
SUBSTITUTE SENATE BILL 5416

State of Washington

66th Legislature

2019 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Conway, Walsh, Keiser, and Hasegawa; by request of Gambling Commission)

1 AN ACT Relating to gambling addiction; and amending RCW 9.46.071,
2 42.56.230, and 67.70.040.

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

4 **Sec. 1.** RCW 9.46.071 and 2005 c 369 s 9 are each amended to read
5 as follows:

6 (1) (a) The legislature recognizes that some individuals in this
7 state ~~((are problem or pathological gamblers))~~ have a gambling
8 problem or gambling disorder. Because the state promotes and
9 regulates gambling through the activities of the state lottery
10 commission, the Washington horse racing commission, and the
11 Washington state gambling commission, the state has the
12 responsibility to continue to provide resources for the support of
13 services for problem gambling and ~~((pathological gamblers))~~ gambling
14 disorders. ~~((Therefore,))~~

15 (b) The Washington state gambling commission, the Washington
16 horse racing commission, and the state lottery commission shall
17 jointly develop problem gambling and gambling disorder informational
18 signs ~~((concerning problem and pathological gambling))~~ which include
19 a toll-free hotline number for individuals with a gambling problem
20 ~~((and pathological gamblers))~~ or gambling disorder. The signs shall

1 be placed in the establishments of gambling licensees, horse racing
2 licensees, and lottery retailers. (~~In addition,~~)

3 (c) The Washington state gambling commission, the Washington
4 horse racing commission, and the state lottery commission may also
5 contract with other qualified entities to provide public awareness,
6 training, and other services to ensure the intent of this section is
7 fulfilled.

8 (d) Individuals and families impacted by a gambling problem or
9 gambling disorder will benefit from the availability of a uniform
10 self-exclusion program where people may voluntarily exclude
11 themselves from gambling at multiple gambling establishments by
12 submitting one self-exclusion form to the state from one location for
13 all gambling activities. Therefore, the Washington state gambling
14 commission must establish a statewide self-exclusion program for all
15 licensees. The commission has discretion in establishing the scope,
16 process, and requirements of the self-exclusion program, including
17 denying, suspending, or revoking an application, license, or permit.
18 However, the initial program must comply with the following minimum
19 requirements:

20 (i) The program must allow persons to voluntarily exclude
21 themselves from gambling at authorized gambling establishments that
22 offer house-banked social card games;

23 (ii) The program must have a process for federally recognized
24 Indian tribes or tribal enterprises that own gambling operations or
25 facilities with class III gaming compacts to voluntarily participate
26 in the self-exclusion program;

27 (iii) Any individual registered with the self-exclusion program
28 created under this section is prohibited from participating in
29 gambling activities associated with this program and forfeits all
30 moneys and things of value obtained by the individual or owed to the
31 individual by an authorized gambling establishment as a result of
32 prohibited wagers or gambling activities. The commission may adopt
33 rules for the forfeiture of any moneys or things of value, including
34 wagers, obtained by an authorized gambling establishment while an
35 individual is registered with the self-exclusion program created
36 under this section.

37 Moneys and things of value forfeited under the self-exclusion
38 program must be distributed to the problem gambling account created
39 in RCW 41.05.751 and/or a charitable or nonprofit organization that

1 provides problem gambling services or increases awareness about
2 problem gambling pursuant to rules adopted by the commission; and

3 (iv) The commission must adopt rules establishing the self-
4 exclusion program by June 30, 2021.

5 (e) An individual who participates in the self-exclusion program
6 does not have a cause of action against the state of Washington, the
7 commission, or any gambling establishment, its employees, or officers
8 for any acts or omissions in processing or enforcing the requirements
9 of the self-exclusion program, including a failure to prevent an
10 individual from gambling at an authorized gambling establishment.

11 (f) Any personal information collected, stored, or accessed under
12 the self-exclusion program may only be used for the administration of
13 the self-exclusion program and may not be disseminated for any
14 purpose other than the administration of the self-exclusion program.

15 (2) (a) During any period in which RCW 82.04.285(2) is in effect,
16 the commission may not increase fees payable by licensees under its
17 jurisdiction for the purpose of funding services for problem gambling
18 and ~~((pathological))~~ gambling disorder. Any fee imposed or increased
19 by the commission, for the purpose of funding these services, before
20 July 1, 2005, ~~((shall have))~~ has no force and effect after July 1,
21 2005.

22 (b) During any period in which RCW 82.04.285(2) is not in effect:

23 (i) The commission, the Washington state horse racing commission,
24 and the state lottery commission may contract for services, in
25 addition to those authorized in subsection (1) of this section, to
26 assist in providing for problem gambling and gambling disorder
27 treatment ~~((of problem and pathological gambling))~~; and

28 (ii) The commission may increase fees payable by ~~((licenses~~
29 ~~[licensees]))~~ licensees under its jurisdiction for the purpose of
30 funding the problem gambling and gambling disorder services
31 authorized in this section ~~((for problem and pathological gamblers))~~.

