

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1619 Session of
2025

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WARNER AND WATRO, JUNE 16, 2025

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, JUNE 17, 2025

AN ACT

1 Providing for regulation of skill gaming; imposing duties on
2 Department of Revenue; establishing a regulatory program
3 within Department of Revenue governing skill gaming;
4 providing for issuance of licenses; imposing criminal and
5 civil penalties; and providing for zoning.

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5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 CHAPTER 1

8 PRELIMINARY PROVISIONS

9 Section 101. Short title.

10 This act shall be known and may be cited as the Skill Gaming
11 Act.

12 Section 102. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Applicant." A person that applies for authorization to
17 engage in an act or activity regulated under this act.

18 "Cash." United States currency or coin.

19 "Cash equivalent." An instrument with a value equivalent to
20 United States currency or coin, including certified checks,
21 cashier's checks, money orders or any other representation of
22 value as deemed a cash equivalent by the department.

23 "Controlling interest."

24 (1) In the case of a publicly traded entity, the holding
25 of sole voting rights under State law or under the entity's
26 governing documents that entitles the person to elect or
27 appoint one or more members of the board of directors or
28 other governing body, or the holding of an ownership or
29 beneficial interest in 5% or more of the entity's securities,
30 unless the presumption of control is rebutted by clear and

convincing evidence.

(2) In the case of a privately held corporation, partnership, limited liability company or other privately held legal entity, the holding of securities in the entity, unless the presumption of control is rebutted by clear and convincing evidence.

"Department." The Department of Revenue of the Commonwealth.

"Distributor." An entity licensed by the department to sell, lease, offer, provide or distribute skill games to an operator for use or play in this Commonwealth.

"Entity." A domestic or foreign:

(1) business corporation;

(2) nonprofit corporation;

(3) general partnership;

(4) limited partnership;

(5) limited liability company;

(6) unincorporated nonprofit association;

(7) professional association; or

(8) business trust, common law trust or statutory trust.

"Establishment." An entity licensed by the department that permits a licensed operator to place and operate skill games on its premises under this act.

"Gross profits." The total amount of cash or cash equivalents received by skill games, less the total amount of cash or cash equivalents paid out to players as a result of playing skill games.

"Independent testing laboratory." A nongovernmental entity engaged in the business of examining skill game software and capable of providing the certification required under Chapter 7.

"Initial license." A license issued by the department to an

1 applicant under section 505 upon the applicant's first
2 submission of an application and payment of the initial license
3 fee under section 504(b).

4 "License." A license issued by the department under this act
5 that authorizes an entity to act as a distributor, operator or
6 establishment or to engage in any activity regulated under this
7 act.

8 "License application." The information required to be
9 submitted on a license application form as determined by the
10 department.

11 "Licensee." A person or entity that has been issued a
12 license by the department under this act, including a
13 distributor, operator or establishment.

14 "Operator." An entity licensed by the department to operate
15 skill games by:

16 (1) purchasing or leasing skill games from a licensed
17 distributor;

18 (2) placing skill games in licensed establishments; and

19 (3) performing on-site reporting, revenue collection and
20 data reporting as required under this act.

21 "Payout." The payment of cash or cash equivalents to a
22 player as a result of playing a skill game.

23 "Person." A natural person, corporation, partnership,
24 limited liability company, business trust, unincorporated
25 association, government entity not including the Commonwealth,
26 estate, trust or foundation.

27 "Player." An individual who is at least 18 years of age and
28 who plays a skill game.

29 "Principal." Any of the following:

30 (1) An officer.

1 (2) A director.

2 (3) A person who directly holds a beneficial or
3 ownership interest in the securities of an applicant or
4 licensee.

5 (4) A person with a controlling interest in an applicant
6 or licensee, or who has the ability to elect a majority of
7 the board of directors of a licensee, or otherwise control a
8 licensee, lender or financial institution associated with an
9 applicant or licensee, other than a bank or lending
10 institution that extends a loan or holds a mortgage or lien
11 in the ordinary course of business.

