
SENATE BILL 6190

State of Washington

68th Legislature

2024 Regular Session

By Senators Rivers, Schoesler, and L. Wilson

Read first time 01/11/24. Referred to Committee on Business, Financial Services, Gaming & Trade.

1 AN ACT Relating to requirements for fund-raising activities of
2 bona fide charitable nonprofit organizations; amending RCW 9.46.0311
3 and 9.46.070; and adding a new section to chapter 9.46 RCW.

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

5 **Sec. 1.** RCW 9.46.0311 and 1987 c 4 s 26 are each amended to read
6 as follows:

7 The legislature hereby authorizes bona fide charitable or
8 nonprofit organizations to conduct bingo games, raffles, sweepstakes,
9 amusement games, and fund-raising events, and to utilize punchboards
10 and pull-tabs and to allow their premises and facilities to be used
11 by only members, their guests, and members of a chapter or unit
12 organized under the same state, regional, or national charter or
13 constitution, to play social card games authorized by the commission,
14 when licensed, conducted, or operated (~~pursuant to the provisions~~
15 ~~of~~) under this chapter and rules (~~(and regulations)~~) adopted
16 (~~pursuant thereto~~) under this chapter.

17 **Sec. 2.** RCW 9.46.070 and 2020 c 127 s 3 are each amended to read
18 as follows:

19 The commission shall have the following powers and duties:

1 (1) To authorize and issue licenses for a period not to exceed
2 one year to bona fide charitable or nonprofit organizations approved
3 by the commission meeting the requirements of this chapter and any
4 rules ~~((and regulations))~~ adopted ~~((pursuant thereto))~~ under this
5 chapter permitting said organizations to conduct bingo games,
6 raffles, sweepstakes, amusement games, and social card games, to
7 utilize punchboards and pull-tabs in accordance with ~~((the provisions~~
8 ~~of))~~ this chapter and any rules ~~((and regulations))~~ adopted
9 ~~((pursuant thereto))~~ under this chapter, and to revoke or suspend
10 said licenses for violation of ~~((any provisions of))~~ this chapter or
11 any rules ~~((and regulations))~~ adopted ~~((pursuant thereto: PROVIDED,~~
12 ~~That))~~ under this chapter. However, the commission shall not deny a
13 license to an otherwise qualified applicant in an effort to limit the
14 number of licenses to be issued~~((: PROVIDED FURTHER, That the))~~. The
15 commission or director shall not issue, deny, suspend, or revoke any
16 license because of considerations of race, sex, creed, color, or
17 national origin~~((: AND PROVIDED FURTHER, That the commission))~~ and
18 may authorize the director to temporarily issue or suspend licenses
19 subject to final action by the commission;

20 (2) To authorize and issue licenses for a period not to exceed
21 one year to any person, association, or organization operating a
22 business primarily engaged in the selling of items of food or drink
23 for consumption on the premises, approved by the commission meeting
24 the requirements of this chapter and any rules ~~((and regulations))~~
25 adopted ~~((pursuant thereto))~~ under this chapter permitting said
26 person, association, or organization to utilize punchboards and pull-
27 tabs and to conduct social card games as a commercial stimulant in
28 accordance with ~~((the provisions of))~~ this chapter and any rules
29 ~~((and regulations))~~ adopted ~~((pursuant thereto))~~ under this chapter
30 and to revoke or suspend said licenses for violation of any
31 provisions of this chapter and any rules ~~((and regulations))~~ adopted
32 ~~((pursuant thereto: PROVIDED, That))~~ under this chapter. However, the
33 commission shall not deny a license to an otherwise qualified
34 applicant in an effort to limit the number of licenses to be
35 issued~~((: PROVIDED FURTHER, That the))~~. The commission may authorize
36 the director to temporarily issue or suspend licenses subject to
37 final action by the commission;

38 (3) To authorize and issue licenses for a period not to exceed
39 one year to any person, association, or organization approved by the
40 commission meeting the requirements of this chapter and meeting the

