
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 758 Session of
2021

INTRODUCED BY YAW, J. WARD, FONTANA, LAUGHLIN, PITTMAN, MENSCH
AND SCHWANK, JUNE 11, 2021

REFERRED TO COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT,
JUNE 11, 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 preliminary
9 provisions, further providing for definitions; in games of
10 chance, further providing for prize limits, providing for
11 pull-tab deal and further providing for regulations of
12 department; and, in tavern gaming, further providing for
13 definitions, for licenses, for application, for approval, for
14 enforcement and for prohibitions.

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

17 Section 1. The definition of "games of chance" in section
18 103 of the act of December 19, 1988 (P.L.1262, No.156), known as
19 the Local Option Small Games of Chance Act, is amended and the
20 section is amended by adding definitions to read:

21 Section 103. Definitions.

22 The following words and phrases when used in this act shall,
23 except as provided under section 902, have the meanings given to

1 them in this section unless the context clearly indicates
2 otherwise:

3 * * *

4 "Event game." A pull-tab game, played with or without a seal
5 card, in which certain prizes are determined by the draw of a
6 bingo ball or some other approved specified event which randomly
7 selects numbers or symbols that correspond to the numbers or
8 symbols printed by the manufacturer on the pull-tab. All of the
9 following shall apply:

10 (1) No event pull-tab may be both an instant winner and
11 a hold card.

12 (2) No game may contain duplicate hold combinations. If
13 a game contains multiple sets of hold combinations, each set
14 must be distinguishable by color or distinguishing features.

15 (3) An event pull-tab ticket may contain more than one
16 hold combination.

17 (4) The number of winners and prize amount shall be
18 built into the payout structure for the game by the
19 manufacturer.

20 * * *

21 "Games of chance." Punchboards, daily drawings, weekly
22 drawings, 50/50 drawings, raffles, tavern games, pools, race
23 night games and [pull-tabs,] pull-tab games, including event
24 games, subset pull-tab games, pick-board games and progressive
25 pull-tab games as defined in this act, provided that no such
26 game shall be played by or with the assistance of any mechanical
27 or electrical devices or media other than a dispensing machine
28 or passive selection device and further provided that, except
29 for pull-tab event games, the particular chance taken by any
30 person in any such game shall not be made contingent upon any

1 other occurrence or the winning of any other contest, but shall
2 be determined solely at the discretion of the purchaser. This
3 definition shall not be construed to authorize any other form of
4 gambling currently prohibited under any provision of 18 Pa.C.S.
5 (relating to crimes and offenses) or authorized under 4 Pa.C.S.
6 (relating to amusements). Nothing in this act shall be construed
7 to authorize games commonly known as "slot machines" or "video
8 poker" or other games regulated by the Pennsylvania Gaming
9 Control Board.

10 * * *

11 "Pick-board game." A pull-tab game played with a flare
12 containing more than one sealed tab that when opened reveal
13 predesignated winning numbers or symbols. Certain tickets in the
14 deal shall bear a designation providing one or more players the
15 opportunity to win a prize by selecting which sealed tab to open
16 from among the sealed tabs on the flare.

17 * * *

18 "Progressive pull-tab game." A pull-tab game played with a
19 seal card or seal cards that is designed by the manufacturer to
20 include a jackpot prize that is carried over to a subsequent
21 deal of the same form number if the jackpot prize is not won.
22 The amount dedicated to the progressive jackpot must be
23 predetermined by the manufacturer and built into the payout
24 structure for the game.

25 * * *

26 "Subset pull-tab game." A pull-tab game consisting of a
27 single pull-tab deal, with all tickets bearing the same serial
28 number, that is packaged by the manufacturer into smaller
29 subsets, each of which is played separately. Each subset shall
30 have a corresponding flare, which must contain at least one

1 sealed tab. Certain tickets in each subset shall bear a
2 designation providing one or more players the opportunity to win
3 a prize when the sealed tab or tabs are opened.

4 * * *

5 Section 2. Section 302(b), (c.1), (d) introductory paragraph
6 and (4), (d.1), (f), (g) and (h) of the act are amended to read:
7 Section 302. Prize limits.

