

Senate File 482 - Reprinted

SENATE FILE 482
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 442)
(SUCCESSOR TO SSB 1217)

(As Amended and Passed by the Senate April 7, 2015)

A BILL FOR

1 An Act concerning social and charitable gambling and making
2 penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

SOCIAL AND CHARITABLE GAMBLING

1
2
3 Section 1. Section 99B.1, subsection 1, Code 2015, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 1. "*Amusement concession*" means a game of skill or
7 game of chance with an instant win possibility where, if
8 the participant completes a task, the participant wins a
9 prize. "*Amusement concession*" includes but is not limited to
10 carnival-style games that are conducted by a person for profit.
11 "*Amusement concession*" does not include casino-style games or
12 amusement devices required to be registered pursuant to section
13 99B.53.

14 Sec. 2. Section 99B.1, subsections 2, 3, 5, 6, 15, 16, 17,
15 20, 21, and 26, Code 2015, are amended to read as follows:

16 2. "*Amusement device*" means an electrical or mechanical
17 device possessed and used in accordance with ~~section 99B.10~~
18 this chapter. When possessed and used in accordance with
19 ~~that section~~ this chapter, an amusement device is not a game of
20 skill or game of chance, and is not a gambling device.

21 3. "*Applicant*" means an individual or an organization
22 applying for a license under this chapter.

23 5. "*Bingo*" means a game, whether known as bingo or any other
24 name, in which each participant uses one or more cards each
25 of which is marked off into spaces arranged in horizontal and
26 vertical rows of spaces, with each space being designated by
27 number, letter, symbol, or picture, or combination of numbers,
28 ~~and letters, no symbols, or pictures~~. No two cards being shall
29 be identical, with. In the game of bingo, players covering
30 shall cover spaces on the card or cards as the operator of the
31 game announces to the players the number, letter, symbol, or
32 picture, or combination of numbers, and letters, symbols, or
33 pictures, appearing on an object selected by chance, either
34 manually or mechanically, from a receptacle in which have
35 been placed objects bearing numbers, letters, symbols, or

1 pictures, or combinations of numbers, and letters, symbols,
 2 or pictures corresponding to the system used for designating
 3 the spaces, ~~with the.~~ The winner of each game being is the
 4 player or players first properly covering a predetermined and
 5 announced pattern of spaces on a card ~~being used by the player~~
 6 ~~or players.~~ Each determination of a winner by the method
 7 described in ~~the preceding sentence~~ this subsection is a single
 8 bingo game at any bingo occasion.

9 6. "*Bingo occasion*" means a single gathering or session
 10 at which ~~successive~~ a series of bingo games are is played. A
 11 bingo occasion ~~commences~~ begins when the operator of ~~the a~~
 12 bingo game begins to announce the selects an object with a
 13 number, letter, symbol, or picture, or combination of numbers,
 14 ~~or~~ letters, symbols, or pictures through which the winner of a
 15 single the first bingo game in a series of bingo games will be
 16 determined. A bingo occasion ends when at least one hour has
 17 elapsed since a bingo game is played or when an announcement by
 18 the operator of the bingo game is made that the bingo occasion
 19 is over, whichever first occurs.

20 15. "*Game of chance*" means a game whereby the result is
 21 determined by chance and the player in order to win ~~aligns~~
 22 completes activities, such as aligning objects or balls in a
 23 prescribed pattern or order or makes certain color patterns
 24 appear ~~and.~~ "*Game of chance*" specifically includes but is not
 25 limited to ~~the game defined as bingo.~~ ~~Game of chance~~ "*Game of*
 26 *chance*" does not include a slot machine or amusement device.

27 16. "*Game of skill*" means a game whereby the result is
 28 determined by the ~~player~~ player's ability to do a task, such as
 29 directing or throwing objects to designated areas or targets,
 30 or by maneuvering water or an object into a designated area, or
 31 by maneuvering a dragline device to pick up particular items,
 32 or by shooting a gun or rifle.

33 17. "*Gross receipts*" means the total revenue received from
 34 the sale of rights to participate in a game of skill, game of
 35 chance, bingo, or raffle and admission fees or charges.

1 20. "Merchandise" means goods or services that are bought
2 and sold in the regular course of business. "Merchandise"
3 includes lottery tickets or shares sold or authorized under
4 chapter 99G. The value of the lottery ticket or share is the
5 price of the lottery ticket or share as established by the
6 Iowa lottery authority pursuant to chapter 99G. "Merchandise"
7 includes a gift card if the gift card is not redeemable for
8 cash.

9 21. "Net receipts" means gross receipts less amounts awarded
10 as prizes and less state and local sales tax paid upon the
11 gross receipts. ~~Reasonable expenses, charges, fees, taxes~~
12 ~~other than the state and local sales tax, and deductions~~
13 ~~allowed by the department shall not exceed twenty-five percent~~
14 ~~of net receipts.~~

15 26. "Raffle" means a lottery in which each participant
16 buys a ~~ticket~~ an entry for a chance at a prize with the winner
17 determined by a random method and the winner is not required to
18 be present to win. "Raffle" does not include a slot machine.

19 Sec. 3. Section 99B.1, subsections 4, 10, 12, 13, 18, 19,
20 23, 24, 27, and 28, Code 2015, are amended by striking the
21 subsections.

22 Sec. 4. Section 99B.1, subsection 8, Code 2015, is amended
23 by striking the subsection and inserting in lieu thereof the
24 following:

25 8. "Bookmaking" means the determining of odds and receipt
26 and paying off of bets by an individual or publicly or
27 privately owned enterprise not present when the wager or bet
28 was undertaken.

29 Sec. 5. Section 99B.1, Code 2015, is amended by adding the
30 following new subsections:

31 NEW SUBSECTION. 8A. "Build-up or pyramid" means a raffle
32 or a game in which a prize must be returned in order to play
33 another game or to be eligible for another bigger prize, a game
34 in which a prize must be forfeited if a later game is lost, or a
35 raffle which is multi-step and requires the participant to win

1 at multiple steps to win the grand prize.

2 NEW SUBSECTION. 8B. "*Calendar raffle*" means a raffle where
3 a single entry is entered in one raffle where winners will be
4 selected over multiple dates.

5 NEW SUBSECTION. 8C. "*Casino-style games*" means any house
6 banking game, including but not limited to casino-style card
7 games such as poker, baccarat, chemin de fer, blackjack, and
8 pai gow, and casino games such as roulette, craps, and keno.
9 "*Casino-style games*" does not include a slot machine.

10 NEW SUBSECTION. 8D. "*Charitable uses*" includes uses
11 benefiting a definite number of persons who are the victims of
12 loss of home or household possessions through explosion, fire,
13 flood, or storm when the loss is uncompensated by insurance,
14 and uses benefiting a definite number of persons suffering from
15 a seriously disabling disease or injury, causing severe loss of
16 income or incurring extraordinary medical expense when the loss
17 is uncompensated by insurance.

18 NEW SUBSECTION. 12A. "*Educational, civic, public,*
19 *charitable, patriotic, or religious uses*" includes uses
20 benefiting a society for the prevention of cruelty to animals
21 or animal rescue league; uses benefiting an indefinite
22 number of persons either by bringing them under the influence
23 of education or religion or relieving them from disease,
24 suffering, or constraint, or by erecting or maintaining
25 public buildings or works, or otherwise lessening the burden
26 of government; and uses benefiting any bona fide nationally
27 chartered fraternal or military veterans' corporation or
28 organization which operates in Iowa a clubroom, post, dining
29 room, or dance hall, but does not include the erection,
30 acquisition, improvement, maintenance, or repair of real,
31 personal, or mixed property unless it is used for one or more
32 of the uses described in this subsection.

33 NEW SUBSECTION. 14A. "*Gambling*" means any activity where a
34 person risks something of value or other consideration for a
35 chance to win a prize.

1 NEW SUBSECTION. 14B. "*Game night*" means an event at
2 which casino-style games may be conducted, in addition to
3 games of skill and games of chance, within one consecutive
4 twenty-four-hour period.

5 NEW SUBSECTION. 17A. "*Licensed qualified organization*"
6 means a qualified organization that is issued a license under
7 this chapter and that complies with the requirements for a
8 qualified organization issued a license under this chapter.

9 NEW SUBSECTION. 24A. "*Public uses*" specifically includes
10 dedication of net receipts to political parties as defined in
11 section 43.2.

12 Sec. 6. Section 99B.1, subsection 25, Code 2015, is amended
13 by striking the subsection and inserting in lieu thereof the
14 following:

15 25. "*Qualified organization*" means an organization that has
16 an active membership of not less than twelve persons, does not
17 have a self-perpetuating governing body and officers, and meets
18 any of the following requirements:

19 a. Is exempt from federal income taxes under section
20 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6), 501(c)(7),
21 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue
22 Code as defined in section 422.3.

23 b. Is an agency or instrumentality of the United States
24 government, this state, or a political subdivision of this
25 state.

26 c. Is a parent-teacher organization or booster club that
27 is recognized as a fund-raiser and supporter for a school
28 district organized pursuant to chapter 274 or for a school
29 within the school district, in a notarized letter signed by the
30 president of the board of directors, the superintendent of the
31 school district, or a principal of a school within that school
32 district.

33 d. Is a political party, as defined in section 43.2, or a
34 nonparty political organization that has qualified to place
35 a candidate as its nominee for statewide office pursuant to

1 chapter 44, or to a candidate's committee as defined in section
2 68A.102.

3 Sec. 7. Section 99B.3, Code 2015, is amended to read as
4 follows:

5 **99B.3 Amusement concessions.**

6 ~~1. A game of skill or game of chance is lawful when~~
7 ~~conducted by a person at an amusement concession, but only~~
8 A person may conduct an amusement concession if all of the
9 following ~~are complied with~~ conditions are met:

10 ~~a. The location where the game is conducted by the person~~
11 ~~has been authorized as provided in section 99B.4.~~

12 ~~b.~~ The person conducting the game amusement concession has
13 submitted a license application and a fee of fifty dollars for
14 each game amusement concession, and has been issued a license
15 for the game amusement concession, and prominently displays the
16 license at the playing area of the game amusement concession.
17 A license is valid for a period of one year from the date of
18 issue.

19 ~~c. Gambling other than the licensed game is not conducted or~~
20 ~~engaged in at the amusement concession.~~

21 ~~d.~~ b. The game is rules of the amusement concession are
22 prominently posted and the visible from all playing positions.

23 c. The cost to play the game a single amusement concession
24 does not exceed three five dollars.

25 ~~e.~~ d. A prize is not displayed which cannot be won.

26 ~~f.~~ e. Cash prizes are not awarded and ~~merchandise prizes~~
27 ~~are not repurchased.~~

28 ~~g.~~ f. The game amusement concession is not operated on a
29 build-up or pyramid basis.

30 g. A pet, as defined in section 717E.1, is not awarded.

31 h. The actual retail value of any prize does not exceed
32 fifty one hundred dollars. If a prize consists of more than
33 one item, unit, or part, the aggregate retail value of all
34 items, units, or parts shall not exceed fifty one hundred
35 dollars.

1 i. Merchandise prizes are not repurchased from the
2 participants. However, a participant may have the option, at
3 no additional cost to the participant, of trading multiple
4 smaller prizes for a single larger prize.

5 j. Concealed numbers or conversion charts are not used to
6 play the game and the game amusement concession.

7 k. The amusement concession is not designed or adapted with
8 any control device to permit manipulation of the game amusement
9 concession by the operator in order to prevent a player from
10 winning or to predetermine who the winner will be, and the
11 object target, block or.

