



February 22, 2022

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## ENGROSSED SENATE BILL No. 376

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DIGEST OF SB 376 (Updated February 22, 2022 3:40 pm - DI 144)

**Citations Affected:** IC 4-30; IC 4-32.3.

**Synopsis:** Gaming matters. Provides that unless specifically granted authority by a statute passed by the general assembly, the state lottery commission and Indiana gaming commission shall not, independently or by public private partnership, operate or authorize the use or operation of particular games and sales over the Internet. Specifies certain exceptions. Defines a "charitable government services organization". Provides that a charitable government services organization and other specified individuals may accept payment by credit card for the purchase of a chance to enter a raffle or water race offered at an allowable activity if the transaction satisfies particular requirements.

**Effective:** Upon passage; July 1, 2022.

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### Busch, Ford Jon, Becker, Breaux, Rogers, Melton

(HOUSE SPONSORS — CARBAUGH, GIAQUINTA)

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January 11, 2022, read first time and referred to Committee on Public Policy.  
January 27, 2022, reported favorably — Do Pass.  
January 31, 2022, read second time, ordered engrossed. Engrossed.  
February 1, 2022, read third time, passed. Yeas 39, nays 10.

HOUSE ACTION

February 8, 2022, read first time and referred to Committee on Public Policy.  
February 22, 2022, amended, reported — Do Pass.

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ES 376—LS 6596/DI 148





February 22, 2022

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 376

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A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 4-30-3-20 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
3 **UPON PASSAGE]: Sec. 20. (a) This section does not apply to an**  
4 **activity specifically authorized by the following articles:**  
5 (1) **IC 4-29 or IC 4-29.5 (tribal gaming and tribal-state**  
6 **compact).**  
7 (2) **IC 4-31 (pari-mutuel wagering on horse races).**  
8 (3) **IC 4-33 (riverboat gambling).**  
9 (4) **IC 4-35 (gambling games at racetracks).**  
10 (5) **IC 4-38 (sports wagering).**  
11 (b) **Unless specifically granted authority by a statute passed by**  
12 **the general assembly, the commission and Indiana gaming**  
13 **commission shall not, independently or by public private**  
14 **partnership, operate or authorize the use or operation of the**  
15 **following:**  
16 (1) **A lottery game operated through a video lottery terminal.**  
17 (2) **A video lottery game.**

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1           **(3) A video gaming terminal.**

2           **(4) The sale of lottery tickets over the Internet.**

3           **(5) An interactive game played over the Internet.**

4           SECTION 2. IC 4-32.3-2-12.5 IS ADDED TO THE INDIANA  
5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2022]: **Sec. 12.5. "Charitable government  
7 services organization" means a bona fide charitable organization  
8 that meets the following requirements:**

9           **(1) The organization:**

10           **(A) operates; and**

11           **(B) is in existence;**

12           **in Indiana.**

13           **(2) The organization has a constitution, articles, charter, or  
14 bylaws that contain a clause that provides that upon  
15 dissolution all remaining assets shall be used for the  
16 nonprofit's stated purposes.**

17           **(3) The organization is exempt from federal income taxation  
18 under Section 501(c)(3) of the Internal Revenue Code.**

19           **(4) The organization has a contract with the department of  
20 child services to provide child welfare services.**

21           SECTION 3. IC 4-32.3-5-23, AS ADDED BY P.L.58-2019,  
22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2022]: **Sec. 23. (a) Subject to ~~subsection~~ subsections (b) and  
24 (c), a qualified organization may accept credit cards at an allowable  
25 activity for the purchase of:**

26           **(1) food and beverages;**

27           **(2) merchandise; and**

28           **(3) retail goods and services offered at a benefit auction.**

29           **(b) Except as provided in subsection (c), a qualified organization  
30 may not accept credit cards or extend credit to a player for the purchase  
31 of:**

32           **(1) a chance to play any game of chance offered at an allowable  
33 activity; or**

