GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

HOUSE BILL NO. 91

WEDNESDAY, FEBRUARY 25, 2015

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE March 23, 2015
3:31pm

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Allen

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, the face of which is covered
22 or otherwise hidden from view to conceal a number, letter, symbol, or set of
23 numbers, letters, or symbols, some of which have been designated in advance as
24 prize winners and shall include charity game tickets that utilize a seal card. "Charity
25 game ticket" shall include pulltabs;

26 (6) "Seal card" means a board or placard used in conjunction with charity game tickets,
27 that contains a seal or seals which, when removed or opened, reveal predesignated

1 winning numbers, letters, or symbols;

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

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

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

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

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

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

27 (a) A resident printer who prints raffle tickets at the request of a licensed

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

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

1 conduct a game of bingo and that allows a player to store, display, and mark a bingo
2 card face. A card-minding device shall not be designed and manufactured to
3 resemble any electronic gaming device that utilizes a video display monitor, such as
4 a video lottery terminal, video slot machine, video poker machine, or any similar
5 video gaming device.
6 ➔Section 2. KRS 238.535 is amended to read as follows:
7 (1) Any charitable organization conducting charitable gaming in the Commonwealth of
8 Kentucky shall be licensed by the department. A charitable organization qualifying
9 under subsection (8) of this section but not exceeding the limitations provided in
10 this subsection shall be exempt from the licensure requirements when conducting
11 the following charitable gaming activities:
12 (a) Bingo in which the gross receipts do not exceed a total of twenty-five
13 thousand dollars ($25,000) per year;
14 (b) A raffle or raffles for which the gross receipts do not exceed twenty-five
15 thousand dollars ($25,000) per year; and
16 (c) A charity fundraising event or events that do not involve special limited
17 charitable games and the gross gaming receipts for which do not exceed
18 twenty-five thousand dollars ($25,000) per year.
19 However, at no time shall a charitable organization's total limitations under this
20 subsection exceed twenty-five thousand dollars ($25,000).
21 (2) Any charitable organization exempt from the process of applying for a license under
22 subsection (1) of this section, shall notify the department in writing, on a simple
23 form issued by the department, of its intent to engage in exempt charitable gaming
24 and the address at which the gaming is to occur. Any charitable organization
25 exempt from the process of applying for a license under subsection (1) of this
26 section, shall comply with all other provisions of this chapter relating to the conduct
27 of charitable gaming, except:

1 (a) Payment of the fee imposed under the provisions of KRS 238.570; and
2 (b) The quarterly reporting requirements imposed under the provisions of KRS
3 238.550(7), unless the exempt charitable organization obtains a retroactive
4 license pursuant to subsection (5) of this section.
5 Before the last day of each year, a charitable organization exempt from licensure
6 under the provisions of subsection (1) of this section shall file with the department a
7 financial report detailing the type of gaming activity in which it engaged during that
8 year, the total gross receipts derived from gaming, the amount of charitable gaming
9 expenses paid, the amount of net receipts derived, and the disposition of those net
10 receipts. This report shall be filed on a form issued by the department. Upon receipt
11 of the yearly financial report, the department shall notify the charitable organization
12 submitting it that its exemption is renewed for the next year. If the department
13 determines that information appearing on the financial report renders the charitable
14 organization ineligible to possess an exemption, the department shall revoke the
15 exemption. The organization may request an appeal of this revocation pursuant to
16 KRS 238.565. If an exemption is revoked because an organization has exceeded the
17 limit imposed in subsection (1) of this section, the organization shall apply for a
18 retroactive license in accordance with subsection (3) of this section.
19 (3) If an organization exceeds the limit imposed by any subsection of this section it
20 shall:
21 (a) Report the amount to the department; and
22 (b) Apply for a retroactive charitable gaming license.
23 (4) Upon receipt of a report and application for a retroactive charitable gaming license,
24 the department shall investigate to determine if the organization is otherwise
25 qualified to hold the license.
26 (5) If the department determines that the applicant is qualified, it shall issue a charitable
27 gaming license retroactive to the date on which the exemption limit was exceeded.