12 l. The object of the game amusement concession must be
13 attainable and possible to perform under the rules stated from
14 the all playing position of the player positions.

15 j. m. The game amusement concession is conducted in a fair
16 and honest manner.

17 2. ~~It is lawful for an~~ An individual other than a person
18 conducting the ~~game to~~ amusement concession may participate in
19 a ~~game of skill or game of chance conducted at~~ an amusement
20 concession, whether or not the amusement concession is
21 conducted in compliance with ~~subsection 1~~ this section.

22 Sec. 8. Section 99B.5A, subsection 1, paragraph b, Code
23 2015, is amended to read as follows:

24 *b. "Community group"* means an Iowa nonprofit, tax-exempt
25 organization which is open to the general public and
26 established for the promotion and development of the arts,
27 history, culture, ethnicity, historic preservation, tourism,
28 economic development, festivals, or municipal libraries.

29 *"Community group"* does not include a school, college,
30 university, political party, labor union, ~~state or federal~~
31 ~~government agency,~~ fraternal organization, church, convention
32 or association of churches, or organizations operated primarily
33 for religious purposes, or which are operated, supervised,
34 controlled, or principally supported by a church, convention,
35 or association of churches.

1 Sec. 9. Section 99B.5A, subsection 2, paragraphs a, c, and
2 e, Code 2015, are amended to read as follows:

3 a. Bingo is conducted by the sponsor of the fair or
4 community festival or a qualified organization licensed under
5 section ~~99B.7~~ 99B.12B that has received permission from the
6 sponsor of the fair or community festival to conduct bingo.

7 c. The number of bingo occasions conducted by a licensee
8 under this section shall be limited to one for each day of the
9 duration of the fair or community festival.

10 e. Except as provided in this section, the provisions of
11 ~~sections 99B.2 and 99B.7~~ this chapter related to bingo shall
12 apply.

13 Sec. 10. Section 99B.5A, subsection 4, Code 2015, is amended
14 to read as follows:

15 4. Bingo occasions held under a license under this section
16 shall not be counted in determining whether a qualified
17 organization has conducted more than ~~fourteen~~ fifteen bingo
18 occasions per month. In addition, bingo occasions held under
19 this license shall not be limited to four consecutive hours.

20 Sec. 11. Section 99B.6, Code 2015, is amended by striking
21 the section and inserting in lieu thereof the following:

22 **99B.6 Social gambling in licensed alcohol establishments.**

23 1. Social gambling is lawful on the premises of an
24 establishment for which a class "A", class "B", class "C",
25 special class "C", or class "D" liquor control license, or
26 class "B" beer permit has been issued pursuant to chapter 123
27 when, subject to the provisions of section 99B.42, all of the
28 following requirements are met:

29 a. The liquor control licensee or beer permittee has
30 submitted an application for a social gambling license and a
31 license fee of one hundred fifty dollars to the department, and
32 a license has been issued.

33 b. The license is prominently displayed on the premises of
34 the establishment.

35 c. The social gambling licensee or any agent or employee

1 of the licensee does not participate in, sponsor, conduct,
2 promote, or act as cashier or banker for any social gambling,
3 except as a participant while playing on the same basis as
4 every other participant.

5 *d.* A person under the age of twenty-one years shall not
6 participate in the social games. A social gambling licensee
7 or an agent or employee of the licensee who knowingly allows
8 a person under the age of twenty-one to participate in the
9 gambling prohibited by this section or a person who knowingly
10 participates in gambling with a person under the age of
11 twenty-one, is subject to a penalty under section 99B.15.

12 2. A liquor control licensee or beer permittee with a social
13 gambling license issued pursuant to this section may conduct
14 a sports betting pool if all of the requirements of this
15 subsection are met.

16 *a.* The pool shall be publicly displayed and the rules of
17 the pool, including the cost per participant and the amount or
18 amounts that will be won, shall be conspicuously displayed on
19 or near the pool.

20 *b.* A participant shall not wager more than five dollars in
21 the pool.

22 *c.* The maximum winnings awarded to all participants in the
23 pool shall not exceed five hundred dollars.

24 *d.* The provisions of section 99B.42, except section 99B.42,
25 subsection 1, paragraphs "a" and "h", are applicable to pools
26 conducted under this subsection.

27 *e.* The use of concealed numbers in the pool is permissible.
28 If the pool involves the use of concealed numbers, the numbers
29 shall be selected by a random method and no person shall be
30 aware of the numbers at the time wagers are made in the pool.

31 *f.* All moneys wagered in the pool shall be awarded as
32 winnings to participants.

33 3. An establishment issued a social gambling license under
34 this section that is required to obtain a new liquor license
35 or permit under chapter 123 due to a change in ownership shall

1 be required to obtain a new social gambling license under this
2 section to conduct social gambling.

3 Sec. 12. Section 99B.7A, Code 2015, is amended by striking
4 the section and inserting in lieu thereof the following:

5 **99B.7A Manufacturers and distributors — bingo equipment and**
6 **supplies — electronic raffle systems — transfer or use.**

7 1. As used in this section, unless the context otherwise
8 requires, "*manufacturer or distributor*" means a person engaged
9 in business in this state who originally produces, or purchases
10 from a business that originally produces, equipment or supplies
11 which are specifically used in the conduct of a bingo occasion
12 or an electronic raffle.

13 2. A person shall not engage in business in this state as a
14 manufacturer or distributor without first obtaining a license
15 from the department.

16 a. Upon receipt of an application and a fee of one thousand
17 dollars for a manufacturer or distributor license, the
18 department may issue an annual license.

19 b. A license may be renewed annually upon submission of an
20 application, payment of the annual license fee, and compliance
21 with this section and the rules adopted pursuant to this
22 section.

23 3. A licensed manufacturer or distributor may sell bingo
24 equipment or supplies or an electronic raffle system directly
25 to a licensed qualified organization.

26 4. A licensed qualified organization under this chapter
27 may dispose of, transfer, or sell excess bingo equipment or
28 supplies on a nonroutine basis to another licensed qualified
29 organization.

30 5. A licensed qualified organization shall not sublease,
31 rent, borrow, or otherwise use another qualified organization's
32 electronic raffle system.

33 Sec. 13. Section 99B.7B, subsection 1, Code 2015, is amended
34 to read as follows:

35 1. As used in this section, unless the context otherwise

1 requires:

2 *a.* "*Card game*" ~~means only~~ includes but is not limited to
3 poker, pinochle, pitch, gin rummy, bridge, euchre, hearts, or
4 cribbage.

5 *b.* "*Qualified organization representing veterans*" means any
6 ~~licensed~~ qualified organization representing which represents
7 veterans, which is a post, branch, or chapter of a national
8 association of veterans of the armed forces of the United
9 States which is a federally chartered corporation, dedicates
10 the net receipts of a game of skill, game of chance, or raffle
11 as provided in section ~~99B.7~~ 99B.14A, and is exempt from
12 federal income taxes under section 501(c)(19) of the Internal
13 Revenue Code as defined in section 422.3, ~~has an active~~
14 ~~membership of not less than twelve persons, and does not have a~~
15 ~~self-perpetuating governing body and officers.~~

16 Sec. 14. Section 99B.7B, subsection 2, Code 2015, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *0a.* The qualified organization representing
19 veterans has been issued a license pursuant to section 99B.12B.
20 The license application shall identify the premises where the
21 card game tournaments are to be conducted and the occupancy
22 limit of the premises, and shall include documentation that
23 the qualified organization representing veterans has conducted
24 regular meetings of the organization at the premises during the
25 previous eight months.

26 Sec. 15. Section 99B.7B, subsection 2, paragraphs a, b, c,
27 d, e, and g, Code 2015, are amended to read as follows:

28 *a.* The qualified organization conducting the card game
29 ~~tournament has been issued a license pursuant to subsection 4~~
30 and representing veterans prominently displays that the license
31 in the playing area of the card game tournament.

32 *b.* The card games to be conducted during a card game
33 tournament, including the rules of each card game and how
34 winners are determined, shall be displayed prominently in the
35 playing area of the card game tournament.

1 0c. Each card game shall be conducted in a fair and honest
2 manner ~~and~~.

3 00c. Each card game shall not be operated on a build-up or
4 pyramid basis.

5 000c. Every participant in a card game tournament must be
6 given the same chances of winning the tournament and shall not
7 be allowed any second chance entries or multiple entries in the
8 card game tournament.

9 c. Participation in a card game tournament ~~conducted by~~
10 ~~a qualified organization representing veterans~~ shall only be
11 open to members of the qualified organization representing
12 veterans and guests of members of the qualified organization
13 participating in the tournament, subject to the requirements of
14 this section.

15 0d. The total number of members and guests participating in
16 a card game tournament shall not exceed the occupancy limit of
17 the premises where the card game tournament is being conducted.

18 00d. Participants in a card game tournament shall be at
19 least twenty-one years of age.

20 d. (1) If the card game tournament is limited to one guest
21 for each member of the qualified organization representing
22 veterans participating in the tournament, then the requirements
23 of this subparagraph (1) shall apply. The cost to participate
24 in a card game tournament under this subparagraph (1) shall be
25 limited to one hundred dollars and shall be the same for every
26 participant in the card game tournament. Cash or merchandise
27 prizes may be awarded during a card game tournament under this
28 subparagraph (1) and shall not exceed one thousand dollars and
29 no participant shall win more than a total of five hundred
30 dollars.

31 (2) If the card game tournament is not limited to one guest
32 for each member of the qualified organization representing
33 veterans participating in the tournament, then the requirements
34 of this subparagraph (2) shall apply. The cost to participate
35 in a card game tournament under this subparagraph (2) shall be

1 limited to twenty-five dollars and shall be the same for every
2 participant in the card game tournament. Cash or merchandise
3 prizes may be awarded during a card game tournament under this
4 subparagraph (2) and shall not exceed three hundred dollars
5 and no participant shall win more than a total of two hundred
6 dollars.

7 ~~(3)~~ de. A qualified organization representing veterans
8 shall distribute amounts awarded as prizes on the day they
9 are won and merchandise prizes shall not be repurchased. An
10 organization conducting a card game tournament shall only
11 display prizes in the playing area of the card game tournament
12 that can be won.

13 e. The qualified organization representing veterans shall
14 conduct each card game tournament and any card game conducted
15 during the tournament and shall not contract with or permit
16 another person to conduct the card game tournament or any card
17 game during the tournament. ~~In addition, the~~

18 of. The card game tournament and any card game conducted
19 during the tournament shall be conducted only on the premises
20 of the qualified organization representing veterans as
21 identified in the license application ~~pursuant to~~ as required
22 by this subsection 4.

23 g. A qualified organization representing veterans licensed
24 under this section shall not hold more than two card game
25 tournaments per month and shall not hold a card game tournament
26 within seven calendar days of another card game tournament
27 conducted by that qualified organization representing veterans.
28 Card game tournaments held ~~under an annual~~ during a game night
29 license conducted pursuant to section 99B.26 shall not count
30 toward the limit of one card game tournament per week for a
31 license holder. A qualified organization representing veterans
32 shall be allowed to hold only one card game tournament during
33 any period of twenty-four consecutive hours, starting from the
34 time the card game tournament begins.

35 Sec. 16. Section 99B.7B, subsection 2, paragraph h, Code

1 2015, is amended by striking the paragraph.

2 Sec. 17. Section 99B.7B, subsection 3, Code 2015, is amended
3 to read as follows:

4 3. The qualified organization representing veterans
5 licensed to hold card game tournaments under this section
6 shall keep a journal of all dates of events, amount of gross
7 receipts, amount given out as prizes, expenses, amount
8 collected for taxes, and the amount collected as revenue.

