 ~~"Insured depository institution." As defined in section 3 of~~
15 ~~the Federal Deposit Insurance Act (64 Stat. 873, 12 U.S.C. §~~
16 ~~1813).~~

17 ~~"Prudential regulator." As defined in section 1002 of the~~
18 ~~Consumer Financial Protection Act of 2010 (124 Stat. 1955, 12~~
19 ~~U.S.C. § 5481).~~

20 ~~"Qualified account." A savings account, time deposit or~~
21 ~~savings program offered to an eligible individual by an eligible~~
22 ~~financial institution pursuant to a savings promotion program.~~
23 ~~The term includes a share account and an account where the~~
24 ~~eligible individual has an interest individually or jointly with~~
25 ~~another eligible individual.~~

26 ~~"Qualified financial program." A program offered by an~~
27 ~~eligible financial institution under section 6.~~

28 ~~"Savings promotion program." A contest in which the sole~~
29 ~~consideration required for a chance of winning designated prizes~~
30 ~~is obtained by the deposit of a specified amount of money in a~~

1 ~~qualified account or other savings program of which each ticket~~
2 ~~or entry has an equal chance of being drawn.~~

3 ~~Section 4. Savings promotion program.~~

4 ~~(a) Authorization. Notwithstanding any prohibitions on~~
5 ~~lotteries or gambling provided by the laws of this Commonwealth,~~
6 ~~including 18 Pa.C.S. §§ 5512 (relating to lotteries, etc.), 5513~~
7 ~~(relating to gambling devices, gambling, etc.) and 5514~~
8 ~~(relating to pool selling and bookmaking), an eligible financial~~
9 ~~institution may conduct a savings promotion program and any~~
10 ~~activity conducted in connection with the savings promotion~~
11 ~~program, including, but not limited to:~~

12 ~~(1) the deposit of a minimum specified amount of money~~
13 ~~in a qualified account for a minimum length of time;~~

14 ~~(2) the participation in a qualified financial program~~
15 ~~offered by the eligible financial institution;~~

16 ~~(3) the transmission of any advertisement, list of~~
17 ~~prizes or other information concerning the savings promotion~~
18 ~~program;~~

19 ~~(4) the offering, facilitation and acceptance of~~
20 ~~deposits, withdrawals or other transactions in connection~~
21 ~~with the savings promotion program;~~

22 ~~(5) the transmission of any information relating to the~~
23 ~~savings promotion program, including account balance and~~
24 ~~transaction information;~~

25 ~~(6) the deposit or transmission of prizes awarded in the~~
26 ~~savings promotion program as well as notification or~~
27 ~~publication of the deposit or transmission; and~~

28 ~~(7) the establishment and operation of qualified~~
29 ~~financial programs.~~

30 ~~(b) Limitation. An eligible financial institution may not~~

1 ~~conduct a savings promotion program in a way that jeopardizes~~
2 ~~the eligible financial institution's safety and soundness or~~
3 ~~misleads an eligible individual or the public.~~

4 ~~(c) Third party participants. An eligible financial~~
5 ~~institution may offer a savings promotion program in conjunction~~
6 ~~with a third party participant that provides administrative~~
7 ~~support, funding or other service.~~

8 ~~Section 5. Compliance with Federal regulations.~~

9 ~~An eligible financial institution may offer a savings~~
10 ~~promotion program only to the extent permitted by Federal law,~~
11 ~~including any regulations promulgated by the institution's~~
12 ~~appropriate prudential regulator.~~

13 ~~Section 6. Qualified financial program.~~

14 ~~A qualified financial program offered under section 4(a)(2)~~
15 ~~must include programs to encourage an eligible individual to do~~
16 ~~at least one of the following:~~

17 ~~(1) Deposit or transfer money into a qualified account~~
18 ~~on a recurring or automatic basis.~~

19 ~~(2) Refinance or consolidate existing debt to obtain a~~
20 ~~lower interest rate.~~

21 ~~(3) Pay off or reduce outstanding balances to lower the~~
22 ~~eligible individual's total debt ratio or revolving debt~~
23 ~~ratio.~~

24 ~~(4) Prepare a budget or a debt reduction plan.~~

25 ~~(5) Attend financial literacy seminars or counseling~~
26 ~~sessions sponsored by the eligible financial institution that~~
27 ~~are offered free of charge.~~

28 ~~(6) Use free online financial education, budgeting or~~
29 ~~debt reduction tools.~~

30 ~~Section 7. Terms and conditions.~~

1 ~~(a) Disclosure. An eligible financial institution~~
2 ~~conducting a savings promotion program shall disclose to the~~
3 ~~public and each participant the terms and conditions of the~~
4 ~~savings promotion program. The terms and conditions shall be~~
5 ~~posted in a location where entries may be submitted and shall be~~
6 ~~included in printed materials or electronic media promoting the~~
7 ~~savings promotion program.~~

8 ~~(b) Content. Terms and conditions for a savings promotion~~
9 ~~program shall include language specifying that:~~

10 ~~(1) No other action, purchase or other consideration is~~
11 ~~necessary for an entry in the savings promotion program.~~

12 ~~(2) No action or purchase of goods or services improves~~
13 ~~the odds of winning.~~

14 ~~(3) Each entry has the same odds of winning the savings~~
15 ~~promotion program.~~

16 ~~(4) The odds of winning the savings promotion program~~
17 ~~will be determined based on the number of entries received.~~

18 ~~(5) The winner is responsible for all applicable~~
19 ~~Federal, State and local taxes.~~

20 ~~(6) Participation in a qualified financial program is~~
21 ~~offered to any qualified individual participating in the~~
22 ~~savings promotion program.~~

23 ~~(7) Participation in a savings promotion program~~
24 ~~presents no financial risk to an eligible individual.~~

25 ~~Section 8. Maintenance of books and records.~~

26 ~~An eligible financial institution that conducts a savings~~
27 ~~promotion program under this act shall maintain books and~~
28 ~~records relating to the conduct of the savings promotion program~~
29 ~~sufficient to facilitate an audit of the savings promotion~~
30 ~~program. The financial institution shall keep a record of the~~

1 ~~names of winners of all savings promotion programs, which shall~~
2 ~~be available for inspection by the financial institution's~~
3 ~~customers.~~

4 ~~Section 9. Effective date.~~

5 ~~This act shall take effect in 60 days.~~

6 SECTION 1. THE GENERAL ASSEMBLY FINDS AND DECLARES AS <--
7 FOLLOWS:

8 (1) THE HEADWINDS TO THE ECONOMY ON A NATIONAL AND STATE
9 LEVEL ARE SIGNIFICANT.

