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**SUBSTITUTE SENATE BILL 5040**

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**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) Municipal and district courts within the state have  
15 jurisdiction for enforcement of this section, subject to the provisions  
16 of RCW 13.04.030.

17        (4)(a) An employer may conduct an in-house controlled purchase  
18 program authorized for the purposes of employee training and employer  
19 self-compliance checks.

20        (b) The civil infraction provisions of this section do not apply to  
21 a person under the age of eighteen who is participating in an in-house  
22 controlled purchase program authorized by the commission under rules  
23 adopted by the commission. Violations occurring under an in-house  
24 controlled purchase program authorized by the commission may not be  
25 used for criminal or administrative prosecution.

26        (c) An employer who conducts an in-house controlled purchase  
27 program authorized under this section shall provide his or her  
28 employees a written description of the employer's in-house controlled  
29 purchase program. The written description must include notice of  
30 actions an employer may take as a consequence of an employee's failure  
31 to comply with company policies regarding unauthorized persons engaging  
32 in gambling activities during a controlled purchase program authorized  
33 under this section.

34        (5) A person under the age of eighteen who violates subsection (1)  
35 of this section shall not collect any winnings or recover any losses  
36 arising as a result of unlawfully participating in any gambling  
37 activity. Additionally, any money or anything of value which has been  
38 obtained by, or is owed to, any person under the age of eighteen as a

1 result of such participation shall be forfeited to the department of  
2 social and health services division of alcohol and substance abuse or  
3 its successor and used for a program related to youth problem gambling  
4 awareness, prevention, and/or education. Any person claiming any money  
5 or things of value subject to forfeiture under this subsection will  
6 receive notice and an opportunity for a hearing under RCW 9.46.231.

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