9 a. The qualified organization representing veterans shall
10 dedicate and distribute the net receipts from each card
11 game tournament as provided in section ~~99B.7, subsection 3,~~
12 ~~paragraph "b"~~ 99B.14A.

13 b. Each qualified organization representing veterans shall
14 withhold that portion of the gross receipts subject to taxation
15 pursuant to section 423.2, subsection 4, which shall be kept
16 in a separate account and sent to the state along with the
17 organization's annual report required by section ~~99B.2~~ 99B.16A.

18 c. A qualified organization representing veterans licensed
19 to conduct card game tournaments ~~is allowed to~~ may withhold no
20 more than five percent of the gross receipts from each card
21 game tournament for qualified expenses. Qualified expenses
22 include but are not limited to the purchase of supplies and
23 materials used in conducting card games. Any money collected
24 for expenses and not used by the end of the state fiscal year
25 shall be donated for educational, civic, public, charitable,
26 patriotic, or religious uses ~~as described in section 99B.7,~~
27 ~~subsection 3, paragraph "b"~~. The qualified organization
28 representing veterans shall attach a receipt for any donation
29 made to the annual report required to be submitted pursuant to
30 section ~~99B.2~~ 99B.16A.

31 d. Each qualified organization representing veterans
32 licensed under this section shall make recordkeeping and all
33 deposit receipts available as provided in section ~~99B.2,~~
34 ~~subsection 2~~ 99B.16A.

35 Sec. 18. Section 99B.7B, subsection 4, Code 2015, is amended

1 by striking the subsection.

2 Sec. 19. Section 99B.9, Code 2015, is amended by striking
3 the section and inserting in lieu thereof the following:

4 **99B.9 Social gambling in public places.**

5 Social gambling in a public place is lawful, subject to
6 the provisions of section 99B.42, if all of the following
7 requirements are met:

8 1. The social gambling is conducted at any public place
9 owned, leased, rented, or otherwise occupied by the licensee.

10 2. The person occupying the premises of the public place as
11 an owner or tenant has submitted an application for a license
12 and a fee of one hundred dollars to the department, and a
13 license has been issued.

14 3. The license is prominently displayed on the premises of
15 the public place.

16 4. The licensee or any agent or employee of the licensee
17 does not participate in, sponsor, conduct, promote, or act
18 as cashier or banker for any gambling activities, except as
19 a participant while playing on the same basis as every other
20 participant.

21 Sec. 20. Section 99B.10A, Code 2015, is amended to read as
22 follows:

23 **99B.10A Electrical and or mechanical amusement device**
24 **manufacturers, distributors, and for-profit owners —**
25 **registration.**

26 1. A person engaged in business in this state as a
27 manufacturer, ~~manufacturer's representative,~~ distributor, or
28 for-profit owner of electrical and or mechanical amusement
29 devices required to be registered as provided in section
30 ~~99B.10, subsection 1, paragraph "f"~~ 99B.53, shall register with
31 the department. Each person who registers with the department
32 under this section shall pay an annual registration fee in an
33 amount as provided in subsection 2. Registration shall be
34 submitted on application forms designated by the department
35 that shall contain the information required by the department

1 by rule. The department shall adopt rules establishing the
2 criteria for approval or denial of a registration application
3 and providing for the submission of information to the
4 department by a person registered pursuant to this section if
5 information in the initial registration is changed, including
6 discontinuing the business in this state.

7 2. For purposes of this section, the annual registration fee
8 shall be as follows:

9 a. For a manufacturer ~~or manufacturer's representative~~, two
10 thousand five hundred dollars.

11 b. For a distributor, five thousand dollars.

12 c. For an owner of no more than ~~two~~ four electrical ~~and or~~
13 mechanical amusement devices registered as provided in section
14 ~~99B.10, subsection 1, paragraph "f"~~ 99B.53, at a single location
15 or premises that is not an a qualified organization that meets
16 ~~the requirements of section 99B.7, subsection 1, paragraph "m"~~,
17 two thousand five hundred dollars.

18 Sec. 21. Section 99B.10B, Code 2015, is amended to read as
19 follows:

20 **99B.10B Revocation of registration — electrical and or**
21 **mechanical amusement devices — suspension of liquor license or**
22 **beer permit.**

23 1. a. The department may deny, suspend, or revoke a
24 registration issued pursuant to section ~~99B.10 or~~ 99B.10A or
25 99B.53, if the department finds that an applicant, registrant,
26 or an agent of a registrant violated or permitted a violation
27 of a provision of section ~~99B.10, 99B.10A, or~~ 99B.10C, 99B.52,
28 or 99B.53, or a departmental rule adopted pursuant to chapter
29 17A, or for any other cause for which the director of the
30 department would be or would have been justified in refusing to
31 issue a registration, or upon the conviction of a person of a
32 violation of this chapter or a rule adopted under this chapter
33 which occurred on the premises where the registered amusement
34 device is or is to be located. ~~However, the~~

35 b. The denial, suspension, or revocation of a registration

1 for one amusement device does not require, but may result in,
2 the denial, suspension, or revocation of the registration for
3 a different amusement device held by the same distributor or
4 owner.

5 ~~b. c.~~ However, a A person who commits an offense of failing
6 to include a security mechanism on an amusement device as
7 required pursuant to section ~~99B.10, subsection 1, paragraph~~
8 ~~m~~ 99B.52, subsection 4, shall be subject to a civil penalty in
9 the amount of two hundred fifty dollars. A person who commits,
10 within two years, a second offense of failing to include a
11 security mechanism on an amusement device shall be subject to
12 the provisions of paragraph "a".

13 2. a. A person who commits an offense of awarding a cash
14 prize of fifty dollars or less in violation of section ~~99B.10,~~
15 ~~subsection 1, paragraph "b"~~ 99B.52, subsection 3, pursuant
16 to rules adopted by the department, shall be subject to a
17 civil penalty in the amount of two hundred fifty dollars.
18 Additional sanctions beyond the civil penalty prescribed by
19 this paragraph, including but not limited to the suspension or
20 revocation of any liquor control license issued pursuant to
21 chapter 123 or registration issued pursuant to section 99B.10A
22 or 99B.53, shall not be applicable.

23 b. A person who commits, within two years, a second offense
24 of awarding a cash prize of fifty dollars or less in violation
25 of section ~~99B.10, subsection 1, paragraph "b"~~ 99B.52,
26 subsection 3, or a person who commits an offense of awarding a
27 cash prize of more than fifty dollars in violation of section
28 ~~99B.10, subsection 1, paragraph "b"~~ 99B.52, subsection 3,
29 pursuant to rules adopted by the department, shall be subject
30 to revocation of the person's registration and the following:

31 (1) If the person whose registration is revoked under this
32 paragraph "b", is a person for which a class "A", class "B",
33 class "C", special class "C", or class "D" liquor control
34 license has been issued pursuant to chapter 123, the person's
35 liquor control license shall be suspended for a period of

1 fourteen days in the same manner as provided in section 123.50,
2 subsection 3, paragraph "a".

3 (2) If the person whose registration is revoked under this
4 paragraph "b", is a person for which only a class "B" or class
5 "C" beer permit has been issued pursuant to chapter 123, the
6 person's class "B" or class "C" beer permit shall be suspended
7 for a period of fourteen days in the same manner as provided in
8 section 123.50, subsection 3, paragraph "a".

9 (3) If a person owning or employed by an establishment
10 having a class "A", class "B", class "C", special class "C",
11 or class "D" liquor control license issued pursuant to chapter
12 123 commits an offense as provided in this paragraph "b", the
13 liquor control license of the establishment shall be suspended
14 for a period of fourteen days in the same manner as provided in
15 section 123.50, subsection 3, paragraph "a".

16 (4) If a person owning or employed by an establishment
17 having a class "B" or class "C" beer permit issued pursuant to
18 chapter 123 commits an offense as provided in this paragraph
19 "b", the beer permit of the establishment shall be suspended
20 for a period of fourteen days in the same manner as provided in
21 section 123.50, subsection 3, paragraph "a".

22 3. a. The process for denial, suspension, or revocation of
23 a registration issued pursuant to section ~~99B.10 or 99B.10A,~~
24 or 99B.53, shall commence by delivering to the applicant or
25 registrant ~~by certified mail, return receipt requested, or~~
26 ~~by personal service~~ a notice, by means authorized by section
27 17A.18, setting forth the proposed action and the particular
28 reasons for such action.

29 b. (1) If a written request for a hearing is not received
30 within thirty days after ~~the mailing or service of the~~ the
31 delivery of notice as provided by paragraph "a", the denial,
32 suspension, or revocation of a registration shall become
33 effective pending a final determination by the department. The
34 proposed action in the notice may be affirmed, modified, or set
35 aside by the department in a written decision.

1 (2) If a request for a hearing is timely received by
 2 the department, the applicant or registrant shall be given
 3 an opportunity for a prompt and fair hearing before the
 4 department and the denial, suspension, or revocation shall
 5 be deemed suspended until the department makes a final
 6 determination. However, the director of the department may
 7 suspend a registration prior to a hearing if the director
 8 finds that the public integrity of the registered activity
 9 is compromised or there is a risk to public health, safety,
 10 or welfare. In addition, at any time during or prior to the
 11 hearing, the department may rescind the notice of the denial,
 12 suspension, or revocation upon being satisfied that the reasons
 13 for the denial, suspension, or revocation have been or will
 14 be removed. On the basis of any such hearing, the proposed
 15 action in the notice may be affirmed, modified, or set aside by
 16 the department in a written decision. The procedure governing
 17 hearings authorized by this paragraph shall be in accordance
 18 with the rules promulgated by the department and chapter 17A.

19 c. A copy of the final decision of the department shall
 20 be sent by electronic mail or certified mail, with return
 21 receipt requested, or served personally upon the applicant or
 22 registrant. The applicant or registrant may seek judicial
 23 review in accordance with the terms of the Iowa administrative
 24 procedure Act, chapter 17A.

25 d. If the department finds cause for denial of a
 26 registration issued pursuant to section ~~99B.10 or 99B.10A,~~
 27 or 99B.53, the applicant shall not reapply for the same
 28 registration for a period of two years. If the department
 29 finds cause for a suspension or revocation, the registration
 30 shall be suspended or revoked for a period not to exceed two
 31 years.

32 Sec. 22. Section 99B.10C, Code 2015, is amended to read as
 33 follows:

34 **99B.10C ~~Electrical and~~ Registered electrical or mechanical**
 35 **amusement devices — persons under twenty-one — penalties.**

1 1. A person under the age of twenty-one years shall not
2 participate in the operation of ~~an~~ a registered electrical ~~and~~
3 or mechanical amusement device. A person who violates this
4 subsection commits a scheduled violation under section 805.8C,
5 subsection 4.

6 2. A person owning or leasing ~~an~~ a registered electrical
7 ~~and~~ or mechanical amusement device, or an employee of a person
8 owning or leasing ~~an~~ a registered electrical ~~and~~ or mechanical
9 amusement device, who knowingly allows a person under the age
10 of twenty-one years to participate in the operation of ~~an~~ a
11 registered electrical ~~and~~ or mechanical amusement device, or
12 a person who knowingly participates in the operation of ~~an~~ a
13 registered electrical ~~and~~ or mechanical amusement device with a
14 person under the age of twenty-one years, is guilty of a simple
15 misdemeanor.

16 3. For purposes of this section, ~~an electrical and~~
17 ~~mechanical amusement device~~ "registered electrical or mechanical
18 amusement device" means an electrical ~~and~~ or mechanical
19 amusement device required to be registered as provided in
20 section ~~99B.10, subsection 1, paragraph "f"~~ 99B.53.