1 The retroactive charitable gaming license shall be issued in the same manner as
2 regular charitable gaming licenses.
3 (6) If the department determines that the applicant is not qualified it shall deny the
4 license and take enforcement action, if appropriate.
5 (7) Once a retroactive or regular gaming license is issued to an organization, that
6 organization shall not be eligible for exempt status in the future and shall maintain a
7 charitable gaming license if it intends to continue charitable gaming activities,
8 unless the charitable organization has not exceeded the exemption limitations of
9 subsection (1) of this section for a period of two (2) years prior to its exemption
10 request.
11 (8) ***(a)*** In order to qualify for licensure, a charitable organization shall:
12 [~~(a)~~]1. ***a.*** Possess a tax exempt status under 26 U.S.C. secs. 501(c)(3),
13 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19), or be covered
14 under a group ruling issued by the Internal Revenue Service under
15 authority of those sections; or
16 ***b.***[~~2.~~]Be organized within the Commonwealth of Kentucky as a
17 common school as defined in KRS 158.030, as an institution of
18 higher education as defined in KRS 164A.305, or as a state college
19 or university as provided for in KRS 164.290;
20 ***2.***[~~(b)~~] Have been established and continuously operating within the
21 Commonwealth of Kentucky for charitable purposes, other than the
22 conduct of charitable gaming, for a period of three (3) years prior to
23 application for licensure. For purposes of this paragraph, an applicant
24 shall demonstrate establishment and continuous operation in Kentucky
25 by its conduct of charitable activities from an office physically located
26 within Kentucky both during the three (3) years immediately preceding
27 its application for licensure and at all times during which it possesses a

1 charitable gaming license. However, a charitable organization that
2 operates for charitable purposes in more than ten (10) states and whose
3 principal place of business is physically located in a state other than
4 Kentucky may satisfy the requirements of this paragraph if it can
5 document that it has:
6 ***a.***[~~1.~~]Been actively engaged in charitable activities and has made
7 reasonable progress, as defined in paragraph ***(a)3.***[~~(c)~~] of this
8 subsection, in the conduct of charitable activities or the
9 expenditure of funds within Kentucky for a period of three (3)
10 years prior to application for licensure; and
11 ***b.***[~~2.~~]Operated for charitable purposes from an office or place of
12 business in the Kentucky county where it proposes to conduct
13 charitable gaming for at least one (1) year prior to application for
14 licensure, in accordance with ***paragraphs (a)4. and (c)***[~~paragraph~~
15 ~~(d)~~] of this subsection;
16 ***3.***[~~(c)~~] Have been actively engaged in charitable activities during the three
17 (3) years immediately prior to application for licensure and be able to
18 demonstrate, to the satisfaction of the department, reasonable progress in
19 accomplishing its charitable purposes during this period. As used in this
20 paragraph, "reasonable progress in accomplishing its charitable
21 purposes" means the regular and uninterrupted conduct of activities
22 within the Commonwealth or the expenditure of funds within the
23 Commonwealth to accomplish relief of poverty, advancement of
24 education, protection of health, relief from disease, relief from suffering
25 or distress, protection of the environment, conservation of wildlife,
26 advancement of civic, governmental, or municipal purposes, or
27 advancement of those purposes delineated in KRS 238.505(3). In order

