



PUBLIC PROTECTION CABINET

Andy Beshear
Governor

500 Mero Street 218 NC
Frankfort, KY 40601
Phone: 502-782-2736
Fax: 502-564-3969
<http://ppc.ky.gov>

Kerry B. Harvey
Secretary

ORDER

March 25, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of the COVID-19 virus, a public health emergency. Pursuant to the authority in KRS Chapter 39A, including but not limited to KRS 39A.100(f), KRS 39A.100(j), and KRS 39A.180(l), and further pursuant to KRS Chapter 238, Executive Order 2020-2015, and the Cabinet for Health and Family Services Order of March 17, 2020, the Public Protection Cabinet issued an Order on March 18, 2020, containing the following directives:

1. Effective immediately, all licenses issued pursuant to Chapter 238 of the Kentucky Revised Statutes for charitable organizations to conduct charitable gaming are suspended.
2. Effective immediately, all charitable gaming activity conducted by charitable organizations exempt from licensure pursuant to KRS 238.535 shall be suspended.
3. Effectively immediately, all charitable gaming facility licenses issued pursuant to Chapter 238 of the Kentucky Revised Statutes are suspended.
4. The Department of Charitable Gaming shall consider this Order and the suspensions of licenses ordered herein as mitigating circumstances for any administrative violations that occur as a result of cancellations of gaming sessions pursuant to this Order.

While these directives remain in effect, the Public Protection Cabinet and Department of Charitable Gaming have approved the following exception to the above directives:

A licensed charitable organization, or a charitable organization exempt from licensure pursuant to KRS 238.535, may sell raffle tickets and conduct raffle drawings if all tickets are exclusively sold online and the organization complies with all other requirements of KRS Chapter 238 and 820 KAR, including but not limited to those reiterated in this Order. In no case shall there be a gathering of people incident to the drawing of a raffle winner during the State of Emergency.

In order to comply with the raffle ticket construction standards in 820 KAR 1:050, Section 1, and 18 U.S. Code §1302, an organization that chooses to sell raffle tickets online should provide the purchaser with a duplicate ticket by e-mail or other electronic means.

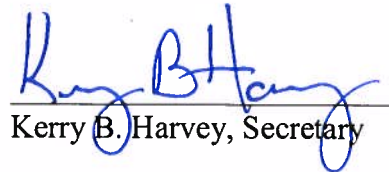
A raffle drawing must occur at the date and time stated on the organization's license.¹ An organization must specify a date for the raffle drawing and announce the date, time, and place of the drawing.² If the tickets sell for \$5 or more, organizations must include the date and time of the drawing on the faces of all raffle tickets.³ Since the Department is not requiring licensees to provide notice of cancellation of any charitable gaming activities that were effectively cancelled by the order suspending all charitable gaming licenses and activities that was entered March 18, 2020, an organization that obtained a license prior to March 18, 2020, to conduct a raffle that chooses to conduct the raffle drawing at the date and time stated on its license should contact its licensing specialist to notify the Department of its intent to proceed with its raffle drawing.

In order to comply with 820 KAR 1:050, Section 3(1), organizations may broadcast the drawing via a verifiable online live streaming service, such as Facebook Live or YouTube, to allow ticket holders an opportunity to observe the drawing.⁴ Furthermore, organizations must provide an affidavit, which will be supplied by the Department, verifying their compliance with all relevant law and regulation concerning online raffles, raffle drawings, and this Order. This affidavit must be returned to the Department within thirty (30) days of the date the drawing is conducted.

Regulations concerning the claiming of raffle prizes remain in effect and must be followed.⁵ A holder of a winning raffle ticket may verify that he is the winner of the raffle by any means that does not involve presenting the ticket to the organization in person or sending the ticket to the organization via United States Mail. The charitable organization shall accept any reasonable means of verification.

An organization cannot change the prize for the raffle drawing after it has been announced. If an organization chooses to resume a raffle begun before the Order of March 18, 2020, the organization must award the same prize according to the same terms for which the raffle was announced.⁶

This Order and the Public Protection Cabinet Order of March 18, 2020, shall remain in effect for the duration of the State of Emergency declared by Governor Beshear in Executive Order 2020-215.


Kerry B. Harvey, Secretary

¹ KRS 238.540(1)

² KRS 238.545(3)(

³ 820 KAR 1:050, Section 1(3)(a)

⁴ 820 KAR 1:050, Section 3(1)

⁵ 820 KAR 1:050, Section 4

⁶ KRS 238.545(3)(f)