

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

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 miscellaneous
9 provisions, providing for games of chance operations during
10 COVID-19 disaster 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 3102. Games of chance operations during COVID-19~~ <--
17 ~~disaster emergency.~~

18 ~~(a) Operations. Notwithstanding the provisions of section~~
19 ~~307(b.2), during the COVID-19 disaster emergency, a licensed~~
20 ~~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) (relating to general authority of Governor).~~

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, 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.

1 (2) AN ELIGIBLE ORGANIZATION MAY ONLY USE AN INTERNET-
2 BASED CONFERENCING SOFTWARE APPLICATION IN THE CONDUCT OF THE
3 RAFFLE OR DRAWING LIMITED TO THE REVEAL OF THE WINNER OF THE
4 RAFFLE OR DRAWING.

5 (3) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
6 SHALL NOT USE OR DISPLAY ANIMATION IN IDENTIFYING THE WINNER.

7 (4) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
8 SHALL NOT USE OR DISPLAY MOVING OR STILL IMAGES IN
9 IDENTIFYING THE WINNER

10 (5) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
11 SHALL NOT USE, MAKE OR DISPLAY A GRAPHIC PRESENTATION IN
12 IDENTIFYING THE WINNER.

13 (6) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
14 SHALL NOT USE OR BE COMPLETED WITH THE AID OF A SLOT MACHINE,
15 HYBRID SLOT MACHINE OR SKILL SLOT MACHINE AS DEFINED IN 4
16 PA.C.S. § 1103 (RELATING TO DEFINITIONS).

17 (7) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
18 SHALL NOT USE OR BE COMPLETED WITH THE AID OF A VIDEO GAMING
19 TERMINAL AS DEFINED IN 4 PA.C.S. § 3102 (RELATING TO
20 DEFINITIONS).

21 (8) THE REVEAL OF THE WINNER OF THE RAFFLE OR DRAWING
22 SHALL NOT USE OR BE COMPLETED WITH THE AID OF AN ELECTRONIC
23 VIDEO MONITOR OR A SIMULATED GAMBLING PROGRAM AS DEFINED IN
24 18 PA.C.S. § 5513(F) (RELATING TO GAMBLING DEVICES, GAMBLING,
25 ETC.).

26 (C) VERIFICATION REQUIREMENTS.--IN ORDER TO USE A MOBILE
27 PAYMENT SERVICE UNDER SUBSECTION (B) (1) FOR THE CONDUCT OR
28 OPERATION OF THE RAFFLE OR DRAWING, AN ELIGIBLE ORGANIZATION
29 SHALL TAKE ALL OF THE FOLLOWING ACTIONS:

30 (1) EMPLOY A MECHANISM TO DETECT THE PHYSICAL LOCATION

1 OF A PARTICIPANT WHO BUYS A TICKET FOR THE RAFFLE OR DRAWING
2 AND BLOCK AN INDIVIDUAL LOCATED OUTSIDE OF THIS COMMONWEALTH
3 FROM PARTICIPATING IN THE RAFFLE OR DRAWING. THE ELIGIBLE
4 ORGANIZATION MAY NOT ACCEPT PAYMENT FROM AN INDIVIDUAL
5 LOCATED OUTSIDE OF THIS COMMONWEALTH.

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

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

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

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

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

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

29 "COVID-19 DISASTER EMERGENCY." THE PROCLAMATION OF DISASTER
30 EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT

1 50 PA.B. 1644 (MARCH 21, 2020), ANY RENEWAL OF THE PROCLAMATION
2 OF DISASTER EMERGENCY OR ANY OTHER PROCLAMATION OF DISASTER
3 EMERGENCY RELATED TO THE NOVEL CORONAVIRUS, KNOWN AS COVID-19,
4 ISSUED BY THE GOVERNOR IN ACCORDANCE WITH 35 PA.C.S. § 7301(C)
5 (RELATING TO GENERAL AUTHORITY OF GOVERNOR).

6 "DRAWING." A 50/50 DRAWING, DAILY DRAWING OR WEEKLY DRAWING.
7 "INTERNET-BASED CONFERENCING SOFTWARE APPLICATION." ANY OF
8 THE FOLLOWING:

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

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

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

20 Section 2. This act shall take effect immediately.