1 to demonstrate reasonable progress in accomplishing its charitable
2 purposes when applying to renew an existing license, a licensed
3 charitable organization shall additionally provide to the department a
4 detailed accounting regarding its expenditure of charitable gaming net
5 receipts for the purposes described in this paragraph; and
6 ***4.***[~~(d)~~] Have maintained an office or place of business, other than for the
7 conduct of charitable gaming, for ***at least*** one (1) year in the county in
8 which charitable gaming is to be conducted. The office or place of
9 business shall be a separate and distinct address and location from that
10 of any other licensee of the Department of Charitable Gaming; except
11 that up to three (3) licensed charitable organizations may have the same
12 address if they legitimately share office space.
13 ***(b)*** [~~For the conduct of a raffle, the county in which charitable gaming is to be~~
14 ~~conducted shall be the county in which the raffle drawing is to be~~
15 ~~conducted. However,~~]
16 ***1.*** A charitable organization that has established and maintained an office
17 or place of business in the county for a period of at least one (1) year
18 may hold a raffle drawing or a charity fundraising event, including
19 special limited charity fundraising events, in a Kentucky county other
20 than that in which the organization's office or place of business is
21 located.
22 ***2.*** For raffles, the organization shall notify the Department of Charitable
23 Gaming in writing of the organization's intent to change the drawing's
24 location at least thirty (30) days before the drawing takes place. This
25 written notification***:***
26 ***a.*** May be transmitted in any commercially reasonable means,
27 authorized by the department, including facsimile and electronic

1 mail***; and***~~[. The notification]~~

2 ***b.*** Shall set out the place and the county in which the drawing will

3 take place.

4 Approval by the department shall be received prior to the conduct of the raffle

5 drawing at the new location.

6 ***(c)*** Any charitable organization that was registered with the county clerk to

7 conduct charitable gaming in a county on or before March 31, 1992, shall

8 satisfy ***the***~~[this]~~ requirement ***contained in paragraph (a)4. of this subsection***

9 if it maintained a place of business or operation, other than for the conduct of

10 charitable gaming, for one (1) year prior to application in a Kentucky county

11 adjoining the county in which they were registered.~~[Any licensed charitable~~

12 ~~organization that qualifies to conduct charitable gaming in an adjoining~~

13 ~~county under this paragraph, shall be permitted to conduct in its county of~~

14 ~~residence a charity fundraising event.]~~

15 (9) In applying for a license, the information to be submitted shall include but not be

16 limited to the following:

17 (a) The name and address of the charitable organization;

18 (b) The date of the charitable organization's establishment in the Commonwealth

19 of Kentucky and the date of establishment in the county ***or counties*** in which

20 charitable gaming is to be conducted;

21 (c) A statement of the charitable purpose or purposes for which the organization

22 was organized. If the charitable organization is incorporated, a copy of the

23 articles of incorporation shall satisfy this requirement;

24 (d) A statement explaining the organizational structure and management of the

25 organization. For incorporated entities, a copy of the organizations' bylaws

26 shall satisfy this requirement;

27 (e) A detailed accounting of the charitable activities in which the charitable

1 organization has been engaged for the three (3) years preceding application for
2 licensure;
3 (f) The names, addresses, dates of birth, and Social Security numbers of all
4 officers of the organization;
5 (g) The names, addresses, dates of birth, and Social Security numbers of all
6 employees and members of the charitable organization who will be involved
7 in the management and supervision of charitable gaming. No fewer than two
8 (2) employees or members of the charitable organization who are involved in
9 the management and supervision of charitable gaming, along with the chief
10 executive officer or the director of the applicant organization, shall be
11 designated as chairpersons;
12 (h) The address of the location at which charitable gaming will be conducted and
13 the name and address of the owner of the property, if it is owned by a person
14 other than the charitable organization;
15 (i) A copy of the letter or other legal document issued by the Internal Revenue
16 Service to grant tax-exempt status;
17 (j) A statement signed by the presiding or other responsible officer of the
18 charitable organization attesting that the information submitted in the
19 application is true and correct and that the organization agrees to comply with
20 all applicable laws and administrative regulations regarding charitable
21 gaming;
22 (k) An agreement that the charitable organization's records may be released by the
23 Federal Internal Revenue Service to the department; and
24 (l) Any other information the department deems appropriate.
25 (10) An organization or a group of individuals that does not meet the licensing
26 requirements of subsection (8) of this section may hold a raffle if the gross receipts
27 do not exceed one hundred fifty dollars ($150) and all proceeds from the raffle are