12 (5) A person designated as a principal by the
13 department.

14 "Program." The regulatory program established under section
15 301(a) governing the distribution, sale, transportation, storage
16 and use of skill games in this Commonwealth.

17 "Renewal license." A license issued by the department to a
18 licensee under section 507 upon submission of a renewal
19 application and payment of the renewal license fee under section
20 504(c).

21 "Skill game." A game played on approved skill game software
22 that meets the qualifications established under Chapters 5 and 7
23 and is licensed by the department under this act.

24 "Skill game software." A distributor's proprietary software
25 program designed and developed for skill games and approved by
26 the department.

27 "Terminal identification number." A unique identification
28 number assigned to each skill game terminal.

29 "Terminal monitoring report." A report submitted by a
30 distributor to the department identifying the location and

1 operation of each skill game, for the purpose of auditing and
2 information retrieval related to financial events occurring in
3 the course of operation, including data on location, coin-in,
4 coin-out, ticket-in, ticket-out and jackpots.

5 CHAPTER 3

6 PROGRAM

7 Section 301. Regulation of skill games.

8 (a) Establishment of program.--A program is established
9 within the department to regulate the distribution, operation
10 and use of skill games in this Commonwealth. The program shall
11 be implemented and administered by the department. For the
12 purposes of the program and this act, the department shall have
13 the following duties:

14 (1) Issue licenses to individuals or entities authorized
15 to distribute or make skill games available for public use in
16 this Commonwealth in accordance with this act and regulations
17 promulgated by the department.

18 (2) Establish regulatory and enforcement authority over
19 the program.

20 (3) Develop enforcement procedures.

21 (b) General authority.--The department shall have general
22 and exclusive regulatory authority over the distribution and use
23 of skill games under this act.

24 (c) Specific duties.--The department shall have the
25 following specific duties under this act:

26 (1) Require and conduct, or cause to be conducted,
27 criminal history investigations of applicants and licensees
28 under this act.

29 (2) For purposes of licensing, enforcement and
30 background investigations, receive information otherwise

protected under 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

(3) Issue, approve, renew, revoke, suspend, condition or deny the issuance or renewal of a license or approval under this act.

(4) Require each licensee to submit periodic reports as required by this act.

Section 302. Distribution, operation and use of skill games.

Notwithstanding any other provision of law, the distribution, operation and use of skill games in accordance with this act are authorized in this Commonwealth. A skill game shall not be deemed to be any of the following:

(1) A lottery, gambling device, slot machine, device intrinsically connected with gambling or coin-operated amusement device.

(2) A game of chance as defined in section 103 of the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act.

(3) A business operated in conjunction with another licensed business under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, or 40 Pa. Code § 3.52 (relating to connection with other business).

CHAPTER 5

LICENSURE

Section 501. Licenses.

(a) General authority.--The department shall have the authority to issue licenses under this act.

(b) Skill game license.--An application period for initial licenses shall commence 30 days after the effective date of this subsection. A license issued under this subsection shall remain

valid for a minimum of one year or until the department establishes a schedule for annual license renewals.

(c) License criteria.--The issuance of a license by the department shall be subject to the applicant's criminal history record and other eligibility criteria established by regulation of the department.

(d) License renewal.--An application to renew a license shall be submitted to the department prior to the expiration date of the current license.

Section 502. Licensing requirements.

An entity, including each principal holding a controlling interest in the entity, that seeks licensure as a distributor, operator or establishment shall be considered an applicant and shall submit the following information with an initial or renewal license application to the department:

(1) Valid government-issued identification, such as a driver's license or passport.

(2) Naturalization documents or resident alien identification, if applicable.

(3) Residential addresses for the previous five years.

(4) Employment history for the previous five years, including dates of employment and the name and address of each employer, to enable the completion of criminal history and credit checks.

(5) A completed individual questionnaire provided by the department for each principal residing outside of this Commonwealth.

