

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 447

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AN ACT to amend the Indiana Code concerning gaming.

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

SECTION 1. IC 4-32.3-2-25.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 25.5. "Professional sports team foundation" 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 organization'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 is affiliated with a franchise in the National Football League, the National Basketball Association, or Major League Baseball.**

SECTION 2. IC 4-32.3-2-31, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 31. (a) "Qualified organization" refers to any of the following:

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(1) A bona fide charitable organization, including civic, fraternal, and veterans organizations, operating in Indiana that:

(A) 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; and

(B) satisfies at least one (1) of the following requirements:

(i) The organization is in existence in Indiana.

(ii) The organization is affiliated with a parent organization that is in existence in Indiana.

(iii) The organization has reorganized and is continuing its mission under a new name on file with the secretary of state of Indiana and with a new tax identification number after having satisfied the requirements set forth in either item (i) or (ii).

(2) A bona fide political organization operating in Indiana that produces exempt function income (as defined in Section 527 of the Internal Revenue Code).

(3) A state educational institution (as defined in IC 21-7-13-32).

(4) A bona fide national organization operating in Indiana.

(5) A bona fide national foundation.

**(6) A professional sports team foundation.**

(b) For purposes of IC 4-32.3-4-3, a "qualified organization" includes the following:

(1) A hospital licensed under IC 16-21.

(2) A health facility licensed under IC 16-28.

(3) A psychiatric facility licensed under IC 12-25.

(4) An organization defined in subsection (a).

(c) Evidence that an organization satisfies subsection (a)(1)(B)(iii) includes the following:

(1) Evidence of the organization's continued use of a service mark or trademarked logo associated with the organization's former name.

(2) Evidence of the continuity of the organization's activities as shown in the federal income tax returns filed for the organization.

(3) Evidence of the continuity of the organization's activities as shown by the most recent annual external financial reviews of the organization prepared by a certified public accountant.

(4) Any other information considered sufficient by the commission.

(d) Unless the construction is plainly repugnant to the intent of the general assembly or the context of the statute, "qualified organization" refers to an Indiana affiliate of a bona fide national organization or



bona fide national foundation.

(e) Any organization seeking to be a "qualified organization" must complete all forms required by the commission.

SECTION 3. IC 4-32.3-4-3, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) A qualified organization is not required to obtain a license from the commission if the value of all prizes awarded at the allowable activity does not exceed two thousand five hundred dollars (\$2,500) for a single activity and not more than seven thousand five hundred dollars (\$7,500) during a calendar year.

(b) A qualified organization that plans to hold an allowable activity described in subsection (a) more than one (1) time a year shall send an annual written notice to the commission informing the commission of the following:

- (1) The estimated frequency of the planned allowable activities.
- (2) The location or locations where the qualified organization plans to hold the allowable activities.
- (3) The estimated value of all prizes awarded at each allowable activity.

(c) The notice required under subsection (b) must be filed not later than thirty (30) days before the qualified organization holds the first allowable activity of the year.

(d) A qualified organization that conducts an allowable activity described in subsection (a) shall maintain accurate records of all financial transactions of the activity. The commission may inspect records kept in compliance with this section.

**(e) A qualified organization may conduct an allowable event under this section at a facility leased or owned by the capital improvement board of managers created under IC 36-10-9.**

SECTION 4. IC 4-32.3-5-23, AS AMENDED BY P.L.136-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 23. (a) Subject to 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)~~; **subsections (c) and (d)**, 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.

(e) 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.

**(c) A qualified organization, including a worker or volunteer ticket agent assisting the qualified organization, may accept payment by credit card for the purchase of a chance to enter a raffle or water race at an allowable event if the payment is made face to face and not on the Internet.**

**(d) A qualified organization may accept payment by credit card for the purchase of a chance to enter an allowable event if the allowable event is conducted at a facility leased or owned by the capital improvement board of managers created by IC 36-10-9.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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