10 (2) THE FINANCIAL STABILITY OF THE CITIZENS OF THIS
11 COMMONWEALTH IS CHALLENGED.

12 (3) IT IS IMPORTANT TO AUTHORIZE AND PROVIDE A
13 REGULATORY FRAMEWORK FOR FINANCIAL INSTITUTIONS TO CONDUCT
14 SAVINGS PROMOTION PROGRAMS TO ENCOURAGE ROBUST SAVING HABITS
15 AND IMPROVE FINANCIAL LITERACY.

16 (4) THE FRAMEWORK UNDER PARAGRAPH (3) SHOULD INCLUDE
17 FINANCIAL SERVICES FOR LEGITIMATE CANNABIS-RELATED
18 BUSINESSES.

19 SECTION 2. TITLE 12 OF THE PENNSYLVANIA CONSOLIDATED
20 STATUTES IS AMENDED BY ADDING CHAPTERS TO READ:

21 CHAPTER 55

22 LEGITIMATE CANNABIS-RELATED BUSINESS

23 SEC.

24 5501. SCOPE OF CHAPTER.

25 5502. DEFINITIONS.

26 5503. SERVICES TO LEGITIMATE CANNABIS-RELATED BUSINESSES.

27 5504. PROTECTIONS FOR FINANCIAL INSTITUTIONS, INSURERS,

28 LEGITIMATE CANNABIS-RELATED BUSINESSES AND BUSINESS

29 ASSOCIATES.

30 5505. ACCESS TO INFORMATION.

1 5506. REQUIRED DISCLOSURES.

2 5507. REGULATIONS AND STATEMENTS OF POLICY.

3 § 5501. SCOPE OF CHAPTER.

4 THIS CHAPTER RELATES TO LEGITIMATE CANNABIS-RELATED
5 BUSINESSES.

6 § 5502. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
8 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
9 CONTEXT CLEARLY INDICATES OTHERWISE:

10 "BUSINESS ASSOCIATE." A PERSON THAT IS A CUSTOMER OR
11 SUPPLIER OF GOODS OR SERVICES TO OR FOR THE BENEFIT OF A
12 LEGITIMATE CANNABIS-RELATED BUSINESS OR AN OFFICER OR DIRECTOR,
13 OWNER, OPERATOR, SHAREHOLDER, MEMBER, EMPLOYEE, AGENT OR
14 FINANCIAL BACKER OF A LEGITIMATE CANNABIS-RELATED BUSINESS.

15 "CANNABIS." ANY SUBSTANCE DEFINED AS "MARIHUANA" BY SECTION
16 102 OF THE CONTROLLED SUBSTANCES ACT (PUBLIC LAW 91-513, 84
17 STAT. 1236) OR SECTION 2 OF THE ACT OF APRIL 14, 1972 (P.L.233,
18 NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
19 COSMETIC ACT. THE TERM SHALL INCLUDE HEMP.

20 "CANNABIS PRODUCT." A PRODUCT THAT CONTAINS CANNABIS, A
21 CANNABIS EXTRACT OR A CANNABIS CONCENTRATE, INCLUDING, BUT NOT
22 LIMITED TO, EDIBLE PRODUCTS, BEVERAGES, TOPICALS, OINTMENTS,
23 OILS, TINCTURES, CAPSULES, PILLS, SUPPOSITORIES, INHALED
24 PRODUCTS, A HEMP-DERIVED CANNABINOID PRODUCT OR A MEDICAL
25 MARIJUANA PRODUCT AS DEFINED IN SECTION 103 OF THE ACT OF APRIL
26 17, 2016 (P.L.84, NO.16), KNOWN AS THE MEDICAL MARIJUANA ACT.

27 "DEPOSITORY INSTITUTION." AS FOLLOWS:

28 (1) A DEPOSITORY INSTITUTION AS DEFINED IN SECTION 3(C)
29 OF THE FEDERAL DEPOSIT INSURANCE ACT (64 STAT. 873, 12 U.S.C.
30 § 1811 ET SEQ.);

1 (2) A FEDERAL CREDIT UNION AS DEFINED IN SECTION 101 OF
2 THE FEDERAL CREDIT UNION ACT (48 STAT. 1216, 12 U.S.C. § 1751
3 ET SEQ.); OR

4 (3) A STATE CREDIT UNION AS DEFINED IN SECTION 101 OF
5 THE FEDERAL CREDIT UNION ACT.

6 "FEDERAL FINANCIAL REGULATORY AGENCY." THE TERM INCLUDES THE
7 FEDERAL RESERVE SYSTEM, THE UNITED STATES TREASURY, THE
8 COMPTROLLER OF THE CURRENCY, THE NATIONAL CREDIT UNION
9 ADMINISTRATION, THE FEDERAL DEPOSIT INSURANCE CORPORATION, THE
10 SECURITIES AND EXCHANGE COMMISSION AND THE CONSUMER FINANCIAL
11 PROTECTION BUREAU.

12 "FINANCIAL INSTITUTION." A DEPOSITORY INSTITUTION, TRUST
13 COMPANY, LICENSEE, A PERSON SUBJECT TO THE JURISDICTION OF A
14 FEDERAL FINANCIAL REGULATORY AGENCY OR A PERSON SUBJECT TO THE
15 JURISDICTION OF THE DEPARTMENT OF BANKING AND SECURITIES UNDER
16 THE ACT OF DECEMBER 5, 1972 (P.L.1280, NO.284), KNOWN AS THE
17 PENNSYLVANIA SECURITIES ACT OF 1972.

18 "FINANCIAL SERVICE."

19 (1) THE TERM INCLUDES A FINANCIAL PRODUCT OR SERVICE:

20 (I) AS DEFINED BY SECTION 1002 OF THE DODD-FRANK
21 WALL STREET REFORM AND CONSUMER PROTECTION ACT (PUBLIC
22 LAW 111-203, 12 U.S.C. § 5301 ET SEQ.), REGARDLESS OF
23 WHETHER THE CUSTOMER RECEIVING THE PRODUCT OR SERVICE IS
24 A CONSUMER OR A COMMERCIAL ENTITY; OR

25 (II) PERMITTED TO BE PROVIDED UNDER THE AUTHORITY
26 OF:

27 (A) A NATIONAL BANK OR A FINANCIAL SUBSIDIARY
28 UNDER 12 U.S.C. §§ 24 (42 STAT. 767), 24A (113 STAT.
29 1373) AND 92A (76 STAT. 668);

30 (B) A FEDERAL CREDIT UNION UNDER THE FEDERAL

1 CREDIT UNION ACT;

2 (C) AN INCORPORATED INSTITUTION UNDER THE ACT OF
3 NOVEMBER 30, 1965 (P.L.847, NO.356), KNOWN AS THE
4 BANKING CODE OF 1965;