21 Sec. 23. Section 99B.10D, Code 2015, is amended to read as
22 follows:

23 **99B.10D Electrical ~~and~~ or mechanical amusement devices —**
24 **special fund.**

25 Fees collected by the department pursuant to sections
26 ~~99B.10 and 99B.10A and 99B.53~~ shall be deposited in a special
27 fund created in the state treasury. Moneys in the fund are
28 appropriated to the department of inspections and appeals
29 and the department of public safety for administration and
30 enforcement of ~~sections 99B.10, 99B.10A, 99B.10B, and 99B.10C~~
31 this subchapter, including employment of necessary personnel.
32 The distribution of moneys in the fund to the department of
33 inspections and appeals and the department of public safety
34 shall be pursuant to a written policy agreed upon by the
35 departments. Notwithstanding section 12C.7, subsection 2,

1 interest or earnings on moneys deposited in the fund shall be
2 credited to the fund. Notwithstanding section 8.33, moneys
3 remaining in the fund at the end of a fiscal year shall not
4 revert to the general fund of the state.

5 Sec. 24. Section 99B.11, Code 2015, is amended to read as
6 follows:

7 **99B.11 Bona fide contests.**

8 1. ~~It is lawful for a~~ A person to may conduct, without a
9 license, any of the contests specified in subsection 2, and ~~to~~
10 may offer and pay awards to persons winning in those contests
11 whether or not entry fees, participation fees, or other charges
12 are assessed against or collected from the participants, ~~but~~
13 ~~only~~ if all of the following requirements are ~~complied with~~
14 met:

15 ~~a. The contest is not held at an amusement concession.~~

16 ~~b. No~~ A gambling device is not used in conjunction with, or
17 incident to the contest.

18 ~~c. b.~~ The contest is not conducted in whole or in part
19 on or in any property subject to chapter 297, relating to
20 schoolhouses and schoolhouse sites, unless the contest and the
21 person conducting the contest has the express written approval
22 of the governing body of that school district.

23 ~~d. c.~~ The contest is conducted in a fair and honest manner.

24 d. A contest shall not be designed or adapted to permit the
25 operator of the contest to prevent a participant from winning
26 or to predetermine who the winner will be, ~~and the.~~

27 e. The object of the contest must be attainable and possible
28 to perform under the rules stated.

29 f. If the contest is a tournament, the tournament operator
30 shall prominently display all tournament rules.

31 2. A contest, including a contest in a league or tournament,
32 is not lawful unless only if it is falls into one of the
33 following contests event categories:

34 a. Athletic or sporting events. ~~Athletic or sporting~~
35 ~~contests, leagues or tournaments,~~ Events in this category

1 include basketball, volleyball, football, baseball, softball,
 2 soccer, wrestling, swimming, track and field, racquetball,
 3 tennis, squash, badminton, table tennis, rodeos, horse shows,
 4 golf, bowling, trap or skeet shoots, fly casting, tractor
 5 pulling, rifle, pistol, musket, or muzzle-loader shooting, pool
 6 billiards, darts, archery, and horseshoe contests, leagues, or
 7 tournaments horseshoes.

8 *b. Racing and skill-type events.* Horse Events in this
 9 category include horse races, harness racing, ski, airplane,
 10 snowmobile, raft, boat, bicycle, and motor vehicle races.

11 *c. Arts and crafts-type events.* ~~Contests or exhibitions~~
 12 ~~of~~ Events in this category include cooking, horticulture,
 13 livestock, poultry, fish or other animals, artwork, hobbywork
 14 ~~or,~~ and craftwork, except those prohibited by chapter 717A.

15 *d. Card game-type and board game-type events.* ~~Cribbage,~~
 16 Events in this category include cribbage, bridge, euchre,
 17 chess, checkers, dominoes, and pinochle and similar contests,
 18 ~~leagues or tournaments. The provisions of this paragraph are~~
 19 ~~retroactive to August 15, 1975.~~

20 *e. Trivia and trading card events.*

21 *f. Video game-type and video sporting-type events.* ~~A video~~
 22 ~~machine golf tournament game which is an interactive bona fide~~
 23 ~~contest. A player operates a video machine golf tournament~~
 24 ~~game with a trackball assembly which acts as the golfer's swing~~
 25 ~~and determines the results of play and tournament scores. A~~
 26 ~~video machine golf tournament game is capable of receiving~~
 27 ~~program and data information from an off-site location. A~~
 28 ~~tournament operator shall prominently display all tournament~~
 29 ~~rules. Events in this category include pinball games, video~~
 30 ~~games, and video machine golf tournament games, where skill~~
 31 ~~is the predominant factor in determining the result of play~~
 32 ~~and tournament scores. To be lawful, a player shall operate a~~
 33 ~~video machine with a device which directly impacts the results~~
 34 ~~of the game.~~

35 3. A poker, blackjack, craps, keno, or roulette contest,

1 league, or tournament shall not be considered a bona fide
2 contest under this section.

3 Sec. 25. NEW SECTION. **99B.11A Definitions.**

4 As used in this subchapter and subchapter III, unless the
5 context otherwise requires:

6 1. "*Electronic bingo equipment*" means an electronic device
7 that assists an individual with a disability in the use of a
8 bingo card during a bingo game.

9 2. "*Large raffle*" means a raffle where the cumulative value
10 of cash and prizes is more than ten thousand dollars but not
11 more than one hundred thousand dollars.

12 3. "*Small raffle*" means a raffle where the cumulative value
13 of cash and prizes is more than one thousand dollars but not
14 more than ten thousand dollars.

15 4. "*Very large raffle*" means a raffle where the cumulative
16 value of cash and prizes is more than one hundred thousand
17 dollars but not more than two hundred thousand dollars or the
18 prize is real property.

19 5. "*Very small raffle*" means a raffle where the cumulative
20 value of the cash prize or prizes is one thousand dollars or
21 less and the value of all entries sold is one thousand dollars
22 or less, or the cumulative value of the donated merchandise
23 prize or prizes is five thousand dollars or less and the value
24 of all entries sold is five thousand dollars or less.

25 Sec. 26. Section 99B.12, Code 2015, is amended by striking
26 the section and inserting in lieu thereof the following:

27 **99B.12 Social gambling between individuals.**

28 1. An individual may participate in social gambling if,
29 subject to the requirements of section 99B.42, all of the
30 following requirements are met:

31 a. The gambling is not participated in, either wholly or in
32 part, on or in any schoolhouses, schoolhouse sites, or other
33 property subject to chapter 297.

34 b. All participants in the gambling are individuals.

35 c. A person shall not participate in any wager, bet, or

1 pool which relates to an athletic event or contest and which
2 is authorized or sponsored by one or more schools, educational
3 institutions, or interscholastic athletic organizations, if
4 the person is a coach, official, player, or contestant in the
5 athletic event or contest.

6 *d.* In any game requiring a dealer or operator, the
7 participants must have the option to take their turn at dealing
8 or operating the game in a regular order according to the
9 standard rules of the game.

10 2. Social gambling allowed under this section is limited to
11 any of the following:

12 *a.* Games of skill and games of chance, except casino-style
13 games other than poker.

14 *b.* Wagers or bets between two or more individuals who are
15 physically in the presence of each other with respect to any
16 of the following:

17 (1) A contest specified in section 99B.11, except that no
18 individual shall win or lose more than a total of two hundred
19 dollars or equivalent consideration in one or more contests at
20 any time during any period of twenty-four consecutive hours or
21 over that entire period.

22 (2) Any other event or outcome which does not depend upon
23 gambling or the use of a gambling device that is unlawful in
24 this state.

25 Sec. 27. NEW SECTION. 99B.12B Qualified organization
26 licenses — general provisions — types of licenses.

27 1. *General provisions.*

28 *a.* A qualified organization shall submit an application for
29 a license, along with any required fees, to the department at
30 least thirty days in advance of the beginning of the gambling
31 activity, including the sale of entries or promotion of the
32 sale of entries for raffles.

33 *b.* For purposes of this section, a license is deemed to be
34 issued on the first day of the period for which the license is
35 issued.

1 c. An applicant that has not submitted an annual report
2 required pursuant to section 99B.16A shall submit such report
3 prior to approval of the application.

4 d. A license shall not be issued to an applicant whose
5 previous license issued under this chapter or chapter 123 has
6 been revoked until the period of revocation or revocations has
7 elapsed.

8 e. The license fee is not refundable.

9 2. *Two-year qualified organization license.*

10 a. The license fee for a two-year qualified organization
11 license is one hundred fifty dollars.

12 b. An applicant for a license under this subsection shall
13 be a qualified organization that has been in existence for at
14 least five years, or is a local chapter or an affiliate of a
15 national tax-exempt organization that has been in existence
16 for at least two years and has provided written authorization
17 from the national organization to the department. The national
18 tax-exempt organization shall be exempt from federal income
19 taxes as described in section 99B.1, subsection 25, paragraph
20 "a", and have been in existence at least five years.

21 c. A qualified organization issued a two-year qualified
22 organization license may conduct the following activities:

23 (1) Unlimited games of skill or games of chance except for
24 bingo.

25 (2) An unlimited number of very small raffles and an
26 unlimited number of small raffles, including electronic
27 raffles.

28 (3) One large raffle, including an electronic raffle,
29 each calendar year during the two-year period, subject to the
30 requirements of section 99B.24.

31 (4) Up to three bingo occasions per week and up to fifteen
32 bingo occasions per month.

33 (5) One game night each calendar year during the two-year
34 period, subject to the requirements of section 99B.26.

35 3. *One-year qualified organization raffle license.*

1 a. The license fee for a one-year qualified organization
2 raffle license is one hundred fifty dollars.

3 b. A qualified organization issued a one-year qualified
4 organization raffle license may conduct the following
5 activities:

6 (1) An unlimited number of very small raffles and an
7 unlimited number of small raffles.

8 (2) Up to eight large raffles with each large raffle
9 conducted in a different county during the one-year period,
10 subject to the requirements of section 99B.24.

11 (3) One game night during the one-year period, subject to
12 the requirements of section 99B.26.

13 4. *One hundred eighty-day qualified organization raffle*
14 *license.*

15 a. The license fee for a one hundred eighty-day qualified
16 organization raffle license is seventy-five dollars.

17 b. A qualified organization issued a one hundred eighty-day
18 qualified organization raffle license may conduct the following
19 activities:

20 (1) An unlimited number of very small raffles and an
21 unlimited number of small raffles.

22 (2) One large raffle during the period of one hundred eighty
23 days, subject to the requirements of section 99B.24.

24 (3) One game night during the period of one hundred eighty
25 days, subject to the requirements of section 99B.26.

26 5. *Ninety-day qualified organization raffle license.*

27 a. The license fee for a ninety-day qualified organization
28 raffle license is forty dollars.

29 b. A qualified organization issued a ninety-day qualified
30 organization raffle license may conduct the following
31 activities:

32 (1) An unlimited number of very small raffles and an
33 unlimited number of small raffles.

34 (2) One large raffle during the period of ninety days,
35 subject to the requirements of section 99B.24.

1 (3) One game night during the period of ninety days, subject
2 to the requirements of section 99B.26.

3 6. *Fourteen-day qualified organization license.*

4 a. The license fee for a fourteen-day qualified organization
5 license is fifteen dollars.

6 b. A qualified organization issued a fourteen-day qualified
7 organization license may conduct the following activities:

8 (1) Unlimited games of skill or games of chance except for
9 bingo.

10 (2) An unlimited number of very small raffles and an
11 unlimited number of small raffles.

12 (3) One large raffle during the period of fourteen days,
13 subject to the requirements of section 99B.24.