1 distributed to a charitable organization. The organization or group of individuals
2 may hold up to three (3) raffles each year, and shall be exempt from complying with
3 the notification, application, and reporting requirements of subsections (2) and (9)
4 of this section.
5 (11) The department may issue a license for a specified period of time, based on the type
6 of charitable gaming involved and the desired duration of the activity.
7 (12) The department shall charge a fee for each license issued and renewed, not to
8 exceed three hundred dollars ($300). Specific fees to be charged shall be prescribed
9 in a graduated scale promulgated by administrative regulations and based on type of
10 license, type of charitable gaming, actual or projected gross receipts, or other
11 applicable factors, or combination of factors.
12 (13) (a) A licensed charitable organization may place its charitable gaming license in
13 escrow if:
14 1. The licensee notifies the department in writing that it desires to place its
15 license in escrow; and
16 2. The license is in good standing and the department has not initiated
17 disciplinary action against the licensee.
18 (b) During the escrow period, the licensee shall not engage in charitable gaming,
19 and the escrow period shall not be included in calculating the licensee's
20 retention rate under KRS 238.536.
21 (c) A charitable organization may apply for reinstatement of its active license and
22 the license shall be reinstated provided:
23 1. The charitable organization continues to qualify for licensure;
24 2. The charitable organization has not engaged in charitable gaming during
25 the escrow period; and
26 3. The charitable organization pays a reinstatement fee established by the
27 department.

1 ➔Section 3. KRS 238.545 is amended to read as follows:

2 (1) A licensed charitable organization shall be limited by the following:

3 (a) In the conduct of bingo, to one (1) session per day, two (2) sessions per week,
4 for a period not to exceed five (5) consecutive hours in any day and not to
5 exceed ten (10) total hours per week***:***~~[.]~~

6 ***1.*** No licensed charitable organization shall conduct bingo at more than one
7 (1) location during the same twenty-four (24) hour period***;***~~[.]~~

8 ***2.*** No licensed charitable organization shall award prizes for bingo that
9 exceed five thousand dollars ($5,000) in fair market value per twenty-
10 four (24) hour period, including the value of door prizes***; and***~~[.]~~

11 ***3.*** No person under the age of eighteen (18) shall be permitted to purchase
12 bingo supplies or play bingo ***unless he or she is playing***~~[. A charitable~~
13 ~~organization may permit persons under age eighteen (18) to play bingo]~~
14 for noncash prizes ***and is***~~[if they are]~~ accompanied by a parent or legal
15 guardian and only if the value of any noncash prize awarded does not
16 exceed ten dollars ($10);

17 (b) ***1.*** A licensed charitable organization may provide card-minding devices
18 for use by players of bingo games.

19 ***2.*** If a licensed charitable organization offers card-minding devices for use
20 by players, the devices shall be capable of being used in conjunction
21 with bingo cards or paper sheets at all times.

22 ***3.*** The department shall have broad authority to define and regulate the use
23 of card-minding devices and shall promulgate an administrative
24 regulation concerning use and control of them;

25 (c) Charity game tickets shall be sold only at the address of the location
26 designated on the license to conduct charitable gaming;

27 (d) Charity game tickets may be sold, with prior approval of the department:

1. At any authorized special charity fundraising event conducted by a licensed charitable organization at any off-site location; or
2. By a licensed charitable organization possessing a special limited charitable gaming license at any off-site location; and

(e) An automated charity game ticket dispenser may be utilized by a licensed charitable organization, with the prior approval of the department, only at the address of the location designated on the license to conduct charitable gaming[~~, and only during bingo sessions~~]. The department shall promulgate administrative regulations regulating the use and control of approved automated charity game ticket dispensers.

