

1 Page 1-line 4 After "penalties;" insert "providing for
2 contingent application;".
3

4 Page 17-line 21 Delete.
5

6 Page 18-lines 1 through 7 Delete entirely and insert:
7

8 **"Section 4.** W.S. 11-25-201 through 11-25-206 are created to
9 read:

10
11 ARTICLE 2
12 SPORTS WAGERING
13

14 **11-25-201. Definitions.**

15
16 (a) As used in this article:

17
18 (i) "Commission" means the Wyoming gaming commission;
19

20 (ii) "Online sports wagering" means engaging in sports
21 wagering conducted by sports wagering vendors through sports
22 wagering accounts over the internet by use of computers, digital
23 platforms or mobile applications on mobile devices;
24

25 (iii) "Online sports wagering revenue" means the total
26 of all wagers placed by players with an online sports wagering
27 vendor, excluding free wagers and promotional play, minus all
28 payments to players minus any applicable federal excise taxes.
29 Payments to players include all payments of cash, cash equivalents,
30 merchandise or any other thing of value;
31

32 (iv) "Prohibited sports wager" means:
33

34 (A) A proposition wager determined by the
35 performance statistics of an individual athlete participating in
36 a collegiate sports contest or collegiate athletic event that takes
37 place in Wyoming or a sports contest or athletic event in which
38 any Wyoming college or university team participates regardless
39 where the event takes place;
40

41 (B) A wager involving any sporting event or other
42 event where the majority of participants are under the age of
43 eighteen (18) years;
44

1 (C) Any wagering category not authorized by the
2 commission.

3
4 (v) "Qualified gaming entity" means a gaming entity
5 that offers online sports wagering through computers, digital
6 platforms or mobile applications in any jurisdiction in the United
7 States pursuant to a state regulatory structure;

8
9 (vi) "Sporting event" means any professional sport or
10 athletic event, any Olympic or international sports competition
11 event or any collegiate sport or athletic event, or any portion
12 thereof, including the individual performance statistics of
13 athletes in a sports event or combination of sports events, or any
14 other event approved by the commission;

15
16 (vii) "Sports wagering" means the business of accepting
17 wagers on sporting events or portions of sporting events, other
18 events, the individual performance statistics of athletes in a
19 sporting event or other events, or a combination of any of the
20 same by any system or method of wagering approved by the commission
21 including mobile applications and other digital platforms that
22 utilize communications technology to accept sports wagers. The
23 term includes single game bets, teaser bets, parlays, over under,
24 moneyline, pools, exchange wagering, in-game wagering, in-play
25 bets, proposition bets and straight bets. The term shall not
26 include any of the following:

27
28 (A) Activities authorized under W.S. 6-7-101
29 through 6-7-104, except to the extent that online sports wagering
30 is exempted from criminal penalties under those sections;

31
32 (B) Other activities authorized or regulated by
33 the commission;

34
35 (C) Lotteries authorized by law;

36
37 (D) Fantasy sports contests, which are simulated
38 games or contests with an entry fee that meet all of the following
39 conditions:

40
41 (I) No fantasy contest team is composed of
42 the entire roster of a real world sports team;

43
44 (II) No fantasy contest team is composed
45 entirely of individual athletes who are members of the same real
46 world sports team;

47

1 (III) Each prize and award or the value of
2 all prizes and awards offered to winning fantasy contest players
3 is made known to the fantasy contest players in advance of the
4 fantasy contest;

5
6 (IV) Each winning outcome reflects the
7 relative knowledge and skill of the fantasy contest players and is
8 determined by the aggregated statistical results of the
9 performance of multiple individual athletes selected by the
10 fantasy contest player to form the fantasy contest team, whose
11 individual performance in the fantasy contest directly correspond
12 with the actual performance of those athletes in the athletic event
13 in which those individual athletes participated;

14
15 (V) A winning outcome is not based on
16 randomized historical events, or on the score, point spread, or
17 performance in an athletic event of a single real world sports
18 team, a single athlete or any combination of real world sports
19 teams;

20
21 (VI) The fantasy contest does not constitute
22 or involve and is not based on a slot machine or other mechanical,
23 electromechanical or electric device, equipment or machine,
24 including computers and other cashless wagering systems.

25
26 (viii) "Sports wagering account" means a financial
27 record established by a sports wagering vendor for an individual
28 patron in which the patron may deposit and withdraw funds for
29 sports wagering and other authorized purchases, and to which the
30 sports wagering vendor may credit winnings or other amounts due to
31 that patron or authorized by that patron. Such account can be
32 established electronically through an approved mobile application
33 or digital platform;

34
35 (ix) "Sports wagering vendor" means any qualified
36 gaming entity authorized by the commission to accept online sports
37 wagers.