5 (D) A CREDIT UNION UNDER 17 PA.C.S. (RELATING TO
6 CREDIT UNIONS);

7 (E) A PERSON REGISTERED, OR EXEMPT FROM
8 REGISTRATION, TO OFFER OR SELL ANY SECURITY, OR TO
9 ACT AS A BROKER, DEALER, TRANSFER AGENCY, CLEARING
10 AGENCY OR INVESTMENT COMPANY UNDER THE INVESTMENT
11 COMPANY ACT OF 1940 (54 STAT. 789, 15 U.S.C. § 80A-1
12 ET SEQ.);

13 (F) A PERSON REGISTERED, OR EXEMPT FROM
14 REGISTRATION, TO:

15 (I) OFFER OR SELL ANY SECURITY, UNDER THE
16 SECURITIES ACT OF 1933 (48 STAT. 74, 15 U.S.C. §
17 77A ET SEQ.);

18 (II) ACT AS AN EXCHANGE, A BROKER, DEALER,
19 TRANSFER AGENT OR CLEARING AGENT UNDER THE
20 SECURITIES EXCHANGE ACT OF 1934 (48 STAT. 881, 15
21 U.S.C. § 78A ET SEQ.);

22 (III) ACT AS AN INVESTMENT ADVISER UNDER THE
23 INVESTMENT ADVISERS ACT OF 1940 (54 STAT. 847, 15
24 U.S.C. § 80B-1 ET SEQ.); OR

25 (IV) ACT AS AN INVESTMENT COMPANY UNDER THE
26 INVESTMENT COMPANY ACT OF 1940; OR

27 (G) A PERSON ACTING AS A BROKER-DEALER, AGENT,
28 INVESTMENT ADVISER OR INVESTMENT ADVISER
29 REPRESENTATIVE IN THIS COMMONWEALTH UNDER THE
30 PENNSYLVANIA SECURITIES ACT OF 1972.

1 (2) THE TERM INCLUDES A SERVICE, WHETHER PERFORMED
2 DIRECTLY OR INDIRECTLY, AUTHORIZING, PROCESSING, CLEARING,
3 SETTLING, BILLING, TRANSFERRING FOR DEPOSIT, TRANSMITTING,
4 DELIVERING, INSTRUCTING TO BE DELIVERED, RECONCILING,
5 COLLECTING OR OTHERWISE EFFECTUATING OR FACILITATING THE
6 PAYMENTS OF FUNDS, WHERE FUNDS PAYMENTS OR FUNDS ARE MADE OR
7 TRANSFERRED BY ANY MEANS, INCLUDING BY THE USE OF CREDIT
8 CARDS, DEBIT CARDS OR OTHER ACCESS DEVICES, ACCOUNTS,
9 ORIGINAL OR SUBSTITUTE CHECKS OR ELECTRONIC FUNDS TRANSFERS.
10 "HEMP." AS DEFINED UNDER SECTION 297A OF THE AGRICULTURAL
11 MARKETING ACT OF 1946 (132 STAT. 4908, 7 U.S.C. § 16390).

12 "INSURANCE SERVICE." A SERVICE AUTHORIZED TO BE PROVIDED BY
13 AN INSURER IN THIS COMMONWEALTH.

14 "INSURER." AN ENTITY OR PERSON AUTHORIZED BY THE INSURANCE
15 DEPARTMENT TO TRANSACT THE BUSINESS OF INSURANCE IN THIS
16 COMMONWEALTH OR DESIGNATED AS AN ELIGIBLE SURPLUS LINES INSURER
17 AS DEFINED IN SECTION 1602 OF THE ACT OF MAY 17, 1921 (P.L.682,
18 NO.284), KNOWN AS THE INSURANCE COMPANY LAW OF 1921. THE TERM
19 INCLUDES A PERSON LICENSED BY THE INSURANCE DEPARTMENT TO SELL,
20 SOLICIT OR NEGOTIATE INSURANCE, AND THAT PERSON'S OFFICERS,
21 DIRECTORS, AGENTS AND EMPLOYEES.

22 "LEGITIMATE CANNABIS-RELATED BUSINESS." A PERSON THAT
23 PARTICIPATES IN ANY BUSINESS OR ORGANIZED ACTIVITY THAT INVOLVES
24 HANDLING CANNABIS OR A CANNABIS PRODUCT, INCLUDING CULTIVATING,
25 PRODUCING, MANUFACTURING, SELLING, TRANSPORTING, DISPLAYING,
26 DISPENSING, DISTRIBUTING OR PURCHASING CANNABIS OR A CANNABIS
27 PRODUCT IN COMPLIANCE WITH FEDERAL LAW, THE LAWS OF THIS
28 COMMONWEALTH OR A LAW ESTABLISHED BY ANOTHER STATE.

29 "LICENSEE." A PERSON DEFINED AS A LICENSEE BY SECTION 2 OF
30 THE ACT OF MAY 15, 1933 (P.L.565, NO.111), KNOWN AS THE

1 DEPARTMENT OF BANKING AND SECURITIES CODE.

2 "STATE." ANY STATE, TERRITORY OR POSSESSION OF THE UNITED
3 STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO
4 RICO, THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, GUAM,
5 AMERICAN SAMOA OR THE UNITED STATES VIRGIN ISLANDS OR ANY
6 FEDERALLY RECOGNIZED INDIAN TRIBE AS DEFINED BY THE SECRETARY OF
7 THE INTERIOR UNDER SECTION 104(A) OF THE FEDERALLY RECOGNIZED
8 INDIAN TRIBE LIST ACT OF 1994 (PUBLIC LAW 103-454, 25 U.S.C. §
9 479A-1).

10 "TRUST COMPANY." THE TERM INCLUDES:

11 (1) A NATIONAL BANK AUTHORIZED TO EXERCISE TRUST POWERS
12 AS AUTHORIZED BY 12 U.S.C. § 92A;

13 (2) A TRUST COMPANY AS DEFINED BY SECTION 102 OF THE
14 BANKING CODE OF 1965; OR

15 (3) AN INTERSTATE BANK AS DEFINED IN SECTION 102 OF THE
16 BANKING CODE OF 1965 AUTHORIZED TO EXERCISE THE POWERS OF A
17 TRUST COMPANY IN THIS COMMONWEALTH.

18 § 5503. SERVICES TO LEGITIMATE CANNABIS-RELATED BUSINESSES.