14 (4) Two bingo occasions during the period of fourteen days
15 with no limit on the number of bingo games or the number of
16 hours played during each designated bingo day. Bingo occasions
17 conducted pursuant to a fourteen-day qualified organization
18 license do not count toward the fifteen bingo occasions per
19 month authorized for a two-year qualified organization license.

20 (5) One game night during the period of fourteen days,
21 subject to the requirements of section 99B.26.

22 7. *Qualified organizations — school provisions.* A school
23 district or a public or nonpublic school may be issued a
24 qualified organization license under this section subject to
25 the following additional restrictions:

26 a. The application for a license shall be authorized by
27 the board of directors of a school district for public schools
28 within that district, or the policymaking body of a nonpublic
29 school for a nonpublic school.

30 b. Activities authorized by the license may be held at
31 bona fide school functions such as carnivals, fall festivals,
32 bazaars, and similar events.

33 c. Each school shall obtain a license pursuant to this
34 section prior to permitting the games or activities on the
35 premises of that school.

1 *d.* The board of directors of a public school district
2 may also be issued a license under this section. A board
3 of directors of a public school district shall not spend or
4 authorize the expenditure of public funds for the purpose of
5 purchasing a license.

6 *e.* Upon written approval by the board of directors of a
7 school district for public schools within that district or
8 the policymaking body of a nonpublic school, the license may
9 be used by any school group or parent support group in the
10 district or at the nonpublic school to conduct activities
11 authorized by this section. The board of directors or
12 policymaking body shall not authorize a school group or parent
13 support group to use the license to conduct more than two
14 events in a calendar year.

15 8. *Qualified organizations — miscellaneous provisions.* A
16 political party or party organization may contract with other
17 qualified organizations to conduct the games of skill, games
18 of chance, and raffles which may lawfully be conducted by the
19 political party or party organization. A licensed qualified
20 organization may promote the games of skill, games of chance,
21 and raffles which it may lawfully conduct.

22 Sec. 28. NEW SECTION. 99B.13A **Licensed qualified**
23 **organizations — general requirements.**

24 A qualified organization licensed pursuant to section
25 99B.12B shall, as a condition of licensure under section
26 99B.12B, comply with the requirements of this section.

27 1. *Authorized gambling activities — display of license.* A
28 licensed qualified organization may only conduct gambling
29 activities as authorized by the license and shall prominently
30 display the license in the playing area where the gambling
31 activities are conducted.

32 2. *Location requirements.*

33 *a.* Gambling activities, as authorized by the type of
34 license, may be conducted on premises owned, leased, or rented
35 by the licensee. The amount imposed and collected for rental

1 or lease of such premises shall not be a percentage of, or
2 otherwise related to, the amount of the receipts for the
3 authorized gambling activities.

4 *b.* A gambling activity shall not take place on a gaming
5 floor, as defined in section 99F.1, licensed by the state
6 racing and gaming commission created in section 99D.5.

7 *3. Participation requirements.*

8 *a.* A person shall not receive or have any fixed or
9 contingent right to receive, directly or indirectly, any
10 profit, remuneration, or compensation from or related to a
11 gambling activity conducted by a licensee, except any amount
12 which the person may win as a participant on the same basis as
13 the other participants.

14 *b.* The price to participate in a gambling activity,
15 including any discounts for the gambling activity, shall be the
16 same for each participant during the course of the gambling
17 activity.

18 *c.* The person conducting the gambling activity shall not
19 participate in the game.

20 *4. Gambling activity requirements.*

21 *a.* A gambling activity shall not be operated on a build-up
22 or pyramid basis.

23 *b.* Bookmaking shall not be allowed.

24 *c.* Concealed numbers or conversion charts shall not be used
25 in conducting any gambling activity.

26 *d.* A gambling activity shall not be adapted with any control
27 device to permit manipulation of the gambling activity by
28 the operator in order to prevent a player from winning or to
29 predetermine who the winner will be.

30 *e.* The object of the gambling activity must be attainable
31 and possible to perform under the rules stated from the playing
32 position of the player.

33 *f.* The gambling activity shall be conducted in a fair and
34 honest manner.

35 *g.* Rules for each gambling activity shall be posted.

1 *h.* Casino-style games shall only be allowed during a game
2 night as specified under section 99B.26 or during card game
3 tournaments under section 99B.7B.

4 Sec. 29. Section 99B.14, Code 2015, is amended to read as
5 follows:

6 **99B.14 License denial, suspension, and revocation.**

7 1. The department may deny, suspend, or revoke a license
8 if the department finds that an applicant, licensee, or an
9 agent of the licensee violated or permitted a violation of
10 a provision of this chapter or a departmental rule adopted
11 pursuant to chapter 17A, or for any other cause for which
12 the director of the department would be or would have
13 been justified in refusing to issue a license, or upon the
14 conviction of a person of a violation of this chapter or a
15 rule adopted under this chapter which occurred on the licensed
16 premises. However, the denial, suspension, or revocation of
17 one type of gambling license does not require, but may result
18 in, the denial, suspension, or revocation of a different type
19 of gambling license held by the same licensee. ~~In addition, a~~

20 2. A person whose license is revoked under this section who
21 is a person for ~~which~~ whom a class "A", class "B", class "C",
22 or class "D" liquor control license has been issued pursuant
23 to chapter 123 shall have the person's liquor control license
24 suspended for a period of fourteen days in the same manner as
25 provided in section 123.50, subsection 3, paragraph "a". ~~In~~
26 ~~addition, a~~

27 3. A person whose license is revoked under this section
28 who is a person for ~~which~~ whom only a class "B" or class "C"
29 beer permit has been issued pursuant to chapter 123 shall have
30 the person's class "B" or class "C" beer permit suspended for
31 a period of fourteen days in the same manner as provided in
32 section 123.50, subsection 3, paragraph "a".

33 ~~2.~~ 4. The process for denial, suspension, or revocation
34 of a license shall commence by delivering to the applicant
35 or licensee ~~by certified mail, return receipt requested, or~~

1 ~~by personal service~~ a notice, by means authorized by section
2 17A.18, setting forth the particular reasons for such action.

3 a. If a written request for a hearing is not received within
4 thirty days after ~~the mailing or service of the~~ delivery of
5 notice as provided in this subsection, the denial, suspension,
6 or revocation of a license shall become effective pending a
7 final determination by the department. The determination
8 involved in the notice may be affirmed, modified, or set aside
9 by the department in a written decision.

10 b. If a request for a hearing is timely received by the
11 department, the applicant or licensee shall be given an
12 opportunity for a prompt and fair hearing before the department
13 and the denial, suspension, or revocation shall be deemed
14 suspended until the department makes a final determination.
15 However, the director may suspend a license prior to a hearing
16 if the director finds that the public integrity of the licensed
17 activity is compromised or there is a risk to public health,
18 safety, or welfare. In addition, at any time during or prior
19 to the hearing the department may rescind the notice of the
20 denial, suspension, or revocation upon being satisfied that the
21 reasons for the denial, suspension, or revocation have been
22 or will be removed. On the basis of any such hearing, the
23 determination involved in the notice may be affirmed, modified,
24 or set aside by the department in a written decision.

25 ~~3.~~ 5. A copy of the final decision of the department shall
26 be sent by electronic mail or certified mail, with return
27 receipt requested, or served personally upon the applicant
28 or licensee. The applicant or licensee may seek judicial
29 review in accordance with the terms of the Iowa administrative
30 procedure Act, chapter 17A.

31 ~~4.~~ 6. The procedure governing hearings authorized by this
32 section shall be in accordance with the rules promulgated by
33 the department and chapter 17A.

34 ~~5.~~ 7. If the department finds cause for denial of a
35 license, the applicant may not reapply for the same license

1 for a period of two years. If the department finds cause
2 for suspension, the license shall be suspended for a period
3 determined by the department. If the department finds cause
4 for revocation, the license shall be revoked for a period not
5 to exceed two years.

6 Sec. 30. NEW SECTION. 99B.14A Distribution of proceeds —
7 licensed qualified organizations.

8 1. A licensed qualified organization shall certify
9 that the receipts from all charitable gambling conducted
10 by the organization under this chapter, less reasonable
11 expenses, charges, fees, taxes, and deductions, either will
12 be distributed as prizes to participants or will be dedicated
13 and distributed for educational, civic, public, charitable,
14 patriotic, or religious uses. Reasonable expenses, charges,
15 fees, taxes other than the state and local sales tax, and
16 deductions allowed by the department shall not exceed forty
17 percent of net receipts.

18 2. A licensed qualified organization shall dedicate and
19 distribute the balance of the net receipts received within
20 a calendar year and remaining after deduction of reasonable
21 expenses, charges, fees, taxes, and deductions allowed by
22 this chapter, before the annual report required under section
23 99B.16A is due.

24 a. A person desiring to hold the net receipts for a period
25 longer than permitted under this subsection shall apply to the
26 department for special permission and upon good cause shown the
27 department may grant the request.

28 b. If permission is granted to hold the net receipts,
29 the person shall, as a part of the annual report required by
30 section 99B.16A, report the amount of money being held and all
31 expenditures of the funds. This report shall be filed even if
32 the person no longer holds a gambling license.

33 3. Proceeds coming into the possession of a person under
34 this section are deemed to be held in trust for payment
35 of expenses and dedication to educational, civic, public,

1 charitable, patriotic, or religious uses as required by this
2 section.

3 4. A licensed qualified organization or agent of the
4 organization who willfully fails to dedicate the required
5 amount of proceeds to educational, civic, public, charitable,
6 patriotic, or religious uses as required by this section
7 commits a fraudulent practice under chapter 714.

8 5. Proceeds distributed to another charitable organization
9 to satisfy the sixty percent dedication requirement shall not
10 be used by the donee to pay any expenses in connection with the
11 conducting of any gambling activity by the donor organization,
12 or for any use that would not constitute a valid dedication
13 under this section.

14 Sec. 31. Section 99B.15, Code 2015, is amended by striking
15 the section and inserting in lieu thereof the following:

16 **99B.15 Penalties.**

17 In addition to any other penalty specified in this chapter,
18 the following penalties shall apply:

19 1. A person who knowingly fails to comply with the
20 requirements of this chapter and the rules adopted pursuant to
21 chapter 17A commits a serious misdemeanor.

22 2. A person who intentionally files a false or fraudulent
23 report or application as required by this chapter commits a
24 fraudulent practice under chapter 714.

25 Sec. 32. NEW SECTION. **99B.15A Prizes awarded by licensed**
26 **qualified organizations.**

27 1. Unless otherwise provided, a prize awarded by a licensed
28 qualified organization shall comply with the following
29 requirements:

30 a. Only merchandise prizes whose value does not exceed ten
31 thousand dollars may be awarded for games of skill and games
32 of chance. If a prize consists of more than one item, unit, or
33 part, the aggregate value of all items, units, or parts shall
34 not exceed ten thousand dollars.

35 b. A merchandise prize shall not be repurchased.

- 1 *c.* No prize shall be displayed which cannot be won.
- 2 *d.* A cash prize may only be awarded in bingo and raffles.
- 3 *e.* A prize shall be distributed on the day the prize is won,
- 4 except that if the winner is not present, notification to the
- 5 winner shall be made as soon as practical.

6 2. A licensed qualified organization awarding a prize
7 for bingo is subject to the restrictions provided in section
8 99B.21A. A licensed qualified organization awarding a prize
9 for a raffle is subject to the restrictions provided in section
10 99B.24.