38
39 **11-25-202. Online sports wagering regulation.**

40
41 (a) The commission shall regulate online sports wagering and
42 sports wagering vendors. The commission shall promulgate
43 appropriate rules to implement this article. The rules shall
44 establish standards and procedures for online sports wagering and
45 associated systems. The commission shall examine the regulations
46 implemented in other states where online sports wagering is
47 conducted and shall, to the extent practicable, adopt a similar

1 regulatory framework in order to maximize revenue generated to the
2 state. The rules shall include:

3
4 (i) Governance of the conduct of online sports wagering
5 and the system of wagering associated with online sports wagering,
6 including:

7
8 (A) The sporting events upon which online sports
9 wagers may be accepted and methods of play;

10
11 (B) The manner in which online sports wagers are
12 received and payoffs are remitted;

13
14 (C) Procedures for handling suspected cheating,
15 sports wagering irregularities and complaints;

16
17 (D) Terms and conditions for online sports
18 wagering, including a requirement that a player be physically
19 present in the state to make the wager;

20
21 (E) A requirement for each sports wagering vendor
22 to use a geolocation system to ensure that a player making an
23 online sports wager is physically present in the state when making
24 the wager;

25
26 (F) Internal controls for all aspects of online
27 sports wagering, including procedures for system integrity, system
28 security, operations and accounting;

29
30 (G) Operational controls for online gaming
31 accounts; and

32
33 (H) Procedures to ensure that sports wagering
34 vendors do not offer prohibited sports wagers.

35
36 (ii) Establishing the method for calculating online
37 sports wagering revenue and standards for the counting and
38 recording of cash and cash equivalents received in the conduct of
39 online sports wagering and ensuring that internal controls are
40 followed, financial records are maintained and audits are
41 conducted;

42
43 (iii) Reasonable minimum qualifications for sports
44 wagering vendors; and

45
46 (iv) Any other matters necessary for overseeing online
47 sports wagering and sports wagering vendors.

1
2 **11-25-203. Permits; fees.**
3

4 (a) The commission shall regulate sports wagering vendors.
5 A vendor shall possess a permit issued by the commission to accept
6 online sports wagers. No person shall accept online sports wagers
7 without holding a valid permit issued by the commission.
8

9 (b) A qualified gaming entity applying for a sports wagering
10 vendor permit shall do so on a uniform application furnished by
11 the commission. The applicant shall provide the commission
12 fingerprints and other information and permission as requested by
13 the commission necessary for a criminal history record background
14 check. The cost of the criminal history record background check
15 shall be paid using a portion of the applicant's permit fee charged
16 pursuant to subsection (c) of this section.
17

18 (c) The commission shall charge a fee of twenty thousand
19 dollars (\$20,000.00) for an initial sports wagering vendor permit.
20 A permit shall be valid for one (1) year. The commission shall
21 charge a fee of ten thousand dollars (\$10,000.00) for a sports
22 wagering vendor permit renewal.
23

24 (d) Vendor permit fees charged pursuant to subsection (c) of
25 this section shall be deposited in the state sports wagering
26 administration account, which is hereby created. Subject to
27 legislative appropriation, amounts within the account may be used
28 by the commission for all expenses incurred in administering this
29 article.
30

31 (e) An application submitted to the commission shall, at a
32 minimum, include the following:
33

34 (i) The full name, current address and contact
35 information of the applicant;
36

37 (ii) Disclosure of each person that has control of the
38 applicant as described in subsection (f) of this section;
39

40 (iii) Consent to permit the commission to conduct a
41 criminal history record check in accordance with subsection (b) of
42 this section of the applicant and each person disclosed under
43 paragraph (ii) of this subsection in accordance with procedures
44 established by the commission;
45

46 (iv) For the applicant and each person disclosed under
47 paragraph (ii) of this subsection, a record of previous issuances

1 and denials of or any adverse action taken against a gambling
2 related license or application under this article or in any other
3 jurisdiction. For purposes of this paragraph, "adverse action"
4 includes a condition resulting from an administrative, civil or
5 criminal violation, a suspension or revocation of a license or a
6 voluntary surrender of a license to avoid or resolve a civil,
7 criminal or disciplinary action; and

8
9 (v) Any additional information required by the
10 commission by rule.