19 (A) AUTHORIZATION TO PROVIDE FINANCIAL SERVICES.--A
20 FINANCIAL INSTITUTION AUTHORIZED TO ENGAGE IN BUSINESS IN THIS
21 COMMONWEALTH MAY PROVIDE FINANCIAL SERVICES TO OR FOR THE
22 BENEFIT OF A LEGITIMATE CANNABIS-RELATED BUSINESS AND THE
23 BUSINESS ASSOCIATES OF A LEGITIMATE CANNABIS-RELATED BUSINESS
24 SUBJECT TO:

25 (1) THE LAWS AND REGULATIONS APPLICABLE TO THE PROVISION
26 OF FINANCIAL SERVICES TO OTHER CUSTOMERS OF THE FINANCIAL
27 INSTITUTION;

28 (2) ANY APPLICABLE CONSUMER PROTECTION LAWS OF THIS
29 COMMONWEALTH;

30 (3) ANY ADDITIONAL REQUIREMENTS APPLICABLE TO THE

1 INSTITUTION ESTABLISHED FOR THE PROVISION OF SERVICES TO A
2 LEGITIMATE CANNABIS-RELATED BUSINESS OR ITS BUSINESS
3 ASSOCIATES BY A FEDERAL FINANCIAL REGULATORY AGENCY, THE
4 DEPARTMENT OF BANKING AND SECURITIES OR A FINANCIAL
5 REGULATORY AGENCY OF THE STATE UNDER WHICH THE INSTITUTION IS
6 ORGANIZED; AND

7 (4) THE EXTENT THE INSTITUTION IS PROVIDING SERVICES TO
8 A LEGITIMATE CANNABIS-RELATED BUSINESS OR ITS BUSINESS
9 ASSOCIATES IN ANOTHER JURISDICTION, ANY ADDITIONAL
10 REQUIREMENTS APPLICABLE TO THE INSTITUTION ESTABLISHED FOR
11 THE PROVISION OF THE SERVICES BY A FINANCIAL REGULATORY
12 AGENCY OF THAT JURISDICTION.

13 (B) AUTHORIZATION TO PROVIDE INSURANCE SERVICES.--AN INSURER
14 MAY PROVIDE INSURANCE SERVICES TO OR FOR THE BENEFIT OF A
15 LEGITIMATE CANNABIS-RELATED BUSINESS AND THE BUSINESS ASSOCIATES
16 OF A LEGITIMATE CANNABIS-RELATED BUSINESS SUBJECT TO:

17 (1) THE LAWS AND REGULATIONS APPLICABLE TO THE PROVISION
18 OF INSURANCE SERVICES TO OTHER CUSTOMERS OF THE INSURER;

19 (2) ANY APPLICABLE CONSUMER PROTECTION LAWS OF THIS
20 COMMONWEALTH;

21 (3) ANY ADDITIONAL REQUIREMENTS APPLICABLE TO THE
22 INSURER ESTABLISHED FOR THE PROVISION OF SERVICES TO A
23 LEGITIMATE CANNABIS-RELATED BUSINESS OR ITS BUSINESS
24 ASSOCIATES BY THE INSURANCE DEPARTMENT; AND

25 (4) THE EXTENT THE INSURER IS PROVIDING SERVICES TO A
26 LEGITIMATE CANNABIS-RELATED BUSINESS OR ITS BUSINESS
27 ASSOCIATES IN ANOTHER JURISDICTION, ANY ADDITIONAL
28 REQUIREMENTS APPLICABLE TO THE INSURER ESTABLISHED FOR THE
29 PROVISION OF THE SERVICES BY AN INSURANCE REGULATORY AGENCY
30 OF THAT JURISDICTION.

1 (C) NO REQUIREMENT TO PROVIDE SERVICES.--NOTHING IN THIS
2 CHAPTER SHALL REQUIRE A DEPOSITORY INSTITUTION, AN ENTITY
3 PERFORMING A FINANCIAL SERVICE FOR OR IN ASSOCIATION WITH A
4 FINANCIAL INSTITUTION OR AN INSURER TO PROVIDE FINANCIAL OR
5 INSURANCE SERVICES TO A LEGITIMATE CANNABIS-RELATED BUSINESS OR
6 THE BUSINESS ASSOCIATES OF A LEGITIMATE CANNABIS-RELATED
7 BUSINESS OR TO ANY OTHER BUSINESS.

8 § 5504. PROTECTIONS FOR FINANCIAL INSTITUTIONS, INSURERS,
9 LEGITIMATE CANNABIS-RELATED BUSINESSES AND BUSINESS
10 ASSOCIATES.

11 (A) ACTIONS OF GOVERNMENT AGENCIES.--NO AGENCY OR POLITICAL
12 SUBDIVISION OF THIS COMMONWEALTH MAY:

13 (1) PROHIBIT, PENALIZE OR OTHERWISE DISCOURAGE A
14 FINANCIAL INSTITUTION OR INSURER FROM PROVIDING FINANCIAL OR
15 INSURANCE SERVICES TO A LEGITIMATE CANNABIS-RELATED BUSINESS
16 OR THE BUSINESS ASSOCIATES OF A LEGITIMATE CANNABIS-RELATED
17 BUSINESS;

18 (2) RECOMMEND, INCENTIVIZE OR ENCOURAGE A FINANCIAL
19 INSTITUTION OR INSURER NOT TO OFFER FINANCIAL OR INSURANCE
20 SERVICES TO AN ACCOUNT HOLDER, OR DOWNGRADE OR CANCEL
21 SERVICES PROVIDED TO THE ACCOUNT HOLDER, SOLELY BECAUSE THE
22 ACCOUNT HOLDER IS A LEGITIMATE CANNABIS-RELATED BUSINESS OR A
23 BUSINESS ASSOCIATE OF A LEGITIMATE CANNABIS-RELATED BUSINESS;

24 (3) TAKE ADVERSE OR CORRECTIVE SUPERVISORY ACTION ON A
25 LOAN MADE TO A LEGITIMATE CANNABIS-RELATED BUSINESS OR A
26 BUSINESS ASSOCIATE OF A LEGITIMATE CANNABIS-RELATED BUSINESS
27 SOLELY BECAUSE THE LOAN HAS BEEN MADE TO A LEGITIMATE
28 CANNABIS-RELATED BUSINESS OR A BUSINESS ASSOCIATE OF A
29 LEGITIMATE CANNABIS-RELATED BUSINESS;

30 (4) PROHIBIT OR PENALIZE A FINANCIAL INSTITUTION OR

1 INSURER PERFORMING FINANCIAL OR INSURANCE SERVICES IN
2 ASSOCIATION WITH ANOTHER FINANCIAL INSTITUTION OR INSURER
3 FROM PROVIDING FINANCIAL OR INSURANCE SERVICES TO A
4 LEGITIMATE CANNABIS-RELATED BUSINESS OR A BUSINESS ASSOCIATE
5 OF A LEGITIMATE CANNABIS-RELATED BUSINESS; OR

6 (5) SUBJECT THE LEGAL INTEREST OF A FINANCIAL
7 INSTITUTION IN THE COLLATERAL FOR A LOAN OR ANOTHER FINANCIAL
8 SERVICE PROVIDED TO A LEGITIMATE CANNABIS-RELATED BUSINESS OR
9 THE BUSINESS ASSOCIATES OF A LEGITIMATE CANNABIS-RELATED
10 BUSINESS TO CIVIL OR CRIMINAL FORFEITURE UNDER ANY LAWS OF
11 THIS COMMONWEALTH OR INITIATE OR PARTICIPATE IN PROCEEDINGS
12 FOR THE CIVIL OR CRIMINAL FORFEITURE OF A LEGAL INTEREST
13 UNDER FEDERAL LAW OR UNDER THE LAWS OF ANOTHER STATE.