(6) Proof that the applicant has not been convicted of a felony within the preceding five years.

(7) Proof of timely filing and payment of all Federal,

1 State and local taxes.

2 Section 503. Granting licenses.

3 (a) Authorization.--The department may grant, deny, revoke
4 or suspend a license under this act.

5 (b) Determination.--In determining whether to grant or deny
6 a license, the department shall consider whether the applicant
7 is able to comply with all applicable laws of this Commonwealth
8 and regulations relating to the licensed activities.

9 (c) Nature of license.--The issuance or renewal of a license
10 under this act shall be deemed a revocable privilege and not a
11 right.

12 (d) Prohibition on multiple licenses.--An entity holding a
13 distributor license may not hold an operator or establishment
14 license. An entity holding an operator license may not hold a
15 distributor or establishment license.

16 (e) Appeals.--If the department denies a license
17 application, the applicant may file an appeal within 30 days
18 from the date the denial notice is mailed. The appeal shall be
19 filed with the Secretary of Revenue. A final decision by the
20 Secretary of Revenue may be appealed to Commonwealth Court.

21 (f) Prior operation not disqualifying.--The prior operation
22 of a skill game shall not serve as a basis for denying a license
23 under this act.

24 Section 504. License application and renewal fees.

25 (a) Payment required.--Application and renewal fees shall be
26 payable to the department at the time the application is filed.

27 (b) Initial license fees.--Initial license application fees
28 shall be nonrefundable. An initial license shall be valid for a
29 period of 10 years. The following fees shall apply:

30 (1) Skill game distributor: \$50,000.

1 (2) Skill game operator: \$5,000.

2 (3) Skill game establishment: \$250.

3 (c) Renewal license fees.--Renewal license application fees
4 shall be nonrefundable. A renewal license shall be valid for a
5 period of 10 years. The following renewal fees shall apply:

6 (1) Skill game distributor: \$25,000.

7 (2) Skill game operator: \$1,000.

8 (3) Skill game establishment: \$250.

9 Section 505. Issuance of license.

10 A license issued by the department under this act shall be
11 effective for the period specified by the department and shall
12 include any information required by the department.

13 Section 506. Term of license.

14 (a) Initial license.--An initial license shall become valid
15 upon issuance by the department and shall remain valid for a
16 period of 10 years from the date of issuance.

17 (b) Renewal license.--A renewal license shall become valid
18 upon issuance by the department and shall remain valid for a
19 period of 10 years from the date of issuance.

20 Section 507. License renewal.

21 (a) Renewal application.--An application for renewal shall
22 include any information required by the department.

23 (b) Denial of renewal.--If the department denies a renewal
24 application, the department shall issue a written notice
25 specifying the reasons for the denial and identifying the
26 requirements the applicant failed to meet. The department may
27 request additional information from the applicant before making
28 a final determination. A final decision to deny a renewal may be
29 appealed to Commonwealth Court.

30 Section 508. Suspension or revocation of license.

1 The department may suspend or revoke a license if the
2 licensee violates any provision of this act or any regulation of
3 the department adopted under this act.

4 CHAPTER 7

5 CERTIFICATION REQUIREMENTS

6 Section 701. Skill game testing.

7 (a) Certification.--Prior to an applicant obtaining a
8 license, a skill game shall be certified in accordance with this
9 subsection. The following shall apply:

10 (1) Before a distributor provides or distributes skill
11 game software that has not been approved as skill game
12 software by the department under this act, the distributor
13 shall submit to the department an engineering report and
14 technical opinion prepared in complete forensic detail by a
15 nationally recognized independent testing laboratory with
16 experience in the testing of skill game software. The testing
17 shall be based solely on skill game software and adhere to
18 technical specifications that are independent of those used
19 for slot machines or video gaming terminals.

20 (2) The engineering report and technical opinion under
21 paragraph (1) shall comply with all of the following:

22 (i) Be restricted in scope to technical details only
23 and shall not constitute a legal opinion as to whether
24 skill or chance predominates in determining the outcome,
25 nor serve as a legal interpretation.

