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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1268 Session of  
2023

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INTRODUCED BY WARNER, SMITH, TOPPER, STAMBAUGH, JAMES, HAMM,  
ROWE, STEHR, ECKER, MERSKI, JOZWIAK, KAUFFMAN, KEPHART,  
DELOZIER AND KEEFER, MAY 30, 2023

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REFERRED TO COMMITTEE ON GAMING OVERSIGHT, MAY 30, 2023

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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.

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

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

15 Section 302.1. Games of chance operations.

16 (a) Raffles and drawings.--Virtual sales of games of chance  
17 shall be conducted as follows:

18 (1) An eligible organization may accept electronic  
19 payment via credit card, debit card, mobile payment service  
20 or other electronic payment method in accordance with  
21 subsection (b).

1           (2) An eligible organization may only use an Internet-  
2 based conferencing software application in the conduct of the  
3 game of chance limited to the reveal of the winner of the  
4 game of chance.

5           (3) The reveal of the winner of the game of chance shall  
6 not use or display animation in identifying the winner.

7           (4) The reveal of the winner of the game of chance shall  
8 not use or display moving or still images in identifying the  
9 winner.

10          (5) The reveal of the winner of the game of chance shall  
11 not use, make or display a graphic presentation in  
12 identifying the winner.

13          (6) The reveal of the winner of the game of chance shall  
14 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 game of chance shall  
18 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 game of chance shall  
22 not use or be completed with the aid of an electronic video  
23 monitor or a simulated gambling program as defined in 18  
24 Pa.C.S. § 5513(f) (relating to gambling devices, gambling,  
25 etc.).

26          (b) Verification requirements.--In order to use a mobile  
27 payment service under subsection (a)(1) for the conduct or  
28 operation of the game of chance, an eligible organization shall  
29 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 game of chance and  
2 block an individual located outside of this Commonwealth from  
3 participating in the game of chance. 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, multisourced 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 game of chance. 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 (6) Verify that the actions do not violate 31 U.S.C. Ch.  
23 53 Subch. IV (relating to prohibition on funding of unlawful  
24 Internet gambling) (Unlawful Internet Gambling Enforcement  
25 Act of 2006).

26 (c) 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 "Internet-based conferencing software application." Any of  
30 the following:

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

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

8           "Mobile payment service." A service in which a money payment  
9 is made electronically through a money transfer service,  
10 including Venmo, PayPal, Cash App or an equivalent money  
11 transfer service.

12           Section 2. This act shall take effect immediately.