11
12 (f) The following persons are considered to have control of
13 an applicant or a permit holder:

14
15 (i) Each corporate holding company, parent company or
16 subsidiary company of a corporate applicant or permit holder and
17 each person that owns ten percent (10%) or more of the corporate
18 applicant or licensee and that has the ability to control the
19 activities of the corporate applicant or permit holder or elect a
20 majority of the board of directors of that corporate applicant or
21 permit holder, except for a bank or other licensed lending
22 institution that holds a mortgage or other lien acquired in the
23 ordinary course of business;

24
25 (ii) Each person associated with a noncorporate
26 applicant or permit holder that directly or indirectly holds a
27 beneficial or proprietary interest in the noncorporate applicant's
28 or permit holder's business operation or that the commission
29 otherwise determines has the ability to control the noncorporate
30 applicant or permit holder; and

31
32 (iii) Key personnel of an applicant or permit holder,
33 including any executive, employee or agent, having the power to
34 exercise significant influence over decisions concerning any part
35 of the applicant's or permit holder's relevant business operation.

36
37 (g) The commission may issue a temporary permit for the
38 conduct of sports wagering and further, the commission may, in
39 lieu of conducting its own suitability review, issue a permit to
40 a sports wagering vendor that is currently operating pursuant to
41 a regulatory framework in a United States jurisdiction that the
42 commission deems comparable to that of the state of Wyoming.

43
44 **11-25-204. Distribution of revenue.**

45
46 Not later than the fifth day of each month, in accordance with
47 appropriate commission rules, a sports wagering vendor shall remit

1 sixteen percent (16%) of online sports wagering revenue from the
2 prior month to the commission. Monies remitted to the commission
3 shall be deposited in the general fund. The sports wagering vendor
4 shall be permitted to carry over negative sports wagering revenues
5 and apply such amounts to returns filed for subsequent months.
6

7 **11-25-205. Age to engage in sports wagering.**
8

9 No sports wagering vendor shall allow a person under the age of
10 eighteen (18) years to engage in online sports wagering.
11

12 **11-25-206. Penalties.**
13

14 (a) A person who knowingly accepts online sports wagers or
15 otherwise operates a business of sports wagering who does not
16 possess a valid permit issued by the department under this article
17 shall be subject to the following, in addition to any penalty
18 imposed under W.S. 6-7-102:
19

20 (i) For a first offense, a civil penalty of five
21 thousand dollars (\$5,000.00);
22

23 (ii) For a second or subsequent offense, a civil
24 penalty of ten thousand dollars (\$10,000.00).
25

26 (b) For purposes of this section, a series of similar events
27 that result in violation of this article shall be treated as one
28 (1) offense and not separate and distinct violations.
29

30 **Section 5.** W.S. 6-7-101(a)(iii) by creating a new
31 subparagraph (M), 7-19-106(a) by creating a new paragraph (xxxii)
32 and 7-19-201(a) by creating a new paragraph (xxviii) are amended
33 to read:
34

35 **6-7-101. Definitions.**
36

37 (a) As used in this article:
38

39 (iii) "Gambling" means risking any property for gain
40 contingent in whole or in part upon lot, chance, the operation of
41 a gambling device or the happening or outcome of an event,
42 including a sporting event, over which the person taking a risk
43 has no control, but does not include any of the following:
44

45 (M) Online sports wagering authorized under W.S.
46 11-25-201 through 11-25-206.
47

1 **7-19-106. Access to, and dissemination of, information.**

2
3 (a) Criminal history record information shall be
4 disseminated by criminal justice agencies in this state, whether
5 directly or through any intermediary, only to:

6
7 (xxxii) The Wyoming gaming commission for purposes of
8 permitting sports wagering vendors.

9
10 **7-19-201. State or national criminal history record**
11 **information.**

12
13 (a) The following persons shall be required to submit to
14 fingerprinting in order to obtain state and national criminal
15 history record information:

16
17 (xxviii) Applicants for a vendor permit under W.S.
18 11-25-203.

19
20 **Section 6.** The Wyoming gaming commission shall promulgate
21 rules required by this act not later than January 1, 2021.

22
23 **Section 7.** Sections 1 through 3 of this act shall only be
24 effective if 2020 House Bill 0171 is not enacted into law. Sections
25 4 through 6 of this act shall only be effective if 2020 House Bill
26 0171 is enacted into law.

27
28 **Section 8.**

29
30 (a) Except as provided in subsection (b) of this section,
31 this act is effective January 1, 2021.

32
33 (b) Section 3, if effective, or section 6, if effective, and
34 sections 7 and 8 of this act are effective immediately upon
35 completion of all acts necessary for a bill to become law as
36 provided by Article 4, Section 8 of the Wyoming Constitution."

37 OLSEN