

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 243** Session of
2021

INTRODUCED BY PITTMAN, BROOKS, BARTOLOTTA, MARTIN, ARGALL,
J. WARD, PHILLIPS-HILL, BOSCOLA, DiSANTO, AUMENT, MASTRIANO,
MENSCH, SCHWANK, TARTAGLIONE, REGAN, DUSH, FONTANA, LAUGHLIN,
COLLETT AND BREWSTER, FEBRUARY 22, 2021

SENATOR YUDICHAK, COMMUNITY, ECONOMIC AND RECREATIONAL
DEVELOPMENT, AS AMENDED, APRIL 28, 2021

AN ACT

1 Amending the act of December 19, 1988 (P.L.1262, No.156),
2 entitled "An act providing for the licensing of eligible
3 organizations to conduct games of chance, for the licensing
4 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," in games of chance,
9 providing for games of chance operations during disaster
10 emergency.

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

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

16 Section 309. Games of chance operations during disaster
17 emergency.

18 ~~(a) General rule. Notwithstanding the provisions of section <--~~
19 ~~307(b.2), during a disaster emergency, a licensed eligible~~
20 ~~organization may:~~

1 ~~(1) conduct games of chance through a publicly~~
2 ~~accessible Internet website, social media platform or mobile~~
3 ~~application; and~~

4 ~~(2) accept electronic payment via credit card, debit~~
5 ~~card, mobile electronic payment application or other~~
6 ~~electronic payment methods for playing games of chance under~~
7 ~~paragraph (1). The licensed eligible organization shall~~
8 ~~verify that the purchaser using an electronic payment method~~
9 ~~is:~~

10 ~~(i) 18 years of age or older; and~~

11 ~~(ii) a resident of this Commonwealth.~~

12 ~~(b) Prize disbursement. A winner of a game of chance~~
13 ~~conducted under subsection (a) must claim the prize at the~~
14 ~~licensed eligible organization's operating site or other~~
15 ~~authorized premises. Prize winnings may not be distributed via~~
16 ~~United States mail, electronically or via any other messaging~~
17 ~~service. Prior to disbursing a prize, a licensed eligible~~
18 ~~organization must verify in person the winner's age and~~
19 ~~residency as provided under subsection (a)(2).~~

20 ~~(c) Definition. As used in this section, the term "disaster~~
21 ~~emergency" means the proclamation of disaster emergency issued~~
22 ~~by the Governor on March 6, 2020, published at 50 Pa.B. 1644~~
23 ~~(March 21, 2020), and any renewal of the state of disaster~~
24 ~~emergency.~~

25 ~~(A) OPERATIONS.--NOTWITHSTANDING THE PROVISIONS OF SECTION <--~~
26 ~~307(B.2), DURING THE COVID-19 DISASTER EMERGENCY OR UNTIL MAY 1,~~
27 ~~2022, WHICHEVER IS LATER, A LICENSED ELIGIBLE ORGANIZATION MAY~~
28 ~~CONDUCT AND REVEAL THE WINNER OF RAFFLES AND DRAWINGS VIA AN~~
29 ~~INTERNET-BASED CONFERENCING SOFTWARE APPLICATION IN A MANNER~~
30 ~~OTHERWISE IN ACCORDANCE WITH THIS CHAPTER.~~

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

3 (1) A LICENSED ELIGIBLE ORGANIZATION MAY ACCEPT PAYMENT
4 VIA A MOBILE PAYMENT SERVICE FOR THE CONDUCT OR OPERATION OF
5 THE RAFFLE OR DRAWING IN ACCORDANCE WITH SUBSECTION (C). AN
6 ELIGIBLE ORGANIZATION MAY NOT ACCEPT CREDIT CARDS FOR THE
7 CONDUCT OR OPERATION OF THE RAFFLE OR DRAWING.

8 (2) AN ELIGIBLE ORGANIZATION MAY ONLY USE AN INTERNET-
9 BASED CONFERENCING SOFTWARE APPLICATION IN THE CONDUCT OF THE
10 RAFFLE OR DRAWING LIMITED TO THE REVEAL OF THE WINNER OF THE
11 RAFFLE OR DRAWING.