1 requirements of any rules (~~and regulations~~) adopted by the
2 commission pursuant to this chapter (~~as now or hereafter amended~~),
3 permitting said person, association, or organization to conduct or
4 operate amusement games in such manner and at such locations as the
5 commission may determine. The commission may authorize the director
6 to temporarily issue or suspend licenses subject to final action by
7 the commission;

8 (4) To authorize, require, and issue, for a period not to exceed
9 one year, such licenses as the commission may by rule provide, to any
10 person, association, or organization to engage in the manufacturing,
11 selling, distributing, or otherwise supplying of devices, equipment,
12 software, hardware, or any gambling-related services for use within
13 this state for those activities authorized by this chapter. The
14 commission may authorize the director to temporarily issue or suspend
15 licenses subject to final action by the commission;

16 (5) To establish a schedule of annual license fees for carrying
17 on specific gambling activities upon the premises, and for such other
18 activities as may be licensed by the commission, which fees shall
19 provide to the commission not less than an amount of money adequate
20 to cover all costs incurred by the commission relative to licensing
21 under this chapter and the enforcement by the commission of (~~the~~
22 ~~provisions of~~) this chapter and rules (~~and regulations~~) adopted
23 (~~pursuant thereto: PROVIDED, That~~) under this chapter. However, all
24 licensing fees shall be submitted with an application therefor and
25 such portion of said fee as the commission may determine, based upon
26 its cost of processing and investigation, shall be retained by the
27 commission upon the withdrawal or denial of any such license
28 application as its reasonable expense for processing the application
29 and investigation into the granting thereof(~~(: PROVIDED FURTHER, That~~
30 ~~if)~~). If, in a particular case, the basic license fee established by
31 the commission for a particular class of license is less than the
32 commission's actual expenses to investigate that particular
33 application, the commission may at any time charge to that applicant
34 such additional fees as are necessary to pay the commission for those
35 costs. The commission may decline to proceed with its investigation
36 and no license shall be issued until the commission has been fully
37 paid therefor by the applicant(~~(: AND PROVIDED FURTHER, That the)~~).
38 The commission may establish fees for the furnishing by it to
39 licensees of identification stamps to be affixed to such devices and
40 equipment as required by the commission and for such other special

1 services or programs required or offered by the commission, the
2 amount of each of these fees to be not less than is adequate to
3 offset the cost to the commission of the stamps and of administering
4 their dispersal to licensees or the cost of administering such other
5 special services, requirements or programs;

6 (6) To prescribe the manner and method of payment of taxes, fees,
7 and penalties to be paid to or collected by the commission;

8 (7) To require that applications for all licenses contain such
9 information as may be required by the commission(~~(: PROVIDED, That)~~).

10 However, all persons (a) having a managerial or ownership interest in
11 any gambling activity, or the building in which any gambling activity
12 occurs, or the equipment to be used for any gambling activity, (b)
13 participating as an employee in the operation of any gambling
14 activity, or (c) participating as an employee in the operation,
15 management, or providing of gambling-related services for sports
16 wagering, shall be listed on the application for the license and the
17 applicant shall certify on the application, under oath, that the
18 persons named on the application are all of the persons known to have
19 an interest in any gambling activity, building, or equipment by the
20 person making such application(~~(: PROVIDED FURTHER, That the)~~). The
21 commission shall require fingerprinting and national criminal history
22 background checks on any persons seeking licenses, certifications, or
23 permits under this chapter or of any person holding an interest in
24 any gambling activity, building, or equipment to be used therefor, or
25 of any person participating as an employee in the operation of any
26 gambling activity. All national criminal history background checks
27 shall be conducted using fingerprints submitted to the United States
28 department of justice-federal bureau of investigation. The commission
29 must establish rules to delineate which persons named on the
30 application are subject to national criminal history background
31 checks. In identifying these persons, the commission must take into
32 consideration the nature, character, size, and scope of the gambling
33 activities requested by the persons making such applications;

34 (8) To require that any license holder maintain records as
35 directed by the commission and submit such reports as the commission
36 may deem necessary;

37 (9) To require that all income from bingo games, raffles, and
38 amusement games be recorded and reported as established by rule (~~(or~~
39 ~~regulation)~~) of the commission to the extent deemed necessary by
40 considering the scope and character of the gambling activity in such