8 * * *

9 [(b) Aggregate prize limit.--No more than \$35,000 in prizes
10 shall be awarded from games of chance by a licensed eligible
11 organization in any seven-day period.]

12 * * *

13 [(c.1) Total limit.--All prizes awarded under this section
14 shall be subject to the aggregate prize limits under subsection
15 (b).]

16 (d) Exception for raffles.--Notwithstanding subsection [(b)
17 or] (c), a licensed eligible organization may conduct a raffle
18 under section 308 and award a prize or prizes valued in excess
19 of \$3,000 each only under the following conditions:

20 * * *

21 (4) Except as provided under subsection (d.1), the total
22 of all prizes awarded under this subsection shall be no more
23 than \$150,000 per calendar year, which shall not be subject
24 to the aggregate limit under subsection [(b) or] (c).

25 (d.1) Additional award.--A volunteer fire, ambulance, rescue
26 or conservation organization may, in addition to the total under
27 subsection (d)(4), award up to \$100,000 from raffles which shall
28 not be subject to the aggregate limit under subsection [(b),]
29 (c) or (d).

30 (f) Daily drawing carryover.--The prize limitation contained

1 in [subsections (a) and (b)] subsection (a) may be exceeded by a
2 daily drawing under the following circumstances: a daily drawing
3 may award a prize in excess of \$2,000 if such prize is the
4 result of a carryover of a drawing which resulted from the
5 winning number in such drawing not being among the eligible
6 entrants in such drawings. Nothing contained herein shall
7 authorize the prize limitation as contained in [subsections (a)
8 and (b)] subsection (a) to be exceeded as a result of a failure
9 to conduct a drawing on an operating day during which chances
10 were sold for a daily drawing or for a daily drawing for which
11 chances were sold in excess of \$1 or for which more than one
12 chance was sold to an eligible participant.

13 [(g) Additional exception.--When a daily drawing or weekly
14 drawing is set up or conducted in such a manner as to pay out or
15 award 100% of the gross revenues generated from such drawing,
16 the limitation contained in subsection (b) shall not apply.]

17 (h) Weekly drawing carryover exception.--Weekly drawings
18 shall be governed by the prize limitation contained in
19 subsection [(b)] (a). The prize limitation contained in
20 subsection [(b)] (a) may be exceeded by a weekly drawing under
21 the following circumstances: a weekly drawing may award a prize
22 where the cash value is in excess of \$35,000 if such prize is
23 the result of a carryover of a drawing or drawings which
24 resulted from the winning number or numbers in such drawing or
25 drawings not being among the eligible entrants in such drawings.
26 Nothing contained in this chapter shall authorize the prize
27 limitation under subsection [(b)] (a) to be exceeded as a result
28 of a failure to conduct a drawing for a week during which
29 chances were sold for a weekly drawing or for a weekly drawing
30 for which chances were sold in excess of \$1.

1 * * *

2 Section 3. The act is amended by adding a section to read:

3 Section 303.2. Pull-tab deal.

4 Nothing in this act shall be construed to prohibit a person
5 from selling or transferring to another person for use within
6 this Commonwealth a pull-tab deal which contains more than 4,000
7 individual pull-tabs, nor shall this act place any restriction
8 on the number of pull-tabs which can be put out for public play
9 as part of a single deal.

10 Section 4. Section 306(a)(1) of the act is amended to read:

11 Section 306. Regulations of department.

12 (a) Authorization.--The department shall promulgate
13 regulations to:

14 (1) Impose minimum standards [and restrictions]
15 applicable to games of chance manufactured for sale in this
16 Commonwealth[, which may include standards and restrictions
17 which specify the maximum number of chances available to be
18 sold for any single game of chance or prize and such other
19 standards and restrictions] as the department deems necessary
20 for the purposes of this chapter. The department shall
21 consider standards adopted by the National Association of
22 Gambling Regulatory Agencies and other standards commonly
23 accepted in the industry.

24 * * *

25 Section 5. The definition of "bureau" in section 902 of the
26 act is amended to read:

27 Section 902. Definitions.

28 The following words and phrases when used in this chapter
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 * * *

2 ["Bureau." The Bureau of Investigations and Enforcement of
3 the Pennsylvania Gaming Control Board.]