26 (ii) Be signed by a principal or executive officer
27 of the independent testing laboratory, whose signature
28 shall certify the contents of the report.

29 (iii) Include a written certification to the
30 department that the skill game meets all of the following

criteria:

(A) The skill of the player, rather than chance, is the predominant factor affecting the outcome of the game.

(B) The prize outcome, whether for a single play or over a session of gameplay, is such that it is impossible to win the prize without the player exercising skill during the main phases of gameplay.

(C) The skill game does not contain any hard-coded minimum or maximum payout percentage.

(D) The skill game does not include reflexive or compensating algorithms that make gameplay harder for highly skilled players or adjust payout rates in response to gameplay outcomes.

(E) The skill game maintains true and accurate gameplay records, including a minimum 10-game recall history and payout tracking with a minimum of 10 voucher recall entries. Accounting meters shall be at least eight digits in length, with a minimum of six digits to the left of the decimal.

(F) The skill game limits the price to play to a maximum of \$5 and the maximum winnings per individual game to \$5,000.

(G) The skill game displays the skill game software version and list of hardware components of the approved terminal in a clear and accurate manner.

(3) A skill game shall remain certified unless material changes are made to the skill game software or hardware as determined by the department.

(4) An applicant for a license as a distributor shall

submit the applicant's skill game software in a manner consistent with regulations promulgated by the department.

(5) A distributor shall certify compliance with the requirements of this subsection to the department, and such certification shall be made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(b) Independent certification.--A nationally accredited independent testing laboratory shall certify skill game software in accordance with this act.

(c) Protection of intellectual property.--Nothing in this act shall be construed to infringe upon, compromise or make public any trademarked, copyrighted, trade secret or confidential proprietary material. Any intellectual property or related materials provided by a distributor to the department for purposes of certification or inspection shall be deemed confidential and shall not be subject to public access or disclosure.

Section 702. Reporting.

(a) Monthly report.--A distributor shall submit a terminal monitoring report for its licensed skill games. A monthly report shall be filed with the department and shall include the following information for the preceding month:

(1) A complete accounting of all revenue derived from the operation of skill games in all establishments.

(2) Gameplay statistics, including total cash-in, cash-out and the number of games played.

(3) The physical location of all skill games in the possession of any distributor, operator or establishment in this Commonwealth.

(b) Annual report.--By June 30 of each year, a distributor

shall submit an annual report to the department for the preceding calendar year that includes all of the following:

(1) The total number of skill games sold or leased to operators.

(2) The number and type of skill games placed by operators in each establishment.

(3) The total number of skill games in inventory as of June 30, along with the terminal identification numbers for each unit.

CHAPTER 9

DISTRIBUTORS

Section 901. Authorization to distribute skill games.

A distributor licensed by the department shall be authorized to distribute skill games that comply with the requirements of this act.

Section 902. System requirements.

(a) Currency acceptance.--A skill game shall be capable of accepting currency and shall distribute winnings through ejection of a bearer scrip, card or other medium approved by the department. The bearer instrument shall be redeemable only for cash at the establishment where the skill game was played. Winnings shall be redeemed at a ticket redemption terminal or by an attendant within the same establishment.

(b) Rules of play.--A skill game shall prominently display the rules of play either on the game screen or on the terminal housing.

(c) Placard display.--A skill game shall bear a placard, displayed in a prominent location and in a conspicuous color, stating:

This game is licensed by the Pennsylvania Department of

Revenue and is NOT operated or maintained by the Pennsylvania State Lottery. Players must be 18 years of age or older to play.

(d) Distributor and operator information.--A skill game shall display the name of the distributor of the terminal and contact information for the operator, including a mailing address and telephone number.

CHAPTER 11

OPERATORS

Section 1101. Duties of operators.

An operator shall have the following duties:

(1) Provide skill games approved by the department and obtained from a licensed distributor.

(2) Distribute skill games to licensed establishments in accordance with this act.