32 **Sec. 2.** RCW 42.56.230 and 2018 c 109 s 16 are each amended to
33 read as follows:

34 The following personal information is exempt from public
35 inspection and copying under this chapter:

36 (1) Personal information in any files maintained for students in
37 public schools, patients or clients of public institutions or public
38 health agencies, or welfare recipients;

39 (2) (a) Personal information:

1 (i) For a child enrolled in licensed child care in any files
2 maintained by the department of children, youth, and families;

3 (ii) For a child enrolled in a public or nonprofit program
4 serving or pertaining to children, adolescents, or students,
5 including but not limited to early learning or child care services,
6 parks and recreation programs, youth development programs, and after-
7 school programs; or

8 (iii) For the family members or guardians of a child who is
9 subject to the exemption under this subsection (2) if the family
10 member or guardian has the same last name as the child or if the
11 family member or guardian resides at the same address as the child
12 and disclosure of the family member's or guardian's information would
13 result in disclosure of the personal information exempted under
14 (a)(i) and (ii) of this subsection.

15 (b) Emergency contact information under this subsection (2) may
16 be provided to appropriate authorities and medical personnel for the
17 purpose of treating the individual during an emergency situation;

18 (3) Personal information in files maintained for employees,
19 appointees, or elected officials of any public agency to the extent
20 that disclosure would violate their right to privacy;

21 (4) Information required of any taxpayer in connection with the
22 assessment or collection of any tax if the disclosure of the
23 information to other persons would: (a) Be prohibited to such persons
24 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
25 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
26 to privacy or result in unfair competitive disadvantage to the
27 taxpayer;

28 (5) Credit card numbers, debit card numbers, electronic check
29 numbers, card expiration dates, or bank or other financial
30 information as defined in RCW 9.35.005 including social security
31 numbers, except when disclosure is expressly required by or governed
32 by other law;

33 (6) Personal and financial information related to a small loan or
34 any system of authorizing a small loan in RCW 31.45.093;

35 (7)(a) Any record used to prove identity, age, residential
36 address, social security number, or other personal information
37 required to apply for a driver's license or identicard.

38 (b) Information provided under RCW 46.20.111 that indicates that
39 an applicant declined to register with the selective service system.

1 (c) Any record pertaining to a vehicle license plate, driver's
2 license, or identicard issued under RCW 46.08.066 that, alone or in
3 combination with any other records, may reveal the identity of an
4 individual, or reveal that an individual is or was, performing an
5 undercover or covert law enforcement, confidential public health
6 work, public assistance fraud, or child support investigative
7 activity. This exemption does not prevent the release of the total
8 number of vehicle license plates, drivers' licenses, or identicards
9 that, under RCW 46.08.066, an agency or department has applied for,
10 been issued, denied, returned, destroyed, lost, and reported for
11 misuse.

12 (d) Any record pertaining to a vessel registration issued under
13 RCW 88.02.330 that, alone or in combination with any other records,
14 may reveal the identity of an individual, or reveal that an
15 individual is or was, performing an undercover or covert law
16 enforcement activity. This exemption does not prevent the release of
17 the total number of vessel registrations that, under RCW 88.02.330,
18 an agency or department has applied for, been issued, denied,
19 returned, destroyed, lost, and reported for misuse;

20 (8) All information related to individual claims resolution
21 structured settlement agreements submitted to the board of industrial
22 insurance appeals under RCW 51.04.063, other than final orders from
23 the board of industrial insurance appeals.

24 Upon request by the legislature, the department of licensing
25 shall provide a report to the legislature containing all of the
26 information in subsection (7)(c) and (d) of this section that is
27 subject to public disclosure;

28 (9) Voluntarily submitted information contained in a database
29 that is part of or associated with enhanced 911 emergency
30 communications systems, or information contained or used in emergency
31 notification systems as provided under RCW 38.52.575 and 38.52.577;
32 ((and))

33 (10) Until the person reaches eighteen years of age, information,
34 otherwise disclosable under chapter 29A.08 RCW, that relates to a
35 future voter, except for the purpose of processing and delivering
36 ballots; and

37 (11) All information submitted by a person to the state, either
38 directly or through a state-licensed gambling establishment, or
39 Indian tribes, or tribal enterprises that own gambling operations or
40 facilities with class III gaming compacts, as part of the self-

1 exclusion program established in RCW 9.46.071 or 67.70.040 for people
2 with a gambling problem or gambling disorder.

