
HOUSE BILL 2839

State of Washington

66th Legislature

2020 Regular Session

By Representatives Kloba, Kirby, Senn, and Pollet

Read first time 01/24/20. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to regulating interactive digital entertainment
2 products; adding a new chapter to Title 19 RCW; prescribing
3 penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that video games
6 and game content are easily accessible for both adults and minors.
7 The legislature further finds video game publishers employ
8 mechanisms, such as systems of purchasing randomized rewards or
9 virtual items, that compel players to keep spending money, resulting
10 in psychological and financial harms to video game users. The
11 legislature further finds that no meaningful protections exist for
12 consumers, and companies publishing or hosting games on their
13 platform have a responsibility to protect players from harm.

14 (2) Therefore, it is the intent of the legislature to put into
15 place protections for video games that contain a system of purchasing
16 randomized rewards or virtual items through prohibiting the sale of
17 these games to consumers under twenty-one years of age, requiring
18 labels to inform consumers that the product contains randomized
19 rewards, disclosing the probability of receiving rewards to
20 consumers, and studying the utilization and effect of pay-to-win
21 microtransactions and loot boxes on players of all ages.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires
3 otherwise.

4 (1) "Retailer" means a person who offers video games for
5 sale, including resale by the purchaser, through any means including,
6 but not limited to, sales outlets, catalogs, or by electronic means.

7 (2) "Video game" means an object or device that stores recorded
8 data or instructions, receives data or instructions generated by a
9 person who uses it, and, by processing the data or instructions,
10 creates an interactive game capable of being played, viewed, or
11 experienced on or through a computer, gaming system, console, or
12 other technology.

13 (3) "Video game publisher" means an entity that publishes video
14 games that have either been created internally or through a separate
15 entity.

16 NEW SECTION. **Sec. 3.** (1) The Washington state gambling
17 commission shall conduct a study on the utilization and effect of
18 pay-to-win microtransactions and loot boxes on players of all ages.
19 The study, at minimum, must:

20 (a) Analyze the use of pay-to-win microtransaction and loot box
21 design practices in specific interactive digital entertainment
22 products;

23 (b) Analyze the psychological effects of pay-to-win
24 microtransactions and loot boxes on users;

25 (c) Study game development practices relating to pay-to-win
26 microtransactions and loot boxes;

27 (d) Analyze the effects of pay-to-win microtransactions and loot
28 boxes on investment and production in the digital entertainment
29 industry;

30 (e) Document different types of pay-to-win microtransactions and
31 loot boxes found in interactive digital entertainment products; and

32 (f) Analyze whether other forms of add-on transactions to
33 interactive digital entertainment products can induce compulsive
34 purchasing behavior.

35 (2) By July 1, 2021, the Washington state gambling commission
36 must submit the results of the study required in subsection (1) of
37 this section to the appropriate committees of the legislature,
38 consistent with the requirements of RCW 43.01.036.

1 NEW SECTION. **Sec. 4.** (1) Video games distributed within the
2 state that contain a system to purchase a randomized reward, or a
3 consumable virtual item that can be redeemed and directly or
4 indirectly converted to a randomized reward, shall:

5 (a) Bear a prominent, easily legible, bright red label on its
6 packaging which reads: "Warning: Contains in-game purchases"; or

7 (b) If purchased digitally and downloaded through the internet or
8 an online application, prominently disclose to the consumer at the
9 time of consumer purchase a bright red label that is easily legible
10 and which reads: "Warning: Contains in-game purchases", so as to
11 meaningfully inform the consumer's decision prior to purchase.

12 (2) No video game publisher shall at any time modify a video game
13 distributed within the state to contain or otherwise permit the
14 inclusion of additional content for which the game was not
15 appropriately labeled at the time of original sale.

16 NEW SECTION. **Sec. 5.** (1) It shall be unlawful for any retailer
17 to sell to any person under twenty-one years of age a video game that
18 contains a system to purchase a randomized reward or a consumable
19 virtual item that can be redeemed and directly or indirectly
20 converted to a randomized reward.

21 (2) Any retailer selling, or offering for sale, a video game to
22 any person shall verify that the person is not a person under minimum
23 legal age by doing the following:

24 (a) Examining a government-issued photographic identification
25 that establishes that the person is not a person under minimum legal
26 age; or

27 (b) For sales made through the internet or other remote sales
28 methods, performing an age verification through an independent,
29 third-party age verification service that compares information
30 available from public records to the personal information entered by
31 the person during the ordering process that establishes that the
32 person is not a person under minimum legal age.

33 NEW SECTION. **Sec. 6.** Video game publishers that distribute
34 video games within the state that contain a system to purchase a
35 randomized reward, or a consumable virtual item that can be redeemed
36 and directly or indirectly converted to a randomized reward, shall
37 prominently disclose and publish to the consumer the probability
38 rates of receiving each type of randomized reward at the time any

1 mechanism to receive a randomized reward is activated so as to
2 meaningfully inform the consumer's decision prior to the purchase or
3 activation of any mechanism to receive a randomized reward.

4 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act
5 constitute a new chapter in Title 19 RCW.

6 NEW SECTION. **Sec. 8.** Sections 4 through 6 of this act take
7 effect January 1, 2022.

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