14 (B) ENFORCEMENT AUTHORITY.--NOTHING IN THIS ACT SHALL
15 PREVENT THE DEPARTMENT OF BANKING AND SECURITIES, THE INSURANCE
16 DEPARTMENT OR THE ATTORNEY GENERAL, IN A MANNER CONSISTENT WITH
17 THE REQUIREMENTS OF SECTION 506 OF THE ACT OF MAY 15, 1933
18 (P.L.565, NO.111), KNOWN AS THE DEPARTMENT OF BANKING AND
19 SECURITIES CODE, FROM UNDERTAKING AN ENFORCEMENT ACTION FOR
20 COMPLIANCE WITH THE REQUIREMENTS OF SECTION 5503(A) OR (B)
21 (RELATING TO SERVICES TO LEGITIMATE CANNABIS-RELATED BUSINESSES)
22 IN A MANNER CONSISTENT WITH SUBSECTION (A).

23 (C) CRIMINAL PROSECUTION AND CIVIL CLAIMS.--SUBJECT TO
24 SUBSECTION (H), NO FINANCIAL INSTITUTION OR INSURER, OR THE
25 DIRECTORS, OFFICERS, EMPLOYEES, AGENTS, OWNERS, SHAREHOLDERS OR
26 MEMBERS OF A FINANCIAL INSTITUTION OR INSURER, SHALL BE SUBJECT
27 TO A CRIMINAL PROSECUTION, SANCTION OR CLAIM FOR DAMAGES OR ANY
28 EQUITABLE REMEDY, SOLELY BECAUSE THE INSTITUTION OR INSURER IS
29 PROVIDING FINANCIAL OR INSURANCE SERVICES TO OR FOR THE BENEFIT
30 OF A LEGITIMATE CANNABIS-RELATED BUSINESS OR THE BUSINESS

1 ASSOCIATES OF A LEGITIMATE CANNABIS-RELATED BUSINESS.

2 (D) PROCEEDS OF LEGITIMATE CANNABIS-RELATED BUSINESS
3 ACTIVITIES.--THE PROCEEDS OF ANY TRANSACTION INVOLVING THE
4 ACTIVITIES OF A LEGITIMATE CANNABIS-RELATED BUSINESS MAY NOT BE
5 CONSIDERED PROCEEDS FROM AN UNLAWFUL ACTIVITY, SOLELY BECAUSE
6 THE TRANSACTION INVOLVES THE PROCEEDS FROM A LEGITIMATE
7 CANNABIS-RELATED BUSINESS OR A BUSINESS ASSOCIATE OF A
8 LEGITIMATE CANNABIS-RELATED BUSINESS.

9 (E) RIGHTS AND PRIVILEGES.--NO LEGITIMATE CANNABIS-RELATED
10 BUSINESS, OR A BUSINESS ASSOCIATE OF A LEGITIMATE CANNABIS-
11 RELATED BUSINESS, SHALL BE DENIED ANY RIGHT OR PRIVILEGE BY A
12 STATE AGENCY SOLELY BECAUSE OF THE BUSINESS'S OR BUSINESS
13 ASSOCIATE'S LAWFUL PARTICIPATION IN THE MEDICAL MARIJUANA
14 PROGRAM ESTABLISHED UNDER THE ACT OF APRIL 17, 2016 (P.L.84,
15 NO.16), KNOWN AS THE MEDICAL MARIJUANA ACT.

16 (F) LIMITED IMMUNITY.--IF A LEGITIMATE CANNABIS-RELATED
17 BUSINESS FAILS TO PROVIDE THE NOTICE REQUIRED UNDER SECTION
18 5506(A) (RELATING TO REQUIRED DISCLOSURES) TO A FINANCIAL
19 INSTITUTION OR INSURER, THE FINANCIAL INSTITUTION OR INSURER
20 SHALL NOT BE DEEMED IN VIOLATION OF THIS CHAPTER SOLELY BECAUSE
21 THE FINANCIAL INSTITUTION OR INSURER WAS NOT NOTIFIED AND
22 CONTINUED TO PROVIDE SERVICES BEYOND THE DATE AT WHICH SUCH
23 SERVICES SHOULD OR COULD HAVE BEEN TERMINATED AS A RESULT OF THE
24 SUSPENSION OR REVOCATION OF THE PERMIT, REGISTRATION OR
25 CERTIFICATION.

26 (G) EXCLUSION.--THIS CHAPTER SHALL NOT APPLY TO THE
27 CULTIVATION, PRODUCTION, MANUFACTURE, SALE, TRANSPORTATION,
28 DISPLAY, DISPENSING, DISTRIBUTION OR PURCHASE OF CANNABIS FOR
29 RECREATIONAL USE WITHIN THIS COMMONWEALTH IN A MANNER CONTRARY
30 TO THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE

1 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR ANY
2 ACTIONS IN VIOLATION OF THE MEDICAL MARIJUANA ACT EXCEPT AS
3 OTHERWISE PROVIDED BY THIS CHAPTER.

4 (H) REQUIREMENTS.--THE PROTECTIONS PROVIDED BY THIS SECTION
5 TO A FINANCIAL INSTITUTION OR INSURER AND TO THE DIRECTORS,
6 OFFICERS, EMPLOYEES, AGENTS, OWNERS, SHAREHOLDERS OR MEMBERS OF
7 THE INSTITUTION OR INSURER ARE SUBJECT TO THE INSTITUTION'S OR
8 INSURER'S MATERIAL COMPLIANCE WITH THE REQUIREMENTS OF SECTION
9 5503(A) AND (B) AND REASONABLE DUE DILIGENCE TO DETERMINE THAT A
10 LEGITIMATE CANNABIS-RELATED BUSINESS OR A BUSINESS ASSOCIATE OF
11 A LEGITIMATE CANNABIS-RELATED BUSINESS IS IN COMPLIANCE WITH THE
12 LAWS OF THIS COMMONWEALTH AND THE LAWS OF OTHER STATES IN WHICH
13 THE CANNABIS-RELATED BUSINESS IS LOCATED, OR WITH ANY APPLICABLE
14 FEDERAL LAWS, WHICH PROVIDE AUTHORIZATION FOR THE OPERATION OF A
15 LEGITIMATE CANNABIS-RELATED BUSINESS.