1 a manner that will disclose gross income from any gambling activity,
2 amounts received from each player, the nature and value of prizes,
3 and the fact of distributions of such prizes to the winners thereof;

4 (10) To regulate and establish maximum limitations on income
5 derived from bingo. In establishing limitations pursuant to this
6 subsection the commission shall take into account: (a) ~~((the))~~ The
7 nature, character, and scope of the activities of the licensee; (b)
8 the source of all other income of the licensee; and (c) the
9 percentage or extent to which income derived from bingo is used for
10 charitable, as distinguished from nonprofit, purposes. However, the
11 commission's powers and duties granted by this subsection are
12 discretionary and not mandatory;

13 (11) To regulate and establish the type and scope of and manner
14 of conducting the gambling activities authorized by this chapter,
15 including but not limited to, the extent of wager, money, or other
16 thing of value which may be wagered or contributed or won by a player
17 in any such activities;

18 (12) To regulate the collection of and the accounting for the fee
19 which may be imposed by an organization, corporation, or person
20 licensed to conduct a social card game on a person desiring to become
21 a player in a social card game in accordance with RCW 9.46.0282;

22 (13) To cooperate with and secure the cooperation of county,
23 city, and other local or state agencies in investigating any matter
24 within the scope of its duties and responsibilities;

25 (14) In accordance with RCW 9.46.080, to adopt ~~((such))~~ rules
26 ~~((and regulations as are deemed))~~ necessary to carry out ~~((the~~
27 ~~purposes and provisions of))~~ this chapter. All rules ~~((and~~
28 ~~regulations))~~ shall be adopted pursuant to the administrative
29 procedure act, chapter 34.05 RCW;

30 (15) To set forth for the perusal of counties, city-counties,
31 cities and towns, model ordinances by which any legislative authority
32 thereof may enter into the taxing of any gambling activity authorized
33 by this chapter;

34 (16)(a) To establish and regulate a maximum limit on salaries or
35 wages which may be paid to persons employed in connection with
36 activities conducted by bona fide charitable or nonprofit
37 organizations and authorized by this chapter, where payment of such
38 persons is allowed, and to regulate and establish maximum limits for
39 other expenses in connection with such authorized activities,
40 including but not limited to rent or lease payments. However, the

1 commissioner's powers and duties granted by this subsection are
2 discretionary and not mandatory.

3 (b) In establishing these maximum limits the commission shall
4 take into account the amount of income received, or expected to be
5 received, from the class of activities to which the limits will apply
6 and the amount of money the games could generate for authorized
7 charitable or nonprofit purposes absent such expenses. The commission
8 may also take into account, in its discretion, other factors,
9 including but not limited to, the local prevailing wage scale and
10 whether charitable purposes are benefited by the activities;

11 (17) To authorize, require, and issue for a period not to exceed
12 one year such licenses or permits, for which the commission may by
13 rule provide, to any person to work for any operator of any gambling
14 activity authorized by this chapter in connection with that activity,
15 or any manufacturer, supplier, or distributor of devices for those
16 activities in connection with such business. The commission may
17 authorize the director to temporarily issue or suspend licenses
18 subject to final action by the commission. The commission shall not
19 require that persons working solely as volunteers in an authorized
20 activity conducted by a bona fide charitable or bona fide nonprofit
21 organization, who receive no compensation of any kind for any purpose
22 from that organization, and who have no managerial or supervisory
23 responsibility in connection with that activity, be licensed to do
24 such work. The commission may require that licensees employing such
25 unlicensed volunteers submit to the commission periodically a list of
26 the names, addresses, and dates of birth of the volunteers. If any
27 volunteer is not approved by the commission, the commission may
28 require that the licensee not allow that person to work in connection
29 with the licensed activity;

30 (18) To publish and make available at the office of the
31 commission or elsewhere to anyone requesting it a list of the
32 commission licensees, including the name, address, type of license,
33 and license number of each licensee;

34 (19) To establish guidelines for determining what constitutes
35 active membership in bona fide nonprofit or charitable organizations
36 for the purposes of this chapter;