(3) Collect and report all skill game income and related data to the distributor as required under this act.

Section 1102. Reporting.

An operator shall submit a terminal monitoring report to the distributor. The distributor shall compile the information and submit a monthly report to the department, which shall include all of the following information:

(1) The terminal identification number of each skill game in the operator's inventory and at each establishment.

(2) Any additional information required by the department.

CHAPTER 13

ESTABLISHMENTS

Section 1301. Authorization to use skill games.

An establishment may use skill games obtained from licensed

1 operators for public play and entertainment.

2 Section 1302. Qualifications for establishments.

3 (a) Eligibility.--Subject to subsection (b), skill games may
4 be operated at any of the following:

5 (1) An establishment licensed by the Pennsylvania Liquor
6 Control Board.

7 (2) An organization established under 26 U.S.C. § 501(c)
8 (relating to exemption from tax on corporations, certain
9 trusts, etc.).

10 (3) A business that sells age-restricted products, such
11 as tobacco, or that is qualified to be licensed by the State
12 Lottery.

13 (4) A business that submits a license application under
14 this act no later than 90 days after the effective date of
15 this paragraph. After the 90-day deadline, only an
16 establishment, organization or business meeting the criteria
17 under paragraph (1), (2) or (3) may operate skill games.

18 (b) Licensing requirement.--An establishment, organization
19 or business specified under subsection (a) shall be licensed by
20 the department to operate skill games.

21 CHAPTER 15

22 PLAYERS

23 Section 1501. Authorization to play and receive winnings.

24 It shall be lawful for an individual who is at least 18 years
25 of age to play a licensed skill game and to receive winnings in
26 the form of a bearer scrip, card or other medium approved by the
27 department, redeemable only for cash at the establishment where
28 issued.

29 Section 1502. Winnings as compensation.

30 A player's net winnings from the play of a licensed skill

1 game shall be classified as compensation under section 303(1) of
2 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
3 Code of 1971.

4 CHAPTER 17

5 TAX

6 Section 1701. Taxes on gross profits.

7 (a) Applicable taxes.--Gross profits from the operation of
8 skill games shall be subject to all applicable taxes, including
9 sales and personal income taxes under Articles II and III of the
10 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
11 Code of 1971.

12 (b) Prohibition on local fees and taxes.--No additional
13 taxes or fees, including amusement taxes, shall be imposed on
14 the placement or operation of a skill game or on the revenue
15 generated by a skill game terminal unless specifically
16 authorized under this act.

17 CHAPTER 19

18 ADMINISTRATION

19 Section 1901. Governing practices and procedures.

20 The provisions of 2 Pa.C.S. (relating to administrative law
21 and procedure) shall apply to all actions of the department
22 under this act that constitute an adjudication as defined in 2
23 Pa.C.S. § 101 (relating to definitions).

24 Section 1902. Law enforcement notification.

25 Notwithstanding any provision of law, the department may
26 notify law enforcement agencies of information relating to a
27 violation or suspected violation of this act.

28 CHAPTER 21

29 CRIMINAL AND CIVIL PENALTIES

30 Section 2101. Criminal distribution and operation of unlicensed

1 skill games.

2 (a) Penalties.--In addition to any other penalty provided by
3 law, a person commits a misdemeanor of the first degree if the
4 person:

5 (1) owns, operates, maintains, places into operation or
6 holds a financial interest in an unlicensed skill game, skill
7 game terminal or skill game software;

8 (2) offers or makes the unlicensed skill game available
9 to individuals to play or participate for direct or indirect
10 consideration, including consideration associated with a
11 related product, service or activity; and

12 (3) allows players to become eligible for a cash or cash
13 equivalent prize from playing the unlicensed skill game,
14 whether or not the prize's eligibility or value is determined
15 by or related to the outcome of or participation in the
16 unlicensed skill game.