16 § 5505. ACCESS TO INFORMATION.

17 (A) VOLUNTARY DISCLOSURES.--SECTION 1307 OF THE ACT OF APRIL
18 17, 2016 (P.L.84, NO.16), KNOWN AS THE MEDICAL MARIJUANA ACT,
19 SHALL NOT PROHIBIT THE VOLUNTARY DISCLOSURE OF ANY RECORDS OR
20 OTHER INFORMATION BY A LEGITIMATE CANNABIS-RELATED BUSINESS, OR
21 A BUSINESS ASSOCIATE TO A FINANCIAL INSTITUTION OR INSURER, AS
22 NECESSARY TO OBTAIN FINANCIAL OR INSURANCE SERVICES TO THE
23 EXTENT NOT PROHIBITED BY AND CONSISTENT WITH ANY APPLICABLE
24 REQUIREMENTS OF THE HEALTH INSURANCE PORTABILITY AND
25 ACCOUNTABILITY ACT OF 1996 (PUBLIC LAW 104-191, 110 STAT. 1936)
26 PRIVACY REGULATION AS PROMULGATED BY THE UNITED STATES
27 DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER 45 CFR PTS. 160
28 (RELATING TO GENERAL ADMINISTRATIVE REQUIREMENTS), 162 (RELATING
29 TO ADMINISTRATIVE REQUIREMENTS) AND 164 (RELATING TO SECURITY
30 AND PRIVACY) AND 16 CFR PT. 313 (RELATING TO PRIVACY OF CONSUMER

1 FINANCIAL INFORMATION).

2 (B) RESTRICTIONS ON USE OF RECORDS.--A FINANCIAL
3 INSTITUTION, OR INSURER RECEIVING ACCESS TO INFORMATION UNDER
4 SUBSECTION (A), THE DISTRIBUTION OF WHICH WOULD OTHERWISE BE
5 PROHIBITED, MAY ONLY USE THE INFORMATION AS NECESSARY TO SATISFY
6 DUE DILIGENCE OBLIGATIONS REQUIRED TO PROVIDE FINANCIAL OR
7 INSURANCE SERVICES TO PERSONS PARTICIPATING IN THE MEDICAL
8 MARIJUANA PROGRAM ESTABLISHED UNDER THE MEDICAL MARIJUANA ACT
9 AND MAY NOT DISCLOSE THE INFORMATION RECORDS TO OTHER PERSONS
10 EXCEPT FOR INFORMATION:

11 (1) REQUIRED FOR THE FILING OF SUSPICIOUS ACTIVITY
12 REPORTS WITH THE UNITED STATES DEPARTMENT OF THE TREASURY OR
13 THE INVESTIGATION OF RELATED REPORTS;

14 (2) REQUESTED BY THE INSTITUTION'S PRIMARY REGULATOR,
15 THE FEDERAL DEPOSIT INSURANCE CORPORATION OR THE NATIONAL
16 CREDIT UNION ADMINISTRATION FOR THE PURPOSES OF CONDUCTING AN
17 EXAMINATION OF THE INSTITUTION;

18 (3) AS NECESSARY TO RESPOND TO COURT ORDERS OR SUBPOENAS
19 AFTER PROVIDING THE PERSON AUTHORIZING THE RELEASE OF THE
20 RECORDS AND THE INSTITUTION'S PRIMARY REGULATOR THE
21 OPPORTUNITY TO OBJECT TO THE ORDER OR SUBPOENA; OR

22 (4) AS AUTHORIZED BY A PERSON WHO IS THE SUBJECT TO THE
23 CONFIDENTIAL INFORMATION.

24 § 5506. REQUIRED DISCLOSURES.

25 (A) NOTIFICATION BY LEGITIMATE CANNABIS-RELATED BUSINESS.--
26 IF A LEGITIMATE CANNABIS-RELATED BUSINESS OBTAINS FINANCIAL OR
27 INSURANCE SERVICES FROM A FINANCIAL INSTITUTION OR INSURER DOING
28 BUSINESS IN THIS COMMONWEALTH, THE BUSINESS SHALL, WITHIN FIVE
29 BUSINESS DAYS, PROVIDE NOTICE TO THE FINANCIAL INSTITUTION OR
30 INSURER IF A CANNABIS-RELATED PERMIT, REGISTRATION OR

1 CERTIFICATION HELD BY THE BUSINESS OR ITS AFFILIATES UNDER
2 FEDERAL LAW, THE LAWS OF THIS COMMONWEALTH OR A LAW ESTABLISHED
3 BY ANOTHER STATE IS SUSPENDED OR REVOKED.

4 (B) PENALTY.--IF A LEGITIMATE CANNABIS-RELATED BUSINESS
5 FAILS TO GIVE THE NOTICE REQUIRED UNDER SUBSECTION (A) TO A
6 FINANCIAL INSTITUTION OR INSURER, THE BUSINESS OR BUSINESS
7 ASSOCIATE MAY BE ASSESSED A CIVIL PENALTY UP TO \$500 PER DAY,
8 NOT TO EXCEED \$25,000, UNTIL THE NOTICE IS PROVIDED. THE
9 DEPARTMENT OF BANKING AND SECURITIES SHALL HAVE AUTHORIZATION TO
10 ASSESS CIVIL PENALTIES FOR FAILURE TO GIVE NOTICE UNDER THIS
11 SECTION TO A FINANCIAL INSTITUTION, AND THE INSURANCE DEPARTMENT
12 SHALL HAVE AUTHORIZATION TO ASSESS CIVIL PENALTIES FOR FAILURE
13 TO GIVE THE NOTICE UNDER THIS SECTION TO AN INSURER.
14 § 5507. REGULATIONS AND STATEMENTS OF POLICY.

15 THE DEPARTMENT OF BANKING AND SECURITIES AND THE INSURANCE
16 DEPARTMENT MAY ADOPT STATEMENTS OF POLICY OR REGULATIONS TO
17 IMPLEMENT THIS CHAPTER AND TO PROVIDE GUIDANCE TO FINANCIAL
18 INSTITUTIONS AND INSURERS PROVIDING FINANCIAL OR INSURANCE
19 SERVICES TO LEGITIMATE CANNABIS-RELATED BUSINESSES AND BUSINESS
20 ASSOCIATES OF A LEGITIMATE CANNABIS-RELATED BUSINESS.