11 Sec. 33. NEW SECTION. **99B.16A Records and reports —**
12 **licensed qualified organization.**

13 1. A qualified organization licensed pursuant to section
14 99B.12B, unless otherwise provided, shall maintain proper
15 books of account and records showing, in addition to any other
16 information required by the department, the following:

17 *a.* Gross receipts and the amount of the gross receipts
18 taxes collected or accrued with respect to gambling activities
19 conducted by the licensed qualified organization.

20 *b.* All expenses, charges, fees, and other deductions.

21 *c.* The cash amounts, or the cost to the licensee of goods
22 or other noncash valuables, distributed to participants in the
23 licensed activity.

24 *d.* The amounts dedicated and the date and name and address
25 of each person to whom distributed.

26 2. The books of account and records shall be made available
27 to the department or a law enforcement agency for inspection at
28 reasonable times, with or without notice. A failure to permit
29 inspection is a serious misdemeanor.

30 3. A licensed qualified organization required to maintain
31 records shall submit an annual report to the department on
32 forms furnished by the department. The annual report shall be
33 submitted by January 31 of each year for the prior calendar
34 year period of January 1 through December 31.

35 Sec. 34. Section 99B.17, Code 2015, is amended by striking

1 the section and inserting in lieu thereof the following:

2 **99B.17 Allowable forms for payment.**

3 1. Social gambling, registered amusement devices, and
4 amusement concessions not at a permanent location, require
5 payment solely by cash.

6 2. Except as provided by subsection 1, a participant in
7 an activity authorized by this chapter may make payment by
8 cash, personal check, money order, bank check, cashier's check,
9 electronic check, or debit card.

10 3. The department shall adopt rules setting minimum
11 standards to ensure compliance with applicable federal law and
12 for the protection of personal information consistent with
13 payment card industry compliance regulations.

14 Sec. 35. Section 99B.21, Code 2015, is amended to read as
15 follows:

16 **99B.21 Tax on prizes.**

17 All prizes awarded pursuant to a gambling activity under
18 this chapter are Iowa earned income and are subject to state
19 and federal income tax laws. A person conducting a game of
20 skill, game of chance, bingo, or a raffle shall deduct state
21 income taxes, pursuant to section 422.16, subsection 1, from a
22 cash prize awarded to an individual. An amount deducted from
23 the prize for payment of a state tax shall be remitted to the
24 department of revenue on behalf of the prize winner.

25 Sec. 36. NEW SECTION. **99B.21A Bingo.**

26 A licensed qualified organization shall comply with the
27 requirements of this section for the purposes of conducting
28 bingo at a bingo occasion.

29 1. *Operational requirements.*

30 a. A bingo occasion shall not last for longer than four
31 consecutive hours.

32 b. Only one licensed qualified organization may conduct
33 bingo occasions within the same structure or building.

34 c. A licensed qualified organization shall not conduct or
35 offer free bingo games.

1 *d.* A licensed qualified organization shall not conduct bingo
2 within a building or structure that is licensed pursuant to
3 chapter 99D or 99F.

4 2. *Prize requirements.*

5 *a.* A cash or merchandise prize may be awarded in the game of
6 bingo.

7 *b.* A cash prize shall not exceed two hundred fifty dollars
8 per game of bingo.

9 *c.* A merchandise prize may be awarded in the game of bingo,
10 but the actual retail value of the prize, or if the prize
11 consists of more than one item, unit, or part, the aggregate
12 retail value of all items, units, or parts, shall not exceed
13 two hundred fifty dollars in value.

14 *d.* A jackpot bingo game may be conducted twice during any
15 twenty-four-hour period in which the prize may begin at not
16 more than five hundred dollars in cash or actual retail value
17 of merchandise prizes and may be increased by not more than two
18 hundred dollars after each bingo occasion to a maximum prize
19 of one thousand dollars for the first jackpot bingo game and
20 two thousand five hundred dollars for the second jackpot bingo
21 game.

22 3. *Equipment requirements.*

23 *a.* A licensed qualified organization conducting bingo shall
24 purchase bingo equipment and supplies only from a manufacturer
25 or distributor licensed by the department.

26 *b.* A licensed qualified organization may lease electronic
27 bingo equipment from a manufacturer or distributor licensed
28 by the department for the purposes of aiding individuals with
29 disabilities during a bingo occasion.

30 4. *Accounting requirements.* A qualified organization
31 conducting bingo occasions under a two-year qualified
32 organization license and expecting annual gross receipts of
33 more than ten thousand dollars shall establish and maintain one
34 regular checking account designated the "*bingo account*" and may
35 also maintain one or more interest-bearing savings accounts

1 designated as "bingo savings account". The accounts shall be
2 maintained in a financial institution in Iowa.

3 a. Funds derived from the conduct of bingo, less the
4 amount awarded as cash prizes, shall be deposited in the bingo
5 account.

6 (1) No other funds except limited funds of the organization
7 deposited to pay initial or unexpected emergency expenses shall
8 be deposited in the bingo account.

9 (2) Deposits shall be made no later than the next business
10 day following the day of the bingo occasion on which the
11 receipts were obtained.

12 b. Payments shall be paid from the bingo account only for
13 the following purposes:

14 (1) The payment of reasonable expenses permitted under
15 section 99B.14A, subsection 1, incurred and paid in connection
16 with the conduct of bingo.

17 (2) The disbursement of net proceeds derived from the
18 conduct of bingo for educational, civic, public, charitable,
19 patriotic, or religious uses as required by section 99B.14A,
20 subsection 1.

21 (3) The transfer of net proceeds derived from the conduct
22 of bingo to a bingo savings account pending disbursement for
23 educational, civic, public, charitable, patriotic, or religious
24 uses.

25 (4) To withdraw initial or emergency funds deposited under
26 paragraph "a".

27 (5) To pay prizes if the qualified organization decides to
28 pay prizes by check rather than cash.

29 c. Except as permitted by paragraph "a", gross receipts
30 derived from the conduct of bingo shall not be commingled with
31 other funds of the licensed qualified organization. Except as
32 permitted by paragraph "b", subparagraphs (3) and (4), gross
33 receipts shall not be transferred to another account maintained
34 by the licensed qualified organization.

35 Sec. 37. NEW SECTION. 99B.24 Raffles.

1 1. *General provisions.* A licensed qualified organization
2 may conduct a raffle as permitted by the applicable license and
3 in accordance with the following requirements:
4 *a.* The winner of a raffle shall not be required to be
5 present to win.
6 *b.* If the winner is not present to win, notification to the
7 winner shall be made as soon as practical.
8 *c.* A cash or merchandise prize may be awarded in a raffle.
9 If a merchandise prize is awarded, the actual retail value of
10 the prize, or if the prize consists of more than one item,
11 unit, or part, the aggregate retail value of all items, units,
12 or parts, shall not exceed the maximum value allowed for that
13 raffle.
14 *d.* Calendar raffles and build-up or pyramid raffles are
15 prohibited.
16 *e.* If a raffle is conducted at a fair, the licensed
17 qualified organization shall receive written permission from
18 the sponsor of the fair to conduct the raffle.
19 *f.* A licensed qualified organization shall, regardless of
20 the number of licenses issued, only conduct one large raffle
21 per calendar year. However, a licensed qualified organization
22 issued a one-year qualified organization raffle license may
23 conduct up to eight large raffles with each large raffle
24 conducted in a different county during the one-year period.
25 2. *Very large raffles.* A licensed qualified organization
26 may conduct one very large raffle per calendar year subject to
27 the provisions of this subsection.
28 *a.* The licensed qualified organization shall submit a very
29 large raffle license application and a fee of one hundred
30 dollars to the department and be issued a license.
31 *b.* The licensed qualified organization shall prominently
32 display the license at the drawing area of the raffle.
33 *c.* If the raffle prize is real property, the real property
34 shall be acquired by gift or donation or shall have been owned
35 by the licensed qualified organization for a period of at least

1 five years.

2 *d.* The department shall conduct a special audit of a
3 very large raffle to verify compliance with the applicable
4 requirements of this chapter concerning raffles and very large
5 raffles.

6 *e.* The licensed qualified organization shall submit to the
7 department within sixty days of the very large raffle drawing a
8 cumulative report for the raffle on a form determined by the
9 department and one percent of the gross receipts from the very
10 large raffle. The one percent of the gross receipts shall be
11 retained by the department to pay for the cost of the special
12 audit.

13 3. *Very small raffles.* A qualified organization may conduct
14 one very small raffle per calendar year without obtaining a
15 qualified organization license. A qualified organization
16 conducting a very small raffle as authorized by this subsection
17 shall comply with the requirements for conducting a raffle
18 by a licensed qualified organization, including payment of
19 applicable sales tax. However, a qualified organization
20 holding only one very small raffle per calendar year shall be
21 exempt from the reporting requirements in section 99B.16A.

22 Sec. 38. NEW SECTION. **99B.25 Electronic raffles.**

23 1. A qualified organization with a two-year qualified
24 organization license may conduct a raffle using an electronic
25 raffle system, if the qualified organization complies with the
26 requirements of section 99B.24 and this section.

27 2. The licensed qualified organization shall only use
28 an electronic raffle system purchased from a manufacturer or
29 distributor licensed pursuant to section 99B.7A and certified
30 by an entity approved by the department. The electronic raffle
31 system may include stationary and portable or wireless raffle
32 sales units.

33 3. A licensed qualified organization shall hold only one
34 raffle using an electronic raffle system per calendar day. A
35 licensed qualified organization shall not hold a very large

1 raffle using an electronic raffle system and may hold only one
2 large raffle using an electronic raffle system per calendar
3 year. A large raffle conducted using an electronic raffle
4 system counts toward the limit of one large raffle per calendar
5 year under section 99B.24, subsection 1, paragraph "f".

6 4. Except for a large raffle conducted using an electronic
7 raffle system, the prize for an electronic raffle shall be
8 limited to the amount allowed for a small raffle.

9 5. Entries for a raffle using an electronic raffle system
10 shall not be preprinted and shall be provided to the purchaser
11 at the time of sale.

12 6. The electronic raffle receipt shall contain the
13 following information:

14 a. The name of the licensed qualified organization.

15 b. The license identification number of the qualified
16 organization.

17 c. The location, date, and time of the corresponding raffle
18 drawing.

19 d. The unique printed entry number, or multiple entry
20 numbers, of the raffle entry.

21 e. The price of the raffle entry.

22 f. An explanation of the prize to be awarded.

23 g. The statement, "Need not be present to win", and the
24 contact information, including name, telephone number, and
25 electronic mail address, of the individual from the qualified
26 organization responsible for prize disbursements.

27 h. The date by which the prize shall be claimed which shall
28 be no fewer than fourteen days following the drawing.

29 7. Each electronic raffle entry shall reflect a single
30 unique printed entry number on the entry.

31 8. The licensed qualified organization shall use a manual
32 draw procedure for the electronic raffle which ensures a draw
33 number is randomly selected as a winner from the entries sold.

34 a. The winning entry shall be verified as a sold and valid
35 entry prior to awarding the prize.

1 *b.* The drawing of the winning entry shall be done in such
2 manner as to allow the purchasers to observe the drawing.

3 9. If the prize is not claimed, the licensed qualified
4 organization shall donate the unclaimed prize to an
5 educational, civic, public, charitable, patriotic, or religious
6 use.

7 10. The department may determine any other requirements for
8 conducting an electronic raffle by rule.

9 Sec. 39. NEW SECTION. **99B.26 Game nights.**

10 1. A licensed qualified organization may conduct one game
11 night per calendar year subject to the provisions of this
12 section.

13 2. A licensed qualified organization conducting a game
14 night may do any of the following during the game night:

15 *a.* Charge an entrance fee or a fee to participate in the
16 games.