(2) ***(a)*** No prize for an individual charity game ticket shall exceed five hundred ninety-nine dollars ($599) in value, not including the value of cumulative or carryover prizes awarded in seal card games.

(b) Cumulative or carryover prizes in seal card games shall not exceed two thousand four hundred dollars ($2,400).

(c) Information concerning rules of the particular game and prizes that are to be awarded in excess of fifty dollars ($50) in each separate package or series of packages with the same serial number and all rules governing the handling of cumulative or carryover prizes in seal card games shall be posted prominently in an area where charity game tickets are sold. A legible poster that lists prizes to be awarded, and on which prizes actually awarded are posted at the completion of the sale of each separate package shall satisfy this requirement.

(d) Any unclaimed money or prize shall return to the charitable organization.

(e) No charity game ticket shall be sold in the Commonwealth of Kentucky that does not conform to the standards for opacity, randomization, minimum information, winner protection, color, and cutting established by the department.

1 *(f)* No person under the age of eighteen (18) shall be permitted to purchase, or
2 open in any manner, a charity game ticket.
3 (3) *(a)* Tickets for a raffle shall be sold separately, and each ticket shall constitute a
4 separate and equal chance to win.
5 *(b)* All raffle tickets shall be sold for the price stated on the ticket, and no person
6 shall be required to purchase more than one (1) ticket or to pay for anything
7 other than a ticket to enter a raffle.
8 ***(c) Raffle tickets and tickets for charity fundraising raffle games approved by***
9 ***the department which are offered exclusively at charity fundraising events***
10 ***and special limited charity fundraising events are not required to be sold***
11 ***separately and may be sold at discounted package rates.***
12 *(d)* Raffle tickets shall have a unique identifier ***on each ticket***[~~for the ticket~~
13 ~~holder~~].
14 *(e)* Winners shall be drawn at random at a date, time, and place announced in
15 advance or printed on the ticket.
16 *(f)* All prizes for a raffle shall be identified in advance of the drawing and all
17 prizes identified shall be awarded.
18 (4) With respect to charity fundraising events, a licensed charitable organization shall
19 be limited as follows:
20 (a) No licensed charitable organization shall conduct a charity fundraising event
21 or a special limited charity fundraising event unless they have a license for the
22 respective event issued by the department;
23 (b) No special license shall be required for any wheel game, such as a cake wheel,
24 that awards only noncash prizes the value of which does not exceed one
25 hundred dollars ($100);
26 (c) The department may grant approval for a licensed charitable organization to
27 play bingo games at a charity fundraising event. Cash prizes for bingo games

1 played during a charity fundraising event may not exceed five thousand
2 dollars ($5,000) for the entire event. No person under the age of eighteen (18)
3 shall be permitted to play bingo at a charity fundraising event unless
4 accompanied by a parent or legal guardian;
5 (d) The department may grant approval for a licensed charitable organization to
6 play special limited charitable games at a charity fundraising event authorized
7 under this section. The department shall not grant approval for the playing of
8 special limited charitable games under the provisions of a charity fundraising
9 event license unless the proposed event meets the definition of a charity
10 fundraising event held for community, social, or entertainment purposes apart
11 from charitable gaming in accordance with KRS 238.505(8);~~[and]~~
12 (e) Except for state, county, city fairs, and special limited charity fundraising
13 events, a charity fundraising event license issued under this section shall not
14 exceed seventy-two (72) consecutive hours. A licensed charitable organization
15 shall not be eligible for more than ***eight (8)***~~[four (4)]~~ total charity fundraising
16 event licenses per year, including two (2) special limited charity fundraising
17 event licenses. No person under eighteen (18) years of age shall be allowed to
18 play or conduct any special limited charitable game. The department shall
19 have broad authority to regulate the conduct of special limited charity
20 fundraising events in accordance with the provisions of KRS 238.547***; and***
21 ***(f) Charity fundraising events may be held:***
22 ***1. On or in the premises of a licensed charitable organization;***
23 ***2. In a licensed charitable gaming facility, subject to restrictions***
24 ***contained in KRS 238.555(7); or***
25 ***3. At an unlicensed facility which shall be subject to the requirements***
26 ***stipulated in KRS 238.555(3), and subject to the restrictions contained***
27 ***in KRS 238.547(2). Charity fundraising events at an unlicensed***

