

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5040**

Chapter 357, Laws of 2009

61st Legislature  
2009 Regular Session

GAMBLING--MINORS--PENALTIES

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 18, 2009  
YEAS 44 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 7, 2009  
YEAS 94 NAYS 4

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved May 6, 2009, 1:55 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5040** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

May 8, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5040**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senate Labor, Commerce & Consumer Protection (originally sponsored by Senators Delvin, Prentice, King, and Kohl-Welles; by request of Gambling Commission)

READ FIRST TIME 01/20/09.

1            AN ACT Relating to clarifying and prescribing penalties for  
2 gambling under the age of eighteen; amending RCW 9.46.0305; adding a  
3 new section to chapter 9.46 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 9.46.0305 and 1987 c 4 s 25 are each amended to read  
6 as follows:

7            The legislature hereby authorizes the wagering on the outcome of  
8 the roll of dice or the flipping of or matching of coins on the  
9 premises of an establishment engaged in the business of selling food or  
10 beverages for consumption on the premises to determine which of the  
11 participants will pay for coin-operated music on the premises or  
12 certain items of food or beverages served or sold by such establishment  
13 and therein consumed. Such establishments are hereby authorized to  
14 possess dice and dice cups on their premises, but only for use in such  
15 limited wagering. Persons engaged in such limited form of wagering  
16 shall not be subject to the criminal or civil penalties otherwise  
17 provided for in this chapter(~~(: PROVIDED, That minors shall be barred~~  
18 ~~from engaging in the wagering activities allowed by this chapter)~~).

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 9.46 RCW  
2 to read as follows:

3        (1) It is unlawful for any person under the age of eighteen to play  
4 in authorized gambling activities including, but not limited to,  
5 punchboards, pull-tabs, or card games, or to participate in  
6 fund-raising events. Persons under the age of eighteen may play bingo,  
7 raffles, and amusement game activities only as provided in commission  
8 rules.

9        (2) A person under the age of eighteen who violates subsection (1)  
10 of this section by engaging in, or attempting to engage in, prohibited  
11 gambling activities commits a class 2 civil infraction under chapter  
12 7.80 RCW and is subject to a fine set out in chapter 7.80 RCW, up to  
13 four hours of community restitution, and any court imposed costs.

14        (3) The juvenile court divisions in superior courts within the  
15 state have jurisdiction for enforcement of this section.

16        (4)(a) An employer may conduct an in-house controlled purchase  
17 program authorized for the purposes of employee training and employer  
18 self-compliance checks.

19        (b) The civil infraction provisions of this section do not apply to  
20 a person under the age of eighteen who is participating in an in-house  
21 controlled purchase program authorized by the commission under rules  
22 adopted by the commission. Violations occurring under an in-house  
23 controlled purchase program authorized by the commission may not be  
24 used for criminal or administrative prosecution.

25        (c) An employer who conducts an in-house controlled purchase  
26 program authorized under this section shall provide his or her  
27 employees a written description of the employer's in-house controlled  
28 purchase program. The written description must include notice of  
29 actions an employer may take as a consequence of an employee's failure  
30 to comply with company policies regarding unauthorized persons engaging  
31 in gambling activities during a controlled purchase program authorized  
32 under this section.

33        (5) A person under the age of eighteen who violates subsection (1)  
34 of this section shall not collect any winnings or recover any losses  
35 arising as a result of unlawfully participating in any gambling  
36 activity. Additionally, any money or anything of value which has been  
37 obtained by, or is owed to, any person under the age of eighteen as a  
38 result of such participation shall be forfeited to the department of

1 social and health services division of alcohol and substance abuse or  
2 its successor and used for a program related to youth problem gambling  
3 awareness, prevention, and/or education. Any person claiming any money  
4 or things of value subject to forfeiture under this subsection will  
5 receive notice and an opportunity for a hearing under RCW 9.46.231.

Passed by the Senate April 18, 2009.

Passed by the House April 7, 2009.

Approved by the Governor May 6, 2009.

Filed in Office of Secretary of State May 8, 2009.