

**238.545 Restrictions on frequency, prizes, and participants for various types of charitable gaming -- Limitations on charitable organizations that conduct charity fundraising events.**

- (1) A licensed charitable organization shall be limited by the following:
  - (a) In the conduct of bingo, to one (1) session per day, two (2) sessions per week, for a period not to exceed five (5) consecutive hours in any day and not to exceed ten (10) total hours per week:
    1. No licensed charitable organization shall conduct bingo at more than one (1) location during the same twenty-four (24) hour period;
    2. No licensed charitable organization shall award prizes for bingo that exceed five thousand dollars (\$5,000) in fair market value per twenty-four (24) hour period, including the value of door prizes; and
    3. No person under the age of eighteen (18) shall be permitted to purchase bingo supplies or play bingo unless he or she is playing for noncash prizes and is accompanied by a parent or legal guardian and only if the value of any noncash prize awarded does not exceed ten dollars (\$10);
  - (b)
    1. A licensed charitable organization may provide card-minding devices for use by players of bingo games.
    2. If a licensed charitable organization offers card-minding devices for use by players, the devices shall be capable of being used in conjunction with bingo cards or paper sheets at all times.
    3. The department shall have broad authority to define and regulate the use of card-minding devices and shall promulgate an administrative regulation concerning use and control of them;
  - (c) Charity game tickets shall be sold only at the address of the location designated on the license to conduct charitable gaming;
  - (d) Charity game tickets may be sold, with prior approval of the department:
    1. At any authorized special charity fundraising event conducted by a licensed charitable organization at any off-site location; or
    2. By a licensed charitable organization possessing a special limited charitable gaming license at any off-site location; and
  - (e) An automated charity game ticket dispenser may be utilized by a licensed charitable organization, with the prior approval of the department, only at the address of the location designated on the license to conduct charitable gaming. The department shall promulgate administrative regulations regulating the use and control of approved automated charity game ticket dispensers.
- (2)
  - (a) No prize for an individual charity game ticket shall exceed five hundred ninety-nine dollars (\$599) in value, not including the value of cumulative or carryover prizes awarded in seal card games.
  - (b) Cumulative or carryover prizes in seal card games shall not exceed two thousand four hundred dollars (\$2,400).
  - (c) Information concerning rules of the particular game and prizes that are to be

awarded in excess of fifty dollars (\$50) in each separate package or series of packages with the same serial number and all rules governing the handling of cumulative or carryover prizes in seal card games shall be posted prominently in an area where charity game tickets are sold. A legible poster that lists prizes to be awarded, and on which prizes actually awarded are posted at the completion of the sale of each separate package shall satisfy this requirement.

- (d) Any unclaimed money or prize shall return to the charitable organization.
  - (e) No paper charity game ticket shall be sold in the Commonwealth of Kentucky that does not conform to the standards for opacity, randomization, minimum information, winner protection, color, and cutting established by the department.
  - (f) No electronic pulltab device representation of a charity game ticket shall be sold in the Commonwealth of Kentucky that does not conform to the construction standards set forth in an administrative regulation promulgated by the department. Electronic pulltab devices shall only be used for charitable gaming.
  - (g) No person under the age of eighteen (18) shall be permitted to purchase, or open in any manner, a charity game ticket.
- (3)
- (a) Tickets for a raffle shall be sold separately, and each ticket shall constitute a separate and equal chance to win.
  - (b) All raffle tickets shall be sold for the price stated on the ticket, and no person shall be required to purchase more than one (1) ticket or to pay for anything other than a ticket to enter a raffle.
  - (c) Raffle tickets and tickets for charity fundraising raffle games approved by the department which are offered exclusively at charity fundraising events and special limited charity fundraising events are not required to be sold separately and may be sold at discounted package rates.
  - (d) Raffle tickets shall have a unique identifier on each ticket.
  - (e) Winners shall be drawn at random at a date, time, and place announced in advance or printed on the ticket.
  - (f) All prizes for a raffle shall be identified in advance of the drawing and all prizes identified shall be awarded.
- (4) With respect to charity fundraising events, a licensed charitable organization shall be limited as follows:
- (a) No licensed charitable organization shall conduct a charity fundraising event or a special limited charity fundraising event unless they have a license for the respective event issued by the department;
  - (b) No special license shall be required for any wheel game, such as a cake wheel, that awards only noncash prizes the value of which does not exceed one hundred dollars (\$100);
  - (c) The department may grant approval for a licensed charitable organization to play bingo games at a charity fundraising event. Cash prizes for bingo games

played during a charity fundraising event may not exceed five thousand dollars (\$5,000) for the entire event. No person under the age of eighteen (18) shall be permitted to play bingo at a charity fundraising event unless accompanied by a parent or legal guardian;

- (d) The department may grant approval for a licensed charitable organization to play special limited charitable games at a charity fundraising event authorized under this section. The department shall not grant approval for the playing of special limited charitable games under the provisions of a charity fundraising event license unless the proposed event meets the definition of a charity fundraising event held for community, social, or entertainment purposes apart from charitable gaming in accordance with KRS 238.505(8);
  - (e) Except for state, county, city fairs, and special limited charity fundraising events, a charity fundraising event license issued under this section shall not exceed seventy-two (72) consecutive hours. A licensed charitable organization shall not be eligible for more than eight (8) total charity fundraising event licenses per year, including two (2) special limited charity fundraising event licenses. No person under eighteen (18) years of age shall be allowed to play or conduct any special limited charitable game. The department shall have broad authority to regulate the conduct of special limited charity fundraising events in accordance with the provisions of KRS 238.547; and
  - (f) Charity fundraising events may be held:
    - 1. On or in the premises of a licensed charitable organization;
    - 2. In a licensed charitable gaming facility, subject to restrictions contained in KRS 238.555(7); or
    - 3. At an unlicensed facility which shall be subject to the requirements stipulated in KRS 238.555(3), and subject to the restrictions contained in KRS 238.547(2). Charity fundraising events at an unlicensed facility shall be limited to:
      - a. No more than one (1) such event per week; and
      - b. No more than seven (7) such events per year, with no more than five (5) licensed charitable organizations conducting such events at an unlicensed facility per year.
- (5) Presentation of false, fraudulent, or altered identification by a minor shall be an affirmative defense in any disciplinary action or prosecution that may result from a violation of age restrictions contained in this section, if the appearance and character of the minor were such that his or her age could not be reasonably ascertained by other means.

**Effective:** June 24, 2015

**History:** Amended 2015 Ky. Acts ch. 45, sec. 3, effective June 24, 2015; and ch. 59, sec. 4, effective June 24, 2015. -- Amended 2010 Ky. Acts ch. 24, sec. 543, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 374, sec. 11, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 232, sec. 9, effective April 1, 1998. -- Amended 1996 Ky. Acts ch. 331, sec. 9, effective April 10, 1996. -- Created 1994 Ky. Acts ch. 66, sec. 10, effective March 16, 1994.

**Legislative Research Commission Note** (6/24/2015). This statute was amended by 2015 Ky. Acts chs. 45 and 59, which do not appear to be in conflict and have been codified together.