

1 AN ACT relating to charitable gaming.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 238.505 is amended to read as follows:

4 As used in this chapter, unless the context requires otherwise:

- 5 (1) "Department" means the Department of Charitable Gaming within the Public  
6 Protection Cabinet;
- 7 (2) "Charitable gaming" means bingo, charity game tickets, raffles, and charity  
8 fundraising events conducted for fundraising purposes by charitable organizations  
9 licensed and regulated under the provisions of this chapter. "Charitable gaming"  
10 shall not include slot machines, electronic video gaming devices, wagering on live  
11 sporting events, or simulcast broadcasts of horse races;
- 12 (3) "Charitable organization" means a nonprofit entity organized for charitable,  
13 religious, educational, literary, civic, fraternal, or patriotic purposes;
- 14 (4) "Bingo" means a specific game of chance in which participants use cards or paper  
15 sheets, or card-minding device representations thereof, divided into horizontal and  
16 vertical spaces, each of which is designated by a letter and a number, and prizes are  
17 awarded on the basis of the letters and numbers on the card conforming to a  
18 predetermined and preannounced configuration of letters and numbers selected at  
19 random;
- 20 (5) "Charity game ticket" means a game of chance using a folded or banded paper  
21 ticket, or a paper card with perforated break-open tabs, or electronic pulltab device  
22 representations thereof, the face of which is covered or otherwise hidden from view  
23 to conceal a number, letter, symbol, or set of numbers, letters, or symbols, some of  
24 which have been designated in advance as prize winners and shall include charity  
25 game tickets that utilize a seal card. "Charity game ticket" shall include pulltabs,  
26 both paper and electronic representations thereof;
- 27 (6) "Seal card" means a board or placard used in conjunction with charity game tickets,

1 that contains a seal or seals which, when removed or opened, reveal predesignated  
2 winning numbers, letters, or symbols;

3 (7) "Raffle" means a game of chance in which a participant is required to purchase a  
4 ticket for a chance to win a prize, with the winner to be determined by a random  
5 drawing;

6 (8) "Charity fundraising event" means an activity of limited duration at which games of  
7 chance approved by the department are conducted, including bingo, raffles, charity  
8 game tickets, special limited charitable games, and wagering on prerecorded horse  
9 races, KRS Chapter 230 notwithstanding. Examples of such activities include  
10 events that attract patrons for community, social, and entertainment purposes apart  
11 from charitable gaming, such as fairs, festivals, carnivals, licensed charitable  
12 gaming organization conventions, bazaars, and banquets. For the purposes of this  
13 subsection, "banquet" shall mean a formal meal or feast held by a charitable  
14 organization for community, social, or entertainment purposes apart from charitable  
15 gaming;

16 (9) "Manufacturer" means a person who assembles from raw materials or subparts any  
17 charitable gaming equipment or supplies used in the conduct of charitable gaming,  
18 including a person who converts, modifies, and adds to or removes parts from,  
19 charitable gaming equipment and supplies. The term shall not include:

20 (a) Any person who services or repairs charitable gaming supplies and equipment,  
21 so long as that person replaces or repairs an incidental, malfunctioning, or  
22 nonfunctioning part with a similar or identical part; and

23 (b) Any distributor who cuts, collates, and packages for distribution any gaming  
24 supplies and equipment purchased in bulk;

25 (10) "Distributor" means a person who sells, markets, leases, or otherwise furnishes to a  
26 charitable organization charitable gaming equipment or supplies, or both, used in  
27 the conduct of charitable gaming. "Distributor" shall not include:

- 1 (a) A resident printer who prints raffle tickets at the request of a licensed  
2 charitable organization; and
- 3 (b) A licensed charitable organization that affects a one-time donation of  
4 charitable gaming supplies or equipment to another licensed charitable  
5 organization if the donation is first approved by the department.
- 6 (11) "Charitable gaming facility" means **the premises on which charitable gaming is**  
7 **conducted**~~[a person, including a licensed charitable organization, that owns or is a~~  
8 ~~lessee of premises which are leased or otherwise made available to two (2) or more~~  
9 ~~licensed charitable organizations, other than itself, during a one (1) year period for~~  
10 ~~the conduct of charitable gaming];~~
- 11 (12) "Gross receipts" means all moneys collected or received from the conduct of  
12 charitable gaming;
- 13 (13) "Adjusted gross receipts" means gross receipts less all cash prizes and the amount  
14 paid for merchandise prizes purchased;
- 15 (14) "Net receipts" means adjusted gross receipts less all expenses, charges, fees, and  
16 deductions authorized under this chapter;
- 17 (15) "Charitable gaming supplies and equipment" means any material, device, apparatus,  
18 or paraphernalia customarily used in the conduct of charitable gaming, including  
19 bingo cards and paper, charity game tickets, and other apparatus or paraphernalia  
20 used in conducting games of chance at charity fundraising events subject to  
21 regulation under this chapter. The term shall not include any material, device,  
22 apparatus, or paraphernalia incidental to the game, such as pencils, daubers, playing  
23 cards, or other supplies that may be purchased from normal sources of supply;
- 24 (16) "Door prize" means a prize awarded to a person based solely upon the person's  
25 attendance at an event or the purchase of a ticket to attend an event;
- 26 (17) "Special limited charitable game" means roulette; blackjack; poker; keno; money  
27 wheel; baccarat; pusher-type games; any dice game where the player competes

- 1 against the house; and any other game of chance as identified, defined, and  
2 approved by administrative regulation of the department;
- 3 (18) "Special limited charity fundraising event" means any type of charity fundraising  
4 event, commonly known as and operated as a "casino night," "Las Vegas night," or  
5 "Monte Carlo night," at which the predominant number or types of games offered  
6 for play are special limited charitable games;
- 7 (19) "Session" or "bingo session" means a single gathering at which a bingo game or  
8 series of successive bingo games are played, excluding bingo played at a charity  
9 fundraising event;
- 10 (20) "Immediate family" means:
- 11 (a) Spouse and parents-in-law;
- 12 (b) Parents and grandparents;
- 13 (c) Children and their spouses; and
- 14 (d) Siblings and their spouses;
- 15 (21) "Affiliate" means any corporation, partnership, association, or other business or  
16 professional entity or any natural person that directly or indirectly, through one or  
17 more intermediaries, controls, or is controlled by, or is under common control with  
18 a licensed manufacturer, distributor, or charitable gaming facility;
- 19 (22) "Secretary" means the secretary of the Public Protection Cabinet;
- 20 (23) "Commissioner" means the commissioner of the Department of Charitable Gaming  
21 within the Public Protection Cabinet;
- 22 (24) "Chairperson" means the chief executive officer and any officer, member, or  
23 employee of a licensed charitable organization who will be involved in the  
24 management and supervision of charitable gaming as designated in the  
25 organization's charitable gaming license application under KRS 238.535(13)(g);
- 26 (25) "Year" means calendar year except as used in subsection (11) of this section and  
27 KRS 238.535(11), 238.545(4), 238.547(1), and 238.555(7), when "year" means the

1 licensee's license year; and

2 (26) "Card-minding device" means any mechanical, electronic, electromechanical, or  
3 computerized device that is interfaced with or connected to equipment used to  
4 conduct a game of bingo and that allows a player to store, display, and mark a bingo  
5 card face. A card-minding device shall not be designed and manufactured to  
6 resemble any electronic gaming device that utilizes a video display monitor, such as  
7 a video lottery terminal, video slot machine, video poker machine, or any similar  
8 video gaming device;