37 (20) To renew the license of every person who applies for renewal
38 within six months after being honorably discharged, removed, or
39 released from active military service in the armed forces of the
40 United States upon payment of the renewal fee applicable to the

1 license period, if there is no cause for denial, suspension, or
2 revocation of the license;

3 (21) To authorize, require, and issue, for a period not to exceed
4 one year, such licenses as the commission may by rule provide, to any
5 person, association, or organization that engages in any sports
6 wagering-related services for use within this state for sports
7 wagering activities authorized by this chapter. The commission may
8 authorize the director to temporarily issue or suspend licenses
9 subject to final action by the commission;

10 (22) To issue licenses under subsections (1) through (4) of this
11 section that are valid for a period of up to (~~eighteen~~) 18 months,
12 if it chooses to do so, in order to transition to the use of the
13 business licensing services program through the department of
14 revenue; and

15 (23) To perform all other matters and things necessary to carry
16 out (~~the purposes and provisions of~~) this chapter.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.46 RCW
18 to read as follows:

19 (1) Bona fide charitable or nonprofit organizations authorized to
20 conduct activities under this chapter may sponsor or conduct
21 sweepstakes, subject to the following conditions:

22 (a) No entry fee may be charged to participate in a sweepstakes
23 authorized by this subsection.

24 (b) A bona fide charitable or nonprofit organization may ask for
25 a donation on the same sweepstakes entry form if the donation does
26 not increase the chances of winning and this is clearly stated next
27 to the donation request.

28 (c) Entry into or participation in a sweepstakes must be limited
29 to persons 18 years of age or older.

30 (d) Any sweepstakes offered in Washington must be open to all
31 residents of Washington.

32 (e) All permitted means of entry, including the use of electronic
33 or scanner codes, must clearly indicate that no purchase is required
34 to enter.

35 (f) All sweepstakes entries must provide the entrant with equal
36 odds of winning.

37 (g) Advertising of a sweepstakes must comply with the signage and
38 advertising restrictions contained in this chapter and any rules
39 adopted by the commission.

1 (h) This section does not authorize sweepstakes where consumers
2 are entitled to an allotment or accumulation of points based on
3 purchases made over a period of time that can be redeemed for prizes,
4 things of value, or additional sweepstakes entries.

5 (2) The following unfair acts or practices undertaken by, or
6 omissions of, any bona fide charitable or nonprofit organization in
7 the operation of any sweepstakes are prohibited and punishable under
8 this chapter or under rules adopted by the commission:

9 (a) Misrepresenting in any manner the odds of winning a prize;

10 (b) Misrepresenting in any manner the rules, terms, or conditions
11 of participation in a contest;

12 (c) Failing to clearly and conspicuously disclose with all
13 contest sweepstakes and with all promotional sweepstakes all of the
14 following:

15 (i) The maximum cost of any postage and handling fees that a
16 participant may be asked to pay to enter the sweepstakes;

17 (ii) The date or dates on or before which the contest will
18 terminate and upon which all prizes will be awarded; and

19 (iii) All rules, terms, and conditions of the contest;

20 (d) Failing to clearly and conspicuously disclose the exact
21 nature and approximate value of the prizes when offered;

22 (e) Failing to award and distribute all prizes of the value and
23 type represented;

24 (f) Falsely representing, directly or by implication, that the
25 number of participants has been significantly limited, or that a
26 particular person has been selected to win a prize;

27 (g) Representing, directly or by implication, that a particular
28 person has won any money, prize, thing, or other value in a contest
29 unless there has been a real contest in which at least a majority of
30 the participants have failed to win a prize, money, thing, or other
31 value;

32 (h) Representing, directly or by implication, that a particular
33 person has won any money, prize, thing, or other value without
34 disclosing the exact nature and approximate value of the item; or

35 (i) Failing to obtain the express written or oral consent of
36 individuals before their names are used for a promotional purpose in
37 connection with a mailing to a third person.