34           **(2) licensed supplies.**

35           **(c) A charitable government services organization, including a  
36 worker, or a volunteer ticket agent assisting the charitable  
37 government services organization may accept payment by credit  
38 card for the purchase of a chance to enter a raffle or water race  
39 offered at an allowable activity if the transaction satisfies the  
40 following requirements:**

41           **(1) The payment is made face to face and not on the Internet.**

42           **(2) The proceeds from an entry purchased for the allowable**



1 activity are used:  
2 (A) by the charitable government services organization to  
3 provide child welfare services; or  
4 (B) to:  
5 (i) purchase a prize for; or  
6 (ii) pay prize money to;  
7 a winner of the allowable activity.  
8 (3) It is the only allowable activity in a calendar year for  
9 which the charitable government services organization  
10 accepts payment by credit card for a chance to enter a raffle  
11 or water race under this subsection. This subdivision does not  
12 limit the number of times that a person may purchase by  
13 credit card a chance to enter a raffle or water race under this  
14 subsection.  
15 SECTION 4. An emergency is declared for this act.



## COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 376, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 376 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 0

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 376, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-30-3-20 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section does not apply to an activity specifically authorized by the following articles:**

- (1) IC 4-29 or IC 4-29.5 (tribal gaming and tribal-state compact).
- (2) IC 4-31 (pari-mutuel wagering on horse races).
- (3) IC 4-33 (riverboat gambling).
- (4) IC 4-35 (gambling games at racetracks).
- (5) IC 4-38 (sports wagering).

**(b) Unless specifically granted authority by a statute passed by the general assembly, the commission and Indiana gaming commission shall not, independently or by public private partnership, operate or authorize the use or operation of the following:**

- (1) A lottery game operated through a video lottery terminal.
- (2) A video lottery game.
- (3) A video gaming terminal.
- (4) The sale of lottery tickets over the Internet.
- (5) An interactive game played over the Internet.

SECTION 2. IC 4-32.3-2-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS**

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[EFFECTIVE JULY 1, 2022]: **Sec. 12.5. "Charitable government services organization" means a bona fide charitable organization that meets the following requirements:**

**(1) The organization:**

**(A) operates; and**

**(B) is in existence;**

**in Indiana.**

**(2) The organization has a constitution, articles, charter, or bylaws that contain a clause that provides that upon dissolution all remaining assets shall be used for the nonprofit's stated purposes.**

**(3) The organization is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.**

**(4) The organization has a contract with the department of child services to provide child welfare services.**

SECTION 3. IC 4-32.3-5-23, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 23. (a) Subject to ~~subsection~~ **subsections (b) and (c)**, a qualified organization may accept credit cards at an allowable activity for the purchase of:

(1) food and beverages;

(2) merchandise; and

(3) retail goods and services offered at a benefit auction.

**(b) Except as provided in subsection (c)**, a qualified organization may not accept credit cards or extend credit to a player for the purchase of:

(1) a chance to play any game of chance offered at an allowable activity; or

(2) licensed supplies.

**(c) A charitable government services organization, including a worker, or a volunteer ticket agent assisting the charitable government services organization may accept payment by credit card for the purchase of a chance to enter a raffle or water race offered at an allowable activity if the transaction satisfies the following requirements:**

**(1) The payment is made face to face and not on the Internet.**

**(2) The proceeds from an entry purchased for the allowable activity are used:**

**(A) by the charitable government services organization to provide child welfare services; or**

**(B) to:**

**(i) purchase a prize for; or**



**(ii) pay prize money to;  
a winner of the allowable activity.**

**(3) It is the only allowable activity in a calendar year for which the charitable government services organization accepts payment by credit card for a chance to enter a raffle or water race under this subsection. This subdivision does not limit the number of times that a person may purchase by credit card a chance to enter a raffle or water race under this subsection.**

**SECTION 4. An emergency is declared for this act."**

Delete page 2.

and when so amended that said bill do pass.

(Reference is to SB 376 as printed January 28, 2022.)

SMALTZ

Committee Vote: yeas 12, nays 0.