21 CHAPTER 57

22 INCENTIVE-BASED SAVINGS PROGRAM

23 SEC.

24 5701. LEGISLATIVE INTENT.

25 5702. DEFINITIONS.

26 5703. SAVINGS PROMOTION PROGRAM.

27 5704. COMPLIANCE WITH FEDERAL REGULATIONS.

28 5705. QUALIFIED FINANCIAL PROGRAM.

29 5706. TERMS AND CONDITIONS.

30 5707. MAINTENANCE OF BOOKS AND RECORDS.

1 § 5701. LEGISLATIVE INTENT.

2 THE INTENT OF THIS CHAPTER IS TO AUTHORIZE AND PROVIDE A
3 REGULATORY FRAMEWORK FOR FINANCIAL INSTITUTIONS TO CONDUCT
4 SAVINGS PROMOTION PROGRAMS TO ENCOURAGE ROBUST SAVING HABITS AND
5 IMPROVE FINANCIAL LITERACY.

6 § 5702. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
8 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
9 CONTEXT CLEARLY INDICATES OTHERWISE:

10 "ELIGIBLE FINANCIAL INSTITUTION." ANY OF THE FOLLOWING:

11 (1) AN INSURED CREDIT UNION; OR

12 (2) AN INSURED DEPOSITORY INSTITUTION.

13 "ELIGIBLE INDIVIDUAL." AN INDIVIDUAL WHO:

14 (1) IS AT LEAST 18 YEARS OF AGE;

15 (2) IS A MEMBER OR CUSTOMER OF THE ELIGIBLE FINANCIAL
16 INSTITUTION CONDUCTING THE SAVINGS PROMOTION PROGRAM; AND

17 (3) MAINTAINS A QUALIFIED ACCOUNT WITH THE ELIGIBLE
18 FINANCIAL INSTITUTION CONDUCTING THE SAVINGS PROMOTION
19 PROGRAM.

20 "INSURED CREDIT UNION." AS DEFINED IN SECTION 101 OF THE
21 FEDERAL CREDIT UNION ACT (48 STAT. 1216, 12 U.S.C. § 1752).

22 "INSURED DEPOSITORY INSTITUTION." AS DEFINED IN SECTION 3 OF
23 THE FEDERAL DEPOSIT INSURANCE ACT (64 STAT. 873, 12 U.S.C. §
24 1813).

25 "PRUDENTIAL REGULATOR." AS DEFINED IN SECTION 1002 OF THE
26 CONSUMER FINANCIAL PROTECTION ACT OF 2010 (PUBLIC LAW 111-203
27 124 STAT. 1955, 12 U.S.C. § 5481).

28 "QUALIFIED ACCOUNT." A SAVINGS ACCOUNT, TIME DEPOSIT OR
29 SAVINGS PROGRAM OFFERED TO AN ELIGIBLE INDIVIDUAL BY AN ELIGIBLE
30 FINANCIAL INSTITUTION PURSUANT TO A SAVINGS PROMOTION PROGRAM.

1 THE TERM INCLUDES A SHARE ACCOUNT AND AN ACCOUNT WHERE THE
2 ELIGIBLE INDIVIDUAL HAS AN INTEREST INDIVIDUALLY OR JOINTLY WITH
3 ANOTHER ELIGIBLE INDIVIDUAL.

4 "QUALIFIED FINANCIAL PROGRAM." A PROGRAM OFFERED BY AN
5 ELIGIBLE FINANCIAL INSTITUTION UNDER SECTION 5705 (RELATING TO
6 QUALIFIED FINANCIAL PROGRAM).

7 "SAVINGS PROMOTION PROGRAM." A CONTEST IN WHICH THE SOLE
8 CONSIDERATION REQUIRED FOR A CHANCE OF WINNING DESIGNATED PRIZES
9 IS OBTAINED BY THE DEPOSIT OF A SPECIFIED AMOUNT OF MONEY IN A
10 QUALIFIED ACCOUNT OR OTHER SAVINGS PROGRAM OF WHICH EACH TICKET
11 OR ENTRY HAS AN EQUAL CHANCE OF BEING DRAWN.

12 § 5703. SAVINGS PROMOTION PROGRAM.

13 (A) AUTHORIZATION.--NOTWITHSTANDING ANY PROHIBITIONS ON
14 LOTTERIES OR GAMBLING PROVIDED BY THE LAWS OF THIS COMMONWEALTH,
15 INCLUDING 18 PA.C.S. §§ 5512 (RELATING TO LOTTERIES, ETC.), 5513
16 (RELATING TO GAMBLING DEVICES, GAMBLING, ETC.) AND 5514
17 (RELATING TO POOL SELLING AND BOOKMAKING), AN ELIGIBLE FINANCIAL
18 INSTITUTION MAY CONDUCT A SAVINGS PROMOTION PROGRAM AND ANY
19 ACTIVITY CONDUCTED IN CONNECTION WITH THE SAVINGS PROMOTION
20 PROGRAM, INCLUDING, BUT NOT LIMITED TO:

21 (1) THE DEPOSIT OF A MINIMUM SPECIFIED AMOUNT OF MONEY
22 IN A QUALIFIED ACCOUNT FOR A MINIMUM LENGTH OF TIME;

23 (2) THE PARTICIPATION IN A QUALIFIED FINANCIAL PROGRAM
24 OFFERED BY THE ELIGIBLE FINANCIAL INSTITUTION;

25 (3) THE TRANSMISSION OF ANY ADVERTISEMENT, LIST OF
26 PRIZES OR OTHER INFORMATION CONCERNING THE SAVINGS PROMOTION
27 PROGRAM;

28 (4) THE OFFERING, FACILITATION AND ACCEPTANCE OF
29 DEPOSITS, WITHDRAWALS OR OTHER TRANSACTIONS IN CONNECTION
30 WITH THE SAVINGS PROMOTION PROGRAM;

1 (5) THE TRANSMISSION OF ANY INFORMATION RELATING TO THE
2 SAVINGS PROMOTION PROGRAM, INCLUDING ACCOUNT BALANCE AND
3 TRANSACTION INFORMATION;

4 (6) THE DEPOSIT OR TRANSMISSION OF PRIZES AWARDED IN THE
5 SAVINGS PROMOTION PROGRAM AS WELL AS NOTIFICATION OR
6 PUBLICATION OF THE DEPOSIT OR TRANSMISSION; AND

7 (7) THE ESTABLISHMENT AND OPERATION OF QUALIFIED
8 FINANCIAL PROGRAMS.