38 (3) Contestants must, clearly and conspicuously, be given the
39 opportunity to indicate if they wish to enter a phase of the contest
40 for free, except for reasonable postage and handling fees of up to

1 \$1.50 plus the actual cost of postage. This must be clearly and
2 conspicuously disclosed at the time of the initial contest
3 solicitation and each time that the fee payment is required.

4 (4) This section does not restrict lawful games licensed under
5 this chapter or operations of the state lottery commission under
6 chapter 67.70 RCW.

7 (5)(a) Solicitation materials containing sweepstakes entry
8 materials must include a clear and conspicuous statement of the no
9 purchase or payment necessary message, in readily understandable
10 terms, in the official rules included in those solicitation
11 materials. If the official rules do not appear on the solicitation
12 materials, they must appear on the entry-order device included in
13 those solicitation materials. The no purchase or payment necessary
14 message included in the official rules must be set out in a separate
15 paragraph and be printed in capital letters in contrasting typeface
16 that is the same size as the largest typeface used in the text of the
17 official rules.

18 (b) Sweepstakes entries not accompanied by a donation to a bona
19 fide charitable or nonprofit organization must be treated in the same
20 manner as entries that are accompanied by a request for a donation.

21 (c) Solicitation materials containing sweepstakes entry materials
22 or solicitation materials providing information regarding sweepstakes
23 may not represent that an entry in the promotional sweepstakes
24 accompanied by a donation to a bona fide charitable or bona fide
25 nonprofit organization will be eligible to receive additional prizes
26 or be more likely to win than an entry not accompanied by a request
27 for donation or that an entry not accompanied by a request for
28 donation will have a reduced chance of winning a prize in the
29 promotional sweepstakes.

30 (d) Solicitation materials containing sweepstakes entry materials
31 may not falsely represent that a person has been specially selected
32 in connection with a sweepstakes.

33 (e) Solicitation materials containing sweepstakes entry materials
34 or solicitation materials providing information regarding sweepstakes
35 may not falsely represent that the person receiving the solicitation
36 has received any special treatment or personal attention from the
37 bona fide charitable or nonprofit organization or any officer,
38 employee, or agent of the bona fide charitable or nonprofit
39 organization.

1 (f) Solicitation materials containing sweepstakes entry materials
2 or solicitation materials providing information regarding sweepstakes
3 shall not represent that a prize notice is urgent or otherwise convey
4 an impression of urgency by use of description, phrasing on a mailing
5 envelope, or similar method, unless there is a limited time period in
6 which the recipient must take some action to claim, or be eligible to
7 receive, a prize, and the date by which that action is required is
8 clearly and conspicuously disclosed in the body of the solicitation
9 materials.

10 (g) Solicitation materials containing sweepstakes entry materials
11 or solicitation materials providing information regarding sweepstakes
12 may not:

13 (i) Simulate or falsely represent that it is a document
14 authorized, issued, or approved by any court, official, or agency of
15 the United States or any state, or by any lawyer, law firm, or
16 insurance or brokerage company; or

17 (ii) Create a false impression as to its source, authorization,
18 or approval.

19 (6) The official rules for a sweepstakes must disclose
20 information about the date or dates the final winner or winners will
21 be determined.

22 (7) The definitions in this subsection apply throughout this
23 section unless the context clearly requires otherwise.

24 (a) "No purchase or payment necessary message" means the
25 following statement or a statement substantially similar to the
26 following statement: "No purchase or payment of any kind is necessary
27 to enter or win this sweepstakes."

28 (b) "Official rules" means the formal printed statement of the
29 rules for the promotional sweepstakes appearing in the solicitation
30 materials. The official rules must be prominently identified and all
31 references to the official rules in any solicitation materials must
32 use the designation for the official rules that appears in those
33 materials. Each sweepstakes solicitation must contain a copy of the
34 official rules.

35 (c) "Specially selected" means a representation that a person is
36 a winner, a finalist, in first place or tied for first place, or
37 otherwise among a limited group of persons with an enhanced
38 likelihood of receiving a prize.

39 (d) "Sweepstakes" means a procedure, activity, or event for the
40 distribution of anything of value by lot, chance, or random

1 selection, where the odds for winning a prize are equal for each
2 entry.

--- **END** ---