

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5040

61st Legislature
2009 Regular Session

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

President of the Senate

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

Speaker of the House of Representatives

Approved

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.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5040

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.

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