9 (B) LIMITATION.--AN ELIGIBLE FINANCIAL INSTITUTION MAY NOT
10 CONDUCT A SAVINGS PROMOTION PROGRAM IN A WAY THAT JEOPARDIZES
11 THE ELIGIBLE FINANCIAL INSTITUTION'S SAFETY AND SOUNDNESS OR
12 MISLEADS AN ELIGIBLE INDIVIDUAL OR THE PUBLIC.

13 (C) THIRD-PARTY PARTICIPANTS.--AN ELIGIBLE FINANCIAL
14 INSTITUTION MAY OFFER A SAVINGS PROMOTION PROGRAM IN CONJUNCTION
15 WITH A THIRD-PARTY PARTICIPANT THAT PROVIDES ADMINISTRATIVE
16 SUPPORT, FUNDING OR OTHER SERVICE.

17 § 5704. COMPLIANCE WITH FEDERAL REGULATIONS.

18 AN ELIGIBLE FINANCIAL INSTITUTION MAY OFFER A SAVINGS
19 PROMOTION PROGRAM ONLY TO THE EXTENT PERMITTED BY FEDERAL LAW,
20 INCLUDING ANY REGULATIONS PROMULGATED BY THE INSTITUTION'S
21 APPROPRIATE PRUDENTIAL REGULATOR.

22 § 5705. QUALIFIED FINANCIAL PROGRAM.

23 A QUALIFIED FINANCIAL PROGRAM OFFERED UNDER SECTION 5703(A)
24 (2) (RELATING TO SAVINGS PROMOTION PROGRAM) MUST INCLUDE
25 PROGRAMS TO ENCOURAGE AN ELIGIBLE INDIVIDUAL TO DO AT LEAST ONE
26 OF THE FOLLOWING:

27 (1) DEPOSIT OR TRANSFER MONEY INTO A QUALIFIED ACCOUNT
28 ON A RECURRING OR AUTOMATIC BASIS.

29 (2) REFINANCE OR CONSOLIDATE EXISTING DEBT TO OBTAIN A
30 LOWER INTEREST RATE.

1 (3) PAY OFF OR REDUCE OUTSTANDING BALANCES TO LOWER THE
2 ELIGIBLE INDIVIDUAL'S TOTAL DEBT RATIO OR REVOLVING DEBT
3 RATIO.

4 (4) PREPARE A BUDGET OR A DEBT-REDUCTION PLAN.

5 (5) ATTEND FINANCIAL LITERACY SEMINARS OR COUNSELING
6 SESSIONS SPONSORED BY THE ELIGIBLE FINANCIAL INSTITUTION THAT
7 ARE OFFERED FREE OF CHARGE.

8 (6) USE FREE ONLINE FINANCIAL EDUCATION, BUDGETING OR
9 DEBT-REDUCTION TOOLS.

10 § 5706. TERMS AND CONDITIONS.

11 (A) DISCLOSURE.--AN ELIGIBLE FINANCIAL INSTITUTION
12 CONDUCTING A SAVINGS PROMOTION PROGRAM SHALL DISCLOSE TO THE
13 PUBLIC AND EACH PARTICIPANT THE TERMS AND CONDITIONS OF THE
14 SAVINGS PROMOTION PROGRAM. THE TERMS AND CONDITIONS SHALL BE
15 POSTED IN A LOCATION WHERE ENTRIES MAY BE SUBMITTED AND SHALL BE
16 INCLUDED IN PRINTED MATERIALS OR ELECTRONIC MEDIA PROMOTING THE
17 SAVINGS PROMOTION PROGRAM.

18 (B) CONTENT.--TERMS AND CONDITIONS FOR A SAVINGS PROMOTION
19 PROGRAM SHALL INCLUDE LANGUAGE SPECIFYING THAT:

20 (1) NO OTHER ACTION, PURCHASE OR OTHER CONSIDERATION IS
21 NECESSARY FOR AN ENTRY IN THE SAVINGS PROMOTION PROGRAM.

22 (2) NO ACTION OR PURCHASE OF GOODS OR SERVICES IMPROVES
23 THE ODDS OF WINNING.

24 (3) EACH ENTRY HAS THE SAME ODDS OF WINNING THE SAVINGS
25 PROMOTION PROGRAM.

26 (4) THE ODDS OF WINNING THE SAVINGS PROMOTION PROGRAM
27 WILL BE DETERMINED BASED ON THE NUMBER OF ENTRIES RECEIVED.

28 (5) THE WINNER IS RESPONSIBLE FOR ALL APPLICABLE
29 FEDERAL, STATE AND LOCAL TAXES.

30 (6) PARTICIPATION IN A QUALIFIED FINANCIAL PROGRAM IS

1 OFFERED TO ANY QUALIFIED INDIVIDUAL PARTICIPATING IN THE
2 SAVINGS PROMOTION PROGRAM.

3 (7) PARTICIPATION IN A SAVINGS PROMOTION PROGRAM
4 PRESENTS NO FINANCIAL RISK TO AN ELIGIBLE INDIVIDUAL.

5 § 5707. MAINTENANCE OF BOOKS AND RECORDS.

6 AN ELIGIBLE FINANCIAL INSTITUTION THAT CONDUCTS A SAVINGS
7 PROMOTION PROGRAM UNDER THIS CHAPTER SHALL MAINTAIN BOOKS AND
8 RECORDS RELATING TO THE CONDUCT OF THE SAVINGS PROMOTION PROGRAM
9 SUFFICIENT TO FACILITATE AN AUDIT OF THE SAVINGS PROMOTION
10 PROGRAM. THE FINANCIAL INSTITUTION SHALL KEEP A RECORD OF THE
11 NAMES OF WINNERS OF ALL SAVINGS PROMOTION PROGRAMS, WHICH SHALL
12 BE AVAILABLE FOR INSPECTION BY THE FINANCIAL INSTITUTION'S
13 CUSTOMERS.

14 SECTION 3. THE ADDITION OF 12 PA.C.S. §§ 5503 AND 5504 SHALL
15 APPLY TO THE PROVISION OF FINANCIAL OR INSURANCE SERVICES TO A
16 LEGITIMATE CANNABIS-RELATED BUSINESS OR A BUSINESS ASSOCIATE OF
17 A LEGITIMATE CANNABIS-RELATED BUSINESS ON OR AFTER THE EFFECTIVE
18 DATE OF THIS SECTION.

19 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

20 (1) THE ADDITION OF 12 PA.C.S. CH. 57 SHALL TAKE EFFECT
21 IN 60 DAYS.

22 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
23 IMMEDIATELY.