

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,
ROZZI, TWARDZIK, KNOWLES, HEFFLEY, SANKEY AND KERWIN,
JANUARY 27, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 6, 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, or until May

1 1, 2022, whichever is later, an eligible organization may
2 conduct and reveal the winner of raffles and drawings via an
3 Internet-based conferencing software application in a manner
4 otherwise in accordance with this chapter.

5 (b) Raffles and drawings.--The following shall apply to a
6 raffle or drawing authorized under subsection (a):

7 (1) An eligible organization may use a mobile payment
8 service for the conduct or operation of the raffle or drawing
9 in accordance with subsection (c). An eligible organization
10 may not accept credit cards for the conduct or operation of
11 the raffle or drawing.

12 (2) An eligible organization may only use an Internet-
13 based conferencing software application in the conduct of the
14 raffle or drawing limited to the reveal of the winner of the
15 raffle or drawing.

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

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

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

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

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

1 definitions).

2 (8) The reveal of the winner of the raffle or drawing
3 shall not use or be completed with the aid of an electronic
4 video monitor or a simulated gambling program as defined in
5 18 Pa.C.S. § 5513(f) (relating to gambling devices, gambling,
6 etc.).

7 (9) AN ELIGIBLE ORGANIZATION MAY NOT OFFER A SINGLE GAME <--
8 OF CHANCE IN WHICH THE PRIZE EXCEEDS \$4,000.

9 (10) AN ELIGIBLE ORGANIZATION MAY NOT AWARD PRIZES THAT
10 EXCEED \$50,000 IN AN OPERATING WEEK.

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

15 (1) Employ a mechanism to detect the physical location
16 of a participant who buys a ticket for the raffle or drawing
17 and block an individual located outside of this Commonwealth
18 from participating in the raffle or drawing. The eligible
19 organization may not accept payment from an individual
20 located outside of this Commonwealth.

21 (2) Employ a mechanism to verify a participant's
22 identity and record the document number of the participant's
23 government-issued credential or employ any other methodology
24 for remote, multi-sourced identity authentication, including
25 the use of a third party or government database.

26 (3) Employ a mechanism to verify that a participant is
27 at least 18 years of age and block an individual under 18
28 years of age from participating in the raffle or drawing. The
29 eligible organization may not accept payment from an
30 individual under 18 years of age.

1 (4) Require a participant to affirm that the information
2 provided by the participant under this subsection is
3 accurate.

4 (5) Record a participant's acknowledgment that the
5 information provided by the participant under this subsection
6 is accurate.

7 (d) Expiration.--The authority granted under this section
8 shall automatically expire upon expiration or termination of
9 the COVID-19 disaster emergency by executive order, proclamation
10 or operation of law, or May 1, 2022, whichever is later.

11 (e) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection unless the context clearly indicates otherwise:

14 "COVID-19 disaster emergency." The proclamation of disaster
15 emergency issued by the Governor on March 6, 2020, published at
16 50 Pa.B. 1644 (March 21, 2020), any renewal of the proclamation
17 of disaster emergency or any other proclamation of disaster
18 emergency related to the novel coronavirus, known as COVID-19,
19 issued by the Governor in accordance with 35 Pa.C.S. § 7301(c)
20 (relating to general authority of Governor).

21 "Drawing." A 50/50 drawing, daily drawing or weekly drawing.

22 "Internet-based conferencing software application." Any of
23 the following:

24 (1) A software application that allows for the
25 transmission of audio and visual communications between users
26 over the Internet, including Zoom, Microsoft Teams, Skype or
27 an equivalent application.

28 (2) A social networking application that allows for the
29 transmission of audio and visual communications between users
30 over the Internet, including Facebook Live or Periscope.

1 "Mobile payment service." A service in which a money payment
2 is made electronically through a money transfer service,
3 including Venmo, PayPal, Cash App or an equivalent money
4 transfer service.

5 Section 2. This act shall take effect immediately.