4 * * *

5 Section 6. Sections 903(b) (4), (5), (6) and (7), (c), (d),
6 (e), (f), (g), (h) and (i), 904(a), (b) and (c) and 905(b) and
7 (c) of the act are amended to read:

8 Section 903. Licenses.

9 * * *

10 (b) Information.--The application under subsection (a) shall
11 include the following information:

12 * * *

13 (4) [Certified consent by the applicant, including each
14 owner and officer of the restaurant licensee, to a background
15 investigation by the bureau.] A criminal history record
16 information report issued under 18 Pa.C.S. Ch. 91 (relating
17 to criminal history record information) obtained from the
18 Pennsylvania State Police.

19 (5) Relating to criminal information under paragraph
20 (4), disclosure of all arrests and citations of the
21 applicant, including nontraffic summary offenses. The
22 information shall include all of the following:

23 (i) A brief description of the circumstances
24 surrounding the arrest or issuance of the citation.

25 (ii) The specific offense charged.

26 (iii) The ultimate disposition of the charge,
27 including any dismissal, plea bargain, conviction,
28 sentence, pardon, expungement or order of Accelerated
29 Rehabilitative Disposition.

30 (6) Financial background and interests and transactions

1 as required by the [bureau] board.

2 (7) Relating to citations of the applicant issued under
3 the Liquor Code or any other discipline or penalty
4 administered or issued by a Commonwealth agency.

5 * * *

6 (c) Duty of [bureau] board.--The [bureau] board shall
7 conduct a background investigation of each applicant[, the scope
8 of which shall be determined by the bureau].

9 (d) Review.--[Within six months of receipt of the background
10 investigation report from the bureau, the board shall approve or
11 disapprove the application.] The board shall approve or
12 disapprove the application within 90 days of receipt of the
13 application. An application filed concurrently with an
14 application for the issuance or transfer of a license to sell
15 liquor or malt or brewed beverages under the act of April 12,
16 1951 (P.L.90, No.21), known as the Liquor Code, shall be
17 approved or disapproved by the board at the same time that it
18 renders a decision on the issuance of the license to sell
19 alcoholic beverages.

20 [(e) Background investigation.--Each applicant shall include
21 information and documentation as required to establish personal
22 and financial suitability, honesty and integrity. Information
23 shall include:

24 (1) Criminal history record information.

25 (2) Financial background information.

26 (3) Regulatory history before the board or other
27 Commonwealth agency.

28 (4) Other information required by the bureau.]

29 (f) Personal interview.--If the [bureau] board determines
30 that the results of the background report investigation warrant

1 additional review of the individual, the [bureau] board shall
2 conduct a personal interview with the applicant and may request
3 information and interviews from other personal or professional
4 associates.

5 (g) Cooperation.--The applicant shall cooperate [with the
6 bureau] as requested during the conduct of the background
7 investigation. Any refusal to provide the information required
8 under this section or to consent to a background investigation
9 shall result in the immediate denial of a license by the board.

10 [(h) Costs.--The applicant shall reimburse the bureau for
11 the actual costs of conducting the background investigation. The
12 board shall not approve an applicant that has not fully
13 reimbursed the bureau for the investigation.]

14 (i) Approval.--[The bureau shall transmit the investigative
15 report and may make a recommendation to the board.] The board
16 shall review the information obtained under this section to
17 determine if the applicant possesses the [following:

18 (1) Financial stability, integrity and responsibility.

19 (2) Sufficient business experience and ability to
20 effectively operate tavern games as part of the restaurant
21 licensee's operator.

22 (3) Character,] character, honesty and integrity to be
23 licensed to operate tavern games in a responsible and lawful
24 manner.

25 * * *

26 Section 904. Application.

27 (a) Application fee.--An applicant shall pay the board a
28 nonrefundable application fee of [\$1,000] \$500.

29 (b) Investigative fee.--An applicant shall pay an
30 investigative fee of \$1,000 to the [bureau] board.

1 [(c) Costs.--In addition to the fee under subsection (b), an
2 applicant and any owner and officer of the applicant shall pay
3 for the actual costs of a background investigation conducted by
4 the bureau that exceed the application fee. The bureau may:

5 (1) Charge an estimated amount to be provided prior to
6 the background investigation.