9 (27) "Electronic pulltab device" means an electronic device used only for charitable  
10 gaming to facilitate the play of an electronic pulltab. An electronic pulltab device  
11 shall be a tablet or other personal computing device, other than a mobile phone or  
12 similar handheld device, as approved by the department. An electronic pulltab  
13 device may only operate on a closed network or intranet that is confined to the  
14 licensee's premises, and shall not be Internet accessible by patrons, but shall be  
15 connected to a central server system solely for the purposes of monitoring,  
16 reporting, accounting, and software maintenance. An electronic pulltab device shall  
17 not be designed and manufactured to resemble any electronic gaming device that  
18 utilizes a video display monitor, such as a video lottery terminal, video slot  
19 machine, video poker machine, or any similar video gaming device; and

20 (28) "Electronic video gaming device," as used in this chapter and the related  
21 administrative regulations, means any device that possesses a video display and  
22 computer mechanism for playing a game. Electronic video gaming device shall not  
23 mean any electronic representation of charitable gaming games identified, defined,  
24 and approved by statute and by administrative regulation of the department.

25 ➔Section 2. KRS 238.536 is amended to read as follows:

26 (1) The net receipts from charitable gaming retained by a charitable organization for the  
27 previous calendar year, provided the charitable organization was licensed at the start

1 of the calendar year, shall be equal to or greater than forty percent (40%) of the  
2 adjusted gross receipts of the charitable organization for the same period. A licensed  
3 charitable organization shall expend net receipts exclusively for purposes consistent  
4 with the charitable, religious, educational, literary, civic, fraternal, or patriotic  
5 functions or objectives for which the licensed charitable organization received and  
6 maintains federal tax-exempt status, or consistent with its status as a common  
7 school, an institution of higher education, or a state college or university. No net  
8 receipts shall inure to the benefits or financial gain of an individual. Any charitable  
9 organization which permits its license to expire or otherwise lapse shall still be  
10 subject to the retention requirement. The following fees and taxes shall be excluded  
11 from the calculation of the percentage retained, retroactive to calculations made for  
12 calendar year 1999:

- 13 (a) All fees paid to the department during the calendar year;
- 14 (b) Any sales or use taxes levied under KRS Chapter 139 on charitable gaming  
15 supplies and equipment that are paid by a licensed charitable organization  
16 during the calendar year; and
- 17 (c) Any federal excise taxes levied under 26 U.S.C. secs. 4401 and 4411 and paid  
18 by a licensed charitable organization during the calendar year.

19 (2) The following actions shall be imposed on a licensed charitable organization that  
20 fails to retain the requisite percentage of adjusted gross receipts required in  
21 subsection (1) of this section. The calculation of percentages shall be rounded to the  
22 nearest tenth of a percent:

- 23 (a) If the percentage retained is between thirty-five percent (35%) and thirty-nine  
24 and nine-tenths percent (39.9%), the licensee shall be placed on probation for  
25 a period of six (6) months and shall be required to submit to the department an  
26 acceptable financial plan detailing corrective actions to be taken by the  
27 licensee to achieve the forty percent (40%) threshold by the end of the

- 1           calendar year in which the probation is imposed;
- 2           (b) If the percentage retained is between thirty percent (30%) and thirty-four and  
3           nine-tenths percent (34.9%), the licensee shall be placed on probation for a  
4           period of one (1) year and shall be required to submit to the department a  
5           financial plan as described in paragraph (a) of this subsection. The department  
6           shall conduct a six (6) month review of the charitable gaming activities of a  
7           licensee placed on probation pursuant to this subsection to evaluate the  
8           licensee's compliance with its financial plan;
- 9           (c) If the percentage retained falls between twenty-nine and nine-tenths percent  
10          (29.9%) and twenty-five percent (25%), the licensee shall be placed on  
11          probation for a period of one (1) year, shall submit to the department an  
12          acceptable financial plan as described in paragraph (a) of this subsection, and  
13          shall participate in a mandatory training program designed by the department.  
14          The department shall conduct a quarterly review of the licensee's activities to  
15          evaluate the licensee's compliance with its financial plan and its progress  
16          toward achievement of the forty percent (40%) threshold during the  
17          probationary period;
- 18          (d) If the percentage falls below twenty-five percent (25%) or if the licensee fails  
19          to attain the forty percent (40%) threshold for a second consecutive calendar  
20          year, the licensee shall have its license suspended for a period of one (1) year;  
21          and
- 22          (e) For purposes of paragraphs (a), (b), (c), and (d) of this subsection, periods of  
23          probation and suspension shall commence, unless appealed, from the date the  
24          department notifies the licensee of its failure to satisfy the retention  
25          requirement for the previous calendar year. If a probation or suspension is  
26          appealed, the action shall commence on the date final adjudication of the  
27          matter is complete.