3 **Sec. 3.** RCW 67.70.040 and 2006 c 290 s 3 are each amended to
4 read as follows:

5 The commission shall have the power, and it shall be its duty:

6 (1) To adopt rules governing the establishment and operation of a
7 state lottery as it deems necessary and desirable in order that such
8 a lottery be initiated at the earliest feasible and practicable time,
9 and in order that such lottery produce the maximum amount of net
10 revenues for the state consonant with the dignity of the state and
11 the general welfare of the people. Such rules shall include, but
12 shall not be limited to, the following:

13 (a) The type of lottery to be conducted which may include the
14 selling of tickets or shares, but such tickets or shares may not be
15 sold over the internet. The use of electronic or mechanical devices
16 or video terminals which allow for individual play against such
17 devices or terminals shall be prohibited. An affirmative vote of
18 sixty percent of both houses of the legislature is required before
19 offering any game allowing or requiring a player to become eligible
20 for a prize or to otherwise play any portion of the game by
21 interacting with any device or terminal involving digital, video, or
22 other electronic representations of any game of chance, including
23 scratch tickets, pull-tabs, bingo, poker or other cards, dice,
24 roulette, keno, or slot machines. Approval of the legislature shall
25 be required before entering any agreement with other state lotteries
26 to conduct shared games;

27 (b) The price, or prices, of tickets or shares in the lottery;

28 (c) The numbers and sizes of the prizes on the winning tickets or
29 shares;

30 (d) The manner of selecting the winning tickets or shares, except
31 as limited by (a) of this subsection;

32 (e) The manner and time of payment of prizes to the holder of
33 winning tickets or shares which, at the director's option, may be
34 paid in lump sum amounts or installments over a period of years;

35 (f) The frequency of the drawings or selections of winning
36 tickets or shares. Approval of the legislature is required before
37 conducting any online game in which the drawing or selection of
38 winning tickets occurs more frequently than once every twenty-four
39 hours;

1 (g) Without limit as to number, the type or types of locations at
2 which tickets or shares may be sold;

3 (h) The method to be used in selling tickets or shares, except as
4 limited by (a) of this subsection;

5 (i) The licensing of agents to sell or distribute tickets or
6 shares, except that a person under the age of eighteen shall not be
7 licensed as an agent;

8 (j) The manner and amount of compensation, if any, to be paid
9 licensed sales agents necessary to provide for the adequate
10 availability of tickets or shares to prospective buyers and for the
11 convenience of the public;

12 (k) The apportionment of the total revenues accruing from the
13 sale of lottery tickets or shares and from all other sources among:

14 (i) The payment of prizes to the holders of winning tickets or
15 shares, which shall not be less than forty-five percent of the gross
16 annual revenue from such lottery, (ii) transfers to the lottery
17 administrative account created by RCW 67.70.260, and (iii) transfer
18 to the state's general fund. Transfers to the state general fund
19 shall be made in compliance with RCW 43.01.050;

20 (1) Such other matters necessary or desirable for the efficient
21 and economical operation and administration of the lottery and for
22 the convenience of the purchasers of tickets or shares and the
23 holders of winning tickets or shares.

24 (2) To ensure that in each place authorized to sell lottery
25 tickets or shares, on the back of the ticket or share, and in any
26 advertising or promotion there shall be conspicuously displayed an
27 estimate of the probability of purchasing a winning ticket.

28 (3) To amend, repeal, or supplement any such rules from time to
29 time as it deems necessary or desirable.

30 (4) To advise and make recommendations to the director for the
31 operation and administration of the lottery.

32 (5) (a) By June 30, 2021, to adopt rules to establish a program
33 allowing a person to voluntarily exclude themselves from lottery
34 activities including, but not limited to:

35 (i) Enrolling in a player loyalty or reward program operated or
36 maintained by the lottery;

37 (ii) Entering or winning any second chance lottery promotion; and

38 (iii) Claiming or receiving from the lottery any monetary,
39 promotional, or merchandise prize valued at more than six hundred
40 dollars. Monetary prizes valued at more than six hundred dollars must

1 be transferred to the problem gambling account created in RCW
2 41.05.751 after payment of any debts pursuant to RCW 67.70.255.
3 Promotional and merchandise prizes valued at more than six hundred
4 dollars must be retained by the lottery.

5 (b) An individual who participates in the self-exclusion program
6 does not have a cause of action against the state of Washington, the
7 commission, or any licensed retailer, its employees, or officers for
8 any acts or omissions in processing or enforcing the requirements of
9 the self-exclusion program.

10 (c) Any personal information collected, stored, or accessed under
11 the self-exclusion program may not be disseminated for any purpose
12 other than the administration of the self-exclusion program.

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