17 *b.* Award cash or merchandise prizes in any games of
18 skill, games of chance, casino-style games, or card games in
19 an aggregate amount not to exceed ten thousand dollars and
20 no participant shall win more than a total of five thousand
21 dollars.

22 *c.* Allow participants at the game night that do not have
23 a bona fide social relationship with the sponsor of the game
24 night.

25 *d.* Allow participants to wager their own funds and pay an
26 entrance or other fee for participation, but participants shall
27 not be allowed to expend more than a total of two hundred fifty
28 dollars for all fees and wagers.

29 3. Except as provided by section 99B.62, a person or
30 organization that has not been issued a qualified organization
31 license under section 99B.12B shall not be authorized to
32 conduct a game night as authorized by this section.

33 Sec. 40. NEW SECTION. **99B.41 Definitions.**

34 For purposes of this subchapter, unless the context
35 otherwise requires:

1 1. "*Public place*" means an indoor or outdoor area, whether
2 privately or publicly owned, to which the public has access
3 by right or by invitation, expressed or implied, whether by
4 payment of money or not, but not a place when used exclusively
5 by one or more individuals for a private gathering or other
6 personal purpose.

7 2. "*Social gambling*" means an activity in which social games
8 are played between individuals for any sum of money or other
9 property of any value.

10 3. "*Social games*" or "*social game*" means card and parlor
11 games, including but not limited to poker, pinochle, pitch, gin
12 rummy, bridge, euchre, hearts, cribbage, dominoes, checkers,
13 chess, backgammon, pool, and darts. "*Social games*" do not
14 include casino-style games, except poker.

15 4. "*Sports betting pool*" or "*pool*" means a game in which a
16 participant wagers money for each chance to win based on the
17 outcome of a sports event or series of sports events where the
18 competitors in the sports event or series of sports events are
19 natural persons.

20 Sec. 41. NEW SECTION. 99B.42 Social gambling general
21 requirements.

22 1. Social gambling is lawful under section 99B.6, 99B.9, or
23 99B.12, when all of the following requirements are met:

24 a. The gambling occurs between two or more people who are
25 together for purposes other than social gambling. A social
26 relationship must exist beyond that apparent in the gambling
27 situation.

28 b. The gambling shall not take place on a gaming floor,
29 as defined in section 99F.1, licensed by the state racing and
30 gaming commission created in section 99D.5.

31 c. Concealed numbers or conversion charts are not used to
32 play any game.

33 d. A game is not adapted with any control device to permit
34 manipulation of the game by the operator in order to prevent a
35 player from winning or to predetermine who the winner will be.

1 e. The object of the game is attainable and possible to
2 perform under the rules stated from the playing position of the
3 player.

4 f. The game must be conducted in a fair and honest manner.

5 g. A person shall not receive or have any fixed or
6 contingent right to receive, directly or indirectly, any amount
7 wagered or bet or any portion of amounts wagered or bet, except
8 an amount which the person wins as a participant while playing
9 on the same basis as every other participant.

10 h. A cover charge, participation charge, or other charge
11 shall not be imposed upon a person for the privilege of
12 participating in or observing the social gambling, and a
13 rebate, discount, credit, or other method shall not be used
14 to discriminate between the charge for the sale of goods
15 or services to participants in the social gambling and the
16 charge for the sale of goods or services to nonparticipants.
17 Satisfaction of an obligation into which a member of an
18 organization enters to pay at regular periodic intervals a
19 sum fixed by that organization for the maintenance of that
20 organization is not a charge which is prohibited by this
21 paragraph.

22 i. A participant shall not win or lose more than a total
23 of two hundred dollars or equivalent consideration in one or
24 more games permitted by this subchapter at any time during any
25 period of twenty-four consecutive hours or over that entire
26 period.

27 j. A participant is not participating as an agent of another
28 person.

29 k. A representative of the department or a law enforcement
30 agency is immediately admitted, upon request, to the premises
31 with or without advance notice.

32 l. A person shall not engage in bookmaking on the premises.

33 2. The social gambling licensee is strictly accountable for
34 compliance with this section. Proof of an act constituting
35 a violation is grounds for revocation of the license issued

1 pursuant to section 99B.6 or 99B.9 if the licensee permitted
2 the violation to occur when the licensee knew or had reasonable
3 cause to know of the act constituting the violation.

4 3. A participant in a social game or pool which is not in
5 compliance with this section shall only be subject to a penalty
6 under section 99B.15 if the participant has knowledge of or
7 reason to know the facts constituting the violation.

8 4. The social gambling licensee, and every agent of the
9 licensee who is required by the licensee to exercise control
10 over the use of the premises, who knowingly permits or engages
11 in an act or omission which constitutes a violation of this
12 subchapter is subject to a penalty under section 99B.15. A
13 licensee has knowledge of an act or omission if any agent of
14 the licensee has knowledge of the act or omission.

15 Sec. 42. NEW SECTION. 99B.51 **Definitions.**

16 As used in this subchapter, unless the context otherwise
17 requires:

18 1. "*Distributor*" means a person who owns an electrical or
19 mechanical amusement device registered as provided in section
20 99B.53 that is offered for use at more than a single location
21 or premise.

22 2. "*Manufacturer*" means a person who originally produces,
23 or purchases an originally produced amusement device or
24 an originally produced motherboard that will be installed
25 into, an amusement device required to be registered under
26 this subchapter for the purposes of reselling such device or
27 motherboard.

28 3. "*Owner*" means a person who owns an operable amusement
29 device required to be registered under section 99B.53 at no
30 more than a single location or premise.

31 Sec. 43. NEW SECTION. 99B.52 **Electrical or mechanical**
32 **amusement devices.**

33 1. A person may own, possess, and offer for use at any
34 location an electrical or mechanical amusement device, except
35 for an amusement device required to be registered pursuant to

1 section 99B.53. If the provisions of this section and other
2 applicable provisions of this subchapter are complied with, the
3 use of an electrical or mechanical amusement device shall not
4 be deemed gambling. All electrical or mechanical amusement
5 devices shall comply with this section.

6 2. A prize of merchandise not exceeding fifty dollars in
7 value shall be awarded for use of an electrical or mechanical
8 amusement device. An electrical or mechanical amusement device
9 may be designed or adapted to award a prize of one or more
10 free games or portions of games without payment of additional
11 consideration by the participant.

12 3. A prize of cash shall not be awarded for use of an
13 electrical or mechanical amusement device.

14 4. An amusement device shall not be designed or adapted to
15 cause or to enable a person to cause the release of free games
16 or portions of games when designated as a potential award for
17 use of the device, and shall not contain any meter or other
18 measurement device for recording the number of free games or
19 portions of games which are awarded.

20 5. An amusement device shall not be designed or adapted to
21 enable a person using the device to increase the chances of
22 winning free games or portions of games by paying more than is
23 ordinarily required to play the game.

24 6. An award given for the use of an amusement device shall
25 only be redeemed on the premises where the device is located
26 and only for merchandise sold in the normal course of business
27 for the premises.

28 7. The department may determine any other requirements
29 by rule. Rules adopted pursuant to this section shall be
30 formulated in consultation with affected state agencies and
31 industry and consumer groups.

32 **Sec. 44. NEW SECTION. 99B.53 Electrical or mechanical**
33 **amusement devices — registration required.**

34 1. In addition to the requirements of section 99B.52,
35 an electrical or mechanical amusement device in operation

1 or distributed in this state that awards a prize where the
2 outcome is not primarily determined by skill or knowledge of
3 the operator shall be registered by the department as provided
4 in this section.

5 2. Except as provided in subsection 3, an electrical or
6 mechanical amusement device requiring registration may be
7 located on premises for which a class "A", class "B", class
8 "C", special class "C", or class "D" liquor control license has
9 been issued pursuant to chapter 123.

10 3. a. An electrical or mechanical amusement device
11 requiring registration may be located on premises for which a
12 class "B" or class "C" beer permit has been issued pursuant to
13 chapter 123, but the department shall not initially register
14 an electrical or mechanical amusement device to an owner or
15 distributor for a location for which a class "B" or class "C"
16 beer permit has been issued pursuant to chapter 123 on or after
17 April 28, 2004.

18 b. A distributor that owns an amusement device at a location
19 for which only a class "B" or class "C" beer permit has been
20 issued pursuant to chapter 123 shall not relocate an amusement
21 device registered as provided in this section to a location
22 other than a location for which a class "A", class "B", class
23 "C", special class "C", or class "D" liquor license has been
24 issued and shall not transfer, assign, sell, or lease an
25 amusement device registered as provided in this section to
26 another person for which only a class "B" or class "C" beer
27 permit has been issued pursuant to chapter 123 after April 28,
28 2004.

29 c. If ownership of the location changes, the class "B"
30 or class "C" beer permit does not lapse, and the device is
31 not removed from the location, the device may remain at the
32 location.

33 4. An electrical or mechanical amusement device required to
34 be registered and at a location for which only a class "B" or
35 class "C" beer permit has been issued pursuant to chapter 123

1 shall include on the device a security mechanism which prevents
2 the device from being operated by a person until action is
3 taken by the owner or owner's designee to allow the person to
4 operate the device.

5 5. No more than four electrical or mechanical amusement
6 devices registered as provided in this section shall be
7 permitted or offered for use in any single location or premises
8 meeting the requirements of this section.

9 6. The total number of electrical or mechanical amusement
10 devices registered by the department under this section shall
11 not exceed six thousand nine hundred twenty-eight.

12 7. Each person owning an electrical or mechanical amusement
13 device in this state shall submit annually an application
14 form designated by the department that shall contain the
15 information required by the department by rule and a fee of
16 twenty-five dollars for each device required to be registered.
17 If approved, the department shall issue an annual registration
18 tag.

19 8. A new amusement device registration tag shall be
20 obtained if electronic or mechanical components have been
21 adapted, altered, or replaced and such adaptation, alteration,
22 or replacement changes the operational characteristics of
23 the amusement device including but not limited to the game
24 being changed. The amusement device shall not be placed
25 into operation prior to obtaining a new amusement device
26 registration tag.

27 9. An electrical or mechanical amusement device required
28 to be registered under this section shall only be leased or
29 purchased from a manufacturer or distributor registered with
30 the department under section 99B.10A.

31 10. A person owning or leasing an electrical or mechanical
32 amusement device required to be registered by this section
33 shall display the registration tag as required by rules adopted
34 by the department.

35 11. A person owning or leasing an electrical or mechanical

1 amusement device required to be registered by this section
2 shall not allow the electrical or mechanical amusement device
3 to be operated or made available for operation with an expired
4 registration.

5 12. A person or employee of a person owning or leasing
6 an electrical or mechanical amusement device required to be
7 registered by this section shall not advertise or promote the
8 availability of the device to the public as anything other than
9 an electrical or mechanical amusement device pursuant to rules
10 adopted by the department.

11 13. A person owning or leasing an electrical or mechanical
12 amusement device required to be registered by this section
13 shall not relocate and place into operation an amusement device
14 in any location other than a location which has been issued
15 an appropriate liquor control license in good standing and to
16 which the device has been appropriately registered with the
17 department.

18 14. A counting mechanism which establishes the volume of
19 business of the electrical or mechanical amusement device shall
20 be included on each device required to be registered by this
21 section. The department and the department of public safety
22 shall have immediate access to the information provided by the
23 counting mechanism.

24 15. An electrical or mechanical amusement device required
25 to be registered as provided by this section shall not be a
26 gambling device, as defined in section 725.9, or a device that
27 plays poker, blackjack, or keno.

28 Sec. 45. NEW SECTION. **99B.54 Electrical or mechanical**
29 **amusement devices — criminal penalties.**

30 1. A person who violates any provision of section 99B.52 or
31 99B.53, except as specified in subsection 2, commits a serious
32 misdemeanor.