1 (3) Any licensee that has had its license suspended under the provisions of subsection  
 2 (2)(d) of this section shall be required to submit to the department an acceptable  
 3 financial plan as described in subsection (2)(a) of this section, upon applying for  
 4 reinstatement of its license. As a condition of reinstatement, the licensee shall be on  
 5 probation for a period of one (1) year and shall be subject to quarterly review by the  
 6 department in accordance with subsection (2)(c) of this section.

7 ~~[(4) Any licensee that has had its license revoked, has had its renewal application  
 8 denied, or has had action initiated to revoke, suspend, or deny its license for failure  
 9 to meet the forty percent (40%) retention threshold prior to July 14, 2000, may  
 10 petition the department for reconsideration of its action or proposed action. Upon  
 11 petition for reconsideration, the department shall apply the standards contained in  
 12 subsection (2) of this section and shall adjust the license status of the petitioner  
 13 accordingly. The department shall give credit for the amount of time a license has  
 14 been revoked in assessing penalties under subsection (2) of this section not to  
 15 exceed the amount of time imposed under the new penalty.]~~

16 ➔Section 3. KRS 238.555 is amended to read as follows:

17 (1) (a) No person or organization shall operate a charitable gaming facility unless  
 18 the person or organization is licensed under the provisions of this chapter,  
 19 except that facilities that are utilized by two (2) or fewer charitable  
 20 organizations for the purpose of conducting charitable gaming, and  
 21 facilities that only host charity fundraising events, shall be exempt from  
 22 licensure.

23 (b) The department shall charge a license fee not to exceed two thousand five  
 24 hundred dollars (\$2,500). Specific license fees to be charged shall be:

25 1. Prescribed in a graduated scale promulgated by administrative  
 26 regulation; and

27 2. Based on the number of sessions which the facility holds per week or



1 other applicable factors or combination of factors.

2 (c) Charitable gaming may be conducted in a charitable gaming facility only by a  
3 licensed charitable organization in accordance with the provisions of this  
4 chapter.

5 (2) In the application process, an applicant for a charitable gaming facility license shall  
6 submit the following information:

7 (a) The address of the facility;

8 (b) A description of the facility to include square footage of the gaming area,  
9 capacity levels, and available parking;

10 (c) The names, addresses, dates of birth, and Social Security numbers of all  
11 individuals employed by or contracted with the applicant to manage the  
12 facility or provide other authorized services;

13 (d) The name, address, date of birth, and Social Security number of any individual  
14 who has a ten percent (10%) or greater financial interest in the facility;

15 (e) A copy of the lease agreement used by the applicant; and

16 (f) Any other information the department deems appropriate.

17 (3) No owner, officer, employee, or contractee of a licensed charitable gaming facility  
18 or an affiliate, or any member of the immediate family of any officer, employee, or  
19 contractee of a licensed charitable gaming facility or an affiliate shall, concerning a  
20 lessee:

21 (a) Manage or otherwise be involved in the conduct of charitable gaming;

22 (b) Provide bookkeeping or other accounting services related to the conduct of  
23 charitable gaming;

24 (c) Handle any moneys generated in the conduct of charitable gaming;

25 (d) Advise a licensed charitable organization on the expenditure of net receipts;

26 (e) Provide transportation services in any manner to patrons of a charitable  
27 gaming activity;