17 (b) Forfeiture.--A skill game, skill game terminal or skill
18 game software that is owned, operated, maintained or placed into
19 operation in violation of subsection (a) shall be seized and
20 forfeited to the Commonwealth. The forfeiture shall be conducted
21 in accordance with 42 Pa.C.S. §§ 5803 (relating to asset
22 forfeiture), 5805 (relating to forfeiture procedure), 5806
23 (relating to motion for return of property), 5807 (relating to
24 restrictions on use), 5807.1 (relating to prohibition on
25 adoptive seizures) and 5808 (relating to exceptions).

26 Section 2102. Criminal redemption of value to individual under
27 18 years of age.

28 In addition to any other penalty provided by law, a person
29 commits a summary offense if the person provides value of any
30 kind to an individual under 18 years of age in exchange for a

1 bearer scrip redeemable through an approved skill game terminal.

2 Section 2103. Additional penalties.

3 (a) Civil penalties.--In addition to any other remedy
4 available to the department, the department may assess a civil
5 penalty for any violation of this act, a regulation promulgated
6 under this act or an order issued under this act. The following
7 penalties shall apply:

8 (1) The department may assess a civil penalty of not
9 more than \$25,000 for each violation and an additional
10 penalty of not more than \$1,000 for each day the violation
11 continues. In determining the amount of each penalty, the
12 department shall consider all of the following:

13 (i) The gravity of the violation.

14 (ii) The willfulness of the violation.

15 (iii) Any prior violations by the person.

16 (iv) The economic benefit to the person resulting
17 from the violation.

18 (2) The department may issue a written warning in lieu
19 of a civil penalty to any person or entity that aids, abets,
20 counsels, induces, procures or causes another to violate this
21 act, a regulation promulgated under this act or an order
22 issued under this act.

23 (b) Sanctions.--

24 (1) In addition to any other penalty authorized by law,
25 the department may impose the following sanctions:

26 (i) Revoke or suspend the license of a person found
27 to have violated this act, a regulation promulgated under
28 this act or an order issued under this act.

29 (ii) Revoke or suspend the license of a person based
30 on conduct, activity or an event that would have

disqualified the person from initially receiving the license.

(iii) Order restitution of money or property unlawfully obtained or retained by a licensee.

(2) A person who aids, abets, counsels, induces, procures or causes another person to violate this act shall be subject to the sanctions under paragraph (1).

(c) Cost of enforcement.--The department may assess the costs of investigating a violation against a person found to be in violation of this act.

(d) Insignificant violations.--Nothing in this section shall require the assessment of a civil penalty or the imposition of a sanction for an insignificant violation of this act if the department determines that the public interest is adequately served by the issuance of a written warning.

CHAPTER 25

MISCELLANEOUS PROVISIONS

Section 2501. Conflicts with other laws.

The manufacture, sale, distribution, possession and use of skill games approved by the department in compliance with this act shall not constitute a violation of any of the following:

(1) 4 Pa.C.S. Pt. II (relating to gaming).

(2) 18 Pa.C.S. § 5513 (relating to gambling devices, gambling, etc.).

(3) The act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act.

Section 2502. Zoning and use requirements.

(a) Requirements.--A distributor, operator or establishment shall only be required to meet the same municipal zoning and use requirements as other similar business types located within the

1 same zoning district.

2 (b) Prohibitions.--A municipality may not:

3 (1) prohibit the placement or play of skill games; or

4 (2) enact zoning or land use restrictions that prohibit
5 the placement, use or play of an approved skill game in a
6 zoning district that permits any of the following:

7 (i) The sale of beer, wine or spirits.

8 (ii) The sale or play of State Lottery games at
9 commercial establishments.

10 (iii) Gaming or wagering conducted under 4 Pa.C.S.
11 Pt. II (relating to gaming).

12 Section 2503. Notice.

13 The department shall transmit a notice to the Legislative
14 Reference Bureau for publication in the next available issue of
15 the Pennsylvania Bulletin of the department's commencement of
16 licensing under this act.

17 Section 2504. Effective date.

18 This act shall take effect in 30 days.