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Chairman Phil Mendelson  
at the request of the Mayor

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A PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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11 To declare the existence of an emergency with respect to the need to amend Title 25 of  
12 the District of Columbia Official Code to require ABC licensed establishments  
13 seeking to install games of skill to obtain a games of skill endorsement from the  
14 ABC Board; and to amend An Act to establish a code of law for the District of  
15 Columbia to only allow for games of skill terminals or electronic devices if  
16 licensed by Title 25 of the D.C. Official Code.

17 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That  
18 this resolution may be cited as the “Games of Skill Consumer Protection Emergency  
19 Declaration Resolution of 2019”.

20 Sec. 2. (a) Barring an exception, gambling and other forms of games of chance are  
21 strictly prohibited in the District of Columbia. These games include roulette, keno, and  
22 thimbles.

23 (b) Unlike games of chance, there is a growing trend in the entertainment  
24 industry called “games of skill”. One’s success, or likelihood of winning a game of skill,  
25 is less dependent on chance and more dependent on a person’s skill level.

26 (c) Games of skill have grown in popularity throughout the country. Many  
27 states have promulgated laws to regulate these electronic devices, while others have  
28 legislation in the works.

1 (d) In those states that have not regulated games of skill, they have seen a  
2 proliferation of these devices in ABC-licensed establishments and non-ABC licensed  
3 establishments. Not only are these games saturating the market in these states, they are  
4 doing so without any financial consequence in an unregulated environment without an  
5 established legal age requirement or any consumer protections.

6 (e) The Alcoholic Beverage Control Board, after receiving a legal opinion  
7 from the Office of the Attorney General for the District of Columbia concerning the  
8 legality of games of skill, is considering an ABC-licensed establishment's request to be  
9 allowed to install a games of skill electronic device on its premises.

10 (f) Given the popularity of these games in other jurisdictions, including  
11 nearby jurisdictions such as Virginia and Pennsylvania, and the industry's desire to stay  
12 on-trend so that they can attract and retain patrons, it is reasonably foreseeable to expect  
13 that the ABC Board will receive additional requests from ABC-licensed establishments to  
14 be allowed to install these electronic devices. Similarly, it is foreseeable that these  
15 electronic devices may begin to appear in non-ABC licensed establishments; thereby,  
16 bypassing ABC Board approval.

17 (g) In anticipation of there being additional requests from licensed  
18 establishments for permission to install games of skill devices on the licensed premises,  
19 immediate legislative action is necessary to address the potential public safety concerns.  
20 The emergency bill will do just that by (1) setting a minimum age for playing games of  
21 skill; (2) establishing enforcement procedures; (3) establishing consumer protection  
22 mechanisms; and (4) ensuring that installed games of skill are legally permissible devices  
23 and not unlawful gambling devices.

1           Sec. 3.    The Council of the District of Columbia determines that the  
2   circumstances enumerated in section 2 constitute an emergency making it necessary that  
3   the “Games of Skill Consumer Protection Emergency Declaration Resolution of 2019” be  
4   adopted on single reading.

5           Sec. 4.    This resolution shall take effect immediately.