

House Bill 3318

Sponsored by Representative TAYLOR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Establishes Oregon State Lottery Responsible Gaming Code of Practices. Directs Oregon State Lottery Commission to operate state lottery games in safe environments and in manner that facilitates responsible gaming and discourages problem gaming.

A BILL FOR AN ACT

Relating to the Oregon State Lottery; creating new provisions; and amending ORS 461.200.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 461.200 is amended to read:

461.200. (1) *Within 105 days after the confirmation by the Senate of the Director of the Oregon State Lottery and at least three commissioners, the director shall begin public sales of tickets or shares.* The Oregon State Lottery *[shall be initiated and shall continue to]* **must** be operated so as to produce the maximum amount of net revenues to benefit the public purpose described in *[section 4,]* Article XV, **section 4**, of the Oregon Constitution *[of the State of Oregon]*, commensurate with the public good. **To achieve this mission, in the operation of the Oregon State Lottery, the Oregon State Lottery Commission shall balance its obligation to maximize net revenues with its obligation to serve the public good through activities and choices that:**

~~(a) Inform users of lottery games of the potential risk for abuse of games of chance; and~~

~~(b) Address and encourage responsible use of lottery games.~~ **the implementation of a Oregon State Lottery Responsible Gambling Code of Practice that provides a proactive approach to the promotion of responsible gambling practices. The code shall include details of how the Lottery plans to implement its values as well as guidance to staff on ethical standards and how to achieve them. The code shall provide a structure for Lottery employees and those who distribute and sell Lottery products to promote responsible gambling practices. Responsible gambling practices ensure that the Lottery's business is conducted in ways intended to minimize harm caused by gambling to individuals, families and communities.**

(2) Other state government departments, boards, commissions, agencies and their officers shall cooperate with the lottery commission so as to aid the lottery commission in fulfilling these objectives.

SECTION 2. Sections 3 to 5 of this 2015 Act are added to and made a part of ORS chapter 461.

SECTION 3. As used in sections 3 to 5 of this 2015 Act:

(1) "Problem gaming" means playing lottery games in a manner that is ~~characterized by difficulty limiting the amount of money or time spent playing lottery games and leads to adverse consequences for the gamer, the gamer's family or the gamer's community.~~ **characterized by difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the gambler, his or her family, or for the community.**

(2) "Responsible or problem gaming community" includes stakeholders that are interested in responsible or problem ~~gaming or~~ gambling.

(3) "Responsible gaming" means ~~playing Oregon State Lottery games in an informed manner that minimizes potential for harm associated with problem gaming~~ **the provision of safe, socially responsible and supportive gambling environments where the potential for harm associated with gambling is minimized and people can make informed decisions about their participation in gambling. Responsible gambling is the result of the collective actions**

Comment [J1]: The term "gaming" should be replaced with "gambling" throughout the Bill. "Gaming" in today's current vernacular most commonly refers to specialized computer applications know as electronic games. A person who plays electronic games is called a gamer, not a gambler. "Gaming" describe activities that do not necessarily involve wagering, especially online gaming which is clearly distinguished from online gambling. Older definitions of "gaming" correctly identifies the term as derived from gambling but since the rise of computer games this term has taken new meaning.

Comment [J2]: Note: New suggested language is yellow highlighted throughout bill draft.

Comment [J3]: Suggested new language was taken directly from the Oregon Lottery's RG Code of Conduct. Use of language taken from the Code of Conduct is important for retaining consistency with the Oregon Lottery's new RG policy. This bill is to codify this policy to insure its continuation rather than to re-write the policy. Original language is too restrictive and not consistent with "responsible gambling" definition.

Comment [J4]: New definition taken from Lottery RG Code of Practice.

and shared ownership of the issue by individuals, communities, the gambling industry and government.

28 **SECTION 4. (1) The Oregon State Lottery Commission shall operate the Oregon State**
29 **Lottery, in compliance with the Oregon State Lottery Responsible Gaming Code of Practices**
30 **Act:**
31 **(a) In ~~safe~~-environments that:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

LC 2879

Comment [J5]: This new definition was taken directly from the Lottery's RG Code of Practice. There is a significant distinction with the new definition (one used by lottery) from the one originally drafted.