12 (3) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
13 MAY NOT USE OR DISPLAY ANIMATION IN IDENTIFYING THE WINNER.

14 (4) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
15 MAY NOT USE OR DISPLAY MOVING OR STILL IMAGES IN IDENTIFYING
16 THE WINNER.

17 (5) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
18 MAY NOT USE, MAKE OR DISPLAY A GRAPHIC PRESENTATION IN
19 IDENTIFYING THE WINNER.

20 (6) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
21 MAY NOT USE OR BE COMPLETED WITH THE AID OF A SLOT MACHINE,
22 HYBRID SLOT MACHINE OR SKILL SLOT MACHINE AS DEFINED IN 4
23 PA.C.S. § 1103 (RELATING TO DEFINITIONS).

24 (7) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
25 MAY NOT USE OR BE COMPLETED WITH THE AID OF A VIDEO GAMING
26 TERMINAL AS DEFINED IN 4 PA.C.S. § 3102 (RELATING TO
27 DEFINITIONS).

28 (8) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
29 MAY NOT USE OR BE COMPLETED WITH THE AID OF AN ELECTRONIC
30 VIDEO MONITOR OR SIMULATED GAMBLING PROGRAM AS DEFINED IN 18

1 PA.C.S. § 5513(F) (RELATING TO GAMBLING DEVICES, GAMBLING,
2 ETC.).

3 (C) VERIFICATION REQUIREMENTS.--IN ORDER TO USE A MOBILE
4 PAYMENT SERVICE UNDER SUBSECTION (B) (1) FOR THE CONDUCT OR
5 OPERATION OF THE RAFFLE OR DRAWING, A LICENSED ELIGIBLE
6 ORGANIZATION SHALL TAKE THE FOLLOWING ACTIONS:

7 (1) EMPLOY A MECHANISM TO DETECT THE PHYSICAL LOCATION
8 OF A PARTICIPANT WHO BUYS A TICKET FOR THE RAFFLE OR DRAWING
9 AND BLOCK AN INDIVIDUAL LOCATED OUTSIDE OF THIS COMMONWEALTH
10 FROM PARTICIPATING IN A RAFFLE OR DRAWING. THE ELIGIBLE
11 ORGANIZATION MAY NOT ACCEPT PAYMENT FROM AN INDIVIDUAL
12 LOCATED OUTSIDE OF THIS COMMONWEALTH.

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

18 (3) EMPLOY A MECHANISM TO VERIFY THAT THE PURCHASER IS
19 18 YEARS OF AGE OR OLDER AND BLOCK AN INDIVIDUAL UNDER 18
20 YEARS OF AGE FROM PARTICIPATING IN THE RAFFLE OR DRAWING. THE
21 ELIGIBLE ORGANIZATION MAY NOT ACCEPT PAYMENT FROM AN
22 INDIVIDUAL UNDER 18 YEARS OF AGE.

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

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

28 (D) EXPIRATION.--THE AUTHORITY GRANTED UNDER THIS SECTION
29 SHALL AUTOMATICALLY EXPIRE UPON EXPIRATION OR TERMINATION OF THE
30 COVID-19 DISASTER EMERGENCY BY EXECUTIVE ORDER, PROCLAMATION OR

1 OPERATION OF LAW OR MAY 1, 2022, WHICHEVER IS LATER.

2 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
3 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
4 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

5 "COVID-19 DISASTER EMERGENCY." THE PROCLAMATION OF DISASTER
6 EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT
7 50 PA.B. 1644 (MARCH 21, 2020), ANY RENEWAL OF THE PROCLAMATION
8 OF DISASTER EMERGENCY OR ANY OTHER PROCLAMATION OF DISASTER
9 EMERGENCY RELATED TO THE NOVEL CORONAVIRUS, KNOWN AS COVID-19,
10 ISSUED BY THE GOVERNOR IN ACCORDANCE WITH 35 PA.C.S. § 7301(C)
11 (RELATING TO GENERAL AUTHORITY OF GOVERNOR).

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

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

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

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

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

26 Section 2. This act shall take effect immediately.