
SENATE BILL 6689

State of Washington

66th Legislature

2020 Regular Session

By Senators Stanford, Wellman, and Kuderer

Read first time 02/14/20. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to protecting consumers against mechanisms of
2 addiction in certain video games; adding a new chapter to Title 19
3 RCW; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that some video
6 game companies intentionally employ methods intended to create
7 addictive behavior in consumers of their products. This can include
8 the use of mechanisms such as offering randomized rewards for
9 purchases, lack of confirmation steps for purchases, creating social
10 pressure to compel purchasing behavior, and targeting consumers who
11 seek to stop using the product with additional advertisements and
12 offers while creating barriers to eliminating accounts. Especially
13 when used in online games of chance that mimic casino games, these
14 techniques can cause significant psychological and financial harms,
15 including gambling addiction. In addition, these products are widely
16 available to children. The legislature further finds that few
17 meaningful protections exist for consumers, and that companies
18 creating, publishing, or hosting games on a platform have a
19 responsibility to protect players from harm. Furthermore, existing
20 programs to protect consumers from these harms are largely voluntary.

1 (2) The legislature further finds that ongoing technological
2 advances in the online video game industry have produced an
3 exponential growth in the volume and variety of personal data being
4 generated, collected, stored, and analyzed. The legislature
5 recognizes that consumers have the right to be secure against
6 unreasonable, unexpected, or surreptitious data collection,
7 surveillance, or behavior manipulation, and to not have their
8 personal data shared or processed in unexpected or harmful ways, or
9 in a manner that is inconsistent with the consumer's consent.
10 Consumers have the right to know what personal data is used by
11 algorithms to make decisions about and manipulate consumers.

12 NEW SECTION. **Sec. 2.** The definition in this section applies
13 throughout this chapter unless the context clearly requires
14 otherwise.

15 "Casino-style video games" means video games that mimic the
16 appearance or play of typical casino games including, but not limited
17 to, slot machines or poker, which are games of chance, and which
18 allow purchases within the game. "Casino-style video games" do not
19 include games of skill or games that are completely free to play with
20 no in-app purchases.

21 NEW SECTION. **Sec. 3.** (1) The Washington state institute for
22 public policy, in conjunction with the Washington state gambling
23 commission, must conduct a study on the impacts of casino-style video
24 games on consumers. The study, at minimum, must examine:

25 (a) The prevalence of casino-style video games used by consumers
26 in Washington state;

27 (b) The prevalence of gambling addiction and other addictive
28 behavior in consumers who use casino-style video games;

29 (c) Potential connections between casino-style video games and
30 psychological harms including, but not limited to, gambling addiction
31 and other addictive or compulsive behavior;

32 (d) The specific methods and techniques used in casino-style
33 video games to stimulate addictive behavior or overspending;

34 (e) The impact of casino-style video games on vulnerable
35 populations, including children; and

36 (f) Whether addictive behavior among consumers contributes to
37 profits for makers of casino-style video games.

1 (2) By July 1, 2021, the Washington state institute for public
2 policy must submit the results of the study required in subsection
3 (1) of this section to the committees of the legislature with
4 jurisdiction over gambling, consistent with the requirements of RCW
5 43.01.036.

6 (3) This section expires January 1, 2022.

7 NEW SECTION. **Sec. 4.** Casino-style video games distributed
8 within the state must:

9 (1) Include a confirmation step for any purchase, including
10 purchases within the game, which clearly states the cost in dollars
11 and cents;

12 (2) Allow players to request assistance with deletion of their
13 account, and in the event of such a request, must provide a method,
14 such as clicking a button, which will immediately delete the account
15 and all forms of payment which may be recorded in the account.
16 Players making such a request must not receive any personalized
17 offers of additional play time or other inducements to continue
18 playing;

19 (3) Allow players to request assistance with deletion of a
20 payment method from their account, and in the event of such a
21 request, must provide a method, such as clicking a button, which will
22 immediately delete the payment method from the account;

23 (4) Allow players to request help with gambling addiction, and in
24 the event of such a request, must provide information about
25 governmental or nonprofit resources for treating gambling addiction.
26 Players making such a request must not receive any personalized
27 offers of additional play time or other inducements to continue
28 playing;

29 (5) Allow players to request deletion of their personal data
30 including, but not limited to, purchase history and any record of
31 their actions within the game, and in the event of such a request,
32 must provide a method, such as clicking a button, which will
33 immediately delete the personal data; and

34 (6) Not contain restrictions in terms of service that impose
35 mandatory arbitration or otherwise prevent consumers from seeking
36 relief under any state or federal law.

1 NEW SECTION. **Sec. 5.** (1) It is unlawful for any retailer to
2 sell or offer to any person under twenty-one years of age a casino-
3 style video game that allows purchases within the game.

4 (2) Any retailer selling, or offering for sale, a casino-style
5 video game to any person must verify that the person is not under
6 minimum legal age by doing the following:

7 (a) Examining a government-issued photographic identification
8 that establishes that the person is not a person under minimum legal
9 age; or

10 (b) For sales made through the internet or other remote sales
11 methods, performing an age verification through an independent,
12 third-party age verification service that compares information
13 available from public records to the personal information entered by
14 the person during the ordering process that establishes that the
15 person is not a person under minimum legal age.

16 NEW SECTION. **Sec. 6.** Video game companies that distribute video
17 games within the state that contain a system to purchase a randomized
18 reward must prominently disclose and publish to the consumer the
19 probability rates of receiving each possible outcome of the
20 randomized reward at the time any mechanism to receive a randomized
21 reward is activated but prior to completion of the purchase of a
22 randomized reward or credits or in-game currency, which may be used
23 to purchase a randomized reward at a future time, so as to
24 meaningfully inform the consumer's decision prior to the purchase.

25 NEW SECTION. **Sec. 7.** Any terms of service or other agreement
26 between a video game company and consumer that waives the provisions
27 of this chapter is void and unenforceable.

28 NEW SECTION. **Sec. 8.** This chapter supplements, and does not
29 supersede, existing law and procedures relating to video games.
30 Compliance with this chapter does not authorize or allow any game
31 that might otherwise be regarded as illegal or out of compliance with
32 any other law.

33 NEW SECTION. **Sec. 9.** The legislature finds that the practices
34 covered by this chapter are matters vitally affecting the public
35 interest for the purpose of applying the consumer protection act,
36 chapter 19.86 RCW. A violation of this chapter is not reasonable in

1 relation to the development and preservation of business and is an
2 unfair or deceptive act in trade or commerce and an unfair method of
3 competition for the purpose of applying the consumer protection act,
4 chapter 19.86 RCW.

5 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act
6 constitute a new chapter in Title 19 RCW.

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