7 (2) Submit for reimbursement from the applicant for the
8 additional costs incurred in the background investigation.]

9 * * *

10 Section 905. Approval.

11 * * *

12 (b) Renewal.--A license shall be renewed annually. [A
13 license renewal shall not require review of the bureau, unless
14 requested by the board.] The board may refuse to renew a tavern
15 gaming license for the following reasons:

16 (1) A license shall not be issued to a restaurant
17 licensee whose liquor license is in safekeeping under section
18 474.1 of the act of April 12, 1951 (P.L.90, No.21), known as
19 the Liquor Code.

20 (2) A license shall not be issued to a location that is
21 subject to a pending objection under section 470(a.1) of the
22 Liquor Code.

23 (3) A license shall not be issued to a location that is
24 subject to:

25 (i) a pending license suspension under section 471
26 of the Liquor Code; or

27 (ii) a one-year prohibition on the issuance or
28 transfer of a license under section 471(b) of the Liquor
29 Code.

30 (c) Fee.--Upon approval, the applicant shall pay a [\$2,000]

1 \$500 license fee to be deposited in the General Fund. The annual
2 renewal fee shall be \$1,000.

3 * * *

4 Section 7. Section 913(c), (d) and (f) of the act are
5 amended and the section is amended by adding a subsection to
6 read:

7 Section 913. Enforcement.

8 * * *

9 (c) Penalties.--The board may impose a civil penalty for a
10 violation of this chapter in accordance with the following:

11 (1) Up to ~~[\$2,000]~~ \$800 for an initial violation.

12 (2) Up to ~~[\$3,000]~~ \$1,000 for a second violation.

13 (3) Up to ~~[\$5,000]~~ \$2,000 for a third violation.

14 (d) Criminal penalty.--A violation of this chapter shall be
15 a ~~[misdemeanor of the third degree]~~ summary offense. A second or
16 subsequent offense shall be a misdemeanor of the ~~[second]~~ third
17 degree.

18 * * *

19 (f) Suspension, revocation or failure to renew.--

20 (1) In addition to any other sanctions the board may
21 impose under this chapter or under the Liquor Code, the board
22 may, at its discretion, suspend, revoke or deny renewal of
23 any license issued under this chapter if it receives any
24 information from any source and determines that:

25 (i) The applicant or any of its officers, directors,
26 owners or employees:

27 (A) Is in violation of any provision of this
28 chapter.

29 (B) Furnished the board with false or misleading
30 information.

1 (ii) The information contained in the applicant's
2 initial application or any renewal application is no
3 longer true and correct.

4 (2) In the event of a revocation, suspension or failure
5 to renew, the applicant's authorization to conduct the
6 previously approved activity shall immediately cease, and all
7 fees paid in connection therewith shall be deemed to be
8 forfeited. In the event of a suspension, the applicant's
9 authorization to conduct the previously approved activity
10 shall immediately cease until the board has notified the
11 applicant that the suspension is no longer in effect.

12 (3) A third violation of this chapter shall result in
13 the revocation of a license issued under this chapter. A
14 licensee shall be ineligible to apply for or be awarded a
15 license under this chapter for a period of five years
16 following a revocation.

17 (g) Law enforcement officials.--Nothing in this chapter
18 shall be construed to restrict or limit the power of a State,
19 county or local law enforcement official to conduct
20 investigations and file criminal charges under this chapter.

21 Section 8. Section 914(4) and (7) of the act are amended to
22 read:

23 Section 914. Prohibitions.

24 The following shall apply to any license authorized or issued
25 under this chapter:

26 * * *

27 (4) The board shall be prohibited from issuing a license
28 to any person who has been convicted of a felony offense or
29 misdemeanor gambling offense in [any jurisdiction] this
30 Commonwealth unless 15 years have elapsed from the date of

1 conviction of the offense.

2 * * *

3 (7) It shall be unlawful for an owner, officer or
4 employee of a licensee to sell, operate or otherwise
5 participate in the conduct of tavern games if the employee
6 has been convicted in [any jurisdiction] this Commonwealth of
7 a felony or a misdemeanor gambling offense unless 15 years
8 have elapsed from the date of conviction of the offense.

9 * * *

10 Section 9. This act shall take effect in 60 days.