- 1 (A) ~~Facilitate responsible gaming.~~ **Implement responsible gambling practices.**
- 2 (B) Discourage problem gaming.
- 3 (b) In a manner that:
- 4 (A) Empowers individuals to make informed decisions about playing Oregon State Lottery
- 5 games by providing information about responsible gaming and problem gaming.
- 6 (B) Minimizes harm to individuals, families and communities caused by problem gaming.
- 7 (2) The lottery commission shall:
- 8 (a) Evaluate the operation of the state lottery annually, using stakeholder interviews,
- 9 research and analysis of best in class gaming practices and consultations with researchers
- 10 in the responsible or problem gaming community.
- 11 (b) Use a dynamic approach to developing new practices to facilitate responsible gaming
- 12 and to discourage problem gaming.
- 13 (3) The lottery commission shall:
- 14 (a) Rely on research to inform all areas of responsible gaming and problem gaming re-
- 15 source awareness efforts, providing adequate funding to support high-quality research that
- 16 is performed by independent researchers and that protects the rights of human subjects.
- 17 (b) Engage a wide range of stakeholders in the responsible or problem gaming community
- 18 to provide input regarding the development of lottery games and game marketing and ad-
- 19 vertising.
- 20 (c) Promote a shared sense of responsibility with lottery retailers and educate lottery
- 21 retailers and staff about how to provide a ~~safe~~-environment ~~and~~ to facilitate responsible
- 22 gaming and discourage problem gaming.
- 23 (d) Promote a shared sense of responsibility with lottery employers and educate employ-
- 24 ees about how to facilitate awareness of responsible gaming and problem gaming resources
- 25 for assistance.
- 26 (e) Apply evidence-based considerations to the implementation of lottery games and game
- 27 features to facilitate **informed Lottery player decision making** ~~responsible gaming~~ and
- 28 discourage problem gaming, including the in-
- 29 corporation of features that:
- 30 (A) Inform players of lottery games about the lottery game being played.
- 31 (B) Provide players with information about the status of their gaming and an opportunity
- 32 to take a break from gaming.
- 33 (C) Provide players with information about problem gaming resources.
- 34 (f) Integrate messages promoting **informed Lottery player decision making** ~~responsible-~~
- 35 ~~gaming~~ into a variety of broadly dissem-
- 36 inated communications, including advertising and marketing, about lottery games.
- 37 (g) Use communications, including advertising and marketing, that:
- 38 (A) Do not appeal specifically to vulnerable groups, including individuals under 18 years
- 39 of age.
- 40 (B) Report accurately the odds of winning lottery games.
- 41 (h) **The Oregon State Lottery Commission shall obtain a responsible gambling independent**
- 42 **assessment that:**
- (A) **An independent assessment panel will be used to certify that the Oregon State Lottery**
- Oregon is faithfully implementing the State Lottery Responsible Gaming Code of**
- Practices.**
- (B) **This panel is comprised of a selection of international experts from the field of corporate**
- social responsibility. The panel will do four things:**
- 40 (1) **Assess the information provided by the lottery.**
- 41 (2) **Assess the quality of the assurance provided.**
- 42 (3) **Describe the level of fidelity the Lottery has accomplished in implementing the Oregon**

Comment [J6]: Term confusion, "Responsible Gambling" within this bill and the Lottery's Code of Conduct refer to lottery practices not the patron's practices.

Comment [J7]: Term confusion, "Responsible Gambling" within this bill and the Lottery's Code of Conduct refer to lottery practices not the patron's practices.

Comment [J8]: Suggest adding an additional section/conditions to provide a fidelity check that the Oregon Lottery is implementing the RG Code of Practice. This is an important missing element of the bill as Oregon lacks a Gambling Commission or other independent body providing oversight of Lottery and Lottery Commission practices. The fidelity check should include two components. The most important is that an annual independent responsible gambling practices audit take place and secondly, that the complete audit findings are provided as an exhibit within an annual Oregon Lottery report to the legislature on the implementation of the RG Code of Practice.

State Lottery Responsible Gaming Code of Practices.

43 (4) Give feedback to the lottery on their performance and recommend responsible gambling
practice enhancements.

44 (C) The complete responsible gambling independent assessment findings are provided as an
exhibit within an annual Oregon Lottery report to the legislature on the implementation of
the faithfully implementation of the State Lottery Responsible Gaming Code of Practices.

45 **SECTION 5.** Sections 3 to 5 of this 2015 Act shall be known as and may be cited as the
46 “Oregon State Lottery Responsible Gaming Code of Practices Act.”

41