33 2. A person who violates any provision of section 99B.52,
34 subsection 2 or 6; or section 99B.53, subsection 4, 8, 10, 11,
35 12, or 13, shall be subject to the following:

1 *a.* For a first offense under an applicable subsection, the
2 person commits a simple misdemeanor, punishable as a scheduled
3 violation pursuant to section 805.8C, subsection 4, paragraph
4 "b".

5 *b.* For a second or subsequent offense under the same
6 applicable subsection, the person commits a serious
7 misdemeanor.

8 3. Notwithstanding any provision of section 99B.52 or
9 99B.53 to the contrary, the following shall apply:

10 *a.* An individual other than an owner or distributor of an
11 amusement device may operate an amusement device, whether or
12 not the amusement device is owned, possessed, or offered for
13 use in compliance with section 99B.52 or 99B.53.

14 *b.* A distributor shall not be liable for a violation of
15 section 99B.52 or 99B.53 unless the distributor or an employee
16 of the distributor intentionally violates a provision of
17 section 99B.52 or 99B.53.

18 Sec. 46. NEW SECTION. **99B.62 Game nights — licensing**
19 **exceptions.**

20 1. A person other than a qualified organization may lawfully
21 conduct a game night without a license, and may award cash or
22 merchandise prizes, under the following conditions:

23 *a.* A bona fide social, employment, or trade or professional
24 association relationship exists between the sponsors and the
25 participants.

26 *b.* The participants pay no consideration of any nature,
27 either directly or indirectly, to participate in the games.

28 *c.* All money, play money, or other items of no intrinsic
29 value which may be wagered are provided to the participant
30 free, and the sponsor conducting the game receives no
31 consideration, either directly or indirectly, other than
32 goodwill.

33 *d.* The games may be conducted at any location, except at a
34 fair or a location for which a license is required pursuant to
35 section 99B.3.

1 e. During the entire time activities permitted by this
2 subsection are being engaged in, no other gambling is engaged
3 in at the same location.

4 2. A person or an organization may sponsor one or more game
5 nights using play money for participation by students without
6 the person or organization obtaining a license otherwise
7 required by this chapter if the person or organization obtains
8 prior approval for the game night from the board of directors
9 of the accredited public school or the authorities in charge of
10 the nonpublic school accredited by the state board of education
11 for whose students the game night is to be held.

12 3. A gambling device intended for use or used as provided in
13 this section is exempt from the provisions of section 725.9,
14 subsection 2.

15 Sec. 47. REPEAL. Sections 99B.2, 99B.4, 99B.5, 99B.7,
16 99B.8, 99B.9A, 99B.10, 99B.16, and 99B.18, Code 2015, are
17 repealed.

18 Sec. 48. LICENSED QUALIFIED ORGANIZATION — INITIAL
19 ANNUAL REPORT. Notwithstanding any provision of section
20 99B.16A, subsection 3, to the contrary, the first annual
21 report submitted by a licensed qualified organization to the
22 department of inspections and appeals after July 1, 2015, shall
23 be submitted by January 31, 2017, and shall cover the period of
24 July 1, 2015, through December 31, 2016.

25 DIVISION II

26 COORDINATING AMENDMENTS

27 Sec. 49. Section 99.1A, unnumbered paragraph 2, Code 2015,
28 is amended to read as follows:

29 The provisions of this section do not apply to ~~games of~~
30 ~~skill, games of chance, or raffles~~ social and charitable
31 gambling conducted pursuant to chapter 99B or to devices lawful
32 under section ~~99B.10~~ 99B.52 or 99B.53.

33 Sec. 50. Section 99D.8, unnumbered paragraph 1, Code 2015,
34 is amended to read as follows:

35 A qualifying organization, as defined in section

1 513(d)(2)(C) of the Internal Revenue Code, as defined in
 2 section 422.3, exempt from federal income taxation under
 3 sections 501(c)(3), 501(c)(4), or 501(c)(5) of the Internal
 4 Revenue Code or a nonprofit corporation organized under the
 5 laws of this state, whether or not it is exempt from federal
 6 income taxation, which is organized to ~~promote those purposes~~
 7 ~~enumerated in section 99B.7, subsection 3, paragraph "b"~~
 8 distribute funds for educational, civic, public, charitable,
 9 patriotic, or religious uses, as defined in section 99B.1,
 10 or which regularly conducts an agricultural and educational
 11 fair or exposition for the promotion of the horse, dog, or
 12 other livestock breeding industries of the state, or an agency,
 13 instrumentality, or political subdivision of the state, may
 14 apply to the commission for a license to conduct horse or dog
 15 racing. The application shall be filed with the administrator
 16 of the commission at least sixty days before the first day
 17 of the horse race or dog race meeting which the organization
 18 proposes to conduct, shall specify the day or days when and
 19 the exact location where it proposes to conduct racing, and
 20 shall be in a form and contain information as the commission
 21 prescribes.

22 Sec. 51. Section 99F.5, subsection 1, Code 2015, is amended
 23 to read as follows:

24 1. A qualified sponsoring organization may apply to the
 25 commission for a license to conduct gambling games on an
 26 excursion gambling boat or gambling structure as provided in
 27 this chapter. A person may apply to the commission for a
 28 license to operate an excursion gambling boat. An operating
 29 agreement entered into on or after May 6, 2004, between
 30 a qualified sponsoring organization and an operator of an
 31 excursion gambling boat or gambling structure shall provide for
 32 a minimum distribution by the qualified sponsoring organization
 33 for educational, civic, public, charitable, patriotic, or
 34 religious uses as defined in section ~~99B.7, subsection 3,~~
 35 ~~paragraph "b"~~ 99B.1, that averages at least three percent

1 of the adjusted gross receipts for each license year. The
2 application shall be filed with the administrator of the
3 commission at least ninety days before the first day of the
4 next excursion season as determined by the commission, shall
5 identify the excursion gambling boat upon which gambling games
6 will be authorized, shall specify the exact location where
7 the excursion gambling boat will be docked, and shall be in
8 a form and contain information as the commission prescribes.
9 The minimum capacity of an excursion gambling boat or gambling
10 structure is two hundred fifty persons.

11 Sec. 52. Section 99F.6, subsection 4, paragraph a,
12 subparagraph (2), Code 2015, is amended to read as follows:

13 (2) A qualified sponsoring organization licensed to operate
14 gambling games under this chapter shall distribute the receipts
15 of all gambling games, less reasonable expenses, charges,
16 taxes, fees, and deductions allowed under this chapter, as
17 winnings to players or participants or shall distribute the
18 receipts for educational, civic, public, charitable, patriotic,
19 or religious uses as defined in section ~~99B.7, subsection 3,~~
20 ~~paragraph "b"~~ 99B.1. However, a licensee to conduct gambling
21 games under this chapter shall, unless an operating agreement
22 for an excursion gambling boat otherwise provides, distribute
23 at least three percent of the adjusted gross receipts for
24 each license year for educational, civic, public, charitable,
25 patriotic, or religious uses as defined in section ~~99B.7,~~
26 ~~subsection 3, paragraph "b"~~ 99B.1. However, if a licensee
27 who is also licensed to conduct pari-mutuel wagering at a
28 horse racetrack has unpaid debt from the pari-mutuel racetrack
29 operations, the first receipts of the gambling games operated
30 within the racetrack enclosure less reasonable operating
31 expenses, taxes, and fees allowed under this chapter shall be
32 first used to pay the annual indebtedness.

33 Sec. 53. Section 331.304, subsection 2, Code 2015, is
34 amended by striking the subsection.

35 Sec. 54. Section 423.3, subsection 62, Code 2015, is amended

1 to read as follows:

2 62. The sales price from the sale of raffle tickets for a
3 raffle licensed and conducted at a fair pursuant to section
4 ~~99B.5~~ 99B.24.

5 Sec. 55. Section 805.8C, subsection 4, Code 2015, is amended
6 to read as follows:

7 4. *Electrical ~~and~~ or mechanical amusement device violations.*

8 a. For violations of legal age for operating an electrical
9 ~~and~~ or mechanical amusement device required to be registered as
10 provided in section ~~99B.10, subsection 1, paragraph "f"~~ 99B.53,
11 pursuant to section 99B.10C, subsection 1, the scheduled fine
12 is two hundred fifty dollars. Failure to pay the fine by a
13 person under the age of eighteen shall not result in the person
14 being detained in a secure facility.

15 b. For first offense violations concerning electrical ~~and~~
16 or mechanical amusement devices as provided in section ~~99B.10,~~
17 ~~subsection 3~~ 99B.54, subsection 2, the scheduled fine is two
18 hundred fifty dollars.

19 DIVISION III

20 CODE EDITOR DIRECTIVES

21 Sec. 56. CODE EDITOR DIRECTIVE.

22 1. The Code editor is directed to make the following
23 transfers:

24 a. Section 99B.3 to section 99B.31.

25 b. Section 99B.5A to section 99B.22.

26 c. Section 99B.6 to section 99B.43.

27 d. Section 99B.7A to section 99B.32.

28 e. Section 99B.7B to section 99B.27.

29 f. Section 99B.9 to section 99B.44.

30 g. Section 99B.10A to section 99B.56.

31 h. Section 99B.10B to section 99B.55.

32 i. Section 99B.10C to section 99B.57.

33 j. Section 99B.10D to section 99B.58.

34 k. Section 99B.11 to section 99B.61.

35 l. Section 99B.11A, as enacted in this Act, to section

- 1 99B.11.
- 2 m. Section 99B.12 to section 99B.45.
- 3 n. Section 99B.12A to section 99B.23.
- 4 o. Section 99B.12B, as enacted in this Act, to section
5 99B.12.
- 6 p. Section 99B.13 to section 99B.2.
- 7 q. Section 99B.13A, as enacted in this Act, to section
8 99B.13.
- 9 r. Section 99B.14 to section 99B.3.
- 10 s. Section 99B.14A, as enacted in this Act, to section
11 99B.14.
- 12 t. Section 99B.15 to section 99B.4.
- 13 u. Section 99B.15A, as enacted in this Act, to section
14 99B.15.
- 15 v. Section 99B.16A, as enacted in this Act, to section
16 99B.16.
- 17 w. Section 99B.17 to section 99B.5.
- 18 x. Section 99B.19 to section 99B.6.
- 19 y. Section 99B.20 to section 99B.7.
- 20 z. Section 99B.21 to section 99B.8.
- 21 aa. Section 99B.21A, as enacted in this Act, to section
22 99B.21.
- 23 2. The Code editor is directed to create seven new
24 subchapters in chapter 99B as follows:
- 25 a. Subchapter I shall be entitled "general provisions" and
26 include sections 99B.1 through 99B.10.
- 27 b. Subchapter II shall be entitled "qualified
28 organizations" and include sections 99B.11 through 99B.20.
- 29 c. Subchapter III shall be entitled "charitable gambling"
30 and include sections 99B.21 through 99B.30.
- 31 d. Subchapter IV shall be entitled "other activities
32 requiring licensure" and include sections 99B.31 through
33 99B.40.
- 34 e. Subchapter V shall be entitled "social gambling" and
35 include sections 99B.41 through 99B.50.

1 f. Subchapter VI shall be entitled "electrical or
2 mechanical amusement devices" and include sections 99B.51
3 through 99B.60.

4 g. Subchapter VII shall be entitled "activities not
5 requiring licensure" and include sections 99B.61 and 99B.62.

6 3. The Code editor may modify subchapter titles if necessary
7 and is directed to correct internal references in the Code as
8 necessary due to enactment of this section.