- 1 (f) Provide advertisement or marketing services in any manner to a licensed  
2 charitable organization;
- 3 (g) Provide, coordinate, or solicit the services of personnel or volunteers in any  
4 manner;
- 5 (h) Influence or require a licensed charitable organization to use a certain  
6 distributor or any particular gaming supplies; or
- 7 (i) Donate or give any prize to be awarded in the conduct of charitable gaming.
- 8 (4) A licensed charitable gaming facility shall execute a lease agreement with each  
9 licensed charitable organization that desires to conduct charitable gaming at the  
10 facility. ~~The licensed charitable gaming facility shall agree in the lease to provide~~  
11 ~~gaming space, utilities, insurance for the premises, parking, tables and chairs, and~~  
12 ~~other nongaming equipment necessary for the conduct of charitable gaming,~~  
13 ~~adequate storage space, security, and janitorial services. The costs of the goods and~~  
14 ~~services provided shall be itemized in the lease. A licensed charitable organization~~  
15 ~~may elect to provide for itself any of the goods and services that a charitable gaming~~  
16 ~~facility is required to provide under this subsection, provided these arrangements~~  
17 ~~are clearly noted in the lease agreement, and provided the total compensation to be~~  
18 ~~paid the charitable gaming facility is reduced commensurate with the cost of the~~  
19 ~~goods and services as itemized in the lease.]~~ The amount of rent, goods, and  
20 services charged shall be reasonable and shall be based on prevailing market values  
21 in the general locality for the goods and services to be provided. **The amount**  
22 **charged to rent a charitable gaming facility, whether the facility is licensed or**  
23 **unlicensed,** ~~Rent~~ shall not be based in whole or in part ~~on~~ a percentage of gross  
24 receipts ~~or~~ net proceeds derived from the conduct of charitable gaming, or by  
25 reference to the number of people in attendance. ~~The department by administrative~~  
26 ~~regulation may establish standards for the determination of prevailing market~~  
27 ~~values.]~~ A **licensed charitable gaming facility shall file a** copy of each signed lease

1 agreement~~[ shall be filed]~~ with the department.~~[ The provisions of this subsection~~  
2 ~~shall apply to any lease agreement for a facility where charitable gaming is to be~~  
3 ~~conducted, whether or not it is with a licensed charitable gaming facility.]~~

4 (5) The number of bingo sessions conducted at a charitable gaming facility shall be  
5 limited to the following:

6 (a) No more than eighteen (18) sessions per week if the charitable gaming facility  
7 is located in one (1) of the following:

8 1. A city containing a population equal to or greater than twenty thousand  
9 (20,000) based upon the most recent federal decennial census;

10 2. An urban-county government;

11 3. A consolidated local government;

12 4. A charter county government; or

13 5. A county containing a city of the first class or a city containing a  
14 population equal to or greater than twenty thousand (20,000) based upon  
15 the most recent federal decennial census; or

16 (b) No more than eight (8) sessions per week if the charitable gaming facility is  
17 located in a city other than those listed in paragraph (a) of this subsection, or  
18 in a county that does not contain a city that is listed in paragraph (a) of this  
19 subsection.

20 (6) A licensed charitable gaming facility shall report at least quarterly to the department  
21 and shall provide any information concerning its operation that the department may  
22 require.

23 (7) A charity fundraising event at which special limited charitable games are played  
24 may be conducted at a licensed charitable gaming facility, but no licensed charitable  
25 gaming facility shall be permitted to hold more than one (1) such event per week or  
26 more than seven (7) per year.

27 (8) A licensed charitable gaming facility shall conspicuously display a sign bearing the

1 name and the license number of the charitable organization that is conducting  
2 charitable gaming activities in the facility.

3 (9) The license to operate the charitable gaming facility shall be prominently displayed  
4 on or in the premises where charitable gaming activity is being conducted, in a  
5 conspicuous location that is readily accessible to gaming patrons as well as  
6 employees of the department, law enforcement officials, and other interested  
7 officials.

8 ➔Section 4. The provisions of subsection (2) of Section 2 shall be waived for all  
9 licenses for the calendar year 2020.