1 ***facility shall be limited to:***

2 ***a. No more than one (1) such event per week; and***

3 ***b. No more than seven (7) such events per year, with no more than***

4 ***five (5) licensed charitable organizations conducting such events***

5 ***at an unlicensed facility per year***.

6 (5) Presentation of false, fraudulent, or altered identification by a minor shall be an

7 affirmative defense in any disciplinary action or prosecution that may result from a

8 violation of age restrictions contained in this section, if the appearance and

9 character of the minor were such that his or her age could not be reasonably

10 ascertained by other means.

11 ➔Section 4. KRS 238.540 is amended to read as follows:

12 (1) ~~[Except as provided in KRS 238.535(8)(d),]~~Charitable gaming shall be conducted

13 by a licensed charitable organization at the location, date, and time which shall be

14 stated on the license. The licensee shall request a change in the date, time, or

15 location of a charitable gaming event by mail, electronic mail, or facsimile

16 transmission, and shall submit a lease and an original signature of an officer. The

17 department shall process this request and issue or deny a license within ten (10)

18 days.

19 (2) All premises or facilities on which or in which charitable gaming is conducted shall

20 meet all applicable federal, state, and local code requirements relating to life, safety,

21 and health.

22 (3) A license to conduct charitable gaming shall be prominently displayed on or in the

23 premises where charitable gaming is conducted, in a conspicuous location that is

24 readily accessible to gaming patrons as well as employees of the department, law

25 enforcement officials, and other interested officials.

26 (4) At least one (1) chairperson who is listed on the application for licensure shall be at

27 each charitable gaming activity conducted by the charitable organization and shall

1 be responsible for the administration and conduct of the charitable gaming activity.
2 No person shall serve as chairperson for more than one (1) charitable organization.
3 The chairperson shall be readily identifiable as the chairperson and shall be present
4 on the premises continuously during the charitable gaming activity. Charitable
5 gaming shall be conducted and administered solely by officers, members, and bona
6 fide employees of the licensed charitable organization. Volunteer personnel, who
7 may or may not be members of the licensed charitable organization, may be utilized
8 if each volunteer is readily identifiable as a volunteer. No person engaged in the
9 conduct and administration of charitable gaming shall receive any compensation for
10 services related to the charitable gaming activities, including tipping. No net
11 receipts derived from charitable gaming shall inure to the private benefit or
12 financial gain of any individual. Any effort or attempt to disguise any other type of
13 compensation or private inurement shall be considered an unauthorized diversion of
14 funds and shall be actionable under KRS 238.995.
15 (5) No licensed charitable organization shall contract with, or otherwise utilize the
16 services of, any management company, service company, or consultant in managing
17 or conducting any aspect of charitable gaming.
18 (6) A licensed charitable organization shall not purchase or lease charitable gaming
19 supplies and equipment from any person not licensed as a distributor in the
20 Commonwealth of Kentucky.
21 (7) A licensed charitable organization shall not accept any merchandise prizes donated
22 by any owner, officer, employee, or contractee of a licensed manufacturer,
23 distributor, charitable gaming facility, or any of their affiliates, or any member of
24 their immediate families.
25 (8) Any advertisement of charitable gaming, regardless of the medium used, shall
26 contain the name of the charitable organization conducting the charitable gaming
27 and its license number. An advertisement for a bingo session or sessions shall not

1 advertise a bingo prize in excess of the limitation of five thousand dollars ($5,000)
2 per twenty-four (24) hour period set forth in KRS 238.